

**CITY OF STEVENS POINT
ADMINISTRATIVE APPEALS BOARD AGENDA**

November 18, 2020 - 4:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/84639972505?pwd=SDQ4OEtGMnRTN0I3aFM1ZDQrcGFiZz09>

Dial in Number +1 312 626 6799 US (Chicago)

Meeting ID: 846 3997 2505 Passcode: 617280

1. Roll Call
2. Minutes of the May 13, 2020 meeting.
3. Appeal of notice/service charge for property maintenance violation:
 - a. 1791 Strong's Avenue.
4. Schedule date and time of the next meeting.
5. Adjournment.

RMC – Revised Municipal Code

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strong's Avenue, Stevens Point, WI 54481. Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

**CITY OF STEVENS POINT
ADMINISTRATIVE APPEALS BOARD
May 13, 2020 - 4:00 PM
Zoom Conference Call Meeting**

PRESENT: Ald. Jennings, Gary Speckmann, Marv Noltze, Ald. Nebel, Ald. Fishler.

OTHERS

PRESENT: Clerk Krautkramer, Attorney Beveridge, Neighborhood Improvement Monitor Kordus.

2. Minutes of the March 4, 2020 meeting

Ald. Fishler **moved**, Member Speckmann seconded, to approve the minutes from March 4.

Ayes: All, Nays: None, motion passed.

**3. Appeal of notice/service charge for property maintenance violation:
a. 305 Second Street**

Ald. Nebel **moved**, Member Speckmann seconded, to deny the appeal.

Ayes: All, Nays: None, motion passed.

b. 1741 Oak Street

Ald. Fishler **moved**, Member Noltze seconded, to deny the appeal.

Ayes: All, Nays: None, motion passed.

c. 2500 Water Street

Member Speckmann **moved**, Ald. Nebel seconded, to deny the appeal.

Ayes: All, Nays: None, motion passed.

d. 511 Michigan Avenue

Ald. Nebel **moved**, Ald. Fishler seconded, to deny the appeal.

Ayes: All, Nays: None, motion passed.

4. Schedule date and time of the next meeting.

As there were no pending appeals a meeting was not scheduled.

5. Adjournment.

Adjourned at 4:09 p.m.



Deliver To:
City Clerk's Office
Attn: Administrative Appeals Board
1515 Strong's Avenue
Stevens Point, WI 54481

or Email To:
clerk@stevenspoint.com

PROPERTY APPEAL FORM

Enclosed is a notice and/or service charge issued by the Inspection Department of the City of Stevens Point. To dispute or contest this notice and/or charge, a formal written letter must be submitted to the Administrative Appeals Board. This request must be in writing, in a manner which is legible, or typed and submitted (hard copy or electronically) to the City Clerk's Office. Under City Ordinance 3.56, any person aggrieved by a notice and/or charge issued in connection with any alleged violation may file a request for a hearing with the Administrative Appeals Board for review of the case.

The written or typed appeal must set forth the reasons for contesting the interpretation of City Code of Ordinances and/or the Notice of Noncompliance issued by the Inspection Department. The appeal must be submitted within 30 days after the date of issuance of the notice and/or charge. **While not mandatory, you are highly encouraged to attend the meeting.**

ALL INFORMATION BELOW IS REQUIRED FOR SUBMITTAL PRIOR TO A HEARING REVIEW

ADDRESS OF PROPERTY: 1791 Strong's Ave OWNER OF PROPERTY: Logan Brice
INDIVIDUAL FILING APPEAL: Logan Brice RELATION TO PROPERTY: Owner
CONTACT PHONE: 920-619-5476 EMAIL ADDRESS: lbrice@uwsp.edu

ALLEGED VIOLATION: Grass, Weed, or Tree Violations VIOLATION ID #: CEGWTV20200419

HAVE YOU SPOKEN WITH THE ISSUING AGENT (REQUIRED): NO ☒ YES ☐ AGENT: Mark Kordus

RESULTS OF THAT DISCUSSION:

My lawyer spoke with Mark to discuss the authority of the City to cut a citizen's lawn without sufficient evidence that the property is in violation of a noxious weed ordinance.

PLEASE STATE THE SPECIFIC REASONS YOU BELIEVE THE ORDINANCE VIOLATION(S) WERE UNFOUNDED, INCORRECT, OR WITHOUT BASIS. PLEASE NOTE THAT YOU MAY ONLY APPEAL THE ORDINANCE DETERMINATION, ANY DISAGREEMENT WITH THE CHARGE AMOUNTS IS NOT A VALID REASON FOR APPEAL, AS THOSE ARE DETERMINED BY ORDINANCE. YOU MAY ATTACH ADDITIONAL SHEETS OR DOCUMENTS AS NEEDED.

No noxious weeds were present at the time of the initial inspection nor at the time of the corrective action that the City took which led to destruction on my property. The ordinance 21.03(17) improperly references the Wis state statute in its definition of species of plants that are identified as "noxious". The Stevens Point ordinance states that no owner shall allow these "Leafy Sprunge" to grow in profusion. This is not a common name to a plant that I have been able to find archived in the vast wealth of information on the internet or plant identification books. This ordinance is erroneous in its definition of noxious weeds and its ability to cite a higher state statute. Therefore, how can I be held to a standard that is fraught with misinformation. None of the noxious weeds defined in Section 66.96 Wis Statutes grow in profusion on my property, including Euphorbia esula.

SIGNATURE OF APPELLANT: _____ DATE: 11th of August, 2020
PRINT NAME: Logan Brice APPELLANT'S ADDRESS: 1791 Strong's Ave



Memo

Mark Kordus
Neighborhood Improvement Coordinator
Community Development
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
Ph: (715) 346-1567 • Fax: (715) 346-1498
mkordus@stevenspoint.com

To: Public Protection Committee
From: Mark Kordus
CC: Ryan Kernosky & Andrew Beveridge
Date: 10/21/20
Subject: 1791 Strongs Ave. - Case # CEGWTV20200419

The Inspections Department and Mayors office had received multiple complaints of a nuisance unmaintained lawn at 1791 Strongs Ave. On 5/20/20 around 11:00 AM Mark Kordus inspected the property in question and a notice of non-compliance was sent to the owner that same day, with a compliance date of 5/27/20. On 5/29/20 a re-inspection occurred and nothing had changed the property was still not in compliance, abatement was ordered by Larry's Helping Hand the City's vendor. The grass and weeds were cut on 5/30/20 at 2:30 PM.

After the invoice was sent and prior to the appeal, a call was received from Orin Jacobson indicating he was representing the property owner. He asked several questions about the ordinance and enforcement he indicated that the property owner desired to have natural or native lawn. I indicated he should advise the owner that a plan should be submitted to our Department so that the City as the code enforcement entity or anyone who would call to complaint about the property being unkept could understand his plan and goal for natural lawn, and that he was adhering to it. I also indicated simply letting the turf grass grow does not suffice, in which case the lawn would be deemed a nuisance under state and local ordinances. No plan or any type of correspondence from the owner was received by our office.





May 20, 2020

ID #: CEGWTV20200419

Logan Kristopher Brice
1791 Strongs Ave
Stevens Point, WI 54481

NONCOMPLIANCE NOTICE:
Grass, Weed, or Tree Violations AT 1791 Strongs Ave

Dear Logan Kristopher Brice

An inspection of the property located at 1791 Strongs Ave was made on May 20, 2020. As a result of this inspection, the condition described below was observed:

Condition:

- Grass and weeds are at nuisance height and need to be cut prior to the due date in order to avoid city abatement and service fees. Must be corrected by: **May 27, 2020**

21.03(17), 21.03(10), 21.15(1) - Excessive weeds/grass at nuisance height.: 21.03(17); No owner, operator or occupant of any premises shall suffer, permit or allow noxious weeds as defined in Section 66.96 Wisconsin Statutes (being Canadian Thistle, Leafy Sprunge and Field Bindweed) and poison ivy, and in addition thereto, sow thistle, burdock, ragweed, sandbur, lambsquarter, green foxtail, yellow foxtail, pigweed, and bull thistle are noxious weeds in the event such weeds grow in profusion on a premises.

21.03(10): No person shall store, place or allow conditions or materials that may serve as food harborage for rodents or insects or store, place, or allow any health nuisance, source of filth or cause of sickness. No person shall suffer, permit or allow vegetative matter, which may provide harborage for rodents or insects or which may conceal filthy deposits or be unsightly to, incompatible with, or repugnant to neighboring residential or commercial premises. Owners shall be responsible for the maintenance of their property and of the area between the owners property line and the curb or the edge of the street or alley.

21.15(1)(a); No person may maintain or permit a public nuisance within the City.

The condition described above is not in compliance with the Muni Code, Wis Admin Code, & Wis Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. *Case details may be viewed at stevenspoint.com/cityview*

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated above. A re-inspection will occur to see if the first or all

condition(s) is abated prior to **May 27, 2020**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection.

Failure to abate the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, including, but not limited to the issuance of a citation and/or the abatement by the City with the costs of abatement being assessed against the real estate as a special charge.

Please note that work being performed, or slated to be performed, may require a building permit. Inquire with our office to verify if a building permit is needed. Double fees shall be charged if work is commenced prior to the issuance of a permit. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Mark Kordus
Neighborhood Improvement Coordinator
mkordus@stevenspoint.com
(715) 346-1554

RECIPIENTS: Logan Kristopher Brice



July 21, 2020

ID #: CEGWTV20200419

INVOICE #: 202001111

Logan Kristopher Brice
1791 Strongs Ave
Stevens Point, WI 54481

Invoice for Service(s):
Grass, Weed, or Tree Violations AT 1791 Strongs Ave

Dear Logan Kristopher Brice:

On or about May 20, 2020 an order was issued on the above described property, **or** a violation was abated relating to **Grass, Weed, or Tree Violations**. As a result, the associated fees for the preparation of the Order and / or the abatement of the violation(s) are as follows:

Type	Amount
Weed Removal Abatement	45.00
Sales Tax - Weeds	2.48
Inspection After Initial Notice	100.00
Balance Due:	\$147.48

Case details, as well as abatement photographs, may be viewed at stevenspoint.com/cityview by referencing the case number or property address. To dispute or contest this letter, a completed *Property Appeal Form* must be submitted to the Administrative Appeals Board within 30 days. The form is available online at stevenspoint.com/neighborhood, or a hard copy may be requested from our office. Please note that you may only appeal the ordinance determination. Disagreement with the charge amounts is not a valid reason for appeal, as those are determined by ordinance. Sidewalk snow and ice abatement orders are enforced through City Ordinance 16.06. General refuse and items left at the curb or within the right-of-way, and removed by the City, are enforced through City Ordinances 21.03 and 24.06.

* Please remit payment to the City of Stevens Point within 30 days from the date on this notice. Please be informed that if payment has not been received by this date, these fees will be assessed against the real estate as a special charge.

Effective November 1, 2005 – The City of Stevens Point Reserves the right to process your check electronically. So, when paying by check, please be aware that you are authorizing us to use the information on your check to make a one-time electronic charge to your account at the financial institution indicated on the check. This electronic debit will be for the amount on your check. *Please Detach at Dashed Line and Return With Remittance.*

Customer Name: Logan Kristopher Brice
Customer/Parcel No: 281240832400813
Invoice: 202001111

Make Checks Payable and Remit to:

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481

Amount Paid: \$ _____

Or pay online: stevenspoint.com/invoice