



DEPARTMENT OF PUBLIC WORKS
 Inspection Division
 100 North Appleton Street
 Appleton, WI 54911
 Phone (920) 832-6411

No. 101533
 Date Rec'd: 10/09/13

Neighborhood Service Form

\$ 50.00

JOHN KELLOGG
 1813 S PEABODY ST
 APPLETON WI 54915

Tax Key Number(s) 31-4-1273-00		Location of Complaint 1813 S PEABODY ST APPLETON WI
Map Number Q54	Lot Size 5376 sq ft	

Complaint:

High grass and weeds.

Inspection Report:

This complaint was investigated on October 11, 2013 by KURT CRAANEN and was found to be:

- in violation letter sent
- in violation hang tag left
- in violation letter and hang tag

YOU ARE HEREBY ORDERED to abate the above confirmed violation(s) of the nuisance ordinance by the following corrective action:

Cut high grass and weed on entire property.

Such correction is to be completed no later than 4:00 pm on October 16, 2013

Assessment charged: There is a minimum \$50 assessment charged for all owners who received this weed notice. Should the owner fail or refuse to complete corrective action by the time given, the City may enter upon subject property and abate the nuisance. The additional cost of such abatement will be charged to the property owner.

*****Office Use Only*****

Date Notice Mailed: October 11, 2013 Re-inspection Date: 10-22-2013 Result: Uncut **Cut**

Warrant Served: _____ Return of Officer: _____

Called Contractor: _____ Contractor Cut: _____

NO GRASS OVER 8"
 WOULD NOT ALLOW ME IN
 THE BACKYARD. DAD

PW03 12/05/13
M_SCHLIMM 07:18:49

CUSTOMER SERVICE
REQUEST MAINT

AMS1145
S4

REQUEST - 101533 LONG GRASS & WEEDS (ALSO RODENTS IN THE GRASS)
LOCATION OF PROBLEM. -

HOUS# N/S/E/W STREET NAME TYP APT #
STR ADDR OF PROBLEM. - 1813 S PEABODY ST

----- REQUEST NOTES -----

10/11/13- KC LEFT HANG TAG AND SENT LETTER.
10/11/13 OWNER OF THE PROPERTY CALLED AND SAID
THERE IS NOT TALL GRASS. 734-6656. HE SAID THE
TALL BUSH IS CORNFLOWER OR CHICKORY.
10/14/13 -KC STOPPED BACK OUT AND TOOK PHOTOS AND
MEASURED NUMEROUS AREAS THAT ARE OVER 10 INCHES.
10/18/13- KC AND DF MET OWNER AT THE PROPERTY AND
PROVIDED CH 12 ARTICLE III OF THE CODE RELATED TO

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WEEDS AND WILD GROWTH. ALSO MEASURED MULTIPLE AREAS
THAT WERE OVER 10 INCHES.
10/21/13- DF VISITED PROPERTY, THE CHICKORY WAS
CUT BUT NOT THE REST OF THE YARD. KC CALLED OWNER,
WHO SAID THAT HE ONLY CUT THE AREAS THAT WE
MEASURED AND HE CUT IT WITH A SCISSORS IN ORDER TO
MAKE IT UNDER 8 INCHES. HE SAID HE WAS WAITING FOR
THE FROST TO KILL THE GRASS SO HE DOES NOT HAVE TO

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CUT IT. KC STATED THAT THE NOTICE SENT IN THE MAIL
STATED THAT THE ENTIRE YARD NEEDED TO BE CUT. KC
ALSO STATED THAT IF THE GRASS IS NOT CUT A WARRANT
WILL BE OBTAINED AND A CONTRACTOR WILL MOW THE
LOT.

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10/22/13- DF- STOPPED BY THE PROPERTY AND NO GRASS
IN FRONT YARD WAS OVER 8 INCHES. OWNER DID NOT
ALLOW ACCESS TO REAR YARD. CASE CLOSED.

10/22/13 - CUT BY OWNER.

KURTC
M_SCHLIMM

11/14/13





10/14/13



10/14/13



10/14/13



REQUEST FOR RESCISSION OF 'ADMINISTRATIVE FEES'

To: City of Appleton Public Library

Undersigned hereby requests that the "administrative fees" charged against his property be rescinded on the following grounds:

That there were no violation(s) and hence no need for "administration" (see attached);

That the purported assessment of such fees constitutes the taking of property without compensation (5th Amendment) and by undue process (14th Amendment).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John G. Kellogg".

John G. Kellogg
1813 S. Peabody Street
Appleton, Wis. 54915
1-920-734-6656

12/04/13

On Friday afternoon of October 11, 2013, there was a pink "OFFICIAL WEED VIOLATION NOTICE" hanging on my door.

It was completely BLANK (copy attached).

It seemed to be either a mistake or a prank.

On Tuesday, October 15, in the mail (there being no deliveries the previous Columbus Day) there was a "Neighborhood Service Form," requiring me to abate by 4:00. on October 16, the very next day.

I called Mr. Craanen to inquire what this was all about and he asked of it was the guy with the noxious weeds between the driveways. I explained that I have had a patch of chicory there for several years and he said chicory was against the noxious weed ordinance.

I asked him to send me a copy of the ordinance.

He also said that my grass was in violation. I explained to him that I've had knee surgery, that because of the drought I wanted to avoid strain on the knee, that I called the department of public works who informed me that there was no problem unless the grass exceeded 8 inches.

I informed Mr. Craanen that my grass was under 8 inches. He said that he had photographs to prove it was over 8".

We met at his conference room and he showed me photos.

One foto showed a cement block in the background; there are no cement blocks on my property.

He showed me a photo of reddish flowers; I explained that Chickory was pale blue.

He said that he'd come out for an inspection, which was arranged.

He produced an article about Chickory but no ordinance against it. His assistant went about measuring tufts of grass and I agreed to cut down the Chickory, just to get the matter off my back and because frost was expected, and to mow the front yard and alongside the garage, which I did thereafter. Since I was mostly mowing air, there was little stress on my knee.

They came a second time and I thought that was the end of it.

Instead, a got a phone call from Mr. Craanen that they had re-inspected my yard and that I failed to comply and that he was hiring a contractor to come over with a bulldozer. I said that if anyone showed up with a bulldozer I'd hold them responsible for trespass and

damages and he said there was nothing I could do as he could obtain a court warrant without any notice to me.

I determined to petition for a Temporary Restraining Order, but before I could complete my legal research and prepare the petition, Mr. Craanen's assistant showed up, looked around, as said that he'd report that I was in compliance.

At that point, I had done nothing further since their first visit; my yard was in the same condition as it had been upon their second visit.

In other words, at one point my yard was in violation and my property was to be bulldozed, and a few days later everything was fine.

Accordingly, there were no violations and nothing to "administer".



**OFFICIAL
WEED
VIOLATION
NOTICE**

**Department of Public Works
Inspection Division**

Phone: (920) 832-6411

You are in violation of Municipal Code
Section 12-58, therefore, you will be
charged a minimum \$50.00 fee.

**YOU ARE HEREBY ORDERED to abate
the above confirmed violation(s) by the
following corrective action:**

- Cut long grass which is in excess of 8"
- Trim brush / other rank or offensive growth

Comments: _____

**Such correction is to be completed no later
than 4:00 p.m. on _____**

**Should the owner Fail or Refuse to complete the
corrective action, the City may enter upon subject
property and abate the nuisance. All costs of such
abatement will be charged to the property owner.**