

210.1 Noxious Weed Ordinance

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SECTION I – TITLE AND PURPOSE

This ordinance is entitled Noxious Weed Ordinance. The purpose of this ordinance is to provide for the control of noxious weeds in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Berry, Dane County, Wisconsin, has the specific authority under ss. 66.0407, and 66.0517, Wis. stats., and has the general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of noxious weeds in the town.

SECTION IV – DESIGNATION OF NOXIOUS WEEDS

The following are designated as noxious weeds in the town:

- A. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), as provided by s. 66.0407 (1) (b), Wis. stats.
- B. Wild parsnip (not raised for commercial or domestic purpose)
- C. The town chairperson shall include those weeds designated as noxious weeds in the Noxious weed notice given annually under s. 66.0407 (4), Wis. stats.

SECTION V – TOWN WEED COMMISSIONER

The town chairperson having appointed a town weed commissioner under s. 66.0517 (2) (a), Wis. stats., and the weed commissioner having the powers and duties to investigate and destroy noxious weeds in the town as provided in s. 66.0517 (2) (a), Wis. stats., the following provisions are established in regard to the performance of the office of weed commissioner:

- A. The weed commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to the performance of those activities, at the rate of \$70.91 per hour upon presenting to the town treasurer an account of noxious weed investigation and destruction activities performed by the weed commissioner, verified by oath and approved by the town chairperson. The account shall specify by separate items each

activity of investigation and destruction performed and for each activity of destruction the amount chargeable to each piece of land, describing the land.

- B. After the account of the weed commissioner is paid by the treasurer under subsection A, the account shall be filed with the town clerk. The clerk shall enter the amount chargeable for the destruction of weeds to each tract of land in the next tax roll in a column headed, "For the Destruction of Weeds," as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. 74, Wis. stats., except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. 74, Wis. stats.

SECTION VI – NOXIOUS WEED DESTRUCTION

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

- A. Under s. 66.0407 (3), Wis. stats., and this ordinance, a person owning, occupying, or controlling land shall destroy all noxious weeds on the land.
- B. If after publication of the notice required under s. 66.0407 (4), Wis. stats., the [town board or town weed commissioner (or some other designated town officer or employee if there is no weed commissioner), after consultation with the town board], determines after investigation of the conditions on the land that the persons owning, occupying, or controlling the land have failed to destroy all noxious weeds on the land, the town board may cause to be served upon any or all of those persons a copy of the notice required under s. 66.0407 (4), Wis. stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within 10 days of the receipt of the notice. The notice and statement shall be served by registered or certified mail.
- C. Any person upon whom a notice to destroy weeds is served under subsection B may request a hearing before the town board to challenge the reasonableness of the board's command to destroy weeds. The request for hearing shall be in writing and shall be filed with the town clerk on or before the expiration of the time to destroy the weeds as stated in the notice under subsection B. In the event that a request for hearing is filed, the town board shall set a time and place for the hearing, not less than 5 days after the date the request for hearing is received by the town clerk, and notice of the time and place hearing shall be served upon the person requesting the hearing. No citation or complaint for the recovery a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under subsection B shall contain a clear statement of the right to request a hearing as provided under this subsection.

SECTION VII - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given

effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Dated this 21st day of July, 2014

Posted: July 22, 2014

Brenda Kahl, Clerk/Treasurer
Don Witmer-Kean, Supervisor
Michael Statz, Supervisor

Anthony Varda, Chair
Jeff Davis, Supervisor
Joe Kruchten, Supervisor