

## **210.1 Noxious Weed Ordinance**

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### **SECTION I – PURPOSE**

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 Wisconsin Statute 66.0407, and 66.0517, and has the general authority under its village powers under Wisconsin Statute 60.22, to adopt this ordinance.

### **SECTION III – ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board 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 Wisconsin Statute 66.0407(1)(b).
- 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 Wisconsin Statute 66.0407(4).

### **SECTION V – TOWN WEED COMMISSIONER**

The town chairperson having appointed a town weed commissioner under Wisconsin Statute 66.0517(2)(a), and the weed commissioner having the powers and duties to investigate and destroy noxious weeds in the town as provided in Wisconsin Statute 66.0517(2)(a), 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 Wisconsin Statute Chapter 74, except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under Wisconsin Statute Chapter 74.

## **SECTION VI – NOXIOUS WEED DESTRUCTION**

Only for use by towns authorized to exercise village powers under Wisconsin Statute 60.22

- A. Under Wisconsin Statute 66.0407(3), 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 Wisconsin Statute 66.0407(4), 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 Wisconsin Statute 66.0407(4), 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 – 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 VIII – EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Adopted this 15<sup>th</sup> day of October, 2018

Published: November 1, 2018

Posted: October 22, 2018

Brenda Kahl, Clerk/Treasurer  
Jeff Davis, Supervisor

Anthony Varda, Chairperson  
Michael Statz, Supervisor

Joe Kruchten, Supervisor

Duane Haag, Supervisor