

Town of Arcadia, Trempealeau County, Wisconsin

Chapter 150

NOXIOUS WEED ORDINANCE

Created October 3<sup>rd</sup>, 2015

Revised December 30<sup>th</sup>, 2015

SECTION I TITLE AND PURPOSE

This ordinance is entitled the Town of Arcadia 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 Arcadia, Trempealeau County, Wisconsin, has the specific authority under ss. 60.22, 66.0407 and 6.0517, Wisconsin statutes, to adopt this ordinance.

SECTION III ADOPTION OF ORDINANCE

This ordinance, adopted by a majority vote of the town board provides for the regulation of noxious weeds in the town.

SECTION IV DESIGNATION OF NOXIOUS WEEDS

The following are designated as noxious weeds within the town:

Canada Thistle, Leafy Spurge, and Field Bindweed (Creeping Jenny), Purple Loosestrife as provided by s. 66.0407 (1) (b), Wisconsin Statutes.

- A. Musk Thistle, Shatter Cane, Hill Mustard, Bull Thistle and Plumeless Thistle as provided by Chapter 2, 7-2-1 of the Trempealeau County Code.
- B. Poison Hemlock as designated by the Town of Arcadia.
- C. The Town Chairperson shall include those weeds designated as noxious weeds in the Noxious weed notice given annually under s. 66.04047 (4), Wisconsin Statutes.

SECTION V TOWN WEED COMMISSIONER

The town board having appointed a town weed commissioner under s. 66.0517 (2) (a), Wisconsin Statutes, 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), Wisconsin Statutes, 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 \$20 per hour plus the mileage at a rate as set by the state, upon presenting to the town clerk/treasurer an account of noxious weed investigation and destruction activities performed by the weed commissioner, verified by oath and approved by the town board. The account shall specify by separate items 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 clerk/treasurer under subsection A, the clerk/treasurer shall then 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, Wisconsin Statutes, except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. 74, Wisconsin Statutes.

#### SECTION VI NOXIOUS WEED DESTRUCTION

- A. Under s. 66.0407 (3), Wisconsin Statutes, 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), Wisconsin Statutes, the town weed commissioner, after consultation with the town board, determines after investigation of the conditions of 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), Wisconsin Statutes, together with a statement commanding that the noxious weeds upon the land shall be destroyed within 10 days of the receipt of the notice of the person shall be subject to a forfeiture as provided in the Town of Arcadia Noxious Weed Ordinance. 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 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. If there is no citation or complaint for the recovery, 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.

- D. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this subsection as determined by the town board shall, pay a forfeiture of \$100 plus cost and assessments. In addition, the Weed Commissioner or designee shall place a notice at the property 24 hours before said property is mowed and report in writing to the Town Clerk/Treasurer to cost for doing so.

The Town Clerk/Treasurer shall place the costs of weed removal, at a minimum cost of \$80 per hour, as a special tax on the tax roll against the property for whom the service is rendered.

#### SECTION VIII SEVERABILITY

If the 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/Treasurer shall properly post or publish this ordinance as required under s. 60.80, Wisconsin Statutes.

Adopted this 5th day of January, 2016.

Vote for: 3 against: 0

BY: Jon Schultz, Chairman  
Barb Tock, Supervisor  
Donna Brogan, Supervisor

ATTEST: Nancy Rohn, Clerk/Treasurer

Posted in 3 public places on January 14, 2016