

**AN AMENDMENT TO THE PROPERTY MAINTENANCE ORDINANCE ADD
PROVISIONS REGARDING NOXIOUS WEEDS**

WHEREAS, the Town has authority under Wis. Stats. §§ 66.0407 and 66.0517 to adopt an Ordinance addressing noxious weeds; and

WHEREAS, the Town Board has received numerous complaints regarding the presence of noxious weeds each year; and

WHEREAS, the Town Board recognizes that the presence of noxious weeds and invasive vegetation is a significant and persistent concern to the citizens of the Town of Pleasant Springs.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Pleasant Springs, Dane County, that Chapter 170 Section be amended as follows:

- 1) That Section 170-4 is renumbered § 170-5.
- 2) That Section 170-4 is recreated to read as follows:

§170-4. Noxious Weeds, grass and vegetation [amended 1-19-2016]

A. The following are designated as noxious weeds in the Town:

1. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), or any other weed provided by s. 66.0407(1)(b), Wis. stats.
2. 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.

B. 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:

1. When the Town receives a complaint on a vacant lot or residential or commercial property, the Town Weed Commissioner shall conduct an investigation. If after investigation it is determined that a violation is present, a notice of violation shall be sent out granting the property owner ten (10) business days to correct such violation. If such violation is not corrected, the Town will authorize and conduct such action as is necessary to bring the

property into compliance and bill the property owner for such efforts. If the invoice is not paid, the cost of such removal shall be charged against such property.

2. 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. The Weed Commissioner shall provide an account of the noxious weed investigation and destruction activities performed. This account shall be verified by oath and approved by the Town Chairperson. The property owner shall be responsible for the actual cost associated with the investigation and destruction of noxious weeds.

3. After the account of the Weed Commissioner has been forwarded to the Town, the Clerk shall bill the property owner directly for the charges associated with the investigation and destruction of noxious weeds. If the invoice is not paid within 90 days, 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 as a special charge pursuant to § 66.0627, Wis. Stats. 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. Billing for the abatement of the nuisance may be in addition to citations issued for violations of this section.

C. Annual Noxious Weed Destruction

1. As provided under §66.0407(3), Wis. Stats., and this ordinance, a person owning, occupying, or controlling land shall destroy all noxious weeds on their land.

2. If after publication of the notice required under §66.407(4), Wis. Stats., the Town 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 notice of violation as required under §66.0470(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 or the person shall be subject to a forfeiture as provided herein. The notice and statement shall be served by registered or certified mail.

3. Any person upon whom a notice to destroy weeds is served under subsection 2. 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 2. 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 of a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under subsection 2. shall contain a clear statement of the right to request a hearing as provided under this subsection.

4. 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, upon conviction, pay a forfeiture of not less than \$20.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations, or seek corrective action.

The above and foregoing ordinance amendments are duly adopted by the Pleasant Springs Town Board at a regular meeting held on the 19th day of January, 2016.

APPROVED:

By: Mary Haley
Mary Haley, Town Chairwoman

ATTEST:

I, Cassandra Suettinger, Clerk/ Treasurer of the Town of Pleasant Springs, one County, hereby certifies that the above is a true copy of an Ordinance adopted by the Town Board of the Town of Pleasant Springs on JANUARY 19, 2016.

Cassandra Suettinger

Cassandra Suettinger
Town Clerk/Treasurer