

Ord. 03-18

AN ORDINANCE REPEALING AND RECREATING SECTION 5.05 OF THE TOWN OF LISBON CODE RELATING TO NOXIOUS WEEDS & TALL GRASS

The Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Section 5.05 of the Town of Lisbon Code is hereby repealed and created as follows:

5.05 NOXIOUS WEEDS & TALL GRASS

(a) Public Policy.

It is hereby declared necessary in the interest of public safety and welfare that the cutting of noxious weeds and tall grass be regulated in the Town of Lisbon between May 1 and November 1 because of the fire hazards that are involved and the danger to persons and property that result therefrom.

(b) Incorporation.

Sections 66.0407 and 66.0517 of the Wisconsin Statutes, are incorporated herein by reference and made part hereof as though set forth in full.

(c) Definition.

The term "Noxious Weeds" as used in this section is defined by Section 66.0404(1)(b) of the Wisconsin State Statutes, which states "Noxious Weed" means "Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the Department of Natural Resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries."

(d) Cutting of Noxious Weeds & Tall Grass.

No person owning land in the Town of Lisbon shall:

- (1) Allow any Noxious Weeds to grow on any property located in the Town of Lisbon. It shall be the duty of any owner to cut and destroy Noxious Weeds within the area described herein.
- (2) Allow any grass to grow to a height in excess of 12 inches within 100 feet of any one-family, two-family or multiple family dwelling, as those terms are defined in the Zoning Code of the Town of Lisbon.
- (3) The Weed Commissioner shall carefully investigate concerns regarding the existence of Noxious Weeds and tall grass within the borders of the Town which are brought to his or her attention. The Weed Commissioner may be accompanied by a designee.

(4) In the event that Noxious Weeds and such grass are not cut as required by this section, the Weed Commissioner shall, after giving ten (10) days written notice of violation by mail to the owner or occupant of the property, investigate the property to determine if the Noxious Weeds or tall grasses have been destroyed. If the Noxious Weeds or tall grasses have not been destroyed after the ten (10) day notice of violation, the Weed Commissioner shall destroy or cause all such weeds or grasses to be destroyed, in the manner deemed the most economic method, including but not limited to hiring a contractor to cut said weeds or grasses. For each day devoted to doing so, the Weed Commissioner shall receive compensation as determined by the Town Board from time to time. The Weed Commissioner shall present to the Town Treasurer an account of his activities and costs incurred verified by oath and approved by the Town Board. Such account shall specify by separate items the amount chargeable to each piece of land, describing the same, and shall after being paid by the Town Treasurer, be filed with the Town Clerk who shall send a bill to the property owner for the charges. If the charges are not paid within thirty (30) days, the Town Clerk shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "for destruction of Noxious Weeds/and or grass cutting," as a tax on the lands upon which such weeds are destroyed, which shall be collected pursuant to 66.0627 of the Wisconsin Statutes, or as taxes are collected on personal property pursuant to 74.11, Wisconsin Statutes, except in case of lands which are exempt from taxation in the usual way. In the case of railroad or other lands not taxed in the usual way, the amount chargeable against the same shall be certified by the Town Clerk to the State Treasurer.

(f) Services by Fire Department.

In the event a fire occurs in an area where the Noxious Weeds and/or tall grass have not been cut as required by this section which requires the service of the Town Fire Department to control the same, the owner shall be liable to the town for all costs and expenses incurred by such fire and shall be liable to the town for all costs and expenses incurred by such fire and shall pay the cost upon written notice from the Town Clerk as to the amount thereof. In the event such payment is not made within thirty (30) days from notice of the Town Clerk, the amount thereof shall be placed upon the tax roll and assessed against the real estate upon which the fire occurred and collected by the town at the next succeeding tax collection.

(g) Costs Upon Failure to Comply; Special Charges; Violations and Penalties.

(1) In addition to the actual costs of destroying the Noxious Weeds and/or tall grass, the property owner will be charged an administrative fee to recover Town costs for enforcement of this ordinance. The administrative fee shall be set by resolution adopted by the Town Board from time to time.

- (2) The property owner will be billed for each occurrence of weed destruction and/or cutting of tall grass. Any bills or charges, including the administrative fee, not paid within thirty (30) days will be placed on the tax bill to each tract of land in the next tax roll, as a special charge for services titled "Noxious Weed and/or grass cutting" for the lands upon which such weeds were destroyed and/or tall grass cut, pursuant to section 66.0627 of the Wisconsin Statutes, or as taxes are collected on personal property pursuant to section 74.11 of the Wisconsin Statutes, except in case of lands which are exempt from taxation in the usual way. In the case of railroad or other lands not taxed in the usual way, the amount chargeable against the same shall be certified by the Town Clerk to the State Treasurer.

(h) Due Process Hearing.

Any person who believes that his or her grasses or weeds do not violate this ordinance may request a hearing before the Town Board. The request for hearing must be submitted to the Town Clerk within ten (10) days of the written notice of violation sent by the Weed Commissioner. The Town Board, after a hearing, may reverse, affirm or modify the order of the Weed Commissioner, and to that end shall have all of the powers of the Weed Commissioner. The Weed Commissioner shall not remove or arrange for the removal of the weeds or grasses until a decision is rendered.

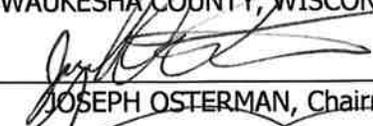
SECTION 2: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this ordinance are severable.

SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

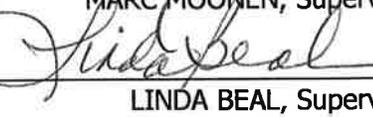
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 23rd day of July, 2018.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Gina C. Gresch, MMC/WCPC
Interim Administrator & Town Clerk

