

Ord. 04-18

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

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SECTION 1: Section 5.05 of the Town of Lisbon Code is hereby repealed and created as follows: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

- (a) Public Policy.

It is hereby declared necessary in the interest of public safety and welfare that the cutting of noxious weeds 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.

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.

In the event such noxious weeds are not cut as required by this section, the Weed Commissioner shall, after first giving five (5) days written notice by mail to the owner of occupant of the property, destroy or cause all such weeds to be destroyed, in the manner deemed to be the most economic method.

- (e) Administration and Enforcement; Powers and Duties of Weed Commissioner.
1. The section shall be administered and enforced by the Weed Commissioner. The Weed Commissioner shall carefully investigate concerns regarding the existence of noxious weeds within the borders of the Town which are brought to his or her attention. The Weed Commissioner may be accompanied by a designee.
 2. The Weed Commissioner is authorized to destroy noxious weeds by state statute. Pursuant to § 66.0517(3), Wis. Stats., "if a person in a district neglects to destroy noxious weeds as required under § 66.0407(3), the Weed Commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner. A Weed Commissioner may enter upon any lands that are not exempt under § 66.0407(5) and cut or otherwise destroy noxious weeds without being liable to an action for trespass or any other action for damages resulting from the entry and destruction, if reasonable care is exercised."
 3. The Weed Commissioner is appointed by May 15 of each year by the Lisbon Town Board.
 4. 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 their activities, 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,
 5. The Weed Commissioner shall follow statutory requirements under § 66.0407, Wis. Stats.
 6. The Weed Commissioner shall respond to complaints within a reasonable period of time.
 7. The Weed Commissioner shall investigate the existence of noxious weeds in the Town if a person in the Town neglects to destroy noxious weeds as required under § 66.0407(3), Wis. Stats., the Weed Commissioner will send a certified notice when noxious weeds are observed, and such notice shall identify the property and the noxious weeds, shall demand that the weeds be destroyed within seven (7) days from the date of the notice, and shall advise that failure to correct the problem may result in the destruction of the noxious weeds by the Town, and all of the costs incurred by the Town shall be billed to the property owner as a special charge. These charges shall be set by resolution adopted by the Town Board from time to time.

8. After seven (7) days, the property or properties shall be re-inspected to determine if the noxious weeds are destroyed, and noted in the file. If the noxious weeds are still present, the Weed Commissioner shall send in a contracted cutter to cut the noxious weeds.

(f) Services by Fire Department.

In the event a fire occurs in an area where the noxious weeds 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 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) If the Town of Lisbon is required to complete the destruction of the noxious weeds, the property owner will be charged a base fee, which shall be set by resolution adopted by the Town Board from time to time, and. In addition, the property owner shall be charged the contractor's actual costs for each time the contractor destroys noxious weeds.

(2) The property owner will be billed for each occurrence of weed destruction. Any bills not paid by October 1 will be placed on the tax bill to each tract of land in the next tax roll, as a special charge titled "Noxious Weed Cutting" for the lands upon which such weeds were destroyed, pursuant to § 66.0627 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.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

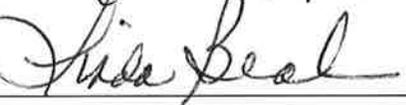
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 28th day of May, 2018.

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
Town Clerk

