

TOWN OF ROCK
ORDINANCE NO. 17 - 01

AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS

RECITALS

A. The Town Board is aware of the existence of noxious weeds within the Town of Rock ("Town"); and

B. It is the desire of the Town Board to control the noxious weeds within the Town.

NOW, THEREFORE, the Town Board of the Town of Rock, Rock County, Wisconsin, hereby ordains as follows:

SECTION I: TITLE AND PURPOSE

This ordinance is entitled the Town of Rock 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 has the specific authority under ss. 66.0407 and 66.0527, Wis. Stats., and has the general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

SECTION III: ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board of the Town 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

A. The following are designated as noxious weeds:

- i. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), as provided in s. 66.0407(1)(b), Wis. Stats.
- ii. Those additional weeds as may be designated from time to time by resolution of the Town Board.

B. The Town Board chairperson shall include those weeds designated as noxious weeds in the Noxious weeds notice given annually under s. 66.0407 (4) Wis. Stats.

SECTION V: TOWN WEED COMMISSIONER

- A. The Town Board chairperson shall have the authority to appoint a town weed commissioner under s. 66.0517(2)(a), Wis. Stats. (“Commissioner”). Once appointed, the Commissioner shall have the powers and duties to investigate and destroy noxious weeds in the Town as provided in s. 66.0517(2)(a), Wis. Stats.
- B. The 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 \$100 per year. The Commissioner shall receive said compensation only after presenting to the Town treasurer an account of noxious weed investigation and destruction activities which shall be verified by oath and approved by the Town Board chairperson. The account shall specify each activity of investigation and destruction performed and shall specify the amount that is chargeable to each parcel of land.
- C. After the account of the Commissioner is paid by the treasurer hereunder, the account shall be filed with the Town clerk. The clerk shall enter the amount chargeable for the destruction of weeds to each parcel 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, Wis. Stats., except in the case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. 74, Wis. Stats.

SECTION VI: NOXIOUS WEED DESTRUCTION

- A. Under s. 66.0407(3), Wis. Stats., and this ordinance, a person owning, occupying or controlling land shall destroy all noxious weeds.
- B. If after publication of the notice required under s. 66.0407(4), Wis. Stats. and investigation, the Commissioner determines that the person or utility owning, occupying, or controlling land has failed to destroy all noxious weeds on their land, the Town board may cause to be served upon any or all of these persons a copy of the notice required under s. 66.0407(4), Wis. Stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within five (5) days of the receipt of the notice or the person shall be subject to a forfeiture as provided in this 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 this Section VI may request a hearing before the Town Board to challenge the reasonableness of the board’s requirement 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 this section. In the event that a request for

hearing is filed, the Town Board shall set a time and place for the hearing, which date shall not be less than five (5) days after the date the request for hearing is received by the Town clerk, and notice of the time and place 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 this section shall contain a clear statement of the right to request a hearing as provided under this subsection.

- D. In addition to any other right and/or remedy, in law or equity, any person, people, trust, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction pay a citation as prescribed in Town of Rock Ordinance No. 08-01, 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.

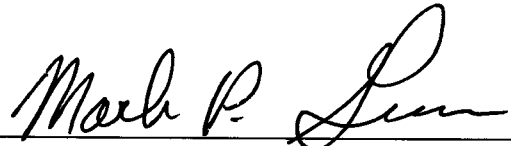
SECTION VII: SEVERABILITY

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 IX: EFFECTIVE DATE

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

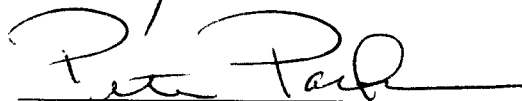
Dated this 6 day of March, 2017.



Mark Gunn, Town Board Chairperson



Tony Dubanowich, Town Board Supervisor



Pete Parker, Town Board Supervisor