



TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

An Ordinance Regulating Noxious and Nuisance Weeds Throughout the Town of Black Wolf

Section 1.0

INTRODUCTION

1. Authority. The ordinance is adopted pursuant to authority conferred by Sections 66.0407 and 66.0517 and Chapter 60, Wis. Stats.
2. Purpose. The purpose of this ordinance is to promote the public health, safety and welfare of the Town of Black Wolf by requiring the destruction of noxious and nuisance weeds and establishing minimum landscape maintenance standards for lots located within the Town of Black Wolf.

Section 2.0

DEFINITIONS

1. Destroy. The complete killing of weed plants above the surface of the ground by the use of chemicals or by cutting at such time or in such a manner as will effectively prevent plants from maturing to the bloom or flower stage.
2. Managed Natural Landscape. Native and naturalized plants, including but not limited to ferns, wildflowers, grasses, shrubs and trees, grown in a managed landscape, provided, however, that noxious and nuisance weeds are prohibited and subject to destruction under section 4(2).
3. Turf grass. Grass commonly used in regularly cut lawns or play areas, including (but not limited to) blue grass, fescue and rye grass blends.
4. Noxious weeds:
Canada Thistle, leafy spurge, field bindweed, and any weed designated as a noxious weed by the department of natural resources by rule in NR40 of the Wisconsin Administrative Code
5. Nuisance weeds:
 - a. any nonnative member of the genus *lythrium* (purple loosestrife) or hybrids thereof
 - b. common ragweed (*ambrosia atemisifolia*)
 - c. giant ragweed (*ambrosia trifada*)

Section 3.0

GENERAL PROVISIONS

1. Any person owning, occupying or controlling land within the Town of Black Wolf shall destroy noxious weeds on the land as soon as weather permits.
2. No person shall plant or cultivate nuisance weeds on land which he or she owns, occupies or controls.
3. Maintenance of lots or yards. Any person owning, occupying or controlling any lot or yard shall remove or cut unmanaged weed and grass growth to a height no greater than 10 inches. Managed natural landscapes are exempt from the 10" height rule.
4. Persons owning, occupying or controlling a lot or yard containing a managed natural landscape shall destroy all noxious or nuisance weeds.

Section 4.0

ENFORCEMENT

1. The Black Wolf Town Chairman, or his/her designee, shall give written notice to the owner, occupant or person in control of any land containing grass or grasses in excess of ten inches in height, or noxious weeds, or deliberately planted nuisance weeds, directing that person to forthwith comply with this ordinance.
2. If the owner believes that his or her grasses or weeds are not in violation of this ordinance, he or she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within five days as set forth in the notice. Upon application for the hearing, the property owner must deposit a \$100.000 bond. If a decision is rendered in the property owner's favor, the \$100.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of abating the violation, if necessary. Any remaining funds will be refunded to the owner. When a hearing is requested by the owner, a hearing by the Town Board shall be held within seven days from the date of the owner's request. The property will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by an attorney, may present witnesses, and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his or her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a violation did exist, the Town Board shall order the Weed Commissioner or the Board's designee to mow the property unless the property has been mowed by the owner within forty-eight hours of the Town Board's decision. If the owner does not abate the violation within

the described forty-eight hours, the Town shall cause the nuisance to be abated and costs in excess of the forfeited fee assessed accordingly.

3. If the owner, occupant or controller of any property receiving such notice shall fail to comply with the written notice within seven days, the Town may proceed to destroy or have destroyed all noxious and nuisance weeds, or mow or cause to have mowed all weeds and grasses exceeding 10 inches in height, by the means it considers most economical and expeditious. The expense of bringing this property into conformity with this ordinance, costs of billing and other administrative expenses shall be charged against the lot(s) and collected as a special charge thereupon.
4. In addition to all other enforcement mechanisms, any person who violates the provisions of this ordinance shall be subject to forfeitures of not less than \$50 nor more than \$200. For purposes of calculating forfeitures, each day that a violation continues shall be considered a separate violation. The Town may also seek injunctive relief and abatement orders as necessary to enforce the provisions of this ordinance.

