

## Chapter 58

### VEGETATION\*

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\* **Cross References:** Community development, § 2-101 et seq.; buildings and building regulations, ch. 14; manufactured homes, ch. 22; parks and recreation, ch. 34; streets, sidewalks and other public places, ch. 46.

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#### Article I. In General

Secs. 58-1--58-30. Reserved.

#### Article II. Noxious Weeds

Sec. 58-31. Definitions.

Sec. 58-32. Owner or person in control of land to destroy.

Sec. 58-33. Notice to destroy.

Sec. 58-34. Weed commissioner, appointment.

Sec. 58-35. Duties of weed commissioner.

Sec. 58-36. Liability of commissioner.

Secs. 58-37--58-60. Reserved.

#### Article III. Dutch Elm Disease

Sec. 58-61. Protective measures; power to inspect.

Sec. 58-62. Inspection of premises; infected or infested elm trees.

## ARTICLE I.

### IN GENERAL

**Secs. 58-1--58-30. Reserved.**

## ARTICLE II.

### NOXIOUS WEEDS

**Sec. 58-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Destroy* means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

*Noxious weeds* means the following: Canada thistle, leafy spurge, field bindweed (creeping jenny), nodding thistle and burdock. The weeds listed in this definition are hereby declared to be noxious within the boundaries of the village.  
(Ord. No. 263-83, §§ I, III, 2-10-1983)

**Sec. 58-32. Owner or person in control of land to destroy.**

Every person shall be responsible for and shall destroy all noxious weeds on all lands he shall own, occupy or control. On those lands within the street right-of-way, all noxious weeds shall be maintained by the adjoining property owner. It shall be the responsibility of the property owner to maintain and control noxious weeds in the public right-of-way fronting upon his property.  
(Ord. No. 7-94, § 2, 8-11-1994)

**Sec. 58-33. Notice to destroy.**

The village president, shall, each year on or before May 15, publish a Class 2 notice, under ch. 985, Wis. Stats., to the effect that all persons are required by law to destroy all noxious weeds on all lands in the village that they own, occupy or control.  
(Ord. No. 263-83, § IV, 2-10-1983)

**Sec. 58-34. Weed commissioner, appointment.**

The village president, shall, on or before May 15 in each year, appoint one or more commissioners of noxious weeds. Upon appointment the weed commissioner shall take and file in the office of the clerk-treasurer

the official oath. The weed commissioner shall serve a term of one year and until a successor has qualified. The weed commissioner shall receive such salary as may from time to time be set by the village board. If the village president determines that more than one weed commissioner shall be appointed, the village shall be divided into districts by the village president and each commissioner shall be assigned a different district. The commissioners need not be residents of the district they are assigned.  
(Ord. No. 263-83, § V, 2-10-1983)

**Cross References:** Officers and employees, § 2-31 et seq.

#### **Sec. 58-35. Duties of weed commissioner.**

(a) After May 15 of each year and after the village president has published the notice as provided in section 58-33, the weed commissioner shall investigate concerning the existence of noxious weeds in the village and if any person, corporation or organization has neglected to destroy any weeds as defined in this article, the weed commissioner shall, after giving five days written notice by ordinary mail to the owner or occupant, destroy or cause to be destroyed all such noxious weeds, in the manner deemed to be the most economical method. The village shall keep accurate records of time and expenses incurred to be charged to each parcel of real estate upon which such weeds were destroyed. Failure to give this notice shall not affect the validity of the destruction of weeds that are noxious, nor the assessment of charges thereafter. This notice shall be deemed to be a courtesy requirement only.

(b) The clerk-treasurer shall enter upon the tax roll to each tract of land the amount chargeable to that tract for the weed destruction under a column entitled "For the Destruction of Weeds," as a tax, which tax shall be collected as other taxes, except those lands which are exempt from taxation. For those lands such as railroads or other lands not taxed the usual way, the amount chargeable thereto shall be certified to the state treasurer by the clerk-treasurer pursuant to s. 66.0517, Wis. Stats, and the state treasurer shall collect such charges pursuant to subchapter (1) of ch. 76, Wis. Stats. (s. 76.01 et seq., Wis. Stats.), and once collected shall return the funds to the village.  
(Ord. No. 263-83, § VI, 2-10-1983)

#### **Sec. 58-36. Liability of commissioner.**

The weed commissioner may, after the written five-day notice, enter upon any lands upon which any of the weeds described in section 58-31 are growing and cut or otherwise destroy them, without being liable to an action for trespass or any action for damages resulting from such entry and destruction. The weed commissioner shall exercise reasonable care in the performance of the duties imposed in this article.  
(Ord. No. 263-83, § VII, 2-10-1983)

#### **Secs. 58-37--58-60. Reserved.**

### **ARTICLE III.**

#### **DUTCH ELM DISEASE**

#### **Sec. 58-61. Protective measures; power to inspect.**

Certain protective measures are hereby adopted as an exercise of police power to prevent the spread of Dutch elm disease and the consequent aesthetic and financial loss to the village and its residents through the

destruction of large numbers of its elm trees. The village forester is empowered to enter upon private property within the village for the purpose of inspecting all elm trees thereon, to determine whether any of such trees are infested with Dutch elm disease, or infested with the carriers thereof, or are in need of pruning to remove all dead branches. The village forester is further empowered to inspect such private premises to determine the presence of any dead elm trees, elm logs or elm firewood or any elm stumps.  
(Ord. No. 165, § 1, 9-25-1968)

**Sec. 58-62. Inspection of premises; infected or infested elm trees.**

(a) If after the inspection of such premises, the village forester shall find any infected or infested elm tree or any dead elm tree, or that certain elm trees require pruning to remove dead branches, or any elm stump, or any elm logs or elm firewood, he shall give notice in writing to the owner, or if such owner cannot be found, to the person in charge of or in possession of the premises, to remove and destroy any infected or infested elm trees, any dead elm trees, all dead branches on elm trees, all elm logs and elm firewood, within 30 days after the giving of such notice. In the case of elm stumps, such notice shall direct the owner to treat the elm stumps in the manner specified in such notice to destroy the disease carrying medium or to remove the disease carrying medium where possible, within such 30-day period. The village forester is empowered, after the expiration of such notice and noncompliance therewith, to remove or contract to have removed from such premises and destroy any infected or infested elm tree, any dead elm tree, all dead branches on elm trees, all elm logs and elm firewood and in the case of elm stumps to treat the elm stump to destroy the disease carrying medium or to remove the elm stump where possible.

(b) Such removal, destruction and treatment shall be at the expense of the owner of the land upon which such trees, branches, logs, firewood and stumps are located and shall be assessed, collected, and enforced against such land as taxes are assessed, collected and enforced.  
(Ord. No. 165, § 2, 9-25-1968)