

Chapter 25

BRUSH, GRASS AND WEEDS

[HISTORY: Adopted by the Common Council of the City of Buffalo City 4-13-1970 by Ord. No. 63. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 244.

§ 25-1. Definitions.

For the purposes of this chapter, certain words and terms are defined as follows:

DESTROY — As applied to noxious weeds, means the complete killing of such weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing live stock, 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.

DESTROY — As applied to common weeds, plants, or grasses, means the regular and systematic cutting of such weeds, plants, or grasses which have exceeded the height of eight inches above the ground and have thus come under the classification of a nuisance.

NOXIOUS WEEDS — All weeds that are declared by statute, resolution, or ordinance to be so offensive that they must be destroyed immediately regardless of their height.

WEEDS, PLANTS or GRASSES — All rank vegetable growth which exudes unpleasant and offensive odors, and also all high and rank vegetable growth that may conceal filthy deposits.

§ 25-2. Noxious weeds.

Included under the classification of "noxious weeds" are Canada thistle, leafy spurge, field bindweed (creeping Jenny), goats beard, milk weed and such other weeds as the Common Council of the City of Buffalo City, Wisconsin, by ordinance or resolution declares to be noxious within its boundaries.

§ 25-3. Duty to destroy noxious weeds.

Every person shall destroy all noxious weeds on all lands which he shall own, occupy or control. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands.

§ 25-4. Nuisance conditions.

It shall be unlawful for anyone to permit any weeds, plants, or grasses other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding eight inches above the surface

of the ground anywhere in the City on platted lots except on lands actually used for agricultural purposes; any such weeds, plants, or grasses exceeding such height are hereby declared to be a nuisance.

§ 25-5. Requirement of published notice on weeds.

The Mayor of the City of Buffalo City, Wisconsin, shall annually on or before May 15 publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds, as defined in this chapter, on lands in the municipality which he owns, occupies or controls.

§ 25-6. Appointment of Weed Commissioners.

The Mayor of the City of Buffalo City, Wisconsin, shall appoint one or more Commissioners of Noxious Weeds therein on or before May 15 in each year; such Weed Commissioner shall take the official oath, which oath shall be filed in the office of the City Clerk, and shall hold his office for one year and until his successor has qualified. If more than one Commissioner is appointed, the City shall be divided into districts by the Mayor and each Commissioner shall be assigned to a different district. At his discretion, the Mayor may appoint a resident of any district to serve as Weed Commissioner in any other district in the City.

§ 25-7. Duties and compensation of Weed Commissioners; assessing of costs. ¹

Every Weed Commissioner shall carefully investigate concerning the existence of noxious weeds or weeds, plants, or grasses constituting a nuisance in his district; and if any person therein neglects to destroy any noxious weeds or weeds, plants, or grasses constituting a nuisance, the Weed Commissioner shall destroy or cause the same to be destroyed in the manner deemed to be the most economical method. It is not necessary that the Weed Commissioner give any notice to the landowner or occupier concerning the destruction of such noxious weeds or weeds, plants or grasses constituting a nuisance. For each day devoted to the destruction of such noxious weeds or weeds, plants, or grasses constituting a nuisance, the Weed Commissioner shall receive such compensation as is determined by the Common Council upon presenting to the Treasurer his account therefor, verified by his oath and approved by the Mayor. 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 Treasurer, be filed with the City Clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds," as a tax on the lands upon which such noxious weeds or weeds, plants, or grasses constituting a nuisance were destroyed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to § 74.11, Wis. Stats., except in case of lands which are exempt from taxation in the usual way. In case of railroad or other lands not taxed in the usual way, the amount chargeable against the same shall be certified by the City Clerk to the Secretary of Administration, who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the lands specified, and he shall collect the same therefrom as prescribed in Chapter 76 of the Wisconsin Statutes, and return the amount collected to the City of Buffalo City, Wisconsin. Any such Weed Commissioner may, without giving notice, enter

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

upon any lands upon which any noxious weeds or weeds, plants, or grasses constituting a nuisance are growing and cut or otherwise destroy them without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed. For each day consumed by the Commissioners in carrying out their duties other than the destruction of noxious weeds, or weeds, plants, or grasses constituting a nuisance, they shall receive such compensation as may be determined by the Common Council to be paid out of the City treasury.