

**ORDINANCE NO. 2017-05**

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 670-28 OF THE VILLAGE OF FOX POINT VILLAGE CODE RELATED TO ADOPTION OF STATUTORY AUTHORITY FOR WEEDS, INCLUDING LOCAL REGULATION OF GARLIC MUSTARD AND COMMON BUCKTHORN**

WHEREAS, the Village of Fox Point has received complaints with regard to uncontrolled growth of garlic mustard and common buckthorn within the Village, both of which are classified by the State of Wisconsin DNR as restricted invasive species, by Wisconsin Administrative Code Section NR 40; and

WHEREAS, the Village of Fox Point Village Board hereby intends to regulate garlic mustard and common buckthorn as unwelcome within the Village in order to prevent the proliferation of these harmful and invasive species,

NOW, THEREFORE, the Village Board of the Village of Fox Point, Fox Point, Milwaukee County, Wisconsin does hereby ordain as follows:

**SECTION I** Chapter 670 of the Village of Fox Point Village Code entitled, “Offenses Against Public Peace, Safety and Welfare,” Article VII entitled “Health and Sanitation,” Section 670-28 entitled “Adoption of state weed law,” is hereby repealed and re-created as follows:

**§ 670-28 Adoption of state weed law.**

A. Section 23.235, Nuisance weeds, § 66.0407, Noxious weeds, and § 66.0517, Weed Commissioner, Wis. Stats., are hereby adopted and by reference made a part of this section as if fully set forth. Any action required to be performed or prohibited by said sections of the Wisconsin Statutes is required or prohibited by this section. Any future amendments, revisions or modifications of said sections of the Wisconsin Statutes are intended to be made part of this section. A copy of said sections of the statutes of the State of Wisconsin and any future amendments thereto shall be kept on file in the office of the Village Clerk/Treasurer or elsewhere in Village offices in the Village Hall, providing such copy is at all times readily available to the Village Clerk/Treasurer.

B. The Village hereby declares the following additional weeds unwelcome within the Village of Fox Point:

- (i.) Garlic mustard (*Alliaria petiolate*)
- (ii.) Common buckthorn (*Rhamnus cathartica*)

The Village directs persons owning, occupying, or controlling land to take reasonable measures to control or destroy the enumerated unwelcome weeds. The weed commissioner is authorized to investigate the existence of unwelcome weeds in his or her district.

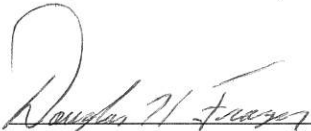
B.C. \_\_\_\_\_ Violations of this section shall be subject to enforcement or prosecution as provided in § 1-4 of the Village Code.

**SECTION II SEVERABILITY.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the charter ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION III EFFECTIVE DATE.** This ordinance shall take effect following its passage and publication or posting as provided by law.

Adopted this 14th day of November, 2017.

  
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Douglas H. Frazer, Village President

Attest:  
  
\_\_\_\_\_  
Kelly A. Meyer, Village Clerk

