

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-3866/1 EVM:skw

2023 ASSEMBLY BILL 379

August 11, 2023 – Introduced by Representatives SORTWELL, GOEBEN, BODDEN, BRANDTJEN, MYERS, SCHUTT and WICHGERS, cosponsored by Senators JACQUE, CABRAL-GUEVARA, KNODL and TOMCZYK. Referred to Committee on Local Government.

AUTHORS SUBJECT TO CHANGE

- 1 AN ACT to create 66.04075 of the statutes; relating to: local regulation of
- 2 vegetable gardens.

Analysis by the Legislative Reference Bureau

This bill prohibits a political subdivision from requiring a permit for or prohibiting the cultivation of a vegetable or flower garden on residential property not owned by the political subdivision.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 66.04075 of the statutes is created to read:
- 4 **66.04075 Vegetable and flower gardens. (1)** In this section:
- 5 (a) "Political subdivision" means a city, village, town, or county.
- 6 (b) "Vegetable garden" means a plot of ground or elevated soil bed that is located
- 7 on a residential property and in which any of the following are grown:
- 8 1. Vegetables, herbs, fruits, leafy greens, or other edible plants.
- 9 2. Flowers.

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1	3. Pollinator plants.
2	(2) A political subdivision may not require a permit for or prohibit the
3	cultivation of a vegetable garden on property not owned by the political subdivision.
4	(3) This section does not affect the power of a municipality to do any of the
5	following if the regulation does not specifically regulate vegetable gardens:
6	(a) Enact a zoning ordinance.
7	(b) Regulate the use of water or fertilizer.
8	(c) Control noxious weeds, as defined under s. 66.0407 (1) (b), or invasive
9	species.
10	(END)

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