LRB-0329/1 EVM:cdc

2025 ASSEMBLY BILL 41

February 17, 2025 - Introduced by Representatives SORTWELL, ARMSTRONG, BEHNKE, DITTRICH, KREIBICH, GOEBEN, MIRESSE, STROUD and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Local Government.

- 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
- 7 located on a residential property and in which any of the following are grown:
- 8 1. Vegetables, herbs, fruits, leafy greens, or other edible plants.

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EVM:cdc	
SECTION 1	

l	7.	Flowers

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- 2 3. Pollinator plants.
- 3 (2) A political subdivision may not require a permit for or prohibit the 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 following if the regulation does not specifically regulate vegetable gardens:
 - (a) Enact a zoning ordinance.
 - (b) Regulate the use of water or fertilizer.
- 9 (c) Control noxious weeds, as defined under s. 66.0407 (1) (b), or invasive 10 species.

11 (END)