

No. 369, S.]

[Published August 29, 1929.]

CHAPTER 442.

AN ACT to repeal subsections (2) and (3) of section 96.01, to amend subsection (1) of section 96.01 and sections 96.02 and 96.03, and to create subsections (2), (3) and (4) of section 96.01 and section 96.045 of the statutes, relating to noxious weeds and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (2) and (3) of section 96.01 of the statutes are repealed.

SECTION 2. Subsection (1) of section 96.01 and sections 96.02 and 96.03 of the statutes are amended to read: (96.01) (1) *The term "noxious weeds" as used herein shall include the following: Class I, Canadian thistle, English charlock or wild mustard, goatsbeard, quack or quitch grass; class II, field dodder, Indian mustard, oxeye daisy, snapdragon or butter and eggs, and perennial sow thistle.* Every person shall destroy, or cut upon all lands which he shall own, occupy or control, and out to the center of any highway on which such lands may abut, all weeds * * * *named in class I* at such time and in such manner as shall effectually prevent them from bearing seed, or spreading to adjoining property. In case of weeds having underground root stocks and where the destruction of weeds in standing crops will result in the sacrifice of the crops, the department of agriculture * * * *may* determine the time and method of eradication.

96.02 The chairman of each town, the president of each village, and the mayor of each city, shall appoint one or more commissioners of noxious weeds therein, and shall report the names of such appointees to the commissioner of agriculture on or before the fifteenth day of May in each year; such weed commissioner shall take the official oath, which oath shall be filed in the office of the town, village or city clerk, and shall hold his office for one year and until his successor has qualified. If more than one commissioner is appointed, the town, city or village shall be divided into districts by the officer making the appointment, and each commissioner shall be assigned to a different district. *At his discretion the town chairman, village president or city mayor may appoint a resident of any district to serve as weed commissioner in any other district of the same town, village or city.*

Between the first and fifteenth days of * * * *September*, in each year, each appointing officer shall report to the commissioner of agriculture whether or not the commissioners of weeds appointed by him have faithfully performed their duties. This section shall not apply to cities of the first class, but in such cities the ward superintendent shall perform the duties of commissioners of weeds.

96.03 (1) Every weed commissioner shall carefully investigate concerning the existence of noxious weeds in his district; and if any person therein shall neglect to destroy any weeds as required by section 96.01 he shall * * * destroy or cause all such weeds to be destroyed, and may devote as many days to doing so as the officer appointing him shall direct, and for each day he shall receive * * * *such compensation as shall be determined by the town board, village board or city council* upon presenting to the proper treasurer his account therefor, verified by his oath and approved by the appointing officer. 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 town, city or village 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 weeds were destroyed, which tax shall be collected as other taxes are, 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 town, city or village clerk to the state treasurer 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 statutes, and return the amount collected to the town, city or village from which such certificate was received. Any such commissioner may enter upon any lands upon which any of the weeds mentioned in section 96.01 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.

(2) For each day consumed by the commissioners in carrying out their duties *other than the destruction of weeds*, they

shall receive * * * *such compensation as may be determined by the village board, town board or city council* to be paid out of the city, village or town treasury * * *.

(3) The commissioner of agriculture * * * *may* from time to time inspect the work of weed commissioners, and shall at such time and place as he may determine, call meetings of the weed commissioners in any county for instruction and discussion of means and methods necessary for the proper performance of their duties. He shall prescribe the forms, blanks and instructions to be used in the administration and execution of said work, and shall cause the same to be printed and distributed to town, village and city officials at the actual cost of printing and distribution.

SECTION 3. Three new subsections are added to section 96.01 and a new section is added to the statutes to be numbered and to read: (96.01) (2) Annual notice to cut or destroy all noxious weeds listed in class I shall be given in the following manner to every person owning, occupying or controlling any land within the state. It shall be the duty of each town chairman, village president or city mayor to cause such notice to be posted in at least four conspicuous places in each weed district, such district being defined and established by section 96.02. Said notice shall also be published for two consecutive weeks in two or more papers having general circulation in such town, village or city respectively. Said notice shall be published for the first time on or before the fifteenth day of June in each year. Failure on the part of officials to post or publish notice as herein provided shall not relieve any landowner or renter of property from the provisions of sections 96.01 to 96.03. In all cases said notice given as above provided shall be deemed legal and sufficient notice under this act. Any person neglecting or refusing to cut or destroy such noxious weeds at such time and in such manner as provided in subsection (1), shall be deemed guilty of a misdemeanor and shall be fined not less than ten nor more than five hundred dollars.

(3) Whenever, in the opinion of any town chairman, village president or city mayor, any weed listed in class II, or any other weed not included in class II, shall become a nuisance on any farm or in any locality, he may declare such weed to be included temporarily in class I. Such weeds shall be so classified and

all the provisions of sections 96.01 to 96.03 shall apply thereto, provided that no weed shall be so classified until after proper notice has been given as provided in subsection (2).

(4) It shall be the duty of the officer or board having immediate charge or control of any lands owned by the state or by any county, city, village, town or school district, to see that all noxious weeds thereon are destroyed as specified in subsection (1). Written notice to destroy noxious weeds on such public lands shall be given to such officer or board in the same manner as to the owner or occupant of privately owned lands, and failure to comply with such notice within six days shall render such officer and every member of such board subject to the fine specified in subsection (2) and in addition such officer or board member shall be liable for the cost of destroying such weeds, which shall be collected along with the fine and such cost paid into the treasury of the town in which the work was done.

96.045 Any county may by resolution adopted by its county board provide for the appointment of a county weed commissioner, define his duties and fix his term of office and compensation. When any such weed commissioner has been appointed and has qualified, he shall have all the powers and duties of the weed commissioners provided for in sections 96.01 to 96.04 and thereupon the offices of such weed commissioners are abolished.

SECTION 4. This act shall take effect upon passage and publication.

Approved August 27, 1929.

No. 493, S.]

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CHAPTER 443.

AN ACT to amend the introductory paragraph of subsection (2) of section 20.575 of the statutes, relating to the real estate brokers' board and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (2) of section 20.575 of the statutes is amended to read: (20.575) (2) (Introductory paragraph) There is appropriated from the general fund to the Wisconsin real estate brokers' board, annually, beginning July 1, * * * 1929, * * * forty thousand