

CHAPTER XVIII

NOXIOUS WEEDS

SECTION 18.00. State Laws Adopted. Sections 66.96 through 66.98 of the Wisconsin Statutes, both inclusive, are adopted herein by reference.

of the local governmental unit, which need not be the lowest cost provider.

(4) **INSTALMENT PAYMENT AND LEASE-PURCHASE AGREEMENTS.** A local governmental unit may enter into an instalment payment contract or lease-purchase agreement for the purchase and installation of energy conservation or facility improvement measures.

(5) **PAYMENT SCHEDULE; SAVINGS.** Each performance contract shall provide that all payments, except obligations on termination of the contract before its expiration, shall be made over time as energy savings are achieved. Energy savings shall be guaranteed by the qualified provider for the entire term of the performance contract.

(6) **TERMS OF CONTRACTS.** A performance contract may extend beyond the fiscal year in which it becomes effective, subject to appropriation of moneys, if required by law, for costs incurred in future fiscal years.

(7) **ALLOCATION OF OBLIGATIONS.** Subject to appropriations as provided in sub. (6), each local governmental unit shall allocate sufficient moneys for each fiscal year to make payment of any amounts payable by the local governmental unit under performance contracts during that fiscal year.

(8) **BONDS.** Each qualified provider under a performance contract shall provide labor and material payment and performance bonds in an amount equivalent to the maximum amount of any payments due under the contract.

(9) **USE OF MONEYS.** Unless otherwise provided by law or ordinance, if a local governmental unit has funding designated for operating and capital expenditures, the local governmental unit may use moneys designated for operating or capital expenditures to make payments under any performance contract, including instalment payments or payments under lease-purchase agreements.

(10) **MONITORING; REPORTS.** During the entire term of each performance contract, the qualified provider entering into the contract shall monitor the reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures installed under the contract, and shall periodically prepare and provide a report to the local governmental unit entering into the contract documenting the reductions in energy consumption and cost savings to the local governmental unit.

(11) **ENERGY CONSERVATION MEASURES.** Energy conservation measures under this section may include the following:

(a) Insulation of a building structure or systems within a building.

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

(c) Automated or computerized energy control and facility management systems or computerized maintenance management systems.

(d) Heating, ventilating or air conditioning system modifications or replacements.

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made.

(f) Energy recovery systems.

(g) Utility management systems and services.

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

(i) Lifesafety systems.

(j) Any other facility improvement measure that is designed to provide long-term energy or operating cost reductions or compliance with state or local building codes.

History: 1995 a. 27, 201.

66.95 Prohibiting operators from leaving keys in parked motor vehicles. The governing body of any city, village or town may by ordinance require every passenger motor vehicle to be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system; prohibit any person from permitting a motor vehicle in the person's custody from standing or remaining unattended on any street, road, alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for that lock is removed from the vehicle; and provide forfeitures for such violations. The foregoing provisions shall not apply to motor vehicles operated by common carriers of passengers under ch. 194.

History: 1991 a. 316; 1993 a. 246.

66.955 Nuisance weeds. (1) In this section, "nuisance weeds" means any nonnative member of the genus *Lythrum* (purple loosestrife) or hybrids thereof and multiflora rose.

(2) Except as provided in sub. (3), no person may sell, offer for sale, distribute, plant or cultivate any nuisance weed or seeds thereof.

(3) The department of natural resources may conduct research on the control of nuisance weeds. The secretaries of natural resources and of agriculture, trade and consumer protection may authorize any person to plant or cultivate nuisance weeds for the purpose of controlled experimentation.

(4) The department of natural resources shall make a reasonable effort to implement a statewide program for education, research, control and containment of purple loosestrife under s. 23.23.

(5) Any person who knowingly violates this section shall forfeit not more than \$100. Each violation of this section is a separate offense.

History: 1987 a. 41.

66.96 Noxious weeds. (1) The term "destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, 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.

(2) The term "noxious weeds" as used in this chapter includes the following: Canada thistle, leafy spurge and field bindweed (creeping Jenny) and any other such weeds as the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) Every person shall destroy all noxious weeds on all lands which the person shall own, occupy or control. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board shall cause to be destroyed all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city shall annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls. A town, village or city which has designated as its official newspaper or which uses for its official notices the same newspaper as any other town, village or city may publish the

notice under this subsection in combination with the other town, village or city.

(5) This section does not apply to Canada thistle or annual noxious weeds that are located on land that the department of natural resources owns, occupies or controls and that is maintained in whole or in part as habitat for wild birds by the department of natural resources.

History: 1975 c. 394 s. 12; 1975 c. 421; Stats. 1975 s. 66.96; 1983 a. 112, 189; 1989 a. 56 s. 258; 1991 a. 39, 316.

See note to 80.01, citing *Walker v. Bignell*, 100 W (2d) 256, 301 NW (2d) 447 (1981).

66.97 Weed commissioner; appointment, oath, term; exception. The chairperson of each town, the president of each village, and the mayor of each city, 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 town, village or city clerk, and shall hold office for one year and until a 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. The town chairperson, 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. This section shall not apply to cities of the 1st class, but in such cities the aldermanic district superintendent shall perform the duties of commissioners of weeds.

History: 1971 c. 304 s. 29 (1); 1975 c. 394 s. 12; 1975 c. 421; Stats. 1975 s. 66.97; 1989 a. 56 s. 258.

66.98 Duties; powers; collection of tax. (1) Every weed commissioner shall carefully investigate concerning the existence of noxious weeds in the district; and if any person in the district neglects to destroy any weeds as required by s. 66.96, the weed commissioner shall destroy or cause all such weeds to be destroyed, in the manner considered to be the most economical method, and for each day devoted to doing so the weed commissioner shall receive such compensation as is determined by the town board, village board or city council upon presenting to the proper treasurer the account therefor, verified by 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 under ch. 74, except in case of lands which are exempt from taxation in the usual way. A delinquent tax may be collected as is a delinquent real property tax under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. 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 the treasurer shall collect the same therefrom as prescribed in subch. I of ch. 76, 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 that are not exempt under s. 66.96 (5) and upon which any of the weeds mentioned in s. 66.96 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.

History: 1975 c. 394 ss. 12, 27; 1975 c. 421; Stats. 1975 s. 66.98; 1979 c. 102 s. 237; 1987 a. 378; 1991 a. 39; 1993 a. 246.

66.99 County weed commissioner; deputies. Any county may by resolution adopted by its county board provide for the appointment of a county weed commissioner, define the duties and fix the term of office and compensation. When any such weed commissioner has been appointed and has qualified, the commissioner has the powers and duties of the weed commissioners provided for in ss. 66.96 to 66.98. Each town chairperson, village president or city mayor may appoint one or more deputy weed commissioners, who shall work in cooperation with the county weed commissioner in the district assigned by the appointing officer.

History: 1975 c. 394 ss. 12, 27; 1975 c. 421; Stats. 1975 s. 66.99; 1989 a. 56 s. 258.

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