

jail not more than six months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after July 1, 1909.

Approved June 14, 1909.

No. 600, A.]

[Published June 15, 1909.

CHAPTER 394.

AN ACT to create sections 1636—180 to 1636—201 inclusive, for the regulation of the construction of apartment houses, tenement houses, and boarding and lodging houses in cities of the first class.

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

SECTION 1. There are added to the statutes twenty-two new sections to be numbered sections 1636—180 to 1636—201 inclusive, to read:

Section 1636—180. The provisions of this act shall apply to and be in force in cities of the first class only, but all or any of the provisions thereof shall apply to and be in force in any city of the second or third class in which the common council thereof shall by ordinance provide that the same or such designated part or provisions thereof shall so apply and be in force in such city.

Section 1636—181. (1). An apartment or tenement house, in the meaning of this act, is any house or building, or portion thereof, which is rented, leased, let or hired out to be occupied as a home or residence of three or more families living independently and doing their cooking or having facilities for doing their cooking upon the premises, and having a common right in the stairways, yards and water closets or some of them.

(2). A lodging or boarding house is any house or building or portion thereof, in which six or more persons are harbored, received or lodged for hire, or any building or part thereof which is used for six or more persons not members of the family, to sleep in or occupy as a lodging.

(3). An apartment is a room or suite of rooms occupied or designed to be occupied as a family domicile.

(4). A yard is an open, unoccupied space on the same lot with a tenement, lodging or boarding house, between the rear line of the house and the rear line of the lot.

(5). A court is an open, unoccupied space other than a yard, on the same lot with a tenement, lodging or boarding house. A

court entirely surrounded by a house or building is an inner court. A court bounded on one side and both ends by a house or building and on the remaining side by a lot line is an inner lot-line court. A court extending to a street, alley or yard, is an outer court. A court with one side on a lot line and opening to street or yard or both is an outer lot-line court.

(6). A shaft includes exterior and interior shafts, whether for light, air, elevator, dumb-waiter or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment, bathroom or passage way.

(7). A public hall is a hall, corridor, or passage way not within an apartment.

(8). A stair hall includes the stairs, stair landings, those portions of the public halls through which it is necessary to pass in getting from the entrance floor to the roof, and the enclosing partitions.

(9). A basement is a story partly, but not more than one-half its height, below the level of the lot.

(10). A cellar is a story more than one-half its height below the level of the lot.

(11). An attic is an enclosed portion of a building above the top story and is not to be construed or counted as a story.

(12). The expressions "fire-proof" and "fire-proof construction" wherever herein used, mean a construction of walls, piers, partitions, floors, roof and stairs in which no wood or other inflammable material is used, in which the several structural parts are made of hard, incombustible, fire resisting materials and in which all structural parts of steel and iron are thoroughly protected from fire by an ample covering of such fire resisting material. A fire-proof tenement, lodging or boarding house is one of fire-proof construction. But this definition shall not be construed as prohibiting elsewhere than in stair halls or entrance halls, the use of wooden flooring on top of the fire proof floors or the use of hardwood rails to stairs.

(13). Where a grade in the street or lot adjacent to a tenement, lodging or boarding house varies, the mean or average grade of such street or lot shall be considered the grade of such street or lot.

(14). A lot line is the boundary line on either side of the proposed building premises to be indicated as such on the lot diagram, and a lot is such building premises open and unoccupied by any other building.

Section 1636—182. Before the erection, construction or alteration, except minor repairs, of any apartment house, tenement house, boarding or lodging house, or any part of such building,

or the excavation of any cellar therefor is commenced, the owner or lessee, or agent or either, or the architect or builder employed by such owner or lessee in connection with the proposed erection or operation, shall apply to the building inspector for a permit to do such work. The application for such permit shall state the exact site to be occupied and indicate by diagram the dimensions thereof and location of the building thereon, and state the materials to be used, the dimensions and estimated cost of the proposed building and the probable time to be occupied in the completion. The application shall be accompanied by a detailed statement of the specifications, a full and complete copy of the plans of such proposed work and such structural detail drawings of such proposed building as the said officer may require, and a written statement giving the full name and residence, street and number, of the owner or each of the owners of such proposed building, also the name and residence of the architect and contractor. Said statement and specifications and copy of plans, shall, if approved, be kept on file in the office of the city building inspector, and the erection, construction or alteration of such building shall not be commenced or proceeded with until such statement and plans shall have been so filed and a permit issued by such building inspector, and when proceeded with, the erection, construction or alteration of such building shall be carried on in accordance with such approved detailed statement of specifications and copy of plans and not otherwise. If the detailed statement of specifications and copy of plans indicate that the building contemplated will not in all respects be in accordance with the requirements of this act, the building inspector shall refuse to issue a permit until said specifications and plans shall have been made to conform in every respect with the requirements of this act.

Section 1636—183. Every apartment house, tenement, lodging or boarding house hereafter erected, five stories or more above cellar or basement, shall be of fire proof construction.

Section 1636—184. In every non-fire-proof, as well as fire-proof tenement, lodging or boarding house hereafter erected, three stories or more in height, exclusive of cellar, the floor of the first story above the cellar shall be of fire-proof construction.

Section 1636-185. The stair halls in all non-fire-proof as well as fire-proof tenement houses hereafter erected shall be constructed as in this section specified. In every apartment house, tenement house, boarding or lodging house hereafter erected, which either is occupied or is arranged to be occupied by more than two families on any floor, or which is four stories

and cellar in height, the stair halls shall be constructed of fire-proof material throughout. In apartment, tenement houses and boarding and lodging houses hereafter erected three stories and cellar in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls shall be made of fire-proof or open mill construction. Enclosing partitions shall be either fire-proof or filled with incombustible materials.

Section 1636—186. All shafts hereafter constructed in apartment houses, tenement, lodging and boarding houses, shall be constructed fire-proof throughout. No elevator shall be built in the well-hole of the stairs but shall be enclosed in separate fire-proof shaft.

Section 1636—187. Every apartment house, tenement, lodging or boarding house hereafter erected, exceeding two stories in height and every such building heretofore erected, which at the time of the passage and publication of this act is not provided with sufficient iron fire escapes shall have on the outside thereof, one or more open iron fire escapes, consisting of stairways and balconies. Such fire escapes in tenement houses shall open directly from at least one room other than a bath-room or water-closet compartment in each apartment at each story above the ground floor. In all lodging and boarding houses with separate rooms for occupants, such fire escapes must be directly accessible from all the public halls in each story, communicating with the several sleeping rooms. All fire escape stairways shall be placed at an angle not steeper than forty-five degrees and shall be constructed with steps not less than six inches in width nor less than twenty-two inches in length and with a rise of not more than eight inches, and constructed of sufficient strength and in all other respects to afford an accessible and safe exit and escape in case of fire, for all occupants of the building, that may at any time be dependent thereon. Such stairs shall rest upon and be bolted to brackets, the upper arm of which shall go through the wall and be properly secured and the lower end of which shall be let into the wall and be securely fastened in place. Such fire escapes shall be connected with the building at each story above the first story by a wrought iron balcony not less than three feet four inches wide which shall be surrounded with a wrought iron railing not less than two feet nine inches high. All said fire escape stairs shall be of such strength and construction as will sustain a safe load of at least one hundred and fifty pounds per step; and all said fire escape bal-

conies shall sustain a safe load of eighty pounds per square foot. The balcony on the top floor shall be provided with a goose neck ladder leading to and above the roof. The lowest balcony shall be provided with a drop ladder reaching to the ground. There shall be attached to such fire escape a three inch wrought iron standpipe extending from a point within five feet of the ground to a point three feet above the roof or cornice, and at each story above the first and on the roof there shall be attached a two and one-half inch angle hose valve with male hose connection and a double or Siamese "Y" female hose connection, at the base of the pipe, with threads to conform to the size and pattern used by the fire department where the building is located. All such fire escapes shall be maintained at all times in good, serviceable and safe repair and condition and free from incumbrances of any kind.

Section 1636—188. No tenement, lodging or boarding house shall hereafter be erected or enlarged upon or moved onto any lot so as to occupy more than ninety per cent of a corner lot, or more than seventy-five per cent of any other lot, provided that the space occupied by fire escapes shall not be deemed a part of the lot occupied.

Section 1636—189. (1) Behind every apartment house, tenement, lodging or boarding house hereafter erected or enlarged upon or moved onto any lot which does not extend from the street to an alley, there shall be a yard extending across the entire width of the lot at every point from the ground to the sky unobstructed, except that fire escapes or unenclosed outside stairs may project not over four and one-half feet from the rear line of the house; and the depth of said yard measured from the extreme rear wall of the house to the rear line of the lot shall be as follows: The depth of the yard behind such house hereafter erected upon a corner lot shall not be less than ten feet in every part provided that where such lot is less than one hundred feet in depth, the depth of the yard shall not be less than ten per centum of the depth of such lot, but shall never be less than five feet in every part. The depth of the yard behind apartment, tenement, boarding or lodging houses built on other than corner lots measured from the rear line of any part of such house to the center line of the alley, if there is an alley, or the rear line of the lot where there is no alley, shall be equal to at least one-fourth of the height of such building above the ground level, but in no case shall it be less than ten feet.

(2) No apartment, tenement, lodging or boarding house shall

be erected upon or moved onto the front of any platted lot or other parcel of land abutting upon but one street, where there is another building upon the rear of the same lot or parcel, or upon the rear of any such lot or parcel where there is another building upon the front of the same unless there be between such building a clear, unobstructed space at least fifteen feet in width, if either building be two stories in height, and at least twenty feet in width, if either building be three stories high, and at least twenty-five feet in width, if either building be over three stories high.

Section 1636—190. No apartment, tenement, lodging or boarding house hereafter constructed shall have vent shafts, except for the purpose of lighting or ventilating water-closet or bathroom compartments, or passage ways.

Section 1636—191. (1) No outer lot line court measured from the lot line to the wall of the building, shall be less than three feet for buildings two stories or less in height. For buildings more than two stories in height, the width of such court shall increase one foot for each additional story.

(2). Where an outer court is situated between wings or parts of the same building or between different buildings on the same lot the width of said court measured from wall to wall shall not be less than eight feet in any part, provided the court does not exceed thirty-six feet in length, in all buildings four stories or less in height; for each additional story in height such court shall increase one foot in width; and for each additional ten feet of increase or fraction thereof in the length of such court, the entire width shall be increased one foot, and the increase in width shall be cumulative.

(3). No inner lot line court shall be less than six feet in width, nor less than sixty square feet in area of unobstructed space for courts two stories or less in height; no inner court shall be less than ten feet in width nor less than one hundred and fifty square feet in area for courts two stories or less in height; and for every additional story every such inner court or inner lot line court shall be increased in size by at least one linear foot in its length and one linear foot in its width.

(4). No court or vent shaft shall be covered by a roof or skylight but shall be open and unobstructed from the bottom thereof to the sky. No fire escape or stairway shall be constructed therein unless the court be enlarged proportionately, and have direct exit outside of the building.

(5). At the bottom of every shaft or inner court there shall be a sufficient access to such shaft or court as to enable it to

be properly cleaned out. All such inner courts shall have an intake for fresh air, leading from a street or yard, the area of which intake in square feet shall equal two one-thousandths of the number of cubic feet contained in said court.

(6). No building shall hereafter be altered or enlarged to encroach upon the space reserved by law for light and air, on the lots or parcels of ground on which such apartment house, tenement house, lodging house or boarding house is erected.

Section 1636—192. In every apartment house, tenement, lodging or boarding house hereafter erected, every room, except water-closet compartments and bathroom shall have at least one window opening directly upon the street or upon a yard or court. The total window area in such room shall be at least one tenth of the superficial floor area of the room and the top of at least one window shall be not less than seven feet above the floor and the upper half of it shall be made so as to open the full width. No building hereafter erected shall be converted into, used or leased for a tenement, lodging or boarding house, unless every such room thereof used for such purpose shall have a window opening directly upon a street, yard or court; nor shall any building or part thereof constructed and used for a different purpose, be remodeled so as to convert it into a tenement, lodging or boarding house, unless so remodeled as to comply with the requirements of this section.

Section 1636—193. In every apartment house, tenement, lodging or boarding house hereafter erected, one at least of the windows provided to light each public hall or part thereof, shall contain not less than ten square feet of glass area. In every such house three or more stories in height where the stairs of public halls are not provided with windows on each floor opening directly to the outer air, there shall be in the roof directly over each stairwell a ventilating skylight with ridge or gable ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvers. The glazed roof of such skylight shall be not less than twenty square feet in area.

Section 1636—194. In every apartment house, tenement, lodging or boarding house there shall be adequate chimneys running through every floor with an open fire place or grate, or place for a stove properly connected with one of said chimneys for every apartment, unless the apartment is heated by a furnace, hot water or steam and provision is made for cooking by gas or electricity.

Section 1636—195. No room in the cellar or basement of any apartment, tenement, lodging or boarding house shall be constructed, altered or occupied for living purposes unless all of the following conditions are complied with: Such rooms shall be at least eight feet high in every part from the floor to the ceiling; the ceiling of such room shall be at least four feet above the level of the lot; such room shall have a window or windows opening upon the street, yard or outer court and the total window area shall be at least one-tenth the superficial floor area of the room; one-half of sash of such window shall be made to open the full width; the walls and floor of such room shall be damp-proof and water-proof, and fit for human habitation as determined by the departments charged with the enforcement of this act.

Section 1636—196. (1). In every apartment house, tenement, hereafter erected accessible to the city sewer and water system, water-closets shall be provided as follows: There shall be a separate water-closet in a bath-room or separate compartment within each apartment, provided that where there are apartments consisting of but one or two rooms there shall be at least one water-closet for every two apartments.

(2). For every tenement house heretofore erected there shall be provided at least one water-closet for every two apartments provided that the total number of persons in such two apartments does not exceed eight; where the total number of persons exceeds eight there shall be a separate water-closet for each apartment.

(3). In every lodging or boarding house there shall be provided at least one water-closet for every eight persons, and for each additional eight persons or fraction thereof there shall be at least one additional water-closet.

(4). Every water closet and bathroom compartment in every apartment house, tenement, lodging or boarding house hereafter constructed shall have a window at least three square feet in area, opening upon a street, alley, yard, court or upon a vent shaft not less than twenty-one square feet in area; and every water-closet and bathroom compartment in every apartment house, tenement, lodging or boarding house heretofore erected shall receive compartment ventilation by such window or by a proper metal or masonry ventilating pipe running up to and above the roof, with a sectional area of at least one square inch for every six cubic feet of space contained in such apartment, but no such vent pipe shall be less than thirty-six square inches in area. Every water-closet compartment in

every tenement, lodging or boarding house shall be provided with proper means of lighting the same. All water-closets shall be kept in repair, and drip trays shall not be permitted.

(5). All apartment houses, tenement houses, lodging and boarding houses not so situated as to be accessible to the sewerage system of the city, shall be provided with privy vaults constructed as follows: The vaults shall be outside of said buildings and sunk in the ground not less than six feet and shall be walled up with concrete or brick or stone laid in cement mortar with bottom of the same material, shall be rendered watertight, and shall be so constructed that the outside shall be at least two feet from the line of all adjoining lots, and also the same distance from every street and alley. The vaults shall be carried one foot above the surface of the ground and shall be built to exclude all water from the surface or from the roofs of the buildings. Such privies shall be repaired or cleaned on the order of any of the officers charged with the enforcement of this act.

Section 1636—197. Every apartment house, tenement house, lodging or boarding house shall have water furnished in sufficient quantity at one or more places on each floor occupied by one or more families provided the said apartment, tenement, lodging or boarding house is located on a street or alley supplied with the city water pipes. When said building is not so situated a sufficient supply of wholesome water shall be provided on a part of the lot where it will not be contaminated from closets, barns, garbage or other sources of impurity.

Section 1636—198. In addition to the officers now charged by law with the enforcement of the statutes, it shall be the duty of the commissioner of health and building inspector in cities, to enforce the provisions of this act, and such officers are hereby clothed with full authority and power for such purposes.

Section 1636—199. Every person who shall violate or assist in violating, or who shall fail to comply with any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail, work house or house of correction, not less than fifteen days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court. Every person who shall continue to violate or assist in violating or who shall continue to fail, neglect or refuse to comply with any of the provisions of this act, after having been so convicted for violating, assisting in violating or failing to comply therewith,

shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment in the county jail, work house or house of correction not less than sixty days nor more than six months.

Section 1636—200. Any building or portion thereof constructed, remodeled, removed or used as a tenement, lodging or boarding house or in the process of construction, remodeling or removal therefor contrary to or in violation of the provisions of this act, is hereby declared a nuisance. Any officer charged with the duty of enforcing the provisions of this act who shall receive information that any such nuisance exists shall forthwith examine such building, portion thereof, or premises, and upon determining that such nuisance exists, he shall notify the owner, occupant or agent thereof and the architect or contractor, if any having charge of such construction, remodeling or removing of the same, to abate such nuisance within a time to be specified in such notice, which notice shall further state the character of such nuisance and the determination of such officer. If such notice is not complied with within the time provided thereby and the nuisance shall continue unabated, the said officer shall cause such nuisance to be abated by the proper action, order and judgment in the circuit court of the county in which such building or premises is located. It shall be the duty of the district attorney of such county to institute and prosecute such action.

Section 1636—201. 1. Every owner or lessee, or other person having control of a tenement house shall file with the board of health a notice containing his name and address, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the board easily to find the same; and also the number of apartments in such house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of the sale or conveyance of any tenement house it shall be the duty of the grantor or grantee to file with said board within thirty days a notice of the same, stating the name of the new owner. In case of the devolution of such property by will or otherwise, it shall be the duty of the executor, heirs, guardian, or administrator, as the case may be, to file with said board within thirty days a notice stating the death of the deceased owner and the names of those who have succeeded to his interests in said property.

2. Every notice or order in relation to a tenement house shall be served five days before the time of doing that in relation to which it shall have been issued; the posting of a copy of such

notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with said board in accordance with this section, at his address as therewith filed, shall be sufficient service thereof; and if the name of the owner or agent has not been filed in accordance with this section, then the posting of a copy of such notice or order as herein provided shall be sufficient service thereof.

SECTION 2. Chapter 269 of the laws of 1907 is hereby repealed, together with all other acts or parts of acts contravening the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1909.

No. 722, A.]

[Published June 15, 1909.

CHAPTER 395.

AN ACT to create sections 1791n—1 to 1791n—3, inclusive, of the statutes, prohibiting unfair discrimination in the buying of milk, cream and butter-fat and providing penalties therefor.

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

SECTION 1. There is added to the statutes eight new sections to read: Section 1791n—1. Any person, firm or corporation, foreign or domestic, engaged in the business of buying milk, cream or butter-fat for the purpose of manufacture, that shall intentionally, for the purpose of creating a monopoly or of destroying the business of a competitor in any locality, discriminate between different sections, communities, towns, villages or cities of this state, by buying such commodity at a higher price or rate in one section, community, town, village or city, than is paid for the same commodity by said person, firm or corporation in another section, community, town, village or city, after making due allowance for the difference, if any, in the actual cost of transportation from the point of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

Section 1791n—2. Any person, firm or corporation, and any officer, agent or receiver of any firm, company, association or corporation, or any member of the same or any individual, violating any of the provisions of the preceding section shall