

No. 379, S.]

[Published June 11, 1919.

CHAPTER 313.

AN ACT to repeal subsection 4 of section 1317m—9; subsection 6 of section 1317, and subsection 2 of section 1317m—7; to create subsection 16 of section 1313, subsection 2a of section 1314, subsections 6 and 8 of section 1317, subsection 2 of section 1317m—7, and sections 4446a and 4446b; and to amend subsection 3 of section 1317m—6, subsection 2 of section 1317, paragraph (d) of subsection (3) of section 20.04, subsection 14 of section 1313, and subsection (5) of section 20.49 of the statutes, relating to the state trunk highway system and to other highways and highway matters and providing penalties.

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

SECTION 1. Subsection 4 of section 1317m—9, subsection 6 of section 1317, and subsection 2 of section 1317m—7 are repealed.

SECTION 2. Five new subsections are added to sections of the statutes, and two new sections are added to the statutes to read: (Section 1313) (16), (a) The Wisconsin highway commission is authorized and directed to make the necessary investigations, to hold the necessary hearings, and to add to the state trunk highway system an additional mileage of highway, provided this additional mileage shall not cause the total mileage on the said system to exceed 7,500 miles. The procedure in laying out the additional mileage shall be, insofar as possible, similar to the procedure followed in laying out the original 5,000 mile system, as provided for in section 1313 of the statutes. Except as otherwise provided, the new portions of the state trunk highway system shall be maintained, marked, constructed, and administered commencing April 1, 1920, in the same manner as is the portion of said system first laid out.

(b) The commission shall notify the several county boards at their November, 1919, meetings of the additional mileage placed on the trunk system and shall file a county map with each of said boards showing the original system and such additions. At the same time the commission may notify any county board that certain portions of the additional system as selected for such county will not be required to be maintained by the county under the provisions of sections 1312 to 1317, inclusive, of the statutes, until further written notice from the commission to said county board. The mileage not to be immediately maintained by the counties shall not be shown as state trunk highways on the published maps showing the trunk system until the commission directs the counties to maintain such mileage, and no mainte-

nance funds shall be allotted to any county on account of such mileage until said mileage is maintained by said counties.

(c) As soon as may be after the passage and publication of this act, the governor shall appoint a special legislative state trunk highway committee consisting of five members, two to be appointed from the membership of the state senate and three to be appointed from the membership of the state assembly, to act on matters connected with the laying out of the additional mileage. This committee shall have all the powers and duties and shall receive the compensation conferred upon the similar committee created by the legislature of 1917 to act in the layout of the original system. The committee shall exercise its functions until the legislature of 1921 is organized.

(d) In laying out the additional state trunk highway mileage, the commission and legislative committee are authorized to alter or discontinue any part of the present trunk system, if, in the opinion of the commission or committee, the alteration or discontinuance will result in giving improved facilities to the general traveling public. Any necessary changes may be made in the trunk system from time to time by the commission, if it deems that the public good is best served by making such changes. Due notice shall be given to the localities concerned of the intention to make such changes or discontinuances and if the proposed change affects more than five miles of the system, a hearing at or near the proposed change shall be held prior to making the change.

(e) In case any portion of the trunk system as officially laid out is impracticable or impossible to maintain, the commission may temporarily declare an alternate route a portion of the state trunk highway system, and in such case the alternate route shall be considered a portion of the state trunk highway system in every legal and practical respect except it may not be constructed under the provisions of sections 1312 to 1317, inclusive. Except as provided in paragraph (b) of this subsection the actual mileage of the system as officially laid out shall be the mileage used in computing any amounts due the counties when the state trunk highway mileage is a factor in the distribution.

(Section 1314) (2a) Whenever there has been allotted under the provisions of subsection 2 of this section, for expenditure in any county a sum in excess of the sum necessary to fully pay the federal and state portions of the cost of completing the trunk system lying in said county so that the whole of said system is paved, or provided to be paved, with a surface of concrete or with a surface of adequate materials on a concrete base, the commission shall use the balance of said county's allotment and any

further allotment to said county to provide the federal and state shares of the cost of paving the trunk system in adjoining counties with a surface of concrete, or with a surface of adequate materials on a concrete base. The said paving in any adjoining county shall commence at the county line next to the completely paved county, or at the end of the completed satisfactory paving in the adjoining county when the paving already completed extends into said adjoining county. Counties receiving additional federal and state funds in accordance with the provisions of this subsection shall pay the county's share of the cost of such additional construction. The whole procedure used in initiating and constructing any work financed in accordance with the provisions of this subsection shall be as provided in sections 1312 to 1317, inclusive, of the statutes.

(Section 1317) (6) (a) Whenever a street, highway or alley is maintained by any town, village or city, the town, village or city shall make every reasonable effort to keep said streets, highways and alleys open for all travel during the winter months, and shall use such means of accomplishing the necessary results as the statutes provide.

(b) Whenever any highway or street shall be maintained by the county, at either county or state expense, or both, such maintenance shall in no way impose upon the county the duty of keeping such highway or street free from snow and open for travel during the winter season. The removal of snow on said streets and highways shall be the duty of the town, village or city in which they lie, and the provisions of paragraph (a) of this subsection shall apply. Any county board may, at any meeting, provide that the county will remove snow during the winter season from any highway or street maintained by the county, in which case the county shall be responsible for the proper removal of snow to allow all customary modes of travel, and the cost of such snow removal shall be paid by the county out of such funds as the county board may provide by county tax or otherwise. At the discretion of the county board, the board may, by resolution, charge not to exceed fifty per cent of the cost of the removal of snow from any highway or street subject to county snow removal, to the unit of government in which said removal is performed. In no case shall the cost of snow removal under the provisions of this paragraph be charged to any maintenance funds received from the state. In case a county board, after adopting a road for snow removal, shall desire to relinquish the snow removal during the succeeding winter, it may do so by resolution and snow removal on the said road or street shall revert to the control of the

unit of government in which the same may lie, and the provisions of paragraph (a) of this subsection shall apply.

(c) If any town, village, city or county shall fail to keep open to travel during the winter season any portion of the state trunk highway system which the state highway commission shall determine the public interest demands should be kept open for travel during the winter season, the state highway commission may direct the county state road and bridge committee to keep such road or street open to travel during the winter season, and the cost of any such work shall be paid by the county out of any county funds which may be unappropriated, and the county board at its next meeting shall provide for the payment of the same by county tax or otherwise, and may charge not to exceed fifty per cent of the cost of such removal to the unit of government in which said removal took place. In no case shall the state highway commission order any section of the state trunk highway system kept open for travel in the manner specified in this paragraph unless the state highway commission shall have received a petition signed by at least fifty (50) persons certifying that they would often travel with vehicles the portion of the highway in question in the pursuit of their ordinary avocations if it were open for travel during the winter season.

(d) Nothing in this subsection shall be interpreted to impose upon any town, village, city or county, the duty of making passable for travel any portion of a highway, street, or alley during or after snow storms when the necessary work would impose an unreasonable public expense. The term "unreasonable public expense" shall be interpreted to mean an expense which in the opinion of the court is unreasonable in view of the public benefit which would accrue from making passable for travel the said portion.

(Section 1317) (8) (a) Whenever in the opinion of the state highway commission the public safety shall require the construction or reconstruction of any bridge or culvert on the trunk system, the said commission shall notify the county clerk and the chairman of the county state road and bridge committee to that effect in writing, giving an estimate of the cost. It shall then be the duty of the county board at its next meeting to make provision for the payment of the county's share of the cost of such construction or reconstruction. Nothing in this subsection shall be construed to relieve any county from liability for the maintenance of all culverts and bridges on the trunk system.

(b) Whenever any bridge or culvert located on the state trunk highway system shall, by reason of damage by flood or by other cause, require immediate construction or reconstruction, it

shall be the duty of the county state road and bridge committee to immediately notify the state highway commission and to take the necessary steps to bring about such emergency construction or reconstruction with the least possible delay. If no funds have been made available in advance by the county board for such emergency construction or reconstruction, the county state road and bridge committee is authorized to borrow the necessary funds to pay the whole cost of such work, or to pay the whole cost of such work from such county funds as may be available and not otherwise appropriated. Provided, that the total amount so borrowed or used on order of the said committee shall not exceed in any calendar year the amount produced by a county tax of one-half of one mill. The said committee shall make a full report of such emergency construction or reconstruction to the next annual meeting of the county board.

(c) If the cost of all emergency bridge or culvert reconstruction or repairs not previously financed exceeds in any calendar year the maximum set in paragraph (b) of this subsection, the said committee shall, if necessary, cause a special meeting of the county board to be called to act in the matter.

(d) The county board shall at each annual meeting make provision for paying the cost of all culvert and bridge construction and reconstruction performed or to be performed under the preceding paragraphs of this subsection. The state's share of the cost of all bridges and culverts constructed or reconstructed under this subsection shall be forty per cent, provided that the state's share of such cost shall not exceed one-half of the state aid allotted to the county for the succeeding year. If one-half of the state aid allotted to the county for the succeeding year shall be less than forty per cent of the cost of construction or reconstruction determined under the provisions of this subsection, for the succeeding year, including emergency construction already authorized by the county state road and bridge committee, the county board shall provide the amount by which the state aid shall be deficient and may recover such deficit from the first one-half of the county's allotment of state aid for succeeding years until the whole of such deficit is recovered. The county board may assess not more than forty per cent of the county's share of the cost of any such construction or reconstruction against the municipality in which the same shall lie, provided that where such construction or reconstruction shall lie within more than one municipality, such assessment shall be borne by them jointly in proportion of their assessed valuations.

(e) All culverts and bridges constructed or reconstructed under the provisions of this subsection shall be built in full accordance with the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes.

(Section 1317m—7) (2) (a) Whenever it shall be deemed necessary for the proper construction, improvement or maintenance of any state trunk highway or prospective state highway, or bridge thereon, to change or relocate any such bridge or a portion of any such highway, the state highway commission or county highway commissioner shall file a plat thereof showing the existing location and the proposed change with the chairman of the county state road and bridge committee. It shall thereupon be the duty of the county state road and bridge committee of the county in which such change or relocation is located to deal by contract if practicable with the owners of the premises to be affected by such change and to make provision for such change within thirty days after the filing of the plat with the said chairman. The same to be evidenced by an order reciting the facts entered by such committee upon its records which order shall be conclusive evidence of the relocation. The land required shall be acquired for highway purposes as long as so used and all options, deeds, contracts or relinquishments executed in connection therewith shall be between the county and the land owner or land owners from whom the lands are acquired. The cost of the lands acquired to make such change or relocation, in the case of the state or county aid construction, shall be payable out of the joint funds available for the work; in the case of federal aid construction, shall be payable out of the county funds or out of the joint state and county funds if the statutes permit; for relocations performed with maintenance funds, shall be payable out of the maintenance funds available. The prices paid under all options, deeds, contracts or relinquishments executed under the provisions of this subsection shall be subject to the approval of the state highway commission whenever the state pays a portion of the cost thereof.

(b) In case the county committee cannot acquire at what they consider a reasonable cost the lands required for such change or relocation, said committee is authorized to accomplish such change by exercising the right of eminent domain and the proceedings shall be as provided in subsection 3 of section 1317m—6 for the acquirement of right to take stone or other material for public use.

(c) The provisions of section 1263 of the statutes shall not apply to highways changed or relocated in accordance with the provisions of this subsection.

(d) Whenever a relocation is made of a section of highway previously constructed with joint county and town or state aid funds, the benefit assessed against any town for such construction under the provisions of subsection 6 of section 1314 shall not exceed five hundred dollars per mile of road so relocated.

(Section 4446a) 1. No person shall injure, deface or remove any sign, guide board, mile post, signal or marker erected by the state or by any municipality thereof for the warning, instruction or information of the public.

2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. The court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal or marker, or to pay the cost thereof.

3. On conviction of any person of a violation of this section, the person or persons who informed against and aided in the prosecution of such offense to conviction, shall be paid by the court one-half of the amount of the fine paid into the court.

(Section 4446b) 1. No person shall erect, or cause to be erected, any advertising, direction, guide, warning or other sign or marker within any public highway within a distance of one thousand feet from the intersection of any two or more highways, when such intersection is beyond the corporate limits of any city or village, unless permission is first obtained from the officials charged with the maintenance of such highways.

2. In case any person shall violate the provisions of this section, the authorities in charge of the maintenance of the highway upon which such violation occurs shall promptly remove such advertising, direction, guide, warning or other sign or marker.

3. If any signs at present exist in the public right of way on any highway within one thousand feet of the intersection of any two or more highways or streets beyond the limits of any incorporated city or village which are, in the opinion of the officials in charge of the maintenance of such highway, a menace to the safety of the public traveling along such highways, said officials shall notify the owners of such signs to remove the same, or to remove the danger producing features, and in case the owners do not do so, or in case the owners cannot be found with reasonable effort, the authorities in charge of said highway shall remove said signs from within the right of way.

4. The triangles bounded by any two adjacent intersecting highways and a line drawn between the points on the center lines of said highways one thousand feet from the intersection of their center lines, are declared prohibited ground for the erection of any danger producing advertising signs, when such intersection is beyond the corporate limits of any city or village. No advertising sign, design or insignia shall hereafter be erected within said triangles which will endanger the safety of the public traveling along any highways, and if there now exist in any such triangle any advertising signs, designs, or insignia endangering the safety of the public traveling along such highways, the authorities in charge of the maintenance of such highways shall take up the matter with the owner of the sign and with the owner of the land, and shall cause the same to be removed, or to be so altered as to remove the danger producing features. Within the same triangles the authorities in charge of maintaining any road shall require the property owner to minimize the obstruction to the view across the triangle insofar as is possible, and shall make such arrangements with him as will make travel on the intersecting highways as safe as is reasonably possible.

5. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

SECTION 3. Subsection 3 of section 1317m—6, subsection 2 of section 1317, paragraph (d) of subsection (3) of section 20.04, subsection 14 of section 1313, and subsection (5) of section 20.49 are amended to read: (Section 1317m—6) (3). (a) The county highway commissioner shall have charge, under the direction of the county committee, of the construction of all highways built with state or county aid, and of the maintenance of all state *trunk* highways and other highways maintained by the county. In case * * * the county committee shall deem it desirable to acquire the right to take stone, or gravel, clay or other material from private land for use in the execution of * * * their duties, or acquire the right of access to or from said lands, or acquire the right of drainage across any lands, * * * they are empowered to take title to such right to the county for highway purposes and pay, or contract to pay therefor, out of the public funds provided for the improvements of highways in * * * the county.

(b) In case the county * * * *committee* and the owner of the private premises cannot agree as to the price for such right, such * * * *committee* may acquire the same in the name of the county for the public use indicated, by exercising the right of eminent domain in the following manner: * * * *They* may, upon not less than five days' notice in writing, exclusive of Sundays and holidays, to such owner, describing the property and stating the time and place of hearing the application, apply to the county judge of * * * *said* county * * * to appraise the value of the property sought to be taken. At the time set therefor such judge shall hear the parties and in such manner as he may in his discretion determine, inform himself in respect to the matter within five days, make his award in writing and file the same in his office. The * * * *county committee* may then pay the sum awarded to the owner, or tender the same, and in case of refusal to receive the money, deposit it with the county judge for such owner's use and give him written notice thereof, and the title to the property and rights sought to be acquired shall thereupon vest in the county for the uses and purposes of the acquirement, and such * * * *committee* may cause a certificate under the hand and official seal of such judge, stating the facts, to be recorded in the office of the register of deeds, which shall be notice to all persons thereof. * * * *The county* may then proceed to use the same, provided, however, that if the owner shall deem himself aggrieved for any reason he may proceed for redress in the manner and the time hereafter indicated, and in no other. At any time within five days after the notice of the award, such owner may file with such judge a notice of appeal to the circuit court, whereupon such judge shall promptly certify all the papers in the proceedings to such court and thereupon such matter shall be regarded as at issue, and the proceedings shall be the same as in the case of an appeal from an award in railroad condemnation proceedings, except as herein otherwise provided.

(c) In case of the award complained of being finally increased, judgment for such increase and costs shall be rendered against the county and paid the same as any other money judgment against it, and the owner may withdraw the deposit. In case of such award not being increased, judgment for costs shall be rendered in favor of the county and paid out of the deposit made for the owner, so far as it will go for that purpose, and in case of its being decreased, the excess of the deposit shall be withdrawn by the * * * *county committee* and covered back into the proper highway fund. In case of such owner accepting the

award made for his benefit within the time limited for him to appeal or thereafter, or in case of his failing to appeal within such time, he shall be conclusively presumed to have submitted thereto.

(d) In case the county committee shall deem the county aggrieved by the award, the county committee may appeal to the circuit court in the same manner and the subsequent procedure shall be similar to that specified for the owner's appeal.

(Section 1317) 2. When any county shall adequately maintain to the satisfaction of the commission a portion or all of the trunk system within its limits there shall be paid into its treasury out of the state trunk highway appropriation the actual cost of such maintenance, plus an allowance for the use of county machinery agreed upon in advance by the county state road and bridge committee and the commission. Said payments shall be made up to the amount available in the state trunk highway appropriation for maintenance in such county, upon the presentation by the county clerk of properly itemized vouchered statements supporting the account, which statement shall have been approved by the commission. *Whenever in any year the proper maintenance of the state trunk highway system in any county shall not in the opinion of the commission require the expenditure of the whole funds available for maintenance in said county in said year, the commission may pay to the county treasurer of said county any funds not so required and the county board may use the same for highway purposes or for the retirement of county highway bonds or to pay the interest thereon. A certified account of the expenditure of said funds shall be filed with the commission by the county highway committee.*

(Section 20.04) (3) (d) After the above amounts have been set aside, the remainder of the three-fourths shall be allotted by the state highway commission to the several counties of Wisconsin for the maintenance of the state trunk highway system lying within said counties. Each county shall be entitled to receive * * * *one hundred and thirty-five dollars for each mile of the state trunk highway system lying within its limits, and in addition the proportion of the fund remaining after the above amounts have been set aside that the registration fees paid in by such county is of all registration fees paid in. Provided, that no county shall receive more than two hundred and seventy-five dollars per mile in any one year. Whenever any county would receive more than the said amount per mile in any one year the excess shall be prorated to the remaining counties in the ratio of fees paid in. However, for maintenance in the cal-*

end of year 1919, each county shall be entitled to receive the proportion of the funds available for state trunk highway maintenance that the mileage lying in said county bears to the total trunk highway mileage.

(Section 1313) 14. * * * As often as may be necessary, the commission shall cause to be published * * * maps of the state of Wisconsin showing thereon the trunk system, and in the discretion of the commission such other main highways and other features as it may seem desirable to indicate. Such maps shall be furnished to the superintendent of public property by the state printing board on requisition from the commission and shall be sold by the said superintendent of public property at * * * prices fixed by the commission, which * * * prices shall not be less than * * * the cost of such maps to the state. The state highway commission may permit the use of the base plates in other maps and publications provided a proper and fair fee is collected for the use thereof.

(20.49) (5) On July 1, 1917, three thousand dollars, to be used as a revolving appropriation, for the making and publishing of * * * maps of the state of Wisconsin showing thereon the trunk highway system, as provided by subsection 14 of section 1313; all moneys received by each and every person for or on behalf of the superintendent of public property from the sale of such maps, shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

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

Approved June 7, 1919.

No. 403, S.]

[Published June 11, 1919.

CHAPTER 314.

AN ACT to amend sections 1636—18 and 1636—21 of the statutes, relating to barbers.

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

SECTION 1. Sections 1636—18 and 1636—21 of the statutes are amended to read: Section 1636—18. Practicing the occupation of barber within the meaning of sections 1636—18 to 1636—29, inclusive, shall be construed to mean shaving, trimming the beard, * * * cutting the hair, *shampooing, scalp or face massage* of any male person over the age of ten years for which a payment is made, to the person performing the service or to any other person.