

No. 309, S.]

[Published July 10, 1907.]

CHAPTER 486.

AN ACT to amend 1, 2, 3, 6 and 7, chapter 230, laws of 1903, 1898 respectively, and to create sections 1311—4 to 1311—25, 1636—65 and 1636—67, of the statutes, relating to sanitary regulation of bakeries and confectionery establishments.

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

SECTION 1. Sections 1, 2, 3, 6 and 7, chapter 230, laws of 1903, are made sections 1636—61, 1636—62, 1636—63, 1636—65 and 1636—67 respectively of the statutes, and amended to read:

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Approved June 9, 1907.

(In effect from and after date of publication.)

No. 759, A.]

[Published July 10, 1907.]

CHAPTER 487.

AN ACT to amend sections 1 and 2, chapter 312, laws of 1901, making the same sections 1311—1 and 1311—2, statutes of 1898 respectively, and to create sections 1311—4 to 1311—25, inclusive, statutes of 1898, providing for a system of permanent highways under county supervision.

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

SECTION 1. Section 1 of chapter 312, laws of 1901, is amended and made a section of the statutes of 1898 to read:

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SECTION 2. Section 2 of chapter 312, laws of 1901, as amended by chapter 210, laws of 1905, is amended and made a section of the statutes of 1898 to read:

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SECTION 3. There are added to the statutes of 1898 twenty-two new sections to read:

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Approved July 9, 1907.

(In effect from and after date of publication.)

No. 132, S.]

[Published July 10, 1907.

CHAPTER 488.

AN ACT to create sections 14971 to 1497p of the statutes, relating to fishways in dams, and providing a penalty for violation thereof:

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

SECTION 1. There are hereby added to the statutes new sections to read as follows:

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Repeal. SECTION 2. Chapter 16 of the laws passed at the special session of the legislature of 1905 and all other acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

Approved July 9, 1907.

(In effect from and after date of publication.)

proved, or the highway accepted by said electors, but the same shall be valid without such approval or acceptance.

(Ch. 237, 1907.)

Railway crossings upon town and village highways.

SECTION 1299h—1. Whenever any highway in any town or incorporated village, without the limits of any incorporated city, shall extend upon, over or across the tracks or right of way of any railway company, such railway company shall, at its own expense, construct, grade and maintain in safe condition for public travel, the portion of such highway or crossing extending upon, over or across the tracks or right of way of such railway company. Whenever any such town or village shall permanently improve or macadamize such highway extending upon, over or across the tracks or right of way of any such railway company, such railway company shall, at its own expense, improve or macadamize such portion of such highway as shall extend upon, over or across the tracks or right of way of such railway company, in substantially the same manner and of substantially the same materials as such town shall have used.

(Ch. 120, 1907.)

Control of roads laid out and recorded by county. SECTION 1310. The county board may at any time cause the whole or any part of any county road built or completed *or laid out and recorded* by the county to revert to the sole control of the town, city or village in which the same may be situated, by filing with the clerk thereof a written or printed notice that such road or part of road (designating the same) will so revert at the time specified therein, which shall not be less than thirty days. At and after the time so fixed such road or part of road shall be under the sole control of the proper officers of the town, city or village and shall be by them kept in good repair, and, if deemed necessary, the proper town board, village board or common council may annually levy a special tax sufficient for that purpose, *and the proper officers of any such town, village or city may alter or discontinue such highway the same as though it had originally been laid out by them.*

(Ch. 133, 1907.)

Town highway material: town tax paid to county. SECTION 1311—1. The electors of any town in this state at the an-

nual town meeting may vote a special highway tax not less than one-half mill, nor to exceed two and one-half mills on the dollar of the assessed valuation of said town in addition to the highway tax provided by law; said special tax to be collected in money and used only for the purpose of covering any main traveled highway already graded, with gravel, crushed rock or clay and gravel, *or such other material equally as good, as shall be approved by the county highway commissioner. Such tax when collected shall be paid into the county treasury.*

(Ch. 487, 1907.)

County aid to towns: approval by highway commissioner. SECTION 1311—2. Whenever the supervisors of any town shall file with the county board of the county in which such town is situated, a petition setting forth that such town, in addition to levying the usual highway taxes, has voted to cover any main traveled highway after the same has been properly graded at the expense of said town, *on plans and grades approved by the county highway commissioner, and such roads have been * * * approved by the county highway commissioner when so graded and prepared,* not less than twenty-four feet wide, with gravel, crushed rock or clay and gravel *or such other material* to a depth of not less than four inches and not less than eight feet in width, and that said town has provided for the payment of one-half of the cost of covering said main traveled highway with gravel, crushed rock or clay and gravel, *or such other approved material,* the county board shall appropriate the other half of such cost, and cause such sum to be levied upon all the taxable property in the county, as will, with the amount provided for by said town, be sufficient to defray the expense of covering said main traveled highway or highways designated in said petition.

(Ch. 487, 1907.)

Annual county road tax, two mills maximum. SECTION 1311—3. 1. The several counties in the state may, at the * * * annual meeting of the county board, levy a * * * tax of *not to exceed two mills* on all the taxable property of the county, for the purpose of building county roads.

2. The money so levied shall be kept in a separate fund, and used for the construction of roads in the county.

3. The county board shall have power to determine how and when the money so raised shall be expended, and they shall

have complete supervision to regulate and establish the construction of roads to be built out of said fund.

(Ch. 440, 1907.)

Limits of highway improvement by towns. SECTION 1311—4. No highway shall be improved under the provisions of sections 1311—1 and 1311—2, statutes of 1898, except such highways as shall have been approved and designated under the provisions of section 1311—10, as prospective county highways.

(Ch. 487, 1907.)

County highway commissioner created. SECTION 1311—5. The county board shall, at its next annual session and every three years thereafter, elect a competent person to be known as county highway commissioner, who shall hold his office for the term of three years, subject to removal from office by the county board, by a two-thirds vote of all the members elect, on the ground of incompetency, neglect of duty or other good cause shown.

(Ch. 487, 1907.)

Vacancies. SECTION 1311—6. Any vacancy in such office caused by resignation, removal, death or other cause shall be filled by the county board, if in session, and if not in session, by appointment by the chairman of the county board. The person so appointed by the county board shall hold office until the expiration of the term; if the person is appointed by the chairman of the county board, he shall hold office until the next meeting of the county board.

(Ch. 487, 1907.)

Bond and approval. SECTION 1311—7. Such highway commissioner shall give bond to the county in such sum as the county board may require, to be approved by the chairman of the county board.

(Ch. 487, 1907.)

Per diem or salary. SECTION 1311—8. 1. The county board shall, at its next annual meeting, provide a compensation for the county highway commissioner, which shall be paid out of the general funds of such county, as the salaries of county officers are paid.

2. Such compensation shall be fixed by the county board at not less than two dollars and fifty cents per day nor more than four dollars per day for time actually consumed in the performance of official duty, which shall be in lieu of services and all traveling and personal expenses.

3. Nothing herein contained, however, shall prohibit any county board from fixing a monthly or annual salary in lieu of such per diem.

(Ch. 487, 1907.)

Supervisory power. SECTION 1311—9. Said highway commissioner shall exercise general supervision over all county highways as hereinafter provided.

(Ch. 487, 1907.)

County highway system, prospective. SECTION 1311—10. The county board shall, at its next meeting after the passage and publication of this act, designate a system of prospective county highways; such roads when so designated shall extend into every town in the county and shall constitute continuous lines of highway as nearly as may be practicable. Only such highways shall be designated as shall best serve the interests of the general public. Succeeding county boards may alter or discontinue any of such highways or extend such system, but shall not discontinue any part of such system which has been improved and adopted under the provisions of this act, or which is in process of such improvement or adoption, without the consent of the town board in which it is situated.

(Ch. 487, 1907.)

Map of highways; distribution. SECTION 1311—11. The county board shall cause to be made an outline map of such county system of highways, and shall cause a copy of the same to be placed in the office of the county clerk and in the offices of the various town clerks of the county, and shall also deliver a copy to the highway commissioner; such map shall be corrected from time to time under the direction of the county board.

(Ch. 487, 1907.)

Tax for county highways; rate and fund. SECTION 1311—12. The several counties of the state shall, at the next annual meeting of the county board, and each year thereafter,

levy a highway tax not to exceed three-fourths of one mill on the dollar on the assessed valuation, for the purpose of building county roads under sections 1311—1 and 1311—2, as provided in this act, and for the further purpose of repairing county roads. The tax so raised shall be added to all special highway taxes theretofore levied, and be kept in the fund known as the county highway reserve fund, separate and distinct from the general funds of the county.

(Ch. 487, 1907.)

Ten per cent for repairs. SECTION 1311—13. The county treasurer shall set aside ten per centum of the amount of such tax when so received and place it in a county highway repair fund for repairing such county highways as may be adopted under the provisions of this act, but nothing herein contained shall prohibit any county board from increasing or diminishing said ten per cent. as they may deem necessary from time to time.

(Ch. 487, 1907.)

Maximum outlay per town; bridge repair. SECTION 1311—14. 1. No county shall be compelled to expend upon county highways in any township, from said highway fund, for construction and repair, more than two thousand dollars in any one year.

2. Nothing herein shall prevent the county from repairing or reconstructing any bridge and making a special levy to pay for the same.

(Ch. 487, 1907.)

Towns to share expense proportionally, when. SECTION 1311—15. In case the aggregate sum to be raised by the county asked for by the several towns shall exceed three-fourths of one mill on the dollar of the assessed valuation of any county, then each town shall share proportionately as to the several amounts asked for.

(Ch. 487, 1907.)

Supervision of work. SECTION 1311—16. The construction and improvement of all county highways approved under the provisions of section 1311—1 and 1311—2 shall be under the supervision and control of the county highway commissioner and the chairman of the town in which such work shall be done.

(Ch. 487, 1907.)

Contracts and bids. SECTION 1311—17. The county highway commissioner and the town chairman shall have authority to procure all work to be done on any such permanently improved highway by contract or contracts, or otherwise, and may advertise for bids thereon. Nothing herein contained, however, shall prohibit any town or county from themselves bidding upon or from performing such work.

(Ch. 487, 1907.)

Orders in payment; town chairman's compensation. SECTION 1311—18. The county highway commissioner and the town chairman may issue such orders as may be necessary during the progress of the construction of such roads in payment for labor, material or other expenses of such construction, but the total amount of such orders, when such work shall have been completed, shall not exceed the sum of the special highway tax levied by town and county for the construction of such highway. Should the highway commissioner and town chairman be unable to agree as to what orders should be issued, the matter shall be referred to the chairman of the county board and his signature signed to any such order may be taken in lieu of the signature of either such town chairman or such county highway commissioner. The compensation of the town chairman for all time devoted by him to the supervision of the construction of any such highway, shall be paid by the town.

(Ch. 487, 1907.)

Annual financial report. SECTION 1311—19. The county highway commissioner and the chairman of the town shall file with the county clerk on or before the annual meeting of the county board a general report, giving in detail a complete account of expenditures, and shall file therewith receipts showing payment for all work done on said designated highway, and shall furnish to the county board such other information as such board may require relative to such road.

(Ch. 487, 1907.)

County board: adoption of highways and bridges. SECTION 1311—20. If the county board shall find that such highway has been improved as provided in sections 1311—1 and 1311—2, and that said highway is in every way in good condition, the said board shall, by resolution, adopt said highway together with all bridges, sluices and culverts along the same,

to be a county highway within the meaning of this act. No bridge heretofore or hereafter constructed which shall have received county aid in such construction, shall be adopted as part of the county highway system under the provisions of this act, unless a highway permanently made under sections 1311—1 and 1311—2 shall extend for at least eighty rods from such bridge upon each side thereof.

(Ch. 487, 1907.)

Commissioner to approve adoption; appeal from disapproval. SECTION 1311—21. No highway shall be adopted as a county highway until it has been inspected and approved by the county highway commissioner. Should the county highway commissioner not approve of any road, the chairman of the town or any interested person may apply to the county board and petition for the acceptance of said road, notwithstanding such commissioner's failure to approve thereof.

(Ch. 487, 1907.)

Surplus of town levy returned. SECTION 1311—22. When any such highway has been completed, approved and adopted by the county board, so much of the special highway tax levied by the town for the construction of such highway as shall not have been consumed by the construction of said highway shall be returned to said town.

(Ch. 487, 1907.)

Town line roads. SECTION 1311—23. All designated prospective county highways which shall be on or near lines between towns and generally known as town line roads and which shall have been apportioned between said towns for the purpose of maintenance, such apportioned part of such highway or highways, shall, for the purpose of this act, be considered as wholly within such town to which it shall have been apportioned.

(Ch. 487, 1907.)

Repairs after adoption; town chairman responsible. SECTION 1311—24. When a road has been adopted as a county highway the town chairman in which said road shall be situated, shall, under the general direction of the county highway commissioner, make all necessary repairs thereon, and all expenses thus incurred shall be paid by the county from the county

highway repair fund. The town chairman shall promptly report all defects and lack of repair in any county highway within his town, and in any emergency shall, without direction or order, make such temporary repairs as shall render such highway safe for travel, and shall be liable to the county for any damages resulting from any neglect.

(Ch. 487, 1907.)

Approaches and crossings; towns to maintain. SECTION 1311—25. It shall not be the duty of the county to lay out, open or construct or improve any approaches to such adopted highway from any other road or cross-road nor to repair any such approaches or crossings as may have been damaged by the construction of any such county highway or by the alteration of any existing grade, whether within or without the limits of such highway, but such approaches and crossings shall be constructed and maintained by the towns in which such road is situated.

(Ch. 487, 1907.)

County road and bridge fund: tax rate and levy. SECTION 1311m. 1. The rate of taxation in any county, for the maintenance of the county road and bridge fund, shall not be less than one-fourth of one mill, nor more than two mills on the dollar of the assessed valuation of the county.

2. The county board shall make the first levy of a tax to create such fund at the time of the organization of the county into a road district and the election of a county commissioner of highways; or at the annual meeting of the board next following.

3. Such county tax shall be levied annually thereafter.

(Ch. 552, 1907.)

County commissioner of highways. SECTION 1311n. 1. As soon as practicable after the organization of any county into a road district the county board shall elect a county commissioner of highways who shall be a competent engineer or an experienced road builder.

Term. 2. The term of office of such commissioner shall be three years, but the county board may remove him for cause at any time.