

CHAPTER 175.

MISCELLANEOUS POLICE PROVISIONS.

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175.01 [Repealed by 1927 c. 473 s. 37]

175.02 [Renumbered section 93.07 by 1935 c. 550 s. 8]

175.03 **Animals; neglected or abandoned; police powers.** (1) Any sheriff, constable, village marshal, police officer or agent of any humane society may remove, shelter and care for any horse or other animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary; but in all cases the owner, if known, shall be immediately notified; and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(2) If the owner or custodian be unknown and cannot with reasonable effort be ascertained, or shall not within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray and dealt with as such.

(3) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

175.04 **Running at large in streets.** Live stock or poultry shall not be permitted to run at large upon the streets or public grounds of any city.

175.05 **Time of filing indorsed on telegrams delivered.** (1) Every person, firm or corporation operating a telegraph line or lines in this state shall, without extra charge therefor, cause to be written, stamped or printed in a conspicuous place upon the addressee's copy of each telegram originating at and destined to a point within this state, the hour and minute of the day in which the copy of such telegram was filed or left with such person, firm or corporation for transmission and the hour and minute of the day when such telegram was received in the office of such person, firm or corporation at its destination.

(2) Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

175.06 **Discrimination by.** It shall be the duty of every telephone company, or person, firm or corporation engaged in the business of supplying the public with telephones and telephonic service or operating a telephone exchange to receive and transmit without discrimination messages from and for any other company, person or persons upon tender or payment of the usual or customary charges therefor; and upon such payment or tender of the usual or customary rental sum it shall be the duty of every telephone company, person, firm or corporation engaged in the business of leasing telephones to the public or supplying the public with telephones and telephonic service or operating a telephone exchange to furnish, without unreasonable delay or without discrimination and without any further or additional charge to the person, firm or corporation applying for the same, including all telegraph companies or other telephone companies, a telephone or telephones with all the proper or necessary fixtures, as well as connection with the central office or telephone exchange, if desired, and to connect the telephone of such person, firm or corporation with the telephone of any other person, firm or corporation having a connection with the same or a connecting exchange or central office, whenever requested to do so, without regard to the character of the messages to be transmitted, provided they are not obscene or profane; and every person or corporation neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each and every day such neglect or refusal shall continue, one-half of which shall go to the use of the person or corporation prosecuting therefor.

Note: Under statute defining duty of telephone company to subscribers, where company refused to furnish subscriber whose mill was burning connection to obtain aid of city fire department on ground subscriber was in default in telephone payments, which was erroneous, company was liable for resultant damage (175.06, 180.19, Stats. 1935). *Boldig v. Urban Telephone Co.*, 224 W 93, 271 NW 88.

175.07 Private detectives not to act without license; penalty for violation. (1) No person shall act or hold himself out as a private detective, private police, or private guard, nor shall any person solicit business or perform any service in this state as a private detective, private police, or private guard, or receive any fees or compensation whatever for acting as private detective, private police or private guard for any person, firm or corporation, without first having obtained the license and filed the bond provided for in this section. No person shall be licensed under this section unless he is a citizen of the United States and shall have resided in this state continuously for one year immediately preceding, but this shall not apply to the state manager of any private detective agency whose headquarters are outside of the state, when such agency shall satisfy the secretary of state of the necessity for employing a nonresident as state manager.

(2) The term "private detective" shall include among others those persons known as inside shop operatives, that is, persons who do not undertake direct employment whether in shops or otherwise with the owner of a place of employment, but who are engaged by some independent agency to operate or work in such place of employment, and to render reports of activities in such place of employment, to such independent agency, or to the owners of the place of employment under the direction of such independent agency.

(3) The provisions of this section shall apply to copartnerships and corporations, and to the agents, servants and employes of any copartnership or corporation or person. Every person, whether acting as a private detective, private police or private guard in his individual capacity, or as the agent, servant or employe of another, shall take out the license provided in subsection (5) hereof. This section shall not apply to any detective or police officer of the state, or of any county, city, town or village, or persons employed by an officer of any village, city, county or state, in connection with matters affecting the village, city, county or state, appointed or elected according to law, or to any officer, detective or watchman employed by railroad companies under the provisions of section 192.47, or to any watchman privately employed. Persons regularly employed as private police in the policing of property of others between the hours of 6:00 P. M. and 6:00 A. M. are exempted from the provisions of this section. Such persons shall be required to register their names, places of residence, and by whom employed with the village, town or city clerk, wherein such person resides and wherein such person is employed, and such village, town or city clerk shall maintain a permanent record, open to the public, of such persons so registered, and shall charge a fee of one dollar therefor, and no bond shall be required or other charges had in connection with the registration for the performance of the work of private police.

(4) Any person intending to act as a private detective, private police, or private guard, for hire or reward, or to conduct the business of a private detective agency, or of any agency supplying private police, private guards, or to advertise or solicit any such business in this state, shall first file with the secretary of state a written application duly signed and verified. In case of an individual such application shall be signed and verified by the applicant for such license; in case of copartnership by all of the individuals composing such copartnership; and in case of a corporation by the president or secretary and manager of such corporation. Said application to receive consideration must be approved by the fire and police commission of the city wherein the applicant proposes to conduct his business, or by the chief of police in cities where there is no fire and police commission, and in addition thereto by not less than five reputable citizens, freeholders of the county wherein such city is located. All such approvals shall be in writing and shall be acknowledged before an officer authorized by law to take acknowledgments. Such application shall state the age, residence, present and previous occupation of such applicant, and the name of the city, and particular location in such city, where the place of business is to be located, and such further facts as will show the good character, competency and integrity of the applicant. The fire and police commission in those cities where there is a fire and police commission, and the chief of police in cities where there is no fire and police commission, shall have the right to conduct hearings and make inquiry into the character, competency and integrity of such applicant before approving any application, and may compel, by appropriate notice and subpoena, any person or persons to be present at such hearings, and to give testimony under oath, said oath to be administered by any person authorized to administer oaths in the state of Wisconsin. In the event that any person so subpoenaed shall fail to comply with such subpoena, the said fire and police commission, or chief of police, may certify the matter to the circuit court of the county wherein such hearing is held for disposition or punishment by said circuit court.

(5) The secretary of state, after the application has been approved as provided in subsection (4), when satisfied from an examination of such application and such further inquiry and investigation as he shall deem proper, of the good character, competency and integrity of such applicant, shall issue and deliver to the applicant a license, upon payment to the state of a license fee of two hundred dollars, in the event that the applicant conducts the business as principal owner, and two dollars in the event the applicant is an agent, servant or employe of a principal.

(6) Such license shall not be issued by the secretary of state unless there is executed, delivered and filed in his office, a bond in the sum of ten thousand dollars by such applicant if a principal owner, and two thousand if an agent, servant or employe, with two sureties to be approved by a judge of the circuit court of this state, who shall justify in double its amount over and above other debts, liabilities and exemptions, and who shall be freeholders and residents of the county wherein the applicant resides, or has his principal place of business, conditioned that such sureties will pay all damages that may be recovered against such applicant by any person who has been damaged by reason of such licensee acting as a private detective, private police, or private guard, or by reason of the acts or conduct of any of his agents, servants or associates. Any action to recover damages may be brought directly against such licensee, and his sureties in a joint or several manner, and any judgment obtained shall jointly and severally bind such licensee and his sureties. No license shall be issued for a longer period than one year, and shall be subject to revocation as provided in this section.

(7) If at any time a petition shall be presented to the secretary of state, signed by six residents requesting the revocation of a license issued under this section, the secretary of state shall conduct a hearing, and upon a proper showing being made shall revoke such license. Whenever any judgment is recovered and docketed against such licensee for malfeasance, or against its sureties, the secretary of state shall, upon application of any person, accompanied by a certified copy of such judgment, revoke the license of such licensee.

(8) The bond required by subsection (6) shall be furnished by a surety company authorized to do business in this state.

(9) No person, firm or corporation to whom a license has been issued under this section shall maintain any office as a detective or a detective agency in any city other than that designated in the license.

(10) Any person, firm or corporation, who shall act as a private detective, private police, or private guard, and any person who shall solicit or perform services in this state as a private detective, private police, or private guard, without having procured the license and filed the bond required by this section, or who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than six months, or by both such fine and imprisonment. [1931 c. 52; 1935 c. 405]

Note: Officers of corporation or members of partnership operating private detective agency who act as private detectives in their individual capacity must secure licenses. 19 Atty. Gen. 60.

One who solicits business for private detective agency in this state is required to have license. 19 Atty. Gen. 155.

Exception of "any watchman privately employed" from detective license law refers to employe rather than to independent contractor. 20 Atty. Gen. 590.

Copartnership may be licensed as detective agency under this section, upon filing of but one bond and payment of two hundred dollar fee as principal. Members of copartnership operating private detective

agency who act as private detectives in their individual capacities must secure individual licenses under (5). 27 Atty. Gen. 686.

Employes of a corporation engaged in making investigations and reports with respect to efficiency and honesty of employes of a certain business, are private detectives within this section and required to be licensed and bonded. 28 Atty. Gen. 485.

Merchant patrol agency contracting for a monthly fee to inspect premises between certain hours of the night, seeing that doors are locked, etc. is a "private guard" within the meaning of this section. 36 Atty. Gen. 164.

175.08 Private detective bond. Every private detective or private police officer having authority to make arrests shall file with the secretary of state a bond in a sum of not less than ten thousand dollars, conditioned for the payment of any judgment for damages against such detective or officer for false arrest or malicious prosecution. Any person, firm or corporation employing any such private detective or private police officer who has not filed such bond, shall be liable for such damages for acts committed in such employment.

Note: City may appoint police officers may be considered private detectives. 20 without pay, who have power to arrest and Atty. Gen. 337.

175.09 Standard time. (1) The standard of time in this state shall be the solar time of the ninetieth meridian west of Greenwich, commonly known as central time, and no department of the state government, and no county, city, town or village shall employ any other time, or adopt any ordinance or order providing for the use of any other than the standard of time.

(2) No person operating or maintaining a place of business of whatsoever kind or nature, shall employ, display or maintain or use any other than the standard of time in connection with such place of business.

(3) Whoever shall in connection with any place of business of whatsoever kind or nature, employ, display, maintain or use any other than the standard of time shall be guilty of a nuisance and shall be punished by a fine of not less than twenty-five dollars, or more than five hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment. [1931 c. 328]

Note: Sec. 175.09 (1), enacted in 1923 was intended to establish for this state, not sun time, but central standard time as established by congress, which now is one hour earlier than it was prior to an act of congress enacted in 1942, advancing the standard time of each time zone one hour for the duration of the war, and which therefore applies as to the closing hours prescribed by 176.06 for premises for which a liquor license has been issued. State v. Badolati, 241 W 496, 6 NW (2d) 220.

Under 175.09 (1) it was legislative intention to establish United States standard central time as standard time in state of Wisconsin. 31 Atty. Gen. 15.

175.10 Poultry dealing regulations. (1) It is unlawful for any poultry dealer to purchase any live or dead poultry without registering annually with the county clerk.

(2) Every poultry dealer shall keep a record of all purchases of poultry made by him showing in detail the place and date of purchase, the name and address of the person from whom the purchase was made, together with a general description of the kind of poultry purchased. Such record shall be kept in permanent form and be open to inspection at all reasonable times to any district attorney, assistant district attorney, sheriff, deputy sheriff or any police officer.

(3) Any poultry dealer, his servant or agent, violating any of the provisions of this section shall, upon the first conviction, be punished by a fine of from ten to one hundred dollars. Upon a second or subsequent conviction by a fine of from twenty-five to five hundred dollars or be imprisoned in the county jail for not more than ninety days, or by both such fine and imprisonment.

(4) Any person selling poultry to a poultry dealer who gives falsely his name or address to such dealer, his agent or servant, shall be imprisoned in the county jail for not less than thirty days nor more than one year.

175.12 Licensing and bonding wholesale dealers in poultry and poultry products.

(1) The following terms as used in this section shall have the meaning stated, unless the context requires a different meaning:

(a) "Department" means the department of agriculture.

(b) "Person" includes individuals, partnerships, associations and corporations.

(2) No person, not having an established place of business in any county in which he operates as defined in section 129.05, shall engage in the business of buying, assembling and trucking poultry or poultry products unless he shall have first obtained a license and filed a surety bond as required by this section.

(3) (a) Application for license under the provisions of this section shall be made to the department in writing, under oath, on a form to be prescribed by the department. All licenses shall expire on June thirtieth next following their date of issue.

(b) The annual license fee shall be two dollars.

(c) The department shall require every licensee to file and maintain in force a surety bond executed by a bonding company authorized to do business in the state of Wisconsin. Such bond shall be in such sum as the department believes necessary to safeguard the interest of the public, and the payment when due of the purchase price of any produce purchased by such licensee, and in every event shall be not less than one thousand dollars.

(d) Any person injured may bring suit on said bond in his own name.

(e) Every licensee while engaged in his business shall carry on his person his license and a copy of his bond.

(4) The department is authorized to make all necessary or proper orders, rules and regulations for the administration and enforcement of this section.

(5) Any person who shall violate any provision of this section shall be guilty of a misdemeanor, and, for each and every such offense shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. [1939 c. 415; 1943 c. 229]