

investment of funds, after said funds shall have reached the sum of fifty thousand dollars, shall be applicable to the payment of pensions under sections 959—46e to 959—46u, inclusive. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual \* \* \* *sum received from the tax on fire insurance companies or agents*, so that said income from said tax shall meet the requirements of the pension list as provided by sections 959—46e to 959—46u, inclusive. *Provided, that when the interest from such funds, together with the insurance tax, and the other funds mentioned in sections 959—46e to 959—46u, inclusive, shall be insufficient to meet the full requirements of the pension lists, the city treasurer shall on the first day of March in each year set aside to the credit of such fund, from moneys received and retained from income taxes, such sums as are sufficient to meet the full requirements of such pension lists.*

SECTION 2. There is added to the statutes a new section to read: Section 959—46v. Any member joining the fire department after July 1, 1917, and contributing to this fund, shall be entitled to all benefits herein provided, except that he shall not retire after twenty-two years of service and be entitled to a pension, unless he is discharged, has become superannuated in the judgment of the board, is injured or physically or mentally incapacitated sufficiently for retirement in the judgment of the board.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 11, 1917.

No. 336. S.]

[Published June 14, 1917.

## CHAPTER 392

AN ACT to repeal chapter 408 of the laws of 1911, and to create section 959—14a of the statutes, relating to the office of city forester in cities of the first class.

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

SECTION 1. Chapter 408 of the laws of 1911 is repealed.

SECTION 2. There is added to the statutes a new section to read: Section 959—14a. 1. In all cities of the first class having a board of park commissioners, whether such city be operating under a general or special charter, such board of park commissioners shall have full power and authority over the trees and shrubs planted, or to be planted, in that part of each and

every street, the grade of which has been established, lying between the lot line and the curb, and in the center or side plots in all boulevards in said city, as well as the parks, parkways and public grounds in such cities subject to its control, and shall have the right and power to establish rules and regulations relating to the planting, maintenance, protection and care of such trees and shrubs, and it shall be the duty of the said board of park commissioners to recommend to the common council of said cities the enactment of such ordinances as they may deem necessary to protect said trees and shrubs.

2. The said board of park commissioners in order to carry out the purposes of this act shall have authority to appoint a city forester to take charge of and direct, subject to the supervision and control of the said board of park commissioners, all of the work authorized to be done by said board of park commissioners under this act. Said board of park commissioners shall have sole power and authority to fix the term and compensation for said city forester, and to determine the qualifications and fitness of applicants for such position, and to remove at pleasure persons appointed thereto. They shall also have power to employ, or authorize the city forester to employ, as many assistants as they may deem necessary for the purpose of carrying on said work, the number and compensation of such employes to be fixed by the board of park commissioners. They shall also have power and authority to purchase all machinery, tools and implements, and incur such other expense as they may deem necessary for the conduct of the work.

3. The common council of such city shall include in its annual budget such sum as it may deem necessary, if any, to meet all expenses of doing said work during the following fiscal year, including the salaries of the city forester and other employes, but excepting so much of the expense of doing said work as is assessable to abutting property, and the taxes levied for such purpose shall be in addition to all other taxes for park and boulevard purposes.

4. The city forester, under the supervision and direction of the board of park commissioners, shall have power to plant and transplant trees and shrubs, and remove trees and shrubs, living or dead, and to trim, spray and otherwise care for and protect all trees and shrubs on or in that part of streets, avenues, boulevards, parkways, parks and other public grounds over which the park board is given control by subsection 1 hereof.

5. When the board of park commissioners shall propose the

setting out, planting, or removing of any living shade tree in a section of any street, avenue or boulevard, it shall give two weeks' written notice by mail, or otherwise, to the owner or his agent, if known, of any property abutting on that section of said street, avenue or boulevard, or if said owner or his agent are not known and there be a tenant occupying said property, then to the tenant thereof, of a time at which said contemplated work is to be considered by the city forester, specifying in detail the street, avenue or boulevard, and portion thereof, upon which trees are proposed to be planted or removed, and the general nature and character of the changes and improvements contemplated. After any hearing had upon such notice, the city forester, subject to the direction, control and determination of the board of park commissioners, may abandon said work or may proceed with it according to what he deems to be to the best interests of the public.

6. Before doing any work on any street, avenue or boulevard in said city, the board of park commissioners, or the city forester, shall divide said street, avenue or boulevard into sections, and the entire cost of protecting, trimming, spraying, planting, renewing and removal of trees and shrubs between the lot line and the curb in any such section of a street, avenue or boulevard shall be chargeable to and assessed upon the lots or parcels of land abutting upon such section of said street, avenue or boulevard at an equal rate per lineal front foot.

7. The board of park commissioners shall keep a strict account of the cost of planting, removing, trimming, spraying and caring for trees and shrubs within each section of any street, avenue or boulevard which is to be assessed against the lots or parcels of land abutting thereon, and it shall be the duty of said board prior to the tenth day of November in each year to make a report to the comptroller of all work done for which assessments shall have been made as hereinbefore provided, stating and certifying the description of lands, lots, parts of lots, or parcels of land, in any section of a street, avenue or boulevard in which any such work shall have been done and the amount chargeable to each such piece of property, and the said comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to special assessment, include therein the lots or parcels of land so reported to him by the board of park commissioners with the amount chargeable thereto for work done during the preceding year, and such amount shall be levied on said lots or parcels of

land, respectively, to which they are chargeable, and shall constitute a lien thereon and shall be collected in like manner as other special taxes are levied and collected in said city. The board of park commissioners shall advance out of the park and boulevard fund sufficient money for doing said work, and the said special assessments shall be credited to the park and boulevard fund of said city, and shall not be diverted or used for any other purpose.

8. Nothing herein shall be construed as repealing any part of chapter 333 of the laws of 1897.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 11, 1917.

No. 396, S.]

[Published June 14, 1917.

## CHAPTER 393

AN ACT to create section 1797m—81a of the statutes, relating to the acquisition of public utility plants and equipment by municipalities.

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

SECTION 1. A new section is added to the statutes to read: Section 1797m—81a. 1. Any municipality having heretofore determined to acquire an existing plant or any part of the equipment of a public utility as provided by Section 1797m—109 of the statutes, may discontinue all proceedings to that end at any time prior to the final determination of compensation by the railroad commission by a resolution to that effect by its common council, commission council, village board or town board, provided that such resolution shall not be of force and effect until thirty days after the passage and publication. If within said thirty days a petition shall be filed with the clerk of such municipality in a city of the first class signed by five per centum and in all other cities by ten per centum of the electors thereof requesting that the question of discontinuing said proceeding to acquire such plant or equipment be submitted to the electors, such question shall be submitted to the said electors at any general election or at any regular municipal election that may be held not less than thirty, and not more than thirty-five, days from the date of the filing of the aforesaid petition; and if no general election or regular municipal election is to be held within the stated periods, then the governing body of the municipality shall without delay order the holding of a special elec-