

*trailer shall be used on any highway or street in this state unless such vehicle is completely equipped with pneumatic tires. This * * * section shall not apply to fire fighting vehicles, to farm tractors and tractors moved along the highway temporarily, to farm vehicles used in connection with seasonal industries, nor to vehicles engaged in highway construction or maintenance operation on those portions of the highway under construction or maintenance.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 19, 1931.

No. 326, S.]

[Published June 20, 1931.

CHAPTER 282.

AN ACT to create subsection (8) of section 30.02 of the statutes, relating to harbor improvement.

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

SECTION 1. A new subsection is added to section 30.02 of the statutes to be numbered and to read: (30.02) (8) (a) The commissioner of public works of any city of the first class, and in every such city having a board of harbor commissioners such board of harbor commissioners, shall, subject to the approval of the common council of such city, have power to repair, construct and reconstruct docks along the banks of any navigable river or other waterway in such city, excluding privately owned slips, in the manner hereinafter provided, and any such city shall have the power to assess benefits therefor in the manner hereinafter provided.

(b) Whenever such commissioner of public works or such board of harbor commissioners, as the case may be, shall determine that it is necessary to repair, construct or reconstruct any such dock, an estimate of the cost of such work shall be forwarded to the common council of such city together with such recommendation with reference to the work as such commissioner or board shall deem proper. Such recommendation shall not be acted upon by the common council until it shall have been referred to a committee and the usual committee hearing had thereon. The common council may thereupon approve such recommendation, in

whole or in part, or may modify the same and may authorize such commissioner or board to do such work and make such improvement with respect to such dock as the common council shall deem necessary or proper. A copy of the resolution of the common council authorizing the improvement together with the aforesaid estimate of cost and recommendation shall be placed and kept on file in the office of such commissioner or board, so empowered to do such work, and shall be open for inspection for a period of ninety days from the date of the service of the notice hereinafter provided or from the date of the first publication hereinafter provided, whichever is the earlier. Notice of the contemplated improvement shall be given by such commissioner or board either by serving written notice on the owner or agent of the property along which such improvement is to be made, or causing the same to be done, or by publishing such notice once a week for three successive weeks in the official paper of such city, or if there be no such official newspaper then in a newspaper of general circulation in such city. In the event that notice is given by publication an affidavit of printing complying with subsection (1) of section 328.19 of the statutes shall be conclusive evidence of the publication of such notice.

(c) At any time within the ninety day period before mentioned the owner or owners of the property along which such improvement is to be made may elect to make such improvement or cause the same to be made in accordance with the resolution of the common council authorizing such improvement and in accordance with the plans and specifications approved by such commissioner or board, or in a manner which shall conform to good engineering practice and provide for materials and design which, in respect to strength and permanence, shall be at least equal to the requirements of the plans and specifications approved by such commissioner or board, and in the event that such owner or owners shall make or cause to be made such improvement at their own expense no assessment of benefits therefor shall be made.

(d) If during said ninety day period said owner or owners shall not have commenced the work of repairing, constructing or reconstructing such dock as hereinbefore provided, or if such owner or owners shall during such period commence such work but shall thereafter fail to carry on and complete the same with due diligence, in either event the said commissioner or board shall have

the power to complete such work in accordance with the laws applicable to such city having reference to the letting of contracts for public works except as herein otherwise provided.

(e) Before letting the contract the commissioner of public works or board of harbor commissioners shall make an estimate of the cost of the work to be done and shall view the premises upon which said work is to be done and consider the amount of benefits which in said authority's opinion will actually accrue to the lots or parts of lots or pieces of land in consequence of such improvements, and shall assess against the several lots, part of lots, or pieces of land which are deemed benefited by the proposed improvement, the amount of such benefit which it is deemed by said authority that said lots, or pieces of land will severally be benefited by such improvements when completed in the manner contemplated in the estimate of the cost of such work. In case such benefits shall be less than the cost of the work, the balance of the said cost shall be paid out of the funds hereinafter provided. Said assessment shall be endorsed on the aforesaid estimate of the cost of such work.

(f) As soon as any assessment of benefits shall be made, the said authority making the same shall give notice to all parties interested, by advertising for not less than four days in the official paper of such city, that such assessment has been made and is ready for inspection in the office of said authority, and that the same will be open for review and correction at said office for not less than four days after the first publication of such notice during certain hours, not less than two hours of each lay-day, and that all persons interested will be heard in objection to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice briefly that an assessment has been made for dock improvement and to state that the assessment for the same is made against the lands between two described points along the dock or shore line and no further notice of such assessment shall be necessary. During the time mentioned in such notice the said authority shall hear objections and evidence that may be offered and shall have power to review, modify and correct such assessment in such manner as said authority shall deem just at any time during such review and for three days thereafter, and thereupon said authority shall endorse such corrected and completed assessment upon or annex the same

to the estimate of the cost of such improvement as previously made and filed and file a duplicate of such estimate and assessment in the office of the city clerk of such city, who shall lay the same before the common council at its next meeting; and thereupon the common council may confirm or correct said assessment, or may refer the same back to the authority who made the same for revision and correction, and the said common council and the said authority shall respectively have the like powers and perform the like duties in relation to such assessment and any subsequent assessment made pursuant to such references by the common council as are prescribed in relation to the first assessment. After the common council shall have confirmed such assessment, the said authority shall have power to enter into a contract for the doing of said work as herein provided.

(g) Such city shall pay in cash any contractor when he shall have completed and performed any contract for said work and the said work shall have been accepted by the proper city authority; but this provision shall not be construed to mean that the contractor shall be paid in full, but that all laws now in force in such city for the reservation of guarantee funds and reserve funds guaranteeing workmanship and material shall remain in full force and effect. Any laws now in force and effect, applicable to such city, authorizing the proper officers to make payments upon estimates, shall remain in full force and effect, but no contractor shall be paid during any year for any portion of the work assessable as benefits to abutting property unless the contract shall have been completed and the work accepted on or before the tenth day of November in said year. The assessable portion of such work performed under a contract which has been completed and accepted after said date, shall be paid for at any time subsequent to May first of the succeeding year.

(h) Such city is authorized to issue bonds known as "Dock Improvement Bonds" for the purpose of financing either the assessable or nonassessable portion, or both portions, of the cost of said work. Such bonds shall be issued and sold in the same manner as other bonds of such city are issued and sold, except that it shall not be necessary to include such bonds in the budget of such city, nor to submit the question of their issue to a referendum vote of the electors of such city. In case any such city, in the opinion of the city comptroller, shall have enough

cash on hand in its general treasury, or in its permanent harbor improvement fund, to finance said improvement, it shall not be necessary for such city to issue any bonds mentioned herein; and if any such city, in the opinion of the city comptroller shall have enough cash in its general treasury, or in its permanent harbor improvement fund, to finance part of said improvement, it shall be necessary for the said city to issue only enough bonds, as provided for herein, to finance the remainder of the same. The bonds provided for herein shall be serial bonds, payable at any specified time within five years and shall bear interest at a rate not to exceed six per cent per annum, payable either annually or semi-annually as the common council may deem best. The said bonds shall be a direct obligation of the city and the full faith and credit of the city shall be pledged for their payment, and no such bonds shall be issued unless at or before the time of issuing the same the council shall levy a direct annual tax sufficient to pay the principal and interest thereon as they fall due. The common council shall also have the power to levy annually a tax upon all the taxable property of the city for the purpose of financing the dock improvement herein provided for.

(i) When said special assessments have been finally confirmed, the authority making the same shall file the original assessment with the comptroller, if any, of such city, otherwise with the city clerk, who shall in due season furnish to the proper authority of such city, whose duty it is to make out the annual tax roll, a complete list of such assessments. Such special assessments shall at the time of making out the annual tax roll be assessed against the lots, or parts of lots, or pieces of land against which said benefits have been assessed and collected as other taxes on real estate are collected, and no informality or error in the proceedings not going to the ground work of the tax shall invalidate such assessments, provided that said assessments when spread upon the tax roll shall be divided into six annual installments, one due each year until paid in full; the first installment, or the total of all installments when paid in one payment at the first tax paying time shall bear no interest. Deferred installments shall be charged interest at the rate of six per cent per annum. The owner of the property against which said assessment is levied shall have the privilege of electing, at

the first tax paying time after the said assessment is spread and levied, to pay the whole of the said special assessment at the first tax paying time. Said election must be made to the city treasurer in such city before the last tax paying date in said year in which the work is completed. In case no such application is made to pay the total assessment in one payment, one-sixth only of the said assessment shall be considered due and the other installments shall be due one each year thereafter, except that at any time the owner of the property may at his option pay all deferred installments by payment of the face amount of said installments together with accrued interest. In case application for payment in one payment is made as herein provided it shall be the duty of the city treasurer to report the same to the comptroller, the authority having charge of said work, and the city clerk or other officers who make up the tax roll, so that no installments of the assessment shall be placed on any subsequent tax roll. Whenever any such property owner does not elect to pay the total assessment in one payment, but permits the payment to be made in the regular manner, then, in case of default in the payment of any of the said installments in any year, the said property shall be sold for such installment in the same manner as property is now sold in any such city for any unpaid special assessments.

(j) Upon the collection of any and all such assessments and interest as hereinbefore provided, the moneys collected shall go, first to repay any cash used out of the general city treasury, if such has been the case, and the remainder of the money so collected shall constitute a fund with which to pay the principal and interest on bonds issued, in the manner hereinbefore provided as they fall due. In any year in which there shall be on hand moneys derived from special assessments on account of work done during the preceding year or years sufficient to pay the whole or a part of the principal falling due on such bonds, it shall be unnecessary for the city to collect more taxes for the payment of the principal on said bonds than are necessary to make up the difference between the amount which will become due in the ensuing year and the amount so available for the payment of principal and interest on said bonds. Any such city shall have a first lien on the premises against which any such special assessment is levied or to be levied from the time the con-

tractor is paid in cash for the work to the full extent of all unpaid installments for doing said work and the interest thereon.

(k) The owner of any lot or part of lot or piece of land who feels himself aggrieved by such assessment, as confirmed by the common council, as to the amount of benefits thereby adjudged to accrue to him by reason of said improvement charged against his lot or part of lot or piece of land, may within twenty days after such confirmation by the common council appeal therefrom to the circuit court of the county in which such city is located, by filing with the clerk of said circuit court his notice of appeal setting forth therein his interest in the premises and the grounds of his appeal, together with a bond to such city in the penal sum of five hundred dollars, conditioned for the payment of all costs that shall be adjudged against him on such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit endorsed upon such bond that he is worth five hundred dollars over and above all of his debts in property not exempt from execution, or by a surety company authorized to do business in the state of Wisconsin, which said bond and sureties, if objected to by the city attorney, shall also be approved by the judge of said court. Such appeal shall be dismissed unless the appellant shall also within twenty days serve a copy of his notice of appeal and bond upon the city attorney. In case of any such appeal, the city clerk of such city shall send to the clerk of said circuit court a certified copy of the assessment of benefits as made by the proper authority of said city and as confirmed by the common council, and all proceedings of the common council in relation to said assessment of benefits. The appeal shall be tried as ordinary issues of fact are tried in circuit court. The form of the issue shall be subject to the direction of the said court and the said court shall permit any person or persons interested in such benefits to become parties to such appeal upon their petition setting forth the nature and extent of such interest. If, on such trial the benefits assessed by such city shall not be diminished, the city shall recover costs; but, if such benefits shall be diminished, the appellant shall recover costs on such appeal. When judgment shall have been entered after trial of said appeal, the city shall pay said judgment or make provision for the payment thereof within one year after the same shall have been rendered,

except that in case of an appeal from such judgment to the supreme court the time of the pendency of such appeal shall not form any part of such year.

(1) Section 75.53 of the statutes shall also apply so far as applicable, to all of the aforesaid special assessments made for benefits for said dock improvements, except that in case a new assessment of benefits is made it shall be made in the same manner in which the original was made.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 19, 1931.

No. 350, S.]

[Published June 20, 1931.

CHAPTER 283.

AN ACT to amend subsection (1) of section 96.01 and to create paragraph (e) of subsection (5) of section 84.07 of the statutes, relating to the destruction of noxious weeds.

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

SECTION 1. Subsection (1) of section 96.01 of the statutes is amended to read: (96.01) (1) The term "noxious weeds" as used herein shall include the following: Class I, Canadian thistle, English charlock or wild mustard, goatsbeard, quack or quitch grass; class II, field dodder, Indian mustard, oxeye daisy, snapdragon or butter and eggs, and perennial sow thistle. Every person shall destroy, or cut upon all lands which he shall own, occupy or control, * * * all weeds named in Class I at such time and in such manner as shall effectually prevent them from bearing seed, or spreading to adjoining property. In case of weeds having underground root stocks and where the destruction of weeds in standing crops will result in the sacrifice of the crops, the department of agriculture may determine the time and method of eradication.

SECTION 2. A new paragraph is added to subsection (5) of section 84.07 of the statutes to read: (84.07) (5) (e) It shall be the duty of the highway patrolman to destroy or cut to the center of any highway which it is his duty to patrol, all weeds named in Class I and Class II in subsection (1) of section