

CHAPTER 175.

MISCELLANEOUS POLICE PROVISIONS.

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175.05 Sabotage. (1) DEFINITIONS. As used in this section:

(a) "Highway" includes any private or public street, way or other place used for travel to or from property.

(b) "Highway commissioners" mean any individuals, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

(c) "Public utility" includes any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

(d) "Person" includes firm, partnership, corporation or association.

(e) "Peace officer" includes sheriffs, undersheriffs, deputy sheriffs, police officers, policemen appointed pursuant to the provisions of s. 192.47, constables, marshals, deputy marshals, and federal law enforcement officers.

(2) UNLAWFUL ENTRY ON PROPERTY. (a) Any person or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every 100 feet of water front a sign reading "No Entry Without Permission."

(b) Whoever without permission shall wilfully enter upon premises so posted shall be punished by a fine of not more than \$50, or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment.

(3) QUESTIONING AND DETAINING SUSPECTED PERSONS. Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in sub. (2) may stop any person found on any premises to which entry without permission is forbidden by said subsection and may detain and demand of him his name, address and business in such place. If such peace officer or employe has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, such peace officer or employe shall forthwith release or arrest such person without a warrant on a charge of violating the provisions of sub. (2) and such employe in case of arrest shall forthwith turn him over to a peace officer.

(4) CLOSING AND RESTRICTING USE OF HIGHWAY. (a) Any person, municipal corporation, or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, village, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

(b) Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, village, town or county in which such property is located, such notice to be at least 7 days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner

so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof, except that the highway commissioners may issue written permits to travel over the highways so closed or restricted, to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. The order of such highway commissioners closing or restricting the use of one or more of said highways shall be effective only so long as the public safety and the safety of the property of the petitioner may require. Such order shall be vacated by the highway commissioners when the necessity which prompted it has ceased to exist. Any person feeling aggrieved by any order of the highway commissioners rendered pursuant to this subsection may, within 7 days after the issuance of such order, petition the state highway commission for a review thereof. A copy of said petition shall, within the period named, likewise be filed with the clerk of the local highway commissioners. The clerk shall thereupon certify to the state highway commission a copy of the order in question together with a transcript of any testimony that may have been taken and any documentary evidence received on which such order was based. On the record so certified and on any additional evidence deemed necessary by it, the state highway commission shall render its decision affirming, vacating or modifying the order in question. Should additional evidence be deemed necessary by the state highway commission, at least 7 days' notice of any hearing for that purpose shall be given the person bringing the petition for review and the clerk of the local highway commissioners.

(c) Appropriate notices in letters at least 3 inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.

(5) PENALTY FOR GOING UPON CLOSED OR RESTRICTED HIGHWAY. Whoever violates any order made under sub. (4) shall be punished by imprisonment in the county jail for not more than 10 days, or by a fine of not more than \$50, or both.

(6) RIGHTS OF LABOR. Nothing in this section shall be construed to impair, curtail or destroy the rights of employes and their representatives to self-organization, to form, join or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, under either the federal labor relations act or the Wisconsin employment peace act.

(7) NATIONAL RAILWAY LABOR ACT NOT AFFECTED. Nothing in this section shall be deemed or construed to interfere with or abridge or in any manner diminish or affect the rights provided for under the National Railway Labor Act.

History: 1951 c. 261 s. 10; 1955 c. 696 s. 146, 148.

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 ex-

empted 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.

Persons whose sole activities consist of to others need not be licensed as private obtaining ticket stubs from theaters at detectives. 40 Atty. Gen. 497.
sporadic intervals and forwarding such stubs

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.

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.

175.10 Sale to employes prohibited. (1) No department or agency of the state or any political subdivision thereof, or member or officer of any village, town or county board or common council of any city, or any purchasing agent or purchasing agency of the state or any political subdivision thereof, shall sell or procure for sale or have in its possession or under its control for sale to any employes of the state or any political subdivision thereof any article, material, product or merchandise of whatsoever nature, excepting meals, public services and such specialized appliances and paraphernalia as may be required for the safety or health of the employes.

(2) Any person violating 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 \$100 nor more than \$500 or by imprisonment in the county jail not less than 30 days nor more than 90 days, or both.

(3) The provisions of this section shall not apply to this state, nor to any political subdivision thereof, nor to any department, agency, officer or employe of any of them while engaged in any recreational, health, welfare, relief, safety, or educational activities furnished by this state or any political subdivision thereof.

History: 1955 c. 696 s. 288.

175.15 Endurance contests; penalty. (1) No person, firm or corporation shall advertise, operate, maintain, attend, participate in, promote or aid in advertising, operating, maintaining or promoting any physical endurance contest, exhibition, performance, or show in the nature of a "marathon," "walkathon," "skatathon" or any other physical endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged or a prize is awarded to any person for participation in such physical endurance contest, wherein any person participates in such contest for a period of more than 16 hours in any 24 hours over a period of more than 6 days in one month.

(2) Any person attending any contest, exhibition, performance or show enumerated in sub. (1) shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the county jail for not more than 10 days or by both such fine and imprisonment.

(3) Except as provided in sub. (2) any person, firm or corporation violating any of the provisions of sub. (1) shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than one year, or by both such fine and imprisonment. Each day for which any of the provisions of said sub. (1) is violated shall constitute a separate offense.

(4) The place, buildings and premises where any of the illegal exhibitions or contests

mentioned in sub. (1) hereof are hereafter conducted, maintained, had or held are hereby declared to be and constitute a public nuisance, and it is hereby the duty of the attorney general and district attorney to take proper action to abate the same.

(5) Section 945.01 (4) (c) shall also apply to this section.

(6) Nothing contained in this section shall be construed to apply to or prohibit roller skating or bicycle contests or races which are not intended to and which do not continue for or have a duration of more than 150 hours.

History: 1955 c. 696 s. 303.

175.20 Amusement places, license, regulation. (1) No person shall conduct any dance to which the public is admitted, or conduct, establish or manage any public dance hall or pavilion, amusement park, carnival, street fair, bathing beach or other like place of amusement in any county in which the board of supervisors has adopted an ordinance or resolution or enacted bylaws in accordance with the provisions of s. 59.07 (18) (b) without first securing a license as provided therein. No person required to have such a license shall conduct a dance to which the public is admitted except in the presence and under the supervision of a county dance supervisor.

(2) No person who is the proprietor of any dance hall or who conducts, manages or is in charge of any dance hall or pavilion in this state, whether such dance hall or pavilion be licensed or not under the provisions of any local or county regulation, shall permit during any public dance held in such hall or pavilion the presence of intoxicated persons in such dance hall or on the premises on which such dance hall is situated, or the presence of any child of 17 years of age or less who is not accompanied by his parent or lawful guardian.

(3) Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than \$25 and not more than \$1,000, or by imprisonment for not less than 30 days in the county jail and not more than one year in the state prison, or by both such fine and imprisonment, and as an additional penalty thereto the court may revoke the license or licenses of the person or persons convicted.

History: 1955 c. 696 s. 300.

The phrase "17 years of age or less" as passed the 17th anniversary of the date of used in (2) excludes children who have their birth. 41 Atty. Gen. 390.

175.25 Storage of junked automobiles. (1) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the corporate limits of any city or village except upon a permit issued by the common council or village board.

(2) No accumulation or storage of such material shall be allowed within 2,000 feet outside of the corporate limits of a city or village or within 750 feet of the center line of any state trunk or federal highway, except upon a permit issued by permission of the town board.

(3) The permit issued by city council, village or town board shall be signed either by the mayor or president or chairman as the case may be and clerk thereof and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time by such council or board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the common council of any city or the board of any town or village upon its own motion, or upon the complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

(4) Any person, firm, partnership or corporation now engaged in the business of accumulating or storing and leaving accumulated or stored junked automobiles, or parts thereof, outside of any building on real estate within the corporate limits of any city or village, or within 2,000 feet outside the corporate limits of a city or village, or within 750 feet of the center line of any state trunk or federal highway in any town on August 19, 1939 may, at any time within 6 months after such date, upon application therefor to the governing body of such town, city or village upon showing such facts, be granted a permit for such place of accumulation or storage; any person, firm, partnership or corporation succeeding a business now engaged in the accumulating or storage and leaving accumulated and stored junked automobiles, or parts thereof, outside of any building on real estate as hereinbefore provided may likewise be granted such permit.

(5) Any person, firm, partnership or corporation violating any of the provisions hereof shall upon conviction be fined not less than \$10, nor more than \$50 for each offense, and in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding 30 days. Each day that junk, as herein defined, shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

History: 1955 c. 696 s. 271.