

lars or by imprisonment in the county jail for not more than ten days.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 6, 1901.

No. 138, A.]

[Published May 8, 1901.

CHAPTER 308.

AN ACT relating to the use of bicycles on sidepaths, for licensing bicycles, for the appointment of sidepath commissioners, and to provide for the construction and maintenance, regulation, preservation and shading of sidepaths.

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

Sidepath commissioners, how appointed; vacancies; failure to accept appointment. SECTION 1. The county judge of any county may, upon the petition of fifty residents of such county, appoint from the resident citizens thereof, five or seven persons, the number to be determined by such judge, giving to each city and to one or more towns in such county a representation on the board, as near as possible in proportion to the probable number of cyclists residing in such localities, each of whom shall be a cyclist, who shall constitute a board of sidepath commissioners for such county. The terms of such commissioners, if the number be five, shall be one, two, three, four and five years respectively, and if the number appointed be seven the terms of such commissioners shall be two to serve one year, two to serve two years, and one each to serve three, four and five years from and including the first day of January of the year in which the appointment is made, to be determined by such commissioners by lot, within one month after their appointment. A commissioner thereafter appointed for a full term shall hold office for five years from and including the first day of January of the year in which the appointment is made. A commissioner appointed to fill a vacancy occurring otherwise than by expiration of term, shall be appointed for the unexpired term of his predecessor in office. Whenever a vacancy shall occur in the office of such com-

missioner, by expiration of term or otherwise, the chairman or secretary of the board shall immediately file a notice with the county judge, specifying the name of such commissioner, the city or town, in which he resided, and the term for which his successor shall be appointed. Upon the receipt of such notice the county judge shall thereupon appoint a person to fill such vacancy and file such appointment in the office of the county clerk. The county clerk shall forthwith notify such person of his appointment and he shall take office immediately upon filing his written acceptance thereof with the county clerk and taking the constitutional oath of office. If any person so appointed fails to file such acceptance with the county clerk or take the constitutional oath of office within ten days after receiving notice of his appointment, or if any member of the board fails to attend, three consecutive regular meetings without being excused by a vote of the board, the board of sidepath commissioners may declare the place vacant by a majority vote of the board. In case charges against any such commissioner are made in writing and filed with the county judge, said county judge may notify such commissioner to appear and make answer to such charges, and may remove such commissioner from office if sufficient cause be shown. Such commissioners shall serve without compensation, but shall be repaid their actual necessary disbursements out of the sidepath fund.

Powers of commissioners; width of sidepath; "sidepath" defined.

SECTION 2. Such board of sidepath commissioners is hereby authorized and empowered to construct and maintain sidepaths along any public road or street or section thereof of the county, provided the said board of sidepath commissioners shall be required to obtain the approval of each town board in which said sidepath shall be built, and file the same in the town clerk's office before constructing paths along any road outside the limits of incorporated cities or villages; and provided that they shall be required to secure the approval of the village board of an incorporated village by a resolution at a meeting thereof, before constructing paths along any street of such village; and provided, that they shall be required to secure the approval of the common council of a city by resolution at a meeting thereof, before constructing paths along any street or section thereof, in such city. No sidepath shall be constructed upon any regularly constructed or maintained sidewalk. Such path shall be not less than three nor more than six feet wide, without the consent of the owners of abutting lands, and shall be constructed within the outside lines and along and upon either side of such public roads or streets and not within four feet from the line of the

abutting property and such sidepath shall not be fenced. The term "sidewalks" as used in this act, means any sidewalk constructed or maintained as such by the public authorities or the owner of the abutting lands, which is reserved by custom for the use of pedestrians; but not including foot paths or portions of the public road which are worn only by travel. The term "sidepath" shall be construed to include any path built or acquired by a sidepath commission. No member or any number of members of a sidepath commission shall begin or in any way authorize the construction of a sidepath, to be built from the sidepath fund, until the record of the proceedings of the board shows that it has voted to construct such path. Boards of sidepath commissioners are authorized, upon unanimous vote of the board, to acquire, by gift, purchase or lease, any lands outside of the regular highways necessary for the purpose of building sidepaths, and to expend any of the funds in their possession for this purpose.

Form of license; where carried; fee for; who may use sidepaths.

SECTION 3. Such board of sidepath commissioners shall, at their first meeting or within a reasonable time thereafter, and in each succeeding calendar year, adopt a form of license, badge, emblem or device suitable to be affixed to a bicycle, to be known as a bicycle sidepath license. Any person, upon the payment of a fee, to be determined by such commissioners of not less than fifty cents nor more than one dollar, shall be entitled to receive such license, which shall be good during the calendar year for which it is issued, and no longer. Every such license, to be valid, must be issued by the commissioners of the county wherein the bicyclist resides, except that any bicyclist who resides in another state or in some county of this state where there is no sidepath commission, may secure a license in any county where a sidepath commission has been lawfully appointed, and such license shall be valid for the use of the person so purchasing, till a sidepath commission is organized in the county where such person resides, or for the calendar year for which it is issued, and no longer. No person shall ride a bicycle on any sidepath in any county of this state where a sidepath commission has been, or at any time hereafter may be appointed, unless a valid bicycle license is attached or affixed to the left side of the front fork thereof, so that the license shall show on the left side of such bicycle. No person shall counterfeit any such license, or make, sell or give away, or have on his or her bicycle a license purporting to be issued by any county in this state, unless regularly issued by the respective boards of sidepath commissioners appointed pursuant to law. No license shall be valid unless at-

tached to a bicycle as aforesaid. Such license shall be plainly numbered and shall not be valid if the number has been mutilated or changed so as to deceive or be calculated to deceive. No person shall have a license issued for a prior year or anything in the similitude of such a license attached to his or her bicycle in the place aforesaid except a valid license for the calendar year in which it is so used.

Disposition of license fees. SECTION 4. The license fees collected by the said boards of sidepath commissioners shall be deposited on or before the first day of each month with the county treasurer of their respective counties, by whom they shall be credited to a special fund, to be called "the sidepath fund," upon which the boards of sidepath commissioners are authorized to draw warrants signed by a majority of the board, but no warrants shall be drawn in excess of the amount actually on deposit; nor shall any contract or purchase be made, exceeding the amount of such funds at the time of making such contract or purchase. All bills shall be sworn to. Each board of sidepath commissioners shall report annually to the county judge of their respective counties, giving a detailed financial statement and filing with said report the vouchers of such expenditure, which report and vouchers shall be deposited in the county clerk's office.

For what purpose money may be expended. SECTION 5. The said boards of sidepath commissioners shall devote the moneys so collected, to the repairing of existing paths in their respective counties, to the construction of new paths, to the planting of shade trees along such paths, where the consent of the owners of the abutting lands to the planting of said trees has been obtained, to the maintenance of order on the paths and the necessary and authorized expense incurred in enforcing this act.

Driving of animals upon path, prohibited. SECTION 6. No person shall, for the purpose of injuring such sidepath, wilfully lead, stand, hitch, ride or drive any horse, cattle, sheep, swine or other animals upon any sidepath now constructed, or hereafter to be constructed in this state. Provided this section shall not apply to such animals pasturing on the highway, nor to the right of any person to drive such animals across such sidepath for the purpose of access to and egress from lands abutting on the highway.

Willful injury to, prohibited. SECTION 7. No person shall wilfully obstruct, injure or destroy any sidepath or any portion thereof, now constructed or hereafter to be constructed in this state.

Speed upon path regulated. SECTION 8. No person shall ride a bicycle at a greater rate of speed than ten miles an hour when passing another bicyclist or a pedestrian on any sidepath in this state.

Who to control. SECTION 9. Sidepaths heretofore constructed and hereafter to be constructed in this state are hereby placed under the control and protection of the boards of sidepath commissioners of the various counties in which they are located

Removal of limbs of trees. SECTION 10. Any board of sidepath commissioners, with the consent in writing of the superintendent of highways or other officer performing similar duties having jurisdiction thereof, may remove limbs of trees overhanging any sidepath in the county wherein said board has jurisdiction, by obtaining the consent in writing of such officer and the owner of the abutting lands, which consent shall be filed with the town, village or city clerk in which such limbs of trees are to be removed. Provided further that said limbs shall be removed under the personal supervision of such officer, when in the judgment of said board of sidepath commissioners the same shall interfere with the free passage of bicycles along said path.

Penalty for violations. SECTION 11. Any person who rides a bicycle on any sidepath in this state in violation of any of the sections of this act, or does any of the acts by the provisions of this law forbidden, shall be deemed to be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. And in case of a failure to pay any fine that may be imposed, such person may be committed to jail not exceeding one day for each dollar of said fine.

SECTION 12. This act shall take effect and be in force, from and after its passage and publication.

Approved May 6, 1901.