

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1879.

[No. 233, A.]

[Published February 26, 1879,]

CHAPTER 59.

AN ACT to amend chapter three hundred and thirteen of the laws of 1876, entitled an act to revise, consolidate, and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereto, approved March 11, 1876, and the several acts amendatory thereto.

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

SECTION 1. Paragraph ten of section three of title four of chapter three hundred and thirteen of the laws of 1876, is hereby amended so as to read as follows:

10. To regulate and prohibit the storing of gunpowder and other combustible and dangerous materials within the city; to regulate the sale of mineral oils for illuminating purposes; to require the inspection thereof, and to establish a proper fire test, and prescribe the manner of testing and inspection of the same, and to prohibit and punish the sale or keeping for sale of any mineral oils for illuminating purposes not so inspected and tested, or of any such oils the fineness of which shall be below such established fire test.

Handling and storage of combustible materials.

SECTION 2. Section two of title five is hereby amended so as to read as follows: If the common council shall deem it proper to proceed in the matter, they shall cause such petition and plat to be filed and recorded by the city clerk, and shall, by resolution, appoint a time and place when and where such petition shall be heard before the common council, of which hearing notice shall be given by the city clerk, by the publication of a notice in the official paper of the city, at least ten days before the time fixed for such hearing, and cause a copy of such notice to be served upon the owners of lands so proposed to be taken, who are known, and are residents of said city, personally, if found, or by leaving such copy at the usual place of abode of such person, to be served at least five days before the time of such hearing. Such service may be made by any police officer of said city, and his certificate or affidavit of such service shall be *prima facie* proof of such service, and the affidavit of the

Notice to be given of hearing petition for taking lands for public use.

printer or foreman of such newspaper shall be *prima facie* evidence of such publication. Such notice shall contain a copy of such petition, the names of the owners of the lands proposed to be taken, as far as known, and a statement that all persons interested may appear at such hearing and be heard in relation thereto.

Duty of common council.

At the time and place appointed, the common council shall meet and proceed to consider such petition and hear all persons interested who shall appear and desire to be heard in opposition thereto. If the common council deem it proper, it may, upon such hearing, by resolution, direct the city attorney or other person to be named, to apply to the county judge of Racine county (or if he shall be interested in the proceedings, or absent, or sick, to the judge of the circuit court, or a court commissioner residing in said city) for the appointment of a jury to ascertain and decide upon the necessity of such proposed improvement, and of taking therefor the lands described in the petition. Such application shall be made on the Monday next succeeding the day of such hearing, or if such day shall be a public holiday, then on the Tuesday next following thereafter, at ten o'clock A. M., as near as may be, at the office of such judge or commissioner.

Damages chargeable to ward.

SECTION 3. Section nine of title five of said act, is hereby amended so as to read as follows: The commissioners, together with the aldermen of the ward in which the improvement is being made, may determine what proportion, if any, of the damages awarded shall be chargeable to the ward, and be paid out of the respective ward fund, and shall embody such determination in their report, provided such report shall be concurred in and signed by the aldermen of the ward. Upon such recommendation and report, the common council shall order such sum to be paid out of the ward fund of the respective ward. And the common council may, whenever the amounts of benefits found and assessed, together with the amount, if any, made payable out of the ward fund, shall be less than the amounts of damages assessed, appropriate the difference from the contingent fund, or provide for it by the levying of a special tax: *provided*, that the common council may, at any time before the adoption of the final resolution ordering such street, alley, or grounds to be opened, discontinued, dismiss and annul the proceedings had.

Breakwaters may be constructed; how cost defrayed.

SECTION 4. Section eighteen of title six, added by chapter two hundred and ninety-six of the laws of

1878, is hereby amended so as to read as follows: The common council may cause the construction of breakwaters, sheet piling, piers or such other protections, as may be planned or devised for the purpose of protecting the shores against the encroachments of Lake Michigan, and defray the cost by levying city and ward taxes, and special assessments upon real estate, deemed to be specially benefited by such protections. Before ordering such works to be done, the common council shall cause plans and specifications and an estimate of the costs thereof to be made, and such work shall be let to the lowest responsible bidder or bidders on contract, upon at least two weeks' notice, to be given in the official paper of the city; and the common council may reject any and all bids, if found too high, or for any neglect to give proper bonds for the true performance of such contract. After the cost of the work shall have been ascertained by such estimate, the common council shall determine the amounts, if any, intended to be charged as special assessments against any and every lot or parcel of land deemed to be benefited by such protections, and the respective amounts to be raised by special ward taxes, or to be paid out of the proper ward fund, and what amount, if any, shall be defrayed from the general city fund, or raised by a special tax on the city for such purpose: *provided*, that the general appropriation from the city fund, or city tax to be levied for any one year for such purpose, shall not exceed the sum of one thousand dollars, and shall not be expended for any other purpose than for the protection of public streets. Upon the determination of making any special assessments on real estate deemed to be benefited by the protections planned, the common council shall appoint a time and place for the hearing of any objection to such assessments, and shall cause a statement of such assessments to be published in the official paper of the city, at least ten days before such hearing, with a notice, that all persons interested may appear before the common council at the time and place therein named and fixed for such hearing, and be heard on the subject of each assessment, and cause a copy of such notice and statement to be personally served upon every known owner of land so assessed, if a resident of the city, and if found, or by leaving a copy thereof at his last abode in said city. At the time and place appointed, the common council shall meet and hear all parties interested in such special assessments, and decide upon all objections raised,

Special assessments.

Appropriations limited.

Objections to special assessments.

Hearing of parties interested.

and it may continue such hearing from time to time until fully disposed of. The city clerk shall keep a record of such proceedings and decisions. Any party feeling aggrieved by such assessment, may, within ten days thereafter, appeal therefrom to the circuit court of Racine county, by filing a notice of appeal and undertaking, signed by the appellant and at least one surety, to be approved by the mayor, conditioned that the appellant will pay all costs not exceeding two hundred and fifty dollars, if such assessment shall not be reduced on such appeal. Such appeal shall be the only remedy against such assessments; and provided that such notice shall have been duly published and served as herein provided, no irregularity or defect in the proceedings shall affect the validity of the same. Only after such assessments shall have been finally affirmed by the common council, shall the contract be let. The contractor may be required to receive as payment the certificates of such special assessments upon the lots or land so assessed. And such assessments shall be a lien on the property so assessed, and payment of such certificates of special assessments may be enforced in a personal action against the owner of such land, and by a foreclosure of such premises and sale thereof, in the same manner as other tax certificates may be foreclosed by action. No petition shall be required to authorize proceedings under this section.

Assessments to be lien on property.

Fees, fines and penalties.

SECTION 5. Section five of title nine is hereby amended so as to read as follows: All the general provisions of law concerning the trial of actions, the fees of officers and removal of cases to the circuit court, when the title to lands shall be brought into question, shall govern trials under this act, as may be herein otherwise provided for: *provided*, that in all convictions or judgments rendered under this act, when a punishment, fine or penalty for the offense is prescribed under this act, or in any ordinance of said city, the punishment, fine or penalty as prescribed by this act or such ordinance, shall be imposed upon the person convicted or against whom such judgment shall be rendered.

SECTION 6. Section one of title ten is hereby amended so as to read as follows: The police force of said city shall consist of one chief of police and such number of policemen as the common council may from time to time determine.

Mayor to appoint chief.

SECTION 7. Section two of said title ten is hereby amended so as to read as follows: The chief of police

shall be appointed annually by the mayor, subject to confirmation by the common council, on or before the first Monday in May; all other policemen may be appointed and removed by the mayor at his pleasure. The chief of police and policemen shall make and file the official oath and execute to the city such official bonds for the faithful performance of their duties as the common council may determine and approve.

SECTION 8. Section three of said title ten is hereby amended so as to read as follows: The police force shall perform the duties generally prescribed by the common council, and shall be under the direction of the mayor, and their compensation shall be fixed by the common council.

Duties and compensation of police.

SECTION 9. Section one of title thirteen is hereby amended so as to read as follows: The common council shall annually, on or before the first Monday of

Sinking fund.

September, levy a tax upon all the taxable property of said city, sufficient to meet the interest on the corporate debt, and to provide for the sinking fund, as provided by law, and for the purposes hereinafter named, to-wit: 1. For school purposes, including repairs of school houses and incidental expenses, a sum not exceeding twenty-two thousand dollars; the sums received from the state school fund, from tuition fees and all other sources, to be in addition to such fund.

For school purposes.

2. A sum not exceeding three thousand dollars for harbor purposes.

For harbor purposes.

3. A sum not exceeding twenty-three hundred dollars for the repair of bridges and building of culverts.

For bridges, etc.

4. A sum not exceeding five thousand dollars for the fire department.

For fire department.

5. A sum not exceeding six thousand dollars for a contingent fund. All delinquent taxes and remittances shall be charged against the contingent fund.

For contingent fund.

6. A sum not exceeding two thousand dollars for the support of the poor of said city.

For support of poor.

7. A sum not exceeding three thousand dollars for a police fund.

For repair and lighting of streets.

8. A sum not exceeding two thousand dollars may be annually levied on the taxable property of each ward for the repair of streets, building or repair of culverts, lighting of streets and other ward purposes. All moneys received from fines, penalties and licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund when necessary. In addition thereto, and to the special levies and assessments authorized by this act, or as may be hereafter authorized, the common council may, at such annual levy, by a vote of three-

For school houses.

fourths of all its members, whenever it shall have been determined to be necessary to erect any new school house or other public building, or to purchase real estate for such purpose, or to make any other urgent improvement or purchase, levy an additional sum for said contingent fund not exceeding one and one-half mills on the dollar of the valuation of the taxable property of the city, as returned by the assessor for such year.

Public schools. SECTION 10. Section one, of title fifteen, is hereby amended so as to read as follows: Section 1. The public schools in said city shall be under the supervision and management of the board of education, consisting of one school commissioner from each ward, to be appointed by the mayor annually, subject to confirmation by the common council. Such appointments shall be reported to the common council annually, at its first meeting in May, and the appointees shall, upon their confirmation, forthwith enter upon the duties of office, and hold their offices for one year and until their successors are appointed and shall have qualified. The terms of office of the members of the present board of education shall terminate on the first Monday of May next ensuing; and hereafter no school commissioners shall be elected by the people, any provisions to the contrary notwithstanding.

Vacancies in board of education.

SECTION 11. Section two of said title fifteen is hereby amended so as to read as follows: In case any vacancy shall occur in the board of education, the mayor shall fill such vacancy by appointment, and report the same to the common council for confirmation.

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

Approved February 24, 1879.

[No. 123, A.]

[Published February 25, 1879.]

CHAPTER 60.

AN ACT to repeal chapter two hundred and thirty-eight of the private and local laws of 1878, entitled an act to authorize the town of Amherst to build a town hall.

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

Repealed.

SECTION 1. Section two hundred and thirty-eight of the laws of 1878, entitled an act to authorize the town of Amherst to build a town hall, is hereby repealed.