

thereof shall be punished by imprisonment in the county jail not less than thirty days nor more than one year, or by a fine not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment, at the discretion of the court.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 20, 1878.

[No. 99, S.]

[Published April 4, 1878.]

### CHAPTER 313.

AN ACT to appropriate to the county of Green Lake, a sum of money therein named.

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

SECTION 1. There is hereby appropriated to the county of Green Lake, the sum of six hundred and twenty-five dollars and forty cents, being the amount said county has paid the state for the support of an insane person not properly chargeable to said county. Appropriation.

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

Approved March 20, 1878.

[No. 184, S.]

[Published April 1, 1878.]

### CHAPTER 314.

AN ACT to provide for the construction of sewers in the city of La Crosse, and amendatory of the city charter

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

SECTION 1. The common council of the city of La Crosse is hereby authorized by ordinances passed from time to time to divide said city into as many sewerage districts as may be deemed expedient. Sewerage districts.

SECTION 2. Whenever any sewerage district or districts shall be established, as aforesaid, the common council shall, before causing any sewers to be Plan of sewerage.

constructed therein, cause to be made a general plan of sewerage for such district, together with the diagrams for each district showing the plan thereof, and containing as nearly as practicable the lots, blocks and tracts of land, the main sewers to be constructed, the branch and minor sewers, the man-holes, the catch-basins, and their connections through overflow pipes with the sewers and any other data deemed necessary for the public information.

**Notice of plan.** SECTION 3. On the completion of such diagram or diagrams, the said common council or one of its committees charged with that duty shall cause notice to be given in the official paper of the city for at least six days, that a plan of sewerage is open for inspection at the office of the city clerk; any person owning real estate within such district, may within ten days after the day of the first publication of said notice, file with the said city clerk written objections to the said plan, stating therein the nature and reason of his objections, and may also suggest improvements to said plan.

**New diagrams.** SECTION 4. At any time after the expiration of the said ten days, the city clerk or any committee of the council charged with the matter, may return said plan or plans to the council, together with the written objections filed, as aforesaid, and the common council may thereupon and at any time thereafter ratify and confirm the said plan as originally proposed, or adopt any of the changes suggested, or may direct a new plan and new diagrams to be prepared; in case new plans and diagrams shall be ordered, the same notice shall thereupon be given and the like proceedings had as upon the preparation and filing the first plan and diagram as hereinbefore provided for.

**Filing of diagram.** SECTION 5. Whenever any plan and diagram for any district or districts shall have been finally agreed upon and confirmed by said common council, the same shall be filed in the office of the city clerk, and shall be subject at all times to public inspection; no such plan, when so confirmed, shall thereafter be deviated from in the construction of sewers in said district, except in pursuance of a resolution or ordinance of the common council, to be passed by a vote of not less than three-fourths of the members elect in favor thereof: *provided*, that nothing herein shall be construed to prevent the ordering and construction of any main sewer in any such district, without the plans for such district being completed in their whole extent and in all their details.

SECTION 6. The common council may, at any time after the adoption and filing of such plan and diagram, as aforesaid, cause an estimate or estimates to be made of the cost of building any sewer or sewers in such district or districts; such estimates shall be in writing, and shall show the location and extent and grades of the sewer or sewers to be built, their size or sizes, the kind and quality of materials of which they should be composed, man-holes, catch-basins, and overflow pipes, and all other details necessary to a full understanding of the character, extent and probable cost of the work, together with the necessary grading and refilling, and removal of surplus earth, and estimates of the cost of the work in detail and in the aggregate; such estimate shall also be accompanied by a profile of the grades of the sewer or sewers to be constructed, giving a sufficient number of bench marks and their elevation, and such other data as may be necessary to make future surveys; the common council may consider, amend, and adopt such estimates, or reject the same, and cause others to be prepared; after the approval and adoption of any such estimate, the same shall be filed in the office of the city clerk, and subject to public inspection.

Estimates of  
cost.

SECTION 7. At any time after the approval and filing of such estimate as aforesaid, the street commissioner or any other officer or committee appointed or designated by the common council for that purpose may by direction of the council advertise in the official paper for bids to do the work so ordered, and may receive such bids, and subject to the approval of the common council, let the contract or contracts therefor to the lowest responsible and reliable bidder or bidders, and with the approval of said council the different parts of the work embraced in each estimate may be let to different bidders.

Contracts for  
work.

SECTION 8. Such contract shall require the contractor to receive as payment for so much of the work as may be assessed against the lots opposite to the front of which any such sewer shall extend, certificates against such lots respectively, and the residue of the contract price shall be paid out of the general fund of said city; the certificates hereinbefore provided for shall be issued and signed substantially in the usual form of certificates issued for street improvements by the street commissioner or other officer or officers charged by the common council with the supervision of the work under the contract; such certificates shall have the same

Certificates.

effect, and their payment and collection may be enforced in the same manner as the street commissioner's certificates provided for in chapter six of the charter of said city.

**Assessments.**

SECTION 9. After any contract for work under this act shall have been entered into, the street commissioner or other officer in charge of said work as aforesaid, shall, in conjunction with the city surveyor, make or cause to be made an assessment against all lots, parts of lots and parcels of land fronting or abutting on the works so contracted to be done, on each side of the same for its whole length, and which have not before been so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership, shall be entitled to a deduction, in making such assessment, of one-third from the aggregate of the street line of such corner lots, or corner subdivisions thereof, on all the streets in front thereof, such deduction to be made in the assessment of the longest street line of such corner lots, or corner subdivision thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable: *provided however*, that when the actual cost of any sewer shall be less than one dollar and sixty cents per lineal foot, then and in that case the assessment shall be for the actual cost of said sewer per lineal foot; no more than one-half of such actual cost shall be chargeable against the property fronting or abutting thereon, on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lot not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

**Apportionment  
of assessment.**

SECTION 10. Whenever any lot or parcel of land shall be subdivided, by sale or any other contract, after the approval and filing of the estimate, as hereinbefore provided for, any person interested may give notice to the officer or officers having charge and supervision of such work, and assessment of such subdivision, and in such case, or when the said officers shall in

any other way become cognizant of the fact of such subdivision, they make an equitable apportionment of the said assessment against any said lot, between the different parcels of it; but if by neglect of the owners of the lot so subdivided, no such apportionment shall be made, then the entire lot shall be liable for the entire assessment.

SECTION 11. The cost of all sewers in street and alley crossing, and of all sewers, in excess of one dollar and sixty cents per lineal foot, chargeable to lots and lands as provided in section nine of this act, of all catch-basins for receiving the water from the gutters, and the overflow pipes connecting them with the sewers, of all temporary catch-basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage herein provided for, and all costs for constructing sewers not provided for by special assessment, shall be paid out of the general fund of the city. Payment of cost of work.

SECTION 12. The common council shall have power to levy, in addition to all other taxes now authorized by law to be levied and collected in said city, a tax upon all the property within said city, for sewerage purposes, not to exceed in any one year the sum of two and one-half mills on the dollar on all property real and personal, subject to taxation within said city; such sewerage tax may be added to the sum of all other general city taxes, and be extended and collected in the same way. Sewerage tax.

SECTION 13. It shall be the duty of the street commissioner, or other officer charged by the common council with the supervision of any work done pursuant to this act, upon the completion and acceptance of such work according to the contract, to issue certificates as hereinbefore provided for, based upon the assessment aforesaid, to the contractor, and to certify the balance due under such contract, over and above the aggregate amount of such certificates, to the common council, to be audited and paid in the same manner as other claims on contract against the city. Certificates.

SECTION 14. Whenever the common council shall order the paving or repairing of any street in which water mains and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the street commissioner, or other officer by them designated, to cause water service pipes and house drains to be first laid in such street, at the cost of the property fronting on such street, from the Water service pipes.

main sewer and water mains in such street to the curb line on either side of such street, at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossings, and the said street commissioner or other officer or officers designated as aforesaid, shall thereupon give notice to the owners or occupants of the property adjoining such street to be paved, by publication thereof for six days in the official paper, requiring them to do such work opposite their respective lots, according to a plan and specification to be before prepared and on file in the office of the city clerk, showing the location and size, and the kind and quality of materials of such lateral sewers or drains and water service pipe, and if such owners or occupants shall refuse or neglect to do the same, then, before the paving of said street so ordered, and after the expiration of ten days from the last publication of such notice, the said work may be let by contract in the usual manner of letting contracts for street work, and the expense thereof assessed and charged to the several lots and parts of lots fronting upon such work, and certificates therefor issued to the contractor in the same manner and with the same force and effect as in the case of other street improvements.

Private drains  
and sewers.

SECTION 16. The common council may by ordinance or resolution require proper drains and sewers to be constructed from every lot in said city, which in their judgment requires it, and provide that such private drains and sewers shall communicate with the public sewers in a proper manner, and may also prescribe the location, grade, arrangement, form and materials of the same; the cost of such private drains or sewers shall in all cases be chargeable to the lots or parts of lots to which they are connected, and the contractor for doing such work shall receive upon the completion thereof a certificate or certificates against such lot or lots, which shall be proceeded with in the same manner, and shall have the like effect as other certificates given for work chargeable to lots: *provided*, that no contract shall be let for the construction of any such private drain or sewer so ordered, until after a plan and specification of the location, arrangement, form, materials, construction and manner of connection with the public sewers, together with estimate of cost, shall have been prepared and filed for inspection in the office of the city clerk and until six days' notice shall have been given in the official paper to the lot owners to construct the same, which said notice shall designate a reasonable time for the completion of the work.

SECTION 16. Any person who may have taken such contract to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress and egress upon the same with men and teams for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work. Privilege of ingress and egress.

SECTION 17. No private drain shall be connected with any public sewer without a permit from the common council or some officer or board charged with the supervision of the sewers; and there shall be paid for such permit into the general fund of the city by the owner of any lot from which a private drain is led into a public sewer, an amount to be fixed under direction of the common council proportioned to the size of such private drain, but not less than two and a half nor more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and shall be collected as other taxes on real estate are collected: *provided*, that no charge shall be made for the permit herein referred to when the connection for which it is used is made before the sewer is finished in front of the premises to be connected. Permits.

SECTION 18. No person shall break open or make connections with any public sewer except by the consent and under the direction of the street commissioner or other officer or board charged by the common council with that duty, and any person who shall do so or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage may be prosecuted and punished therefor by such penalties of fine and imprisonment as the common council may by ordinance provide. Connections.

SECTION 19. Nothing contained in sections one, two, three and four of this act shall be deemed to make it obligatory upon the common council to divide the said city into separate sewerage districts, but said common council may, in its discretion, treat the whole city as one sewerage district, and may make and establish one general plan of sewerage for the whole thereof, substantially in the manner pointed out in sections two, three and four of this act. Division not obligatory.

SECTION 28. This act shall take effect and be in full force from and after its passage and publication.

Approved March 20, 1878.