

less than one gallon of strong, spirituous, malt, ardent or intoxicating liquors, to be drank on the premises, and in like manner may grant licenses for the sale in any quantity of such liquors, not to be drank on the premises; and the sum to be paid for such license for the sale of such liquors to be drank on the premises shall not be less than seventy-five dollars, and for the sale of such liquors not to be drank on the premises shall not be less than twenty-five dollars. All such licenses shall remain in force for the residue of the term of office of the board which shall grant such licenses, unless sooner revoked by the board granting the same; but this section shall not interfere with or change the provisions of any village or city charter in respect to the term of license. Such license shall be attested by the town, city or village clerks, and shall not be delivered until the applicant shall produce to the clerk a receipt showing the payment of the sum required therefor to the proper town, village or city treasurer, and the filing with such clerk of the bond provided for in the next section.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 399, A.]

[Published April 17, 1882.]

CHAPTER 323.

AN ACT to establish a Board of Public Works and provide for a system of sewerage in the city of Appleton and to repeal so much of the charter of said city as is inconsistent with the provisions of this act.

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

Board of public works.

Term of office.

SECTION 1. There shall be in the city of Appleton an executive department to be known as the board of public works to consist of three members who shall be resident freeholders in said city. The members of said board shall be appointed by the mayor of said city subject to the approval of the common council, but no two members shall be residents of the same ward. Their term of office shall be three years, and shall commence on the third Tuesday of April. At the first regular meeting of the common council on or after the second Tuesday of April, A. D., 1882, the mayor shall appoint subject to the approval of the common council, three members of the board of public works, one of them to hold for the term of one year, one for the term

of two years, and one for the term of three years from the third Tuesday in April, and annually thereafter, there shall be appointed as above provided one member of said board to succeed the member whose term of office shall expire, and whenever a vacancy shall occur in said board, such vacancy shall be filled by appointment, within one month thereafter, as above provided.

SECTION 2. Every commissioner so appointed shall within ten days after receiving notice of his appointment as such commissioner take and subscribe an oath of office and file the same with the city clerk and in case of failure so to do the mayor shall appoint another person in his stead, subject to the approval of the common council. Each commissioner shall receive such salary or compensation as may be fixed by the common council, and such compensation may be changed during the term of office of such commissioners.

Commissioners shall take an oath.

SECTION 3. The said board shall organize by electing one of their number chairman, and a majority shall be a quorum to do business. Said board shall hold their office at the office of the city clerk who shall be the clerk of said board. The clerk shall keep and preserve all contracts, plans, estimates and profiles, which at all times during business hours shall be open to the inspection of the public. He shall also keep a record of all the acts and proceedings of said board and shall report the same to the common council from time to time as may be required.

Shall elect one of their number chairman.

SECTION 4. It shall be the duty of said board to take special charge and superintendence, subject to such ordinances and resolutions as may be lawfully passed by the common council, of all streets, alleys, highways, sidewalks, crosswalks, bridges, docks, wharves, market places and all public grounds and buildings belonging to the city; of all sewers and drains and the work pertaining thereto. They shall have power to make contracts in the name and behalf of the city for the purposes, in the manner and under the limitations prescribed by this act. They shall perform all the duties prescribed by this act and such other duties as the common council may from time to time require.

Duties of clerk. Shall take special charge.

Power to make contracts.

SECTION 5. Whenever any public work or improvement shall have been ordered by the common council as prescribed by the charter of said city, the city clerk shall advertise for proposals for doing the same accord-

Shall advertise for proposals.

ing to plans and specifications adopted by said board and approved by the common council. All contracts shall be awarded to the lowest responsible and competent bidder; provided that no contract shall be entered into by the board of public works unless the common council shall first approve the same; and the contractor shall first execute to the city his bond with two or more sufficient sureties to be approved by the board in at least the amount of the contract price of the work to be done, for the faithful performance and completion of the work in accordance with the contract and the plans and specifications and subject to the acceptance of the board of public works and the common council; provided that whenever the lowest bid shall appear to said board or to the common council to be unreasonably high they shall reject all bids, and may relet the work subject to the approval of the common council. All contracts entered into under the provisions of this act shall specify the time within or before which the work shall be completed

When public works are suspended.

SECTION 6. Whenever the prosecution of any public work shall be suspended, or shall not be completed within the time named in the contract, because of the default of the contractor, it shall be the duty of the board of public works to report that fact to the common council, with a statement of the condition of the work and an estimate of the probable cost of completing the same in the manner required by the contract; and the common council may rescind and annul such contract and thereupon give the board such direction in the premises as the council may deem proper. And whenever in the opinion of the board of public works a contractor shall not perform the work according to contract, said board may suspend the further prosecutions of the work until the further direction of the common council.

Shall report on completion of work.

SECTION 7. Upon the completion of any public work or improvement under any contract entered into by the board of public works, said board shall report to the common council the condition of the work and their acceptance of the same, or in case they do not accept the same, they shall report their reasons therefor. Thereupon the common council may accept such work or may take such action in the premises as may be necessary to complete the work; and when completed, to settle with the contractor.

Shall report whole amount due contractor.

SECTION 8. At the time of reporting their acceptance of any public work, or upon the final acceptance

of such work by the common council, the board of public works shall report to the common council the whole amount due the contractor under his contract, and how much, if any, has been paid him thereon, and in case the whole or any part of the expense of any such work shall be chargeable to any tracts of land, lots or sub-divisions of lots as a special tax under the provisions of chapter 47 laws of 1876, and the acts amendatory thereof, or under the provisions of this act, they shall report to the common council a schedule or list of such tracts of land, lots, and sub-divisions of lots, and the amount properly chargeable to each and the nature of the work for which chargeable, and the name of the contractor.

SECTION 9. Upon the acceptance of such report by the common council, said council may appropriate to the contractor out of any funds in the city treasury not otherwise appropriated the amount so due under his contract, and the city clerk shall, upon proof being furnished as required by the charter in such cases, issue under his hand certificates containing a description of the land, lots or sub-divisions of lots, the amount properly chargeable against the same as a special tax, the nature of the work for which chargeable and the name of the contractor, and shall deliver such certificates to the city treasurer whom he shall charge with whole amount of said certificates.

May appropriate amount due.

SECTION 10. At any time after the issue of such certificates and before the annual levy of taxes by the common council, the owner or any person having an interest in any tract of land, lot or subdivision of a lot, may demand of and receive from the city treasurer the certificate against such real estate on payment to the city treasurer of the amount of such certificate, which shall operate and be a payment in full of such special tax. At the time of the annual levy of taxes, the city treasurer shall return to the common council all such certificates remaining unpaid to that date. The common council shall cancel such certificates and credit the treasurer with the whole amount thereof, and cause the several amounts of such certificates so returned and canceled to be levied as a special tax against the respective tracts of land, lots and subdivisions of a lot to which the same are respectively chargeable.

Owner of land may demand certificate.

SECTION 11. The board of public works shall purchase for and on behalf of the city all the necessary material for the ordinary repair of bridges, streets, cross walks, sidewalks, culverts, sewers, drains, and public buildings

Purchase of material for repairs.

subject to such rules and regulations as the common council may prescribe, and when practicable shall let the contract for the furnishing of such materials to the lowest responsible bidder, subject to the approval of the common council. They shall from time to time as required by the common council, report in writing the quantity and kind of material bought and the price paid or agreed to be paid therefor, and for what purpose the same has been used, and the amount on hand. The street commissioner and the city teams and teamsters and laborers employed on the city work shall be under the direction of the board of public works, subject to such rules and regulations as the common council shall prescribe. And said board shall hire and discharge all laborers and assistants for the street commissioner; provided, however, that the common council may from time to time limit the number of laborers and assistants and the amount of expense for the ordinary repair of streets, bridges, cross-walks, sidewalks, gutters, sewers, drains, culverts and public buildings belonging to the city.

Improvements
to be ordered
by council.

SECTION 12. No public work or improvement except the ordinary repair and cleansing of streets, bridges, cross-walks, sidewalks, gutters, sewers, drains, culverts and public buildings shall be done or contracted for by the board of public works or any other city officer unless the same shall first have been ordered by the common council and the contract therefor approved by said common council.

Board may rec-
ommend, etc.

SECTION 13. The board of public works, may from time to time recommend to the common council in writing, the construction of such sewers and drains, the opening, grading and graveling of such streets, the building of such bridges, culverts or other public works as they shall deem necessary and shall accompany such recommendations with their reasons therefor, and may when they shall deem proper present at the same time plans, diagrams and specifications for such work. If the common council shall not adopt such recommendations or approve of such plans and specifications, they shall return the same to the board of public works with their reasons therefor, and may make such additions thereto or changes therein as shall be deemed advisable for the consideration of said board.

System of sew-
erage.

SECTION 14. The board of public works of the city of Appleton may cause to be made from time to time, as fast as the preliminary surveys can be completed,

plans, specifications and diagrams for sewers and drains in said city, with the man-holes, catch-basins and necessary connections, and any other data deemed by them necessary or proper for information; and as far as practicable, a plan or plans for a general system of sewerage for the whole city shall be completed on or before January 1, 1884.

SECTION 15. On the completion of any such plans, specifications and diagrams, said board shall give public notice in the official newspaper of the city for at least one week that a plan, specification and diagram for a sewer in any part of the city, particularly describing which part, will be on file in their office for inspection for the time therein specified, which shall not be less than ten days. Any person owning real estate or having any interest therein within or adjacent to the territory in such plans, specifications and diagrams indicated may file with said board written objection to said plans, specifications and diagrams, or any part thereof, and may also suggest improvements to the same or any part thereof.

Shall give public notice.

SECTION 16. The said board may reconsider and modify said plans, specifications and diagrams, and shall within ten days after the time limited to receive written objections, as in the preceding section provided, report such plans, specifications and diagrams to the common council for approval.

May re-consider plans.

SECTION 17. The common council shall take such plans, specifications and diagrams into consideration, and within thirty days shall return the same to the board approved or disapproved or objected to, and if objected to, with a statement in writing of such objections, and may recommend any alterations which the common council may deem advisable.

Common council shall take plans into consideration.

SECTION 18. Upon the return of such plans, specifications and diagrams with the objections of the common council, the said board may make such changes as they may deem advisable and may generally modify their action in the premises until the plans, specifications and diagrams shall be approved by the common council; and no plan, specification and diagram thus approved by the common council shall be altered or deviated from except by consent of the said council, and all sewers thereafter built within the territory included in such plan or diagram shall be built in accordance with such plan, specification and diagram, unless the same shall be changed by or with the approval of the common council.

Upon returns of plans with objections, etc.

Expense shall
be a lien.

SECTION 19. The expense of building and rebuilding sewers, man holes and catch-basins, exclusive of public street and alley crossings, shall be a lien upon and paid by the land, lots and sub-divisions of lots immediately fronting and abutting on the parts of the streets where said improvements shall be made, and shall be assessed, levied and collected as other taxes are levied and collected, unless paid by the parties interested as herein provided; but no part of such expense, except that of street and alley crossings, shall be paid out of the general fund; provided, however, that whenever in the opinion of the common council it shall be necessary to construct a large main sewer for the purpose of an outlet for the branch sewers, or for the purpose of carrying off surface water, requiring a larger and more expensive sewer than would be necessary for ordinary sewerage purposes, the common council may provide that the expense of building such sewers over and above the expense of building a sewer for ordinary sewerage only, shall be paid out of the general fund.

This act shall
govern the pay-
ment of ex-
pense, etc.

SECTION 20. The provisions of this act shall apply to and govern the payment to the city of the expense incurred or paid by said city in the building of any and all sewers and parts of sewers, catch-basins and man-holes, which were built within said city during the year 1881, the same as though this act had been in force during said year 1881, and it shall be and is hereby made the duty of the common council of said city to ascertain or cause to be ascertained, within three months after the passage of this act, the amount of money which would be properly chargeable on account of the building of said sewers, parts of sewers, catch-basins and man-holes, in accordance with the provisions of this act to the respective lots and parts of lots and lands immediately abutting on any street or part of street where such sewer or sewers, catch-basins or man-holes were so built during said year 1881, and to file a statement of said amounts so ascertained in the office of the clerk of said city, and to give notice of such filing in the official paper of said city for ten days, and in case said amounts be not paid on or before the time for the general tax levy in said city for the year 1882, the city clerk shall insert the said several amounts so determined and remaining unpaid in the list of special taxes for said year 1882 against the respective lands, lots or parts of lots to which the same as so determined is properly chargeable; and the common council shall levy

and assess the same against said lands, lots or parts of lots respectively for said year 1882, and the same shall be inserted in the tax roll of said city for said year 1882 against the proper lots and lands, and said amounts shall be and remain a lien thereon, and shall be collected the same as other taxes; and said taxes, when so collected, shall be paid into the general fund of said city in all cases where said city paid for said sewers, catch-basins and man-holes out of the general fund, and in all other cases they shall be paid to the party or parties entitled thereto. For the purposes of this act all proceedings of the common council in the ordering and letting of the work for building of said sewers, catch-basins and man-holes in said city during the year 1881, and all other proceedings relating thereto are hereby declared legal and binding.

SECTION 21. Whenever the board of public works or street commissioner shall certify on oath that a lien has accrued against any real estate for work done pursuant to a contract duly made or to the charter or ordinances of the city, the city clerk shall issue a certificate or certificates under his hand, stating therein the amount of work done, the nature of the work, a description of the lot or parcel of land upon which the same is chargeable and the name of the person or contractor doing the work, and may deliver the same to the city treasurer, whom he shall charge with the whole amount of such certificate; but nothing in this act shall be construed as changing or increasing the liability of said city for any work done under the provisions of this act further than is now provided under the charter of said city. All provisions in the charter as it existed before the passage of this act, relating to the letting of contracts for the doing of public work, shall apply to and be in full force under the provisions of this act.

Clerk shall issue a certificate.

SECTION 22. So much of the provisions of the charter of said city as is inconsistent with the provisions of this act is hereby repealed.

Repealed.

SECTION 23. This act shall be in force from and after its passage and publication.

Approved March 31, 1882.