

supervisor of the county of Dodge, and shall represent his ward in the county board of supervisors until supervisors shall have been elected in accordance with section 1, of this act, and in case of the absence or inability to attend any session of such county board, of any such senior alderman, or of any supervisor, after said supervisors shall have been elected as aforesaid, the common council shall have power to appoint some suitable person to serve in that capacity.

SECTION 3. Section 13, chapter 4, of said chapter 130, of the laws of 1885, is hereby amended so as to read as follows: Section 13. All other officers necessary for the management of said city shall be appointed by the common council thereof. Amended.

SECTION 4. Subdivision 36, of section 5, of chapter 7, of chapter 130, laws of 1885, is amended by adding the following: and justices of the peace. Amended.

SECTION 5. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved March 30, 1889.

[No. 318, S.]

[Published April 2, 1889.]

CHAPTER 216.

AN ACT to incorporate the city of Dodgeville.

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

CHAPTER I.

SECTION 1. All that part of the town of Dodgeville, in the county of Iowa, and state of Wisconsin, contained within the limits and boundaries hereinafter specified, including the present village of Dodgeville, shall be a city by the name of "the city of Dodgeville," and the people now inhabiting, or who shall hereafter inhabit the district of country hereinafter described, shall continue to be Corporate name.

a municipal corporation by the name of "the city of Dodgeville," and shall have the general powers possessed by municipal corporations at the common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law or equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. The territory included within the following boundaries and limits shall constitute the city of Dodgeville, to-wit: Section twenty-seven; the east half of section twenty-eight; the east half of section thirty-three; section thirty-four, and the south half of the southeast quarter of the southeast quarter of section twenty-one, of township six north, or range three east, in Iowa county, Wisconsin.

Wards.

SECTION 3. The city shall be divided into two wards, as follows: The First ward shall be all that portion of said city lying north of the center line of Chapel street, in the present village of Dodgeville, and the continuation of said line to the east and west boundaries of said city. The Second ward of said city shall be all that portion of said city lying south of the said center line of said Chapel street, and the continuation thereof to the east, and west boundary lines of said city.

CHAPTER II.

ANNEXATION OF ADJACENT TERRITORY.

Territory may be annexed.

SECTION 4. Territory lying adjacent to said city may be annexed to said city in the manner hereinafter set forth.

Electors may request annexation.

SECTION 5. Three-fourths of the electors and the owners of at least one-third of the taxable property, according to the last tax roll, in territory adjacent to said city, may present a petition to the common council of such city asking for annexation thereto.

Ordinance providing for annexation.

SECTION 6. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be intro-

duced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after the same is introduced; and in the meantime the same shall be published at least once in each week for four successive weeks in some newspaper printed and published in said city, if there be one, otherwise, in some newspaper to be designated by the council.

SECTION 7. A vote of three-fourths of all the members of said council in favor of said ordinance, taken by ayes and noes, and recorded, shall be necessary for its adoption. Vote by ayes and noes.

SECTION 8. The adoption of said ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The validity of the proceedings annexing such territory shall not be called in question collaterally in any of the courts of this state; nor shall the validity of any such proceeding be called into question in any other manner, in the courts of this state, unless the action or proceeding therefor, be commenced within ninety days after such ordinance is adopted. Territory, when annexed.

CHAPTER III.

OFFICERS—THEIR ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, VACANCIES.

SECTION 9. The officers of said city shall be a mayor, two aldermen from each ward, a city treasurer, city clerk, city attorney, city assessor or assessors, municipal judge, city surveyor, city marshal, one justice of the peace, and one constable, and one supervisor from each ward, a street commissioner, a sealer of weights and measures, a chief of the fire department, a board of public works, a board of school commissioners, one or more policemen and such other officers as the common council may deem necessary. Elective officers.

SECTION 10. The annual municipal election in said city shall be held on the first Tuesday in April of each year at such place as the common council shall designate, at least two weeks prior to any election. The polls of such election shall be opened at ten o'clock a. m., and close at five Election, when held.

o'clock p. m.; ten days' previous notice of the time and place of such election and of the officers to be elected, shall be given by the city clerk by publication in the official newspaper of such city; and by posting three written or printed notices in public places; in all other respects such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate said election.

Officers elected and appointed.

SECTION 11. The mayor, city treasurer, city clerk, assessor or assessors, aldermen, municipal judge, supervisors, justices of the peace and constables shall be elected by the people. The other officers shall be appointed by the mayor and confirmed by a majority of the members of the common council voting in favor of such confirmation.

Terms of office.

SECTION 12. All of the officers above named, except the municipal judge and justices of the peace shall be elected for one year; the municipal judge and justices of the peace shall be elected for two years.

Qualifications of officers.

SECTION 13. No person shall be eligible to any office created by the provisions of this act, who is not at the time of his election a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists.

When term begins.

SECTION 14. The term of office of all officers except the mayor and common council, elected or appointed under the provisions of this act, shall commence on the first Tuesday of May, succeeding their election or appointment, except when elected or appointed to fill vacancy, and shall hold their offices for one, two or three years, respectively, as herein provided, and until their respective successors are elected or appointed and qualified.

All elections by ballot.

SECTION 15. All elections shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as such common council shall direct.

SECTION 16. The clerk, assessor, attorney, surveyor, marshal, street commissioner, and all other city officers except the mayor, aldermen, supervisors, board of public works and school commissioners, municipal judge, justices of the peace and constables, shall be paid a salary or fees to be fixed annually. The common council at their first regular meeting in February, shall fix the amount of salary which shall be received by every city officer entitled to a salary who may be elected or appointed in the city, during the ensuing year, which salary shall not be increased or diminished during the term of office for which such officer may be elected or appointed; the salaries shall be paid out of the city treasury monthly at the end of each month. All salaries, the amount whereof have heretofore been fixed by the common council, or heretofore established by law, shall be and remain the salaries of such officers until the common council shall fix the amounts thereof in accordance with the provisions of this section; and when so fixed, they shall so remain until changed as herein provided.

Compensation
of officers.

SECTION 17. When any officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city, shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office to be filled by an election by the people, more than thirty days prior to the general municipal election, the common council may order a special election, upon a public notice to be given five days, in like manner as notice is given of a general municipal election, for the election of a person to fill such vacancy; and whenever a vacancy shall occur in any office to be filled by appointment, the same proceedings shall be had to fill such vacancy as are provided for in case of appointment in the first instance.

Vacancies.

SECTION 18. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the inspectors and clerks of election in the same manner, and the returns thereof shall be made in the same form and manner as of the gen-

Elected to fill
vacancy.

eral municipal elections, and within such time as prescribed by law.

SECTION 19. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term.

Oath of office.

SECTION 20. Every person elected or appointed to any office shall, before he enters upon the discharge of his duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within seven days after notice of his election; and in case of his failure to file the same within the time indicated, the office shall be deemed vacant.

Shall give bonds.

SECTION 21. The city treasurer, municipal judge, justices of the peace, constables and such other officers as the common council may direct, shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council may determine, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the common council may prescribe. The common council may at any time require new and additional bonds of any city officer. All bonds must be approved by the mayor, and when so approved, they shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shall annex to each record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace and constables shall also give a bond as required by statute; and shall receive such fees as are provided for justices of the peace and constables by the general statutes of the state.

Officer may be removed.

SECTION 22. Every officer elected or appointed to any office, may be removed from such office by a vote of three-fourths of all the members of the common council; but no such officer shall be removed except for cause, nor unless charges are preferred against him, and an opportunity given

him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same.

SECTION 23. No city officer shall be accepted as surety upon any bond or other obligation made to said city. No city officer shall in any way, directly or indirectly, be interested in any contract to which the city is a party. Any such contract shall be void, and the city incur no liability thereon whatever.

No officer accepted as surety on bond nor be contractor with city.

SECTION 24. The city shall constitute one election precinct, and at least two weeks prior to any election the common council shall choose three of its members to act as inspectors of said election. The common council shall provide two ballot boxes, marked "First ward" and "Second ward," and for each such ward one clerk of election shall be appointed to keep a poll book for each ward separately. Every person on presenting his ballot, shall give his name and the number of the ward in which he resides, and the clerk of the election who has charge of the poll list of the ward in which he resides shall enter the name on the list numbered so as to correspond with the number of the ward of which said person is a resident; except at general elections for other than city officers, when only one ballot box shall be provided.

Election precinct.

SECTION 25. The first election of officers under this act shall be held within one month after the same has been ratified by the people of said city as hereinafter provided. It shall be held at the usual place of holding the village elections in the village of Dodgeville, unless the village board of said village shall select some other place for holding the same. The village board of said village shall select three of their number to act as inspectors of the said election, and the clerk of said village shall be the clerk thereof; notice thereof shall be given in the same manner as for a general village election, and the said election shall be conducted

Election, when held.

and the votes cast, canvassed, in the manner provided for general village elections.

CHAPTER IV.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and
duties of
officers.

SECTION 26. The mayor shall be the chief executive officer, the head of the fire department and chief of police of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced; and that all of the officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at meetings of the common council, he shall sign all agreements, contracts, licenses and permits granted by such common council, and approve or otherwise act upon all claims allowed by such council; he shall appoint all policemen, and may, in case of a riot or other disturbance, appoint as many special policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objections in writing to the common council within three days (Sundays and legal holidays excepted) after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. If, upon the return of such veto message, two-thirds of all the members of the common council vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

President of
council.

SECTION 27. The common council at its first meeting after organization in each year, shall choose from its number a president; and in the absence of the mayor the said president shall preside at all the meetings of such common council; and during the absence or inability of the mayor to discharge the duties of his office the president shall exercise all the powers and discharge all the duties of the mayor. The president, while presid-

ing at meetings of the common council or performing the duties of the mayor, shall be styled "acting mayor;" and any act performed by him in such capacity, shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor, shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant, or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the common council.

SECTION 28. The city clerk shall hold his office Duties of city clerk. for a term of one year. He shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall, at all reasonable times, be open to inspection by the public; to carefully preserve all receipts filed with him except as otherwise herein provided; and to draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have and possess the powers and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer, and charge him with all tax lists presented to him for collection, and all sums of money paid into the treasury. He shall be ex-officio secretary of the board of public works and board of school commissioners. Within thirty days after the close of each fiscal year he shall make and cause to be published in the official papers of the city, a financial statement showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner

and with the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations and take acknowledgments of deeds and other instruments authorized to be taken by and under the laws of the state; and shall perform such other duties as may be required of him by the common council. In case of the absence of the clerk he may appoint a deputy; and for whose acts he shall be responsible.

Duties of city
attorney.

SECTION 29. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall, when requested, furnish written opinions upon subjects submitted to him by the mayor or common council or any of its committees or any other department of the municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which shall at all reasonable hours be open to inspection by any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall have authority to appoint an assistant who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for nor have any authority to pay compensation to such assistant.

Duties of city
treasurer.

SECTION 30. The city treasurer shall collect all city, county and state taxes, and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him, in such manner as the common council shall direct; his books shall at all reasonable times

be open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office; and ten days preceding every annual election he shall make out and file in the city clerk's office a full and minute report of all the moneys received and disbursed by him; of all tax certificates, vouchers, and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the city, which report shall embrace all the transactions of his office from the date of the like report of his predecessor, to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. He shall receive no fees or per diem or other compensation for his services except the salary or fees fixed by the common council prior to his election. Except as herein and otherwise provided, he shall have and possess the powers and authority and perform such duties as treasurers in villages and towns are required to perform under the general laws of the state.

SECTION 31. The common council, at its first meeting, or as soon thereafter as may be, shall designate one or more newspapers printed in the city, in which shall be published all ordinances, notices and other proceedings required by law to be published, and said common council shall have power and authority to establish by ordinance such rates for such printing and publishing as to them may seem just and proper; provided, that the price for such printing shall not exceed the legal rate for like work as the same now is or hereafter may be established by law.

Official news-
paper.

SECTION 32. When any ordinance, notice, resolution or other proceeding shall have been published, a copy of such publication together with the affidavit of the printer or his foreman, stating the length of time the same has been published shall be filed with the city clerk, and such affidavit shall be conclusive evidence of the publication of such ordinance, notice, resolution or other proceeding, and the bill for such publication shall not be audited until such affidavit is so filed.

Affidavit of
publication.

SECTION 33. All other officers elected or ap-

Duties of
officers.

pointed under and by virtue of the authority of this act, shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council.

CHAPTER V.

THE COMMON COUNCIL—ITS POWERS.

Powers of the
common coun-
cil.

SECTION 34. The mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Dodgeville do ordain as follows."

Term of
office.

Second 35. The term of office of the mayor, and members of the common council shall begin on, and the common council shall hold its first meeting in each year on the second Tuesday of April, and shall thereafter hold a regular meeting on the first Tuesday of each month, and at such other times as the council may direct, the mayor may call a special meeting by a written notice to each of the members, to be served personally or left at their several places of abode at least six hours prior to the time for such meeting.

Rules of com-
mon council.

SECTION 36. The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and the qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior, may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose; may fine or expel any member for neglect of duty as such member or for unnecessary absence from sessions of the council. At all confirmations by the city

council the vote shall be taken by viva voce and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation.

SECTION 37. The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the government and good order of the city. For the benefit of the trade, and commerce of the city and health of the inhabitants thereof, for the prevention of crime, and for carrying into effect the powers vested in said council as they shall deem expedient, such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

Council shall have control of city property.

First. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places for the selling or giving away of spirituous, vinous or fermented liquors; provided, that in case an application for a license is denied, the council shall not have authority till after the succeeding first day of May to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place; provided further, that the council may establish saloon limits by ordinance, which said limits shall not be extended,

Authority to grant license.

except by a vote in favor of the same of three-fourths of all the members of the common council; and provided further, that no such licenses shall be granted except by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum, and with such conditions as the common council may determine, with two or more sureties, and no person shall sign more than one bond as principal or two bonds as surety.

Suppress gambling and fraudulent devices.

Second. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

License amusements.

Third. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, and all other exhibitions and amusements.

Suppress riots.

Fourth. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Cleanse nauseous places.

Fifth. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or other unwholesome or nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Location and management of breweries and slaughter-houses.

Sixth. To direct the management of and to regulate breweries, tanneries and packing-houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and within a distance of four miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets

Seventh. To direct the location and management of public markets.

To appoint inspector of food.

Eighth. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or in-

spectors of food and to describe their duties and compensation, and to cause the seizure and destruction, or other disposition, of the tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Ninth. To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials. Gunpowder.

Tenth. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses. Conveying of gunpowder.

Eleventh. To prohibit the shooting of fire-arms and crackers, and the exhibition or use of any fire-works, at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein or annoying to the citizens thereof. Shooting of fire-arms.

Twelfth. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, fire-wood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever. Prohibit encumbering of streets.

Thirteenth. To prohibit horse-racing and immoderate riding or driving in the streets. Horse-racing.

Fourteenth. To prohibit and punish the abuse of animals. Abuse of animals.

Fifteenth. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Hitching of horses.

Sixteenth. To regulate and determine the times and places of bathing and swimming in the streams or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct. Bathing

Seventeenth. To restrain and punish vagrants, mendicants, street beggars, and prostitutes; and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Punish vagrants.

Eighteenth. To prohibit the running at large of dogs, and to authorize the destruction of the Restrain dogs.

- same in a summary manner when at large contrary to the ordinances.
- Licensing dogs.** Nineteenth. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dogs.
- License omnibuses, etc.** Twentieth. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise who may pursue like occupations, with or without vehicles, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles.
- Prohibit flying of kites.** Twenty-first. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.
- Contagious diseases.** Twenty-second. To make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations, and to enforce the same within the city, and not to exceed five miles beyond the city limits.
- Establish hospitals.** Twenty-third. To establish hospitals, and to provide for their regulation and support.
- Preserve health.** Twenty-fourth. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.
- Record of births and deaths.** Twenty-fifth. To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.
- Restrain cattle, etc.** Twenty-sixth. To regulate, restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinance.
- Public auctions.** Twenty-seventh. To regulate the holding of public auctions.

Twenty-eighth. To prescribe and regulate the construction of sewers within the city.

Regulate
sewers.

Twenty-ninth. To locate, purchase sites and let contracts for the erection and construction of public buildings.

Let contracts.

Thirtieth. To lay out, make, open and keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

May con-
tinue highway
or streets.

Thirty-first. To establish and alter the grade of streets, and to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Regulate
grades.

Thirty-second. To name or change the name of any street.

Name streets.

Thirty-third. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water-works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water-works, said city may by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege to build and own such water-works, and to maintain, operate and regulate the same; and in doing so, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water-works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Public pounds,
etc.

Thirty-fourth. To provide for lighting the streets, public grounds and buildings with gas or otherwise; and for such purpose to contract, by ordinance or otherwise, with any person, persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms, and subject to such limitations as may be prescribed by such ordinance or contract.

Lighting
streets.

Boards of health.

Thirty-fifth. To establish and regulate boards of health.

Abate nuisances.

Thirty-six. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances, but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise.

Unwholesome substances.

Thirty-seventh. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish, or hides, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Prohibit noises on the public streets.

Thirty-eighth. To prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Steam whistles.

Thirty-ninth. To regulate or prohibit the use of steam whistles within the limits of the city.

Street sprinkling.

Fortieth. To provide for sprinkling the streets at the cost of the city or of the lots or parts of lots fronting thereon.

Remove snow and rubbish.

Forty-first. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street, or alley opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct, and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants, and in default of the payment of such expense by the owner of said premises, the common council of said city shall levy and cause to be collected upon such lots or premises a tax sufficient to pay such expense, and if such tax is not

paid, the same shall be returned, as delinquent taxes, to the county treasurer, and collected by him in the same manner as other delinquent taxes are collected.

Forty-second. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks.

Damage to sidewalks.

Forty-third. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations.

Bread.

Forty-fourth. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Sealer to inspect weights and measures.

Forty-fifth. To regulate the weighing and sale of hay, and the places and manner thereof. To regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure. To regulate the measuring and sale of wood and the weighing and sale of coal and lime and the places and manner thereof.

Sale of hay.

Forty-sixth. To license and regulate auctioneers, distillers, brewers and pawn-brokers, and keepers or proprietors of junk shops and places for the sale and purchase of second-hand goods, wares and merchandise.

License auctioneers.

Forty-seventh. To license, regulate and restrain, hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to fix and regulate the amount for licenses under this subdivision; to prescribe the time for which such licenses shall be granted; to provide and enforce penalties for carrying on either of said trades, kinds of busi-

License peddlers, solicitors, etc.

ness or employments without license, and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year.

Lumber yard] within fire limits.

Forty-eighth. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Inspection of engines.

Forty-ninth. To provide for the inspection and regulation of stationary steam engines and boilers.

Inspectors and weighers.

Fiftieth. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and to prescribe their fees.

Regulate locomotive engines and location of railroad tracks.

Fifty-first. To regulate and prohibit the use of locomotive engines within the city, to direct and control the location of railroad tracks in the streets, and to require railroad companies to construct and maintain at their own expense, such bridges, gates, viaducts, tunnels, or other conveniences at all public railroad crossings as the common council may deem necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon and the kind of rail to be used.

Appoint watchmen and police

Fifty-second. To provide for the appointment of watchmen and policemen, and regulate the police and prescribe their duties.

Number houses and places of business.

Fifty-third. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Noxious weeds.

Fifty-fourth. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city, a public nuisance, and provide for the abatement of the same, as the city is authorized by law to abate other nuisances.

Ornamental trees.

Fifty-fifth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

School district boundaries.

Fifty-sixth. To consolidate or change the boundaries of school district in said city, under the same restrictions and with the same powers as is now conferred on town boards under the general laws of this state.

Fifty-seventh. To authorize the taking up and

to provide for the safe-keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.

Educate destitute children.

Fifty-eighth. To authorize the arrest, fine and imprisonment of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering, or rambling about or staying in groceries, drinking saloons, houses of ill fame, houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gaming houses, house of fortune telling, or place of cock fighting and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Arrest of vagrants.

Fifty-ninth. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons.

Concealed weapons.

Sixtieth. To control and regulate the construction of buildings, chimneys and smokestacks; and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement.

Provide for safe construction of buildings, chimneys, etc.

Sixty-first. To regulate or prohibit the use of any hall, theater, opera-house, church, school-house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Provide for safe egress from places of public gathering.

Sixty-second. No common council shall have power to permit the running at large upon the streets or public grounds of the city, of any cattle, horses, mules, asses, hogs, sheep, goats, geese or poultry.

Animals not to run at large.

Ordinances,
how adopted.

Sixty-third. Laws, ordinances, regulations and by-laws, shall be adopted by an affirmative vote of a majority of all the members of the common council, and shall within fifteen days after their passage, be published in the official paper or papers of said city before the same shall be in force.

Adjust ac-
counts of city
officers.

SECTION 38. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city.

Corporate au-
thority.

SECTION 39. The corporate authority of the city shall be vested in the mayor and common council.

CHAPTER VI.

ACTIONS, APPEALS, BOND, SURETIES.

Actions
brought in the
name of the
city.

SECTION 40. All actions brought to recover any penalty or forfeiture, or for the punishment of any offender for the violation of the ordinances or by-laws, made by the city, shall be brought in the corporate name of the city.

Judgment and
costs.

SECTION 41. In case of connection in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture together with the costs of prosecution against the defendant; and shall also enter a judgment that such defendant be imprisoned in the county jail or house of correction until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution; and that he be held in imprisonment until such costs are paid, but the court should limit such additional term of imprisonment in its discretion, in no case however to exceed six months.

Person aggrieved
may appeal.

SECTION 42. Any person aggrieved by the judgment of the court, imposing a fine, penalty or forfeiture or a term of imprisonment, may appeal from such judgment to the circuit court of the

proper county in the same manner in which offenders may, under the general law, appeal from the judgment of justices of the peace, in actions where the state is a party plaintiff; provided, that this section shall not apply to appeals from the municipal courts where by law an appeal may be taken directly to the supreme court.

SECTION 43. No action shall be maintained by any person against said city upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

When claim is disallowed.

SECTION 44. The determination of the common council disallowing in whole or in part any claim, shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Determination of council to be final.

SECTION 45. Whenever any claim against the city of Dodgeville shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim, to the circuit court of the county in which such city is situated, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of the proper county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon

May appeal to circuit court.

any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

CHAPTER VII.

THE MUNICIPAL COURT.

Municipal court.

SECTION 46. The court held by the municipal judge shall be called the municipal court. It shall be open daily, Sundays and legal holidays excepted.

Have civil and criminal jurisdiction.

SECTION 47. The municipal court shall have the civil and criminal jurisdiction of a justice of the peace within the limits of such city, and exclusive jurisdiction of offenses against the ordinances of the city.

May impose fine and imprisonment.

SECTION 48. The municipal court may sentence any person convicted of the violation of any ordinance punishable by fine or imprisonment, either or both, and any person convicted of any misdemeanor triable in said court, to pay the fine and the costs of the prosecution, or be imprisoned in the county jail or house of correction, in the alternative and when proper facilities for that purpose shall exist in the jail or house of correction, the court may order the prisoner to be kept at hard labor during the term of his imprisonment, if he shall have the ability to labor.

Municipal docket.

SECTION 49. There shall be kept in the municipal court a docket wherein shall be entered the substance of every complaint, the date of the issuance of the warrant and the date and substance of the return thereof, the plea of the accused, the names of the witnesses, the names and verdict of the jury, if any, and the judgment of the court.

SECTION 50. The following shall be substantially the forms to be used in said court in cases of prosecution for the violation of ordinances:

COMPLAINT.

State of Wisconsin, }
 City of Dodgeville, } ss. In the municipal court of said city. Form of complaint.

A. B. complains on oath to the municipal court of the city of Dodgeville, that C. D. did, as the deponent verily believes, on or about the — day of —, A. D. 18—, at said city, violate an ordinance of said city, to wit (here insert the title and date of the ordinance or the chapter and section of the general ordinance), in that he did then and there contrary to said ordinance (here insert the act or omission complained of), wherefore the complainant prays that said C. D. be arrested and dealt with according to law.

A. B.,
 Complainant.

Subscribed and sworn to before me this — day of —, A. D. 18—.

E. F.,
 Judge [or clerk].

WARRANT.

State of Wisconsin, }
 City of Dodgeville, } ss. In the municipal court of said city. Warrant.

The state of Wisconsin, to the chief of police or any police officer of the said city, or the sheriff or any constable of the county of Iowa: You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of C. D., charged with violating one of the ordinances of the city of Dodgeville.

Dated —.

E. F.,
 Judge [or clerk].

A certified copy of the judgment of the court shall constitute the commitment of any person sentenced to imprisonment by said court. In cases wherein the offender shall be sentenced to pay a fine and costs or to be imprisoned, in the alternative, the clerk shall endorse upon the commitment a statement of the amount remaining unpaid of such fine and costs.

SECTION 51. In case of the temporary absence, or the incapacity of the said municipal judge, or in case of a vacancy in such office, any justice of Justice of the peace may fill vacancy.

the peace of said city, to be designated by the mayor, may discharge the duties of the said office.

Costs in municipal court same as justice courts.

SECTION 52. The costs taxable in the municipal court, shall be the same as in justice courts for similar services, and such costs shall be paid to the judge and the officers earning them respectively, unless such judge or officer shall be paid a salary, in which case such costs shall be paid into the city treasury.

CHAPTER VIII.

FIRE DEPARTMENT.

Volunteer fire department.

SECTION 53. It shall be competent for the common council to provide by ordinance, for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies in procuring apparatus and outfit, and maintaining and housing the same, and to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Fire limits.

SECTION 54. It shall be competent for the common council to fix and designate fire limits within which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond a percentage to be fixed in the ordinance, and the council may, by ordinance, prescribe general fire limits, within which special fire limits they may require such building material to be used, and such additional precautions to be observed, both in the construction of new buildings and the repairing and maintenance of existing buildings as they may from time to time designate, for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office and provide for his compensation.

SECTION 55. It shall be competent for the com-

mon council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and maintain it at the sole expense of the city; to provide for the appointment of the chief engineer of the fire department, and as many assistants as may be deemed necessary, and to fix their salaries; and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

May create a fire department and fix salaries.

SECTION 56. It shall be competent for the common council to provide for the purchase and maintenance of all necessary fire engines and apparatus for the extinction or prevention of fires, for the construction and maintenance of all necessary engine houses and fire stations, fire alarms, fire signals, telegraphs or telephones, and for the use of all known means of extinguishing or preventing fires. And the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

Fire engines.

SECTION 57. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two per cent. of their wages to said fund.

Relief of firemen.

CHAPTER IX.

THE BOARD OF PUBLIC WORKS.

SECTION 58. There shall be a department known "the board of public works," to consist of four commissioners. The board shall consist of the mayor, city attorney, city clerk and city engineer or surveyor.

Board of public works.

SECTION 59. The members of the board of public works shall, on the first Tuesday in May, of each year, choose a president of the board from their number; the city clerk shall be the secretary of the board by virtue of his office.

President and clerk.

SECTION 60. The mayor, with the approval of the common council, shall appoint some compe-

City engineer.

tent person as city engineer, whose term of office shall continue for one year, and until his successor is appointed, unless he shall be sooner removed by the council for cause. The city engineer shall keep his office in some convenient place to be designated by the common council, and it shall be his duty to do all engineering work required by said council or the board of public works. The city engineer shall possess the same power to make surveys and plats within the city that are given by law to county surveyors, and like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors.

Official record.

SECTION 61. The engineer shall keep on file in the office of the city clerk, a record of all his official acts and doings; also all profiles of streets, alleys and sewers, and of the grades thereof, and of all drafts and plans relating to bridges; and of any public buildings belonging to the city; and shall at the same place, keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city, and open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of office to his successor, or to the board of public works. The city engineer shall make a report of all doings of his department to the board of public works.

Oath of office

SECTION 62. Each member of the board of public works shall, before entering upon the duties of his office, take and file in the office of the city clerk, an oath of office, and shall give a bond to the city, if required by the common council with sufficient sureties, in such form and sum as the council may direct for the faithful performance of his duties.

Rules of government.

SECTION 63. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of public works and the manner in which the business of said board shall be conducted.

Quorum.

SECTION 64. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall

be open at all reasonable times to the inspection of any elector of such city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

SECTION 65. It shall be the duty of the board, Public works. under the direction of the common council, to superintend all public works; and to keep the streets, alleys, sewers and public works and places in repair.

SECTION 66. All repairs and alterations of school School build- ings. buildings and premises shall be under the charge of the board of public works; but such repairs or alterations, except ordinary repairs costing not more than fifty dollars, shall first be directed to be made by the common council.

SECTION 67. No building shall be moved through Permit re- quired. the streets or obstructions be placed therein, without a written permit therefor, granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles. Provided, however, that the decision of said board in this regard may be appealed from to the council.

SECTION 68. In case any corporation or in- In case of neg- lect to repair streets. dividual shall neglect to repair or restore to its former condition, any street, alley, or sidewalk, excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

SECTION 69. All public works, the estimated Work let to the lowest bidder. cost of which shall exceed two hundred dollars, shall be let by contract to the lowest responsible bidder; and all other public works shall be let as the common council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in some newspaper printed and published in the city, at least once in each week, for at least six successive weeks. Before such proposals are advertised for, a profile of the work to be done, together with the specifications, shall be placed on file for the inspection of bidders, and a form of contract with sureties, as the same will

be required to be executed by bidders, shall be prepared, and the copy of the same furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a contract with sureties, executed on the part of the bidder and such sureties, which sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property situated within the state of Wisconsin, not by law exempt from execution.

In case of unreliability of contractor.

SECTION 70. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council of the city a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest responsible bidder for such work, with their reasons for such recommendation; and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such competent and reliable bidder, or to re-advertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

Maintain barriers.

SECTION 71. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys, or public grounds, or which may result from any carelessness of such contractor in the prosecution of such work.

Mayor and clerk shall sign contract.

SECTION 72. All contracts shall be signed by the mayor and clerk, unless otherwise provided by resolution or ordinance. Provided, however, that no contract shall be executed on the part of the city until the city treasurer shall have countersigned the same and made an endorsement thereon, showing that sufficient funds are in the city

treasury, or that provision has been made to pay the liability that will accrue under such contract.

SECTION 73. All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties.

Board may take charge of the work.

CHAPTER X.

WATER-WORKS.

SECTION 74. When water-works are owned by the city, the same shall be operated under the direction of the board of public works.

Waterworks.

SECTION 75. The common council shall have power to legislate on all matters with reference to the construction, operation, management and protection of water-works within its boundaries, not contravening the provisions of this act or the constitution or laws of the state; provided, however, that all provisions relating to water-works, not herein otherwise provided, shall be adopted by a vote of not less than a majority of all the members of the council.

Management of waterworks.

SECTION 76. The city may acquire by purchase or otherwise, as specified in this act for acquiring real estate for the public use, such lands as may be necessary for the construction and operation of water-works to supply the city and the inhabitants thereof with water; provided, that in cases where the water-works are owned by private persons or corporations, the expenses of acquiring such real estate shall be paid by such persons or corporations, on a proper conveyance being made to such persons or corporations of said real estate.

May acquire real estate.

SECTION 77. When the city owns the water-works the water rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the construction thereof.

Treasurer to collect water rates.

SECTION 78. On the first day of January and July, in each year, the board of public works shall furnish the city treasurer with a list of all

Penalty for non-payment of water rent.

lots or parcels of real estate to which water has been furnished by the city during the preceding six months, and the amount due for the same. If the amount due is not paid within ten days thereafter a penalty of ten per cent. shall be added and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent. thereon for his fees. He shall have all the authority in collecting said tax vested in him in the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said treasurer, and all sums not paid by the first day of November in any year that have accrued during the preceding year, shall be reported by the treasurer to the city clerk, who shall insert the name in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

Assessment for
water pipe.

SECTION 79. The board of public works before laying any water-pipe along any street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front on or abut on the proposed line of water pipes, or which may be contiguous to and used in connection with any such lot or parcel of land such sum as such lot or parcel of land will be in the judgment of said board, specially benefited by reason of laying such water pipes, not to exceed, however, the amount prescribed in the next section; provided, that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

Assessment for
water pipe.

SECTION 80. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to not more than one-half of the cost, as estimated by the said board of public works, of furnishing and laying a regular minor water pipe of approved materials and manufacture with the required openings for connections with private service water pipes along the front of said lot. Such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot, or other parcel of land

fronting or abutting on such line of water pipe, and likewise any parcel of land, or lot, which shall be contiguous to any parcel of land, or lot or part of lot so fronting or abutting, and which in the judgment of said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipes the amount which in the judgment of said board shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of the said water pipe.

SECTION 81. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot or parcel of land shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty, and may assess subdivisions separately, and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot or other lot or land contiguous thereto, and most advantageously used in connection therewith.

Assessment for water pipe.

SECTION 82. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the said board of public works may, after ascertaining such facts, at any time before the special assessment shall have been inserted in the tax roll, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

Assess subdivided lots.

SECTION 83. The said board of public works shall file reports of such assessments with the city clerk, who shall record the same in a book to be kept for that purpose, and give notice thereof to

Reports of assessment.

the parties interested, by publishing the same once in each week for three successive weeks in the official papers. Any person feeling himself aggrieved by the report of said board may, within twenty days after the completion of the publication of notice by the clerk, appeal from such report to the circuit court of the county. Such appeal shall be entered and conducted in like manner and like security for costs shall be required as provided by law in cases of appeals from the decisions of the common council of said city to said court, on the return of assessment of benefits for street improvements. In the making and signing of all reports or returns under this chapter, by said board of public works to the city clerk or any other officer of said city, the official signature of the president and secretary of said board shall be sufficient.

Report to city clerk.

SECTION 84. The said board of public works shall, from time to time, make and file a report with the city clerk, of all work done for which assessments shall have been made as hereinbefore provided, and shall make such report of all assessments for work so reported to have been done by the board of public works, and shall, if practicable, make certified returns to the city clerk in time to have the same included in the tax levy for the current year; and the same shall be entered on the tax roll in a separate column, under the head of "water pipe assessments," and the same shall be collected, and the payment thereof shall be enforced by sale deed and other proceedings, in like manner as is now provided by law in cases of assessments for streets and improvements, except that no certificates shall be issued, but all such assessments and proceeds thereof when collected shall belong to the water-works fund.

In cases not applied.

SECTION 85. The preceding provisions relating to the construction of water mains in whole or in part at the expense of abutting owners, shall not apply except in cases where the city owns the works.

CHAPTER XI.

Commissioner of public health.

SECTION 86. It shall be the duty of the mayor, once in three years, to nominate a regularly li-

censed physician as commissioner of public health, who shall be confirmed by the common council, and who shall hold his office for the term of three years, and until his successor shall be appointed and qualified; provided, however, that the common council may organize a board of health under the general laws of the state, in lieu of appointing a health commissioner.

SECTION 87. It shall be the duty of the commissioner of public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided.

Rules and regulations.

SECTION 88. All rules and regulations prepared by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

Considered by council.

SECTION 89. The commissioner of public health shall also, from time to time, recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

Sanitary measures.

SECTION 90. It shall be the duty of the common council to fix the salary of the commissioner of public health, which shall be paid out of the city treasury, as the salaries of other city officers are fixed and paid, and to provide for him such assistants as may be necessary, and to fix their salaries.

Commissioner's salary.

SECTION 91. The commissioner of public health shall also discharge such duties not herein enumerated as may, from time to time, be imposed upon him by the common council by ordinance or resolution; and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

Commissioner's duties.

CHAPTER XII.

SCHOOLS.

School board.

SECTION 92. The election and organization, powers and duties of the school board now in office shall not be affected by this chapter, but such system shall continue as the law of the city until changed by a vote of three-fourths of the common council. If said system is changed by the council the board of education shall consist of one commissioner from each ward, and three from the city at large, to be appointed by the mayor and confirmed by the common council. The mayor in appointing the first board shall divide the members into three classes as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have been appointed and qualified. After that all commissioners shall be appointed and shall hold their offices for the term of three years, and until their successors shall have been appointed and qualified.

Time of meeting.

SECTION 93. The first meeting of the board each year shall be held on the first Monday in May, or as soon thereafter as may be. At its first meeting each year the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time, require of him. It shall be the duty of the vice-president to discharge the duties of the president in his absence.

School superintendent.

SECTION 94. The city clerk shall be ex-officio secretary of the board. The board shall, in like manner, annually at its first meeting or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year and until their succes-

sors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members.

SECTION 95. The board of education shall have authority: Authority of the board.

First. To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient. Establish high schools.

Second. To establish and change, from time to time, such and so many school districts as shall include all the territory of the city, and afford to the people of the city such district school facilities as the circumstances of the city and its various parts may, from time to time, require; provided, that in cities adopting this act, or being newly organized under it, the school districts already established shall remain until otherwise ordered by the board. School districts.

Third. To purchase and preserve such school apparatus as may, from time to time, be required. Apparatus.

Fourth. To grade the schools and prescribe the course of study to be pursued therein, and to prescribe the text books to be used; provided, that such text books shall not be changed oftener than once in five years. Course of study.

Fifth. To employ teachers of all grades and fix their salaries. Teachers.

Sixth. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they shall see proper. Rules and regulations.

Seventh. To appoint all necessary standing and special committees. School government.

Eighth. To enact, amend and repeal all necessary rules, regulations and by-laws, for the government of the schools, teachers and school officers. Duties of superintendent.

Ninth. To fix the salaries and prescribe the duties of the superintendent of schools in cities not under the supervision of a county superintendent, to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and to fix the salaries of such assistant superintendent; to fix the salary of the secretary of the board and his assistants, and prescribe the duties of the secretary whether he be the city clerk, or one spe-

cially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

Fuel and light.

Tenth. To contract for and purchase all necessary fuel for the schools and school offices, and to provide for lighting the same, and to appoint janitors for the school buildings and school offices, and to fix their salaries.

Expenses.

Eleventh. To estimate the expenses of the public schools of the city as hereinafter provided.

Powers.

Twelfth. To exercise all the powers necessarily incident to the powers herein conferred.

Meetings.

SECTION 96. It shall be the duty of the board of education to hold monthly meetings at such times as the board shall shall, from time to time, prescribe, and special meetings of the board may be held under such rules and regulations as such board may prescribe.

Supervise school buildings.

SECTION 97. It shall be the duty of the board of public works, under the direction of the common council, to erect and keep in repair all school buildings, and to provide suitable offices for the board of education, the secretary of the board of education, if there be one other than the city clerk, and the city superintendent of schools, if any. In the absence of permanent school buildings, or proper officers for the transaction of school business, the board of public works may rent suitable rooms, temporarily, for schools or offices, or either.

School tax.

SECTION 98. The board of education shall, as early as the first day of November each year, make an estimate of the expense of the public schools in the city for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk who shall lay the same before the common council, who shall include the same, or so much thereof as they shall approve in the annual budget, to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his hands, in a separate fund, to be called the school fund, and to pay out the same upon the orders of

the board of education, signed by the president and certified by the secretary of that board; provided, that in any city adopting this act, if at the time of such adoption the board of education or school board shall have power to levy the city school tax, or the district school taxes, such power shall continue unaffected by this chapter and this section shall not apply to such city, nor be in force therein, until specially adopted by a vote of three-fourths of the members of the council; provided, that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll, to be signed by the president and certified by the secretary of the board of education.

CHAPTER XIII.

FINANCE AND EXPENDITURES.

SECTION 99. The fiscal year shall commence on the first day of October in each year and close on the thirtieth day of September next succeeding.

Finance and expenditures.

Fiscal year.

SECTION 100. All funds in the city treasury except school funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the city clerk and authorized by a vote of the common council. All orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable out of any funds in the city treasury not otherwise appropriated. All orders shall be payable to the persons in whose favor they may be drawn or to the bearer thereof.

Funds, how paid out.

Money orders.

SECTION 101. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose except for the purpose for which such funds are specially appropriated, any direction of the city council to the contrary, notwithstanding.

Money appropriated.

SECTION 102. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall have been

authorized by a vote of a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Orders, when issued.

SECTION 103. The common council shall not authorize the issue of orders upon the city treasurer unless the money to pay the same is in the hands of the treasurer to the credit of the fund upon which the orders are drawn.

Monthly report.

SECTION 104. The treasurer shall, on the first day of each month, deliver to the city clerk a statement showing the condition of the treasury at the close of the preceding month, and a statement of all disbursements since the last report. The city clerk shall examine said report and the vouchers for the disbursements referred to and shall attach thereto a report of his examination thereof, and the city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved the city clerk shall preserve the same with the vouchers referred to therein in his office.

When council may borrow money.

SECTION 105. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty per cent. of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding the legal rate per annum, and payable not later than the fifteenth day of January after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof.

Money, where deposited.

SECTION 106. The city council may designate by resolution the bank or banks where the money belonging to the city shall be deposited and the security to be given by such bank or banks, and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such banks.

Interest.

SECTION 107. The common council may contract with a bank receiving the city deposit for the payment of interest thereon.

Money deposited.

SECTION 108. The council may so provide that all the money in the hands of the treasurer at the end of each month, not exceeding the sum to be

specified, shall be deposited in the bank selected for that purpose in a special account, and no money shall be drawn from said account, except on a check or order signed by the treasurer and countersigned by the mayor. Whenever the balance in the general account falls below such specified sum the mayor shall have authority to countersign a check for a sufficient amount to increase the balance in such general account to such specified sum. No change in this regard shall be made in any year after the treasurer shall have filed his bond which will increase the liability of the bondsmen.

SECTION 109. All temporary loans shall be paid out of the taxes levied for the ensuing year unless sooner provided for.

Temporary loans.

SECTION 110. A sufficient portion of the moneys received for licenses of all kinds to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year, and five per cent. of the principal of such bonded indebtedness shall be set aside for that purpose and placed in a special fund on the first day of June in each year. If any of said bonds are due and there is money available to pay the same, the treasurer shall call in such bonds in their order. If no bonds are then due, the treasurer may advertise for proposals to sell bonds to the city in such manner as the council may direct, and shall take up of the lowest offers sufficient to exhaust the money available for such purpose.

License money.

SECTION 111. The common council shall have authority to issue bonds for the following purposes only:

Bonds issued for certain purposes.

First. Building school houses.

Second. Building bridges.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Water works.

Seventh. Public parks.

Provided, that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect. Said vote to be at a regular meeting not less than

one week after the proposed ordinance shall have been published in the official paper of the city; and provided, further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five per cent. of the assessed valuation of such city at the assessment preceding the issue of such bonds; and provided, further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six per cent. per annum.

Claims.

SECTION 112. All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf, and filed with the city clerk, who shall place the same before the common council for its action at the next meeting. When the council shall have taken final action, if the person making such claim or demand feels aggrieved by such action, he may appeal from such action in the manner provided in this act.

Employes, how paid.

SECTION 113. The common council may provide for the payment of persons employed by the board of public works on monthly pay rolls and shall prescribe the form of the same; provided, that said pay rolls shall be verified by the board of public works, examined and countersigned by the city clerk, and be passed upon by the council the same as other claims.

CHAPTER XIV.

ASSESSMENT AND COLLECTION OF TAXES.

Assessment and taxes.

SECTION 114. All property in the city, subject to taxation under the laws of this state, shall be subject to taxation for all purposes authorized by this act.

Taxable property.

SECTION 115. The assessor or assessors elected or appointed under this act shall within the time and in the manner prescribed by law for making the assessment of property for taxation under the revised statutes of this state, make an accurate assessment of all property in the city subject to taxation.

SECTION 116. When the assessment roll or rolls shall have been completed the same shall be delivered to the city clerk, who shall thereupon give notice by publication in the official papers of the city for ten days, that on a certain day therein named said assessment roll or rolls will be open for examination by the taxable inhabitants; which said notice may assign a day certain for each ward where there are separate assessment rolls for such wards, for the inspection of such assessment rolls. On such examination the assessor or assessors may make such changes as may be necessary to perfect the assessment roll or rolls, and after the corrections are made the said roll or rolls shall be submitted by the city clerk to the board of review.

Review of
assessment.

SECTION 117. The mayor, city clerk, and assessor or assessors shall constitute such board; provided, that the common council may, by ordinance provide for an increase of the membership of said board, by adding thereto not exceeding four members of the common council.

Board of
review.

SECTION 118. The board of review shall meet on the first Monday of July of each year, and proceed as such board as prescribed by the laws of this state.

Meeting.

SECTION 119. When the roll or rolls shall have been examined and completed by the board of review, the assessor or assessors shall deliver the same as completed and verified, as required by the statutes of this state, together with all statements of valuations to the city clerk, who shall preserve the same in his office.

Assessment
rolls.

SECTION 120. On or before the first day of November in each year the board of public works and the board of education shall each file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments. And the city clerk shall likewise file a statement of the amount required by the police department, fire department, the general fund, and for the purpose of paying interest for the ensuing year on the public debt, and five per cent. of the principal thereof. The city clerk shall place such estimates before the city council for their consideration, and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized,

Estimate of
expenditures.

not exceeding the limit provided by law, and in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses.

Tax roll.

SECTION 121. It shall be the duty of the city clerk to make out a complete tax roll in the manner and form provided by law, and as soon as practicable after the levy shall have been made by the common council as prescribed in the preceding section and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city shall have been received, to cause the same to be extended upon such tax roll upon a uniform percentage, by setting opposite the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract or parcel of land or against such person, and also enter and extend upon such tax roll all special assessments required to be entered therein. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:
To ———, city treasurer of the city of Dodgeville:

Tax warrant.

You are hereby required to collect from the several persons or corporations named in the annexed tax roll, and from the owners of the real estate described therein, the tax set opposite the name of each person, corporation and property, within the time limited by law, and to apply the proceeds by you so collected, and make a return thereof, as by law provided.

Dated the ——— day of ———, 18—.

—————, Mayor.
—————, Clerk.

Tax roll shall be prima facie evidence.

SECTION 122. The tax roll and warrant thereto attached shall be prima facie evidence in all courts that the land and persons therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal, and the same shall be delivered to the city treasurer on or before the fifteenth day of December in each year.

Council may collect tax in cases.

SECTION 123. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the com-

mon council to remit, annul or cancel any tax specified therein, except in the following cases:

First. When a clerical error has been made in the description of the property or in the extension of the tax.

Second. When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.

Third. When the property is exempt by law from taxation.

Fourth. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 124. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax. Tax a lien.

SECTION 125. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official papers; such notice shall specify that the taxes must be paid before the tenth day of January following. Taxes when paid.

SECTION 126. On the expiration of the time specified the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; and shall possess all the powers given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers and entitled to same fees as town treasurers in such cases. Collection of taxes.

SECTION 127. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer and shall then set aside all sums of money levied for school taxes, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then taxes for bridge purposes, then for fire purposes, then for streets and other public improvements and lastly county taxes. Delinquent returns shall be made to the county treasurer, the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to Taxes, how paid from treasury.

the county treasurer as are provided for in case of delinquent returns from towns.

Treasurer's fees.

SECTION 128. The city treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all sums collected prior to the tenth day of January in each year, and three per cent. upon all sums collected by him thereafter; and in case of a distress and sale made by him of goods or chattels for the payment of any taxes, he shall receive such fees as are allowed to constables for similar services. The city treasurer shall keep in a book to be provided for that purpose true accounts of all fees by him received as city treasurer, from any source, and such book shall be kept open for inspection at all reasonable times, and such treasurer shall have on file and make return to the common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and shall receive no further compensation for his services as treasurer than as hereinbefore specified; provided, however, that when the treasurer receives a salary, the fees collected shall belong to and be paid into the city treasury.

Tax shall be valid.

SECTION 129. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax shall vitiate or in anywise affect the validity of such tax or assessment.

CHAPTER XV.

EMINENT DOMAIN.

Right of eminent domain.

SECTION 130. The city of Dodgeville shall have the power to condemn lands for streets, alleys, public grounds, sites for school buildings and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes, not here enumerated, by the following proceedings.

How to petition for streets.

SECTION 131. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening,

widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition. Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purpose of such petition a person in possession of land under a contract of purchase and sale, or a bond for a deed, shall be deemed a freeholder.

SECTION 132. When such petition shall be presented to the common council it shall prior to the adoption of any resolution thereon be referred to the board of public works, and said board shall make a report to the common council, stating whether or not such petition is sufficiently signed; and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken and a plat of the proposed street, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by a vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said land.

Petition referred to board of public works.

SECTION 133. As to alleys, a petition for the opening, widening, extension or change of an alley, may be made to the common council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bond for a deed shall, for the purpose of such petition, be deemed to be owned by the person so holding it, and infants and others under guardianship may petition by their guardians. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make and report to the common council,

Alleys.

stating whether or not the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley, as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear either in the case of a street or an alley, that such petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition on the subsequent proceedings thereon.

Council may
lay out streets.

SECTION 134. The common council may, without a petition, by a vote of four-fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for the opening, widening, extension or changing of any street or alley and directing the city attorney to commence and prosecute the proper proceedings therefor, and in the case of the opening or extension of public grounds, or acquiring land as a site for a school building or other public building, or lands for purposes of drainage or water distribution, or the taking of lands for any public municipal purposes not herein enumerated, the common council may without a petition therefor, and by a vote of a majority of its members, adopt a resolution declaring it to be necessary to condemn lands for such purpose, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain, or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

SECTION 135. Whenever, by any resolution adopted under any of the preceding sections of this chapter, it shall be declared necessary to condemn any lands and the city attorney directed to commence and prosecute the proper proceedings therefor, it shall be the duty of the city attorney to prepare and present as soon as may be a petition to the circuit court of the county in which the land proposed to be taken, or some of it, shall lie, for the condemnation of the land mentioned in the resolution for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him or can with reasonable diligence be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, the resolution of the common council and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

State of Wisconsin, In the matter of (here insert the object of the proceed- ings) in the city of Dodge- ville.	}	In the circuit court of the county of Iowa.	Form of notice.
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To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to said court in the above entitled matter, by the city of Dodgeville, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice exclusive of the day of service.

Dated _____.

A. B., city attorney.

Such notice shall be served upon the owners of land which is proposed to be condemned, and all persons interested therein in all respects like a summons in a civil action except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper or papers of the city, and except that service within the state may be made by the chief of police of the city named in the notice or his subordinates, instead of the sheriff of the

proper county, and the return or returns of such chief of police by himself or by his subordinates upon such notice or copies thereof, shall have the same force and effect as the return of a sheriff of the proper county by himself or by his deputies. The filing of said petition shall be deemed the commencement of a suit. Within twenty days after service of such notice upon any party, owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney, and file the same as in cases of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired, the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service and excluding Sunday and legal holidays, and without notice to parties who have not answered, and such proceeding shall have precedence over all other matters not on trial; and the circuit court shall thereupon empanel a jury, as in civil cases triable by jury, to determine whether or not it is necessary to take the land proposed to be condemned for the public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases; and if no answer shall have been served, the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition and such answer or answers shall be tried by the court and jury, the same as other issues of fact, and, in either case, the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either, "We the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use," or, "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use." Upon the coming in of the verdict judgment shall be entered con-

Jury to view
the premises.

Form of
verdict.

demning the land sought to be condemned to the public use for the purpose set forth in the petition or dismissing the petition as the verdict shall require. If the jury shall disagree, a new jury shall be immediately empanelled and like proceeding shall thereupon be had as before. If two juries shall disagree, the matter shall be continued to the next term of the court, when it may be again called up and like proceedings had thereon. If three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of certiorari sued out within thirty days after the entry of judgment and not thereafter.

SECTION 136. The costs of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceeding shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred and taxable attorney's fees not to exceed twenty-five dollars.

City to pay costs of proceeding.

SECTION 137. If the city shall not within one year after the entry of a judgment of condemnation cause the benefits and damages by reason of such condemnation to be assessed as provided in this chapter, and shall not have, in the proper fund available for that purpose, a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment the city clerk shall, upon demand, furnish to the mayor or to any person who shall require it, a certificate showing whether or not there was at the end of such year, in any fund of the city available for that purpose, a sum sufficient to pay such excess of damages over benefits, and such certificate shall be prima facie evidence of the facts therein certified. If it shall appear that there is in any fund of said city a sufficient sum available for that purpose at the expiration of such year, or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of

Proceedings when abandoned.

the land condemned, an order on the city treasurer shall be issued, as in other cases, in favor of the person in whose favor any excess of damages over benefits shall have been assessed, upon the certificate of the city attorney that such is entitled to receive the same. If the city attorney shall refuse to give any such certificate the party or parties claiming the same may apply to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney, the court shall proceed in a summary manner to inquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in a proper case, and shall make and file a decision, in writing, as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision with the city clerk an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sum, or if the city attorney shall be in doubt as to whom such sum should be paid, he may in like manner apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect to such sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein, including the city, within thirty days after the filing of the same, and such sum shall not be paid while such appeal is pending, nor until the matter shall be finally determined. Such appeal shall be taken upon like notice and undertaking as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

Appeal may be taken to supreme court.

In case of lien on condemned land.

SECTION 138. If any person, not the owner of the land condemned, shall have a lien thereon or a leasehold or other interest therein, such person shall receive a portion of the excess of damages over benefits awarded by reason of such condem-

nation in proportion to the lien or interest he may have had in the land condemned, to be ascertained upon the principles of equity; and if the parties cannot agree the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party or the city attorney as provided in section 137. The term "excess of damages over benefits" shall, when used in this act, be construed to include any sum which shall be assessed as damages and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

SECTION 139. When any land shall be condemned under this chapter for public grounds or sites for school or other buildings, the city shall take a fee-simple title to the land so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

Title to lands.

SECTION 140. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation of the same premises or any part thereof for the same or a different purpose; and the same land may be condemned more than once for different purposes, each consistent with the other.

Condemnation proceedings not a bar to subsequent proceedings.

SECTION 141. When a street or alley shall be changed by proceedings under this chapter, so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

When deemed vacated.

SECTION 142. It shall be the duty of the common council, within three months after any judgment of condemnation shall have been entered, to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnations for opening, widening, extending or changing streets and alleys, and for opening public grounds, the common council may also di-

Board of public works to assess damages.

rect the board of public works to make an assessment of benefits. Such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council, that body may, by resolution, confirm the same, or refer the matter back to the board of public works for a new assessment, or may, by resolution, abandon the condemnation proceeding. If the common council shall for more than three months after the entry of a judgment of condemnation, neglect to order an assessment of damages, or benefits and damages, as the case may be, the condemnation proceedings shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of condemnation, confirm an assessment of damages, or of benefits and damages, and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

Lands condemned, how assessed.

SECTION 143. When the city clerk shall have certified to the board of public works a resolution of the common council requiring an assessment of damages, or benefits and damages, to be made under this chapter, the said board shall immediately proceed to assess the damages by reason of the condemnation mentioned in such resolution, as follows: Opposite each description of the land condemned, the board shall set down in separate columns the damages sustained by the owner by reason of the taking of the land, the damages, if any, to the adjoining property of the same owner, the total damages, and in cases wherein benefits may be assessed, the benefits which will in their judgment accrue to lands in the vicinity of the condemned land by reason of the condemnation in question, the excess of damages over benefits, and the excess of benefits over damages, each such sum being set opposite the proper description. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five per cent. of the assessed value thereof according to the last assessment roll, shall be assessed against any lot, parcel or subdivision by

reason of any one condemnation proceeding, and no benefit exceeding three per cent. of the assessed value thereof according to said assessment roll shall be assessed against any lot, parcel or subdivision the whole of which is more than five hundred feet distant from the nearest land condemned by reason of any one condemnation. In assessing such damage or damages and benefits, the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notices and like opportunities for correction, and reporting the assessment to the common council in like manner.

SECTION 144. When such assessment shall be confirmed by the common council, the city clerk, shall transmit the same to the city treasurer, who shall thereupon report to the city clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed, the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes

Assessment,
how collected.

SECTION 145. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnations for streets and alleys, and public grounds less than five acres in extent, which shall be paid out of the ward fund or funds, of the proper ward or wards, and the cost of condemnations for other purposes as to which there are special funds, such as the water fund or sewerage fund, if any, shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

Cost of con-
demnation,
when paid.

SECTION 146. The city may, as its option, condemn lands for any of the purposes mentioned in the first section of this chapter, either under the provisions of section 927 and sections 895 to 904 inclusive, of the revised statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter.

May condemn
lands under
the statutes.

SECTION 147. Any party aggrieved by any assessment of benefits or damages, or both, may appeal to the circuit court therefrom, within the

Party aggriev-
ed may appeal
to circuit court.

time, in the manner, and upon the security prescribed in appeals from assessments of benefits and damages on account of public improvements, and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the amount recovered by the appellant properly applicable in reduction of such assessment and the costs, if any, shall be paid out of the proper fund; and also the amount recovered by way of increasing any damages assessed or for damages when none have been assessed, with the costs, if any.

CHAPTER XVI.

CITY IMPROVEMENTS.

City improve-
ments.

SECTION 143. The city council shall have authority to establish the grade of all the streets and alleys of the city, and to change and re-establish the same as it may deem expedient; provided, that wherever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street, by such change or alteration of grade, shall have a right to recover such damages in the manner set forth in this chapter.

Grades.

SECTION 149. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

Streets and
sidewalks.

SECTION 150. The streets shall be divided into a carriage way and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.

Improvements
of streets.

SECTION 151. The city may cause streets and alleys to be opened, leveled, graded, regraded, graveled, regraveled, macadamized, paved and repaved with wood, stone or other materials or improved in any other manner; and may cause such streets and alleys to be swept and cleaned;

provided, that no street shall be graded, graveled, macadamized or paved where the expense would exceed five hundred dollars except upon the vote of two-thirds of all the members of the council.

SECTION 152. In the first instance, the paving, plank^{Chargeable to}ing or macadamizing of any street or alley and the construction of crosswalks where there is no intersection of streets shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley, in proportion to the benefits accruing to such lots or parcels of real estate by reason of such improvement; provided, however, that the total amount so assessed to the abutting real estate as benefits shall not exceed the entire cost of such improvement; and provided, further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvement except in case of side-walks.

SECTION 153. The expense of all crosswalks at the intersection of streets or alleys and across public grounds, shall be paid by the city at large. The expense of maintenance, relaying, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the general fund of the city.

SECTION 154. Before the council shall change or alter any established grade, or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of abutting real estate by such change of alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of abutting real estate by such work or improvement, and the amount that should be assessed under the provisions of this chapter, to each parcel of such abutting real estate, as benefits accruing thereto by such contemplated work or improvement.

SECTION 155. Said board shall make and file in their office a report showing their determination

on the questions required to be considered by them under the provisions of the preceding section.

Notice that report is open for review.

SECTION 156. Notice shall be given by the board of public works, by publication in the official newspaper of the city, at least once in each week for two successive weeks, that such report is open for review at their office and will be so continued for a space of twenty days after the date of such notice; and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such report. No irregularity in the form of such report, nor of said notice, shall affect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made, and all evidence that may be offered to sustain the same, and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board with the city clerk, together with all objections and evidence taken before them to sustain the same, together with proof of publication of said notice, but no irregularity in the form of said report or manner of conducting the proceedings by said board, shall affect the legality of said report.

Council may correct the report.

SECTION 157. The city clerk, at the next regular meeting of the council after the filing of said report, shall place the same before the council for its consideration, and said council may confirm or correct the same or refer the report back to the board for further consideration.

Council may determine amount to be paid.

SECTION 158. Subject to the limitations hereinbefore mentioned the common council may determine the amount to be paid by the abutting real estate as benefits on account of the improvement of a street, and the amount that shall be paid by the city.

Clerk shall publish notice.

SECTION 159. When a final determination shall have been reached by the council and the report of the board of public works as made by them, or as changed or modified by the common council

shall have been confirmed, the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate abutting on the street, in case of the change of an established grade, or the benefits to be assessed to the abutting real estate in the case of a proposed improvement.

SECTION 160. If the owner of any parcel of land abutting on the street mentioned in said notice feels himself aggrieved by reason of the determination made by the common council, he may, within twenty days after the date of such determination, appeal therefrom to the circuit court; and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect said contract; but a certificate against the lot in question for the amount of benefits assessed to such lot shall be issued notwithstanding such appeal; and in case the appellant shall succeed, the difference between the amount charged in the certificate so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate, shall be paid by the city at large.

Owner may
appeal to
circuit court.

SECTION 161. The appeal given by the last section from the report of the board of public works as confirmed by the common council, shall be the only remedy of the owner of any parcel of land, or of any person interested therein, affected by said improvement, for the redress of any grievance he may have by reason of the making of such improvements or by reason of the change of any established grade covered by said report.

Appeal the
only remedy.

SECTION 162. When any of the works before mentioned shall have been ordered to be done, and the plans for the same containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the

City clerk to
advertise for
bids.

city for bids for doing such work for such length of time as the board may think the interests of the city demand, not less, however, than once a week for four successive weeks. The board shall prepare or cause to be prepared a printed form for the contract with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the forms so furnished, completed with the exception of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement.

Board may reject bids.

SECTION 163. The board of public works shall have power to reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition, otherwise the contract shall be let as prescribed in the chapter entitled "board of public works."

Contractor entitled to certificate for work done.

SECTION 164. Whenever any work has been done under contract as provided in this act, and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable to said lot. Said certificate shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

*Certificate conclusive evidence of legality of proceedings.

SECTION 165. After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and may be transferred by endorsement; provided, however, that this shall not affect any appeal from the report of the board of public works as confirmed by the common council. If said certificates are not paid before the making out of the next tax roll, the same may be filed with the city clerk and when so filed the city clerk's statement of special assessment to be placed in the next tax roll shall include an amount sufficient to pay said certificates with interest thereon at the legal rate, from the date of such certificate to the time when the city treasurer is required to make return of delinquent taxes; and thereafter the same proceed-

ings shall be had as in case of other taxes except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand.

SECTION 166. When a contract is let for doing any work specified herein chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid with certificates against the lots or in improvement bonds, or that payment may be partly made in certificates and part in cash or improvement bonds, or both.

Payment made
in certificates.

SECTION 167. As soon as the amount chargeable to the abutting real estate is finally determined, the council may cause notice to be published in the official paper of the city substantially in the following form:

City improve-
ment notice.

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (— describe the work and street) and that the expense of said improvement chargeable to the abutting real estate, has been determined as to each parcel of said real estate and a statement of the same, is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds will be issued, covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after the date hereof, a written notice that they elect to pay the special assessments on their property, describing the same on presentation of the certificates.

SECTION 168. After the expiration of said thirty days the council may issue improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property speci-

Improvement
bonds.

fyng the same and the number and amount of said bonds.

Semi-annual bonds.

SECTION 169. Said bonds shall be semi annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six per cent. per annum.

Record of bonds.

SECTION 170. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with the copy of said bonds, in his office.

Interest on bonds.

SECTION 171. The city treasurer shall pay the interest on and principal of said bonds as the same became due, and charge the amount to the proper fund.

Unpaid tax, how levied.

SECTION 172. In each year after the issuing of said bonds when the tax roll for the year is prepared, one fifth of the special assessment on each parcel of property covered by said bonds with six per cent. interest on the amount of said special assessment, the unpaid amount shall be extended on the tax roll as a special tax on said property, and thereafter these taxes shall be treated in all respects as any other city taxes, and when collected, the same shall be credited to the fund against which payments on said bonds are charged.

No action shall be maintained to avoid assessment.

SECTION 173. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

Park commissioners.

SECTION 174. The council shall have authority to establish a board of park commissioners, to prescribe their powers and fix their compensation.

Parks to be in charge of board of public works.

SECTION 175. Until such time as the council shall provide for a board of park commissioners the public parks of the city shall be under the charge of the board of public works.

Public parks.

SECTION 176. The council shall have full power to legislate with reference to public parks; provided, however, that no park shall be established at the expense of the city without the same is first submitted to a vote of the electors at an

annual city election, and there is a majority vote in favor of the same.

CHAPTER XVII.

SIDEWALKS.

SECTION 177. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

SECTION 178. The common council may, from time to time, by resolution, establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets.

SECTION 179. Whenever a street shall be improved for the first time, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk in the first instance shall be done by the owners of the abutting lots or parcels of land, or at their expense as hereinafter provided.

SECTION 180. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street, or a street ordered to be improved, whereon the sidewalk has been graded for ten days or more, to lay at his own expense a standard sidewalk in front of the same, or one as good as the standard to be approved by the board of public works.

SECTION 181. Whenever the owner of any lot or parcel of land so abutting upon any improved street whereon the space for the sidewalk shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard fixed by the common council, approved by the board of public works, it shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lot or parcel of land. Such work shall be let by con-

tract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair for more than ten days, it shall be the duty of the board of public works to repair the same. The board of public works shall keep an accurate account of the expense of laying sidewalks in front of each lot, subdivision or parcel of land, whether the work be done by contract or without the intervention of a contract and report the same to the city council, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land, shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

Board shall keep sidewalks clear of ice and snow.

SECTION 182. It shall be the duty of the board of public works to keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of the abutting lots fail to do so, and the expense of clearing the sidewalk in front of any lot or parcel of land shall be included in the statement to the city clerk required by the last section, and in the special tax to be levied as therein provided.

Rules and regulations.

SECTION 183. The common council may, from time to time, make all needful rules and regulations, by ordinance, for carrying the aforesaid provisions into effect and for regulating the use of the sidewalks of the city and preventing their obstruction.

CHAPTER XVIII.

SEWERS.

Sewerage.

SECTION 184. The city shall have full power to construct systems of sewerage, but shall not enter upon such construction until it shall have been divided into sewerage districts and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed that

the plan shall be determined upon in all its details, but it shall be settled, so far as relates to that portion of the system upon which the construction is commenced.

SECTION 185. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared, showing the lots and parcels of land, the main sewers, minor sewers, man-holes, catch basins and all other matters pertaining to the system. Diagrams of sewers.

SECTION 186. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form: Notice is hereby given that a plan for sewerage for the district bounded as follows: _____ Notice of plans for sewerage.

_____, has been prepared and is now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this notice, and file objections to said plan. On the ___ day of ___ 18___, this board will be in session to consider any objections that may have been filed, and all persons desiring to be heard before the board can then be heard.

Dated _____.

_____,
_____,
_____,

Board of Public Works.

The day for the hearing specified shall be within thirty days after the last publication of said notice. Said notice shall be published at least once in each week for four successive weeks. Day of hearing.

SECTION 187. On the day specified for said hearing before the board they shall take up and consider all objections made to the plan as proposed, and shall take down in writing any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing they shall report the proposed plan with all objections overruled and the evidence taken thereon to the common council. The common council shall then examine the same and may approve the plan as proposed or change it in such manner as they may think proper, and approve as changed or modified by them, or may reject the plan and Board to consider testimony for and against.

direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Diagrams
filed.

SECTION 188. When the plan for any sewerage district is finally determined complete, diagrams of the same shall be prepared in duplicate and certified to be correct by the board of public works. One of which diagrams shall be filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

Board shall
report.

SECTION 189. On or before the first Monday of March in each year, the board shall present to the council a report of the sewers necessary or advisable to be constructed during the ensuing year. The council shall as soon as practicable consider said report; they may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year except such as shall have been determined upon in the manner aforesaid, except by a vote of three-fourths of all the members of the common council. The board shall proceed to construct the sewers determined upon when and as ordered to do so by the common council.

Board to
advertise for
bids to con-
struct sewers.

SECTION 190. After the common council shall have ordered the construction of any sewer, the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the board for the examination and guidance of bidders, plans and specifications, describing the particular work to be done, and the kinds and qualities of materials to be used as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible, or if they believe any agreement has been entered into between bidders to prevent competition; and provided, further, that the contract shall not be binding till the same shall have been approved by the common council and countersigned by the city clerk.

Contractor
may be paid in
improvement
bonds.

SECTION 191. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for

so much of the work as has been assessed against the lots opposite to the front of which any such sewer shall extend, certificates against such lots respectively or improvement bonds; and the residue of such contract shall be paid out of the proceeds of the general sewerage tax, to be levied on the real estate and personal property within the sewerage district by the common council on the recommendation of the board of public works.

SECTION 192. After any contract for work under this act, to be paid for in whole or in part by such assessment, shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land, fronting or abutting on the work so contracted to be done, on each side of the same for its whole length, and which have not been before so assessed for sewerage purposes, at the rate of one dollar 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 said 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 sub-assessment of one-third from the aggregate of the street lines of such corner lot 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 subdivisions 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 two dollars per lineal foot, then and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to 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 lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on

Assessment of
abutting lots.

such sewer, shall be assessed for the cost of such sewer.

Assessment of
sub-divided
lots.

SECTION 193. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case or when the said board shall, in any other way, become cognizant of the fact of such subdivision they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; but, if by neglect of the owners of the lot so divided no such apportionment shall be made then the entire lots shall be liable for the entire tax.

Paid from
fund of
sewerage
district, when.

SECTION 194. The cost of all sewers in street and alley crossings, and of all sewers in excess of two dollars per lineal foot, chargeable to lots and lands, as provided in section 193, of this chapter, of all catch basins for receiving the water from the gutters, and of 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 on the system of sewerage herein provided, and all costs for constructing sewers not provided for by special assessment shall be paid out of the fund of the proper sewerage district; and all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated shall be done by the authority of the board of public works, as may be necessary.

Board shall
report
annually.

SECTION 195. The board of public works shall report to the common council, on or before the first day of November of each year, as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, 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 in any such sewerage district, which tax so levied shall, when collected, be placed in the fund of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

SECTION 196. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots or parcels of land so as heretofore directed to be assessed, so far as the same will go in liquidation of the amount of such contract, and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district; and it shall be the duty of the board of public works, after the completion of any contract and acceptance of the work, to issue such certificates on the request of the person entitled to receive them, and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify the same to the common council, which may direct an order to be drawn on the proper fund for the payment of the same. All certificates of special assessments for building sewers, shall be signed by the mayor and countersigned by the city clerk and delivered to the persons entitled to receive the same.

Contractors shall receive certificates against lots in payment.

SECTION 197. All contracts entered into by the board of public works under this chapter shall be with sureties, approved as to form and execution by the city attorney, and before taking effect, shall be signed by the mayor and countersigned by the city clerk.

Contractors to give sureties.

SECTION 198. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action unless such work shall have been approved by the said board; provided, that the said board may, from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer, an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five per cent. of said estimate, which shall entitle the holder to receive the amount thereof,

Work to be done under direction of the board.

less such twenty-five per cent. from the proper fund.

Council may
require board
to lay water
and gas pipes.

SECTION 199. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals not less than twenty feet, along the whole length of such paved street, except at street and alley crossings; and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, 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 said board showing the location and size, and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes; and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice, the said board may procure the same to be done, and charge and assess the expense thereof to the lots or parts of lots fronting upon such work in the manner provided in and by section 202, of chapter 18, of this act, and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or repaved by order of the common council, unless the water and gas mains and service pipes, and necessary sewers and their connections, shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Duty of said
board.

SECTION 200. It shall be the duty of the said board to see that proper drains and sewers are constructed from every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they

shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

SECTION 201. The said board shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Private sewers,
how charge-
able.

SECTION 202. The said board shall have at their office, ready for the examination of the parties interested, the specifications of any private drains, or sewers so ordered to be constructed, and they shall give to the lot owner's six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be completed; and in case any lot owner neglects to do the work required of him to be done within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with, and shall have the like effects as other certificates given for work chargeable to lots.

Plans and
specifications. f

SECTION 203. Any person who has taken such contract from said board 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 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.

Authority to
use private
lots.

SECTION 204. No private drain shall be connected with any public sewer without the said board first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district by the owner of any lot from which a private drain is led

Permit to connect with
public sewer.

into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain, but not less than two and one-half and not 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 collected as the other special assessments, and shall be collected as other taxes on real estate are collected; provided, that no charge shall be made for the permit therein 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.

Penalty.

SECTION 205. No person is required to make connection until building, and no person shall break open or make connection with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so or shall wilfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or wilfully injure any of the materials employed or used in said city for the purposes of sewerage shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned in the county jail not to exceed three months.

Contractor to lay sewer as directed by the board.

SECTION 206. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets of said city and through any break-water into any lake, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and highways and to restore the same to the former condition upon the completion of such sewers.

Diagrams proof of regularity of proceeding.

SECTION 207. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage shall not thereafter be called in question in any court.

SECTION 208. When a plan of sewerage has been finally determined upon it shall not be changed except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Plan of sewerage may be changed by ordinance.

SECTION 209. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before, showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; any change rendering useless any existing sewers the expense of change shall be paid by the general fund.

Diagrams changed to be filed.

SECTION 210. Whenever a contract shall have been let for the construction on any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks, substantially in the following form:

Publication of notice.

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its per cent. semi-annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presenta-

tion of the certificates in the manner stated; that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated — day of —, 18—.

City clerk of the city of Dodgeville.

Council may
issue bonds.

SECTION 211. The council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six per cent. per annum, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk, and be sealed by the official seal of the city.

Bonds, how
disposed of.

SECTION 212. Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, with accrued interest.

Bonds paid
when due.

SECTION 213. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner:

Bonds paid
by special tax.

SECTION 214. The city clerk shall in each year for five years succeeding the issue of said bonds, enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each said parcel of land, with six per cent. interest, on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of said city.

Special tax not
to be avoided.

SECTION 215. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

CHAPTER XIX.

BRIDGES.

SECTION 216. The board of public works, under the direction of the common council, shall have charge of the construction, repair and maintenance of all bridges in said city. Bridges.

SECTION 217. The common council shall have power to determine, by ordinance or resolution, the location of all bridges and the manner of their construction. The location.

SECTION 218. Whenever the common council shall by resolution declare it to be necessary to construct or repair any bridge, it shall be the duty of the board of public works to prepare an estimate of the cost of such work and file it with the city clerk, who shall submit the same to the common council; thereupon the common council may by resolution direct the work to be done. It shall then be the duty of the board of public works to advertise for bids for doing the work and furnishing the material, the same as in the case of work to be done and materials furnished in the construction of streets, and they may receive bids and award contracts to the lowest bidder or bidders, in the same manner as in the construction of streets. The work contracted to be done, when finished, shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty per cent. of the cost of the work, upon estimates of the city engineer or city surveyor, as the work proceeds, and at least twenty per cent. of the cost of the work shall be retained until the work shall have been accepted by the board of public works. Board of public works to advertise for bids.

SECTION 219. Where bridges shall be or shall have been constructed, or where any contract for the construction, repair or maintenance of such bridges shall have been made, it shall be the duty of the city treasurer to open and keep a separate account of the receipts and disbursements on account of bridges, to be called "bridge account;" and where such bridges are required, it shall be the duty of the common council to make annual Bridge account

estimates of the money necessary to be raised for such work and the maintenance and repair of the same, and to provide by taxation or loan the necessary funds for the same, the same as in the case of other public works. The bridge account shall be one of the accounts of the general fund, but moneys raised on such account shall not be applied nor be deemed applicable to the payment of any other expense or expenses, nor shall the same or any portion thereof be credited to any other account, unless a resolution for that purpose shall be passed by the common council by a majority of two-thirds of all the members thereof, and approved by the city clerk and commissioners of the public debt, if any, or a majority of said commissioners.

CHAPTER XX.

MISCELLANEOUS.

Member common council not eligible to other office.

SECTION 220. No member of the common council shall, during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election or created by the common council.

Competent to appear in actions or proceedings.

SECTION 221. No person shall be incompetent to act as judge, justice of the peace, witness or juror, by reason of his being an inhabitant of the city, in any action or proceeding in which the city shall be a party in interest.

Under the general laws.

SECTION 222. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties and the manner of conducting elections, shall be in force in said city, except as otherwise herein provided.

For punishment of bribery, etc.

SECTION 223. The general laws of the state of Wisconsin, for the punishment of bribery, misdemeanor and corruption in office, shall be in force, and shall apply to all officers elected or appointed under the provisions of this act.

City official shall not be a contractor nor accepted as surety.

SECTION 224. No city official shall be interested, directly or indirectly, in any contract to which the city is a party, and whenever it shall appear

that such is the case, such contract shall be absolutely void and the city incur no liability thereon whatever. No city officers shall be accepted as surety on any bond, contract or other obligation made to the city.

SECTION 225. No real or personal property of any inhabitant of said city, or of any corporation thereof shall be levied on or sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

Property not to be levied upon to satisfy debt of city.

SECTION 226. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are applicable, shall be as legal and of the same force and effect as the use of the forms prescribed by this act.

Use of legal forms.

SECTION 227. In case any person shall present his claim or demand against the city of Dodgeville, and the common council of said city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

No claim disallowed considered twice.

SECTION 228. The city marshal shall be known as such, or as captain or chief of police, in the discretion of the common council, and he shall have command of the police force of the city under the direction of the mayor.

City marshal.

SECTION 229. The opinions of the city attorney shall be filed with the city clerk and recorded in a book to be kept for that purpose.

Opinions of city attorney.

SECTION 230. The city clerk shall keep a book to be known as an "Ordinance Book," in which he shall enter at length in a plain and distinct handwriting every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage and page of the journal containing the record of the final vote upon its passage, and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proof of publication; the ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form and purporting to be published by the authority of the city, shall be read and re-

Ordinance book.

ceived in all courts and places as evidence of their adoption.

Mayor to receive no salary.

SECTION 231. No compensation or salary shall be paid to the mayor, or to any alderman or school commissioner of said city, or members of the board of public works for services on such board.

Ordinances.

SECTION 232. All the ordinances in force in the village of Dodgeville at the time of the adoption of this act by the residents of the territory hereinbefore described, shall continue to be in force and be the ordinances of the city of Dodgeville so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

Failure to prescribe duties.

SECTION 233. In case of the failure to prescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Reward.

SECTION 234. When any heinous offense or crime has been committed against life or property within the said city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

Exempt land.

SECTION 235. No lot or parcel of land in said city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States and state of Wisconsin.

School district not affected.

SECTION 236. School district number one, of the town of Dodgeville, which lies partly in said town and partly in the city of Dodgeville, shall not be affected by this act, and the management thereof for the present shall remain the same as heretofore, except that the corporate name of said district shall be joint school district number one, of the town and city of Dodgeville, and the common council of said city and the town board of said town may alter the said district in the same manner that the common council of cities, trustees of villages, and the town board of towns, many now alter school districts which lie partly in a city or incorporated village by special act, and partly in

an adjoining town or towns, under the provisions of the revised statutes of 1878, and the amendments thereto, and the same relations, duties and obligations shall exist between the officers of said district and the clerk of said city as exist between the officers of joint school districts composed of parts of two or more towns and town clerks.

SECTION 237. It shall be lawful for the town of Dodgeville to hold its meetings and elections in the city of Dodgeville, and it shall be lawful for the supervisors of said town to hold their meetings for the transaction of all town business at any proper place within said city, and the said town board may authorize and empower the town clerk and town treasurer to hold their offices and keep the books and papers of their respective offices at some suitable place within the limits of said city; provided, that said city shall not be chargeable nor liable for any of the expenses arising or growing out of any of the provisions of this section.

Places of meeting.

SECTION 238. All moneys, properties, effects and credits belonging to the present village of Dodgeville shall belong to and be the property of the city of Dodgeville, and shall be transferred to the proper officers of said city by the person in charge of the same as soon as such officers shall be elected and qualified. The property known as the town hall, now owned by the said town and village of Dodgeville, shall continue to be the property of said town and the said city of Dodgeville jointly, in such proportions as the assessed valuation of the said town outside the said village, for the year 1888, bore to the assessed valuation of said village for the said year 1888.

City property.

SECTION 239. This act shall be submitted to the people of the territory hereinbefore described at a special election for that purpose to be held in the village of Dodgeville on the third Tuesday of April, 1889, at the usual place of holding village elections therein. The village board of said village shall select three of their number to act as inspectors of said election. Notice of said election shall be given in the same manner as for, and the same shall be conducted in all respects as, elections for village trustees under the laws of this state, and the form of the ballot shall be "For a city charter" or "Against a city charter."

Special election.

Result of election.

SECTION 240. The result of the election as canvassed by the inspectors, shall be returned to the village clerk. If a majority of the votes cast are in favor of a city charter, this act shall be in full force and effect.

Supervisors.

SECTION 241. The city of Dodgeville shall be represented in the county board of Iowa county, by one supervisor from each ward of said city.

City may use county jail.

SECTION 242. The use of the jail of Iowa county, until otherwise provided, shall be granted to the city of Dodgeville, for the confinement of offenders.

Separation of town and city.

SECTION 243. After the adoption of this act by the people of said city all connection between the territory hereinbefore described, and the said town of Dodgeville, for the purposes of taxation or otherwise shall cease.

SECTION 244. This act shall take effect and be in force from and after its passage and publication, and adoption as hereinbefore provided.

Approved April 1, 1889.

[No. 223, S.]

[Published April 3, 1889.]

CHAPTER 220.

AN ACT to amend chapter 238, laws of 1882, entitled, "an act to incorporate the city of Monroe."

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

Amendment to ch. 238, laws of 1882.

Deputy clerk.

SECTION 1. Section 19, of chapter 238, of the laws of 1882, is hereby amended by adding to the end thereof, the following: Every such clerk shall appoint a deputy, which appointment shall be approved by the mayor, but to be revocable by the clerk at pleasure. Such appointment and revocation shall be in writing and filed in his office. Such deputy shall aid him in the discharge of the duties of his office under his direction, and in the absence of the clerk from his office or in case of a vacancy by resignation, death, removal or from