

and declared a due and lawful recording of said ordinances.

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

Approved March 30, 1891.

No. 208, S.]

[Published April 4, 1891.]

## CHAPTER 103.

AN ACT to amend chapter 27, laws of 1889, entitled, "An act to revise consolidate and amend chapter 127, laws of 1887," entitled, "An act to incorporate the city of Ashland."

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

SECTION 1. Section 2 of chapter 2 of chapter 127, of the laws of 1887, is hereby amended so as to read as follows: Section 2. The city is hereby divided into six wards, as follows: Beginning at the center line of Ellis avenue, all that part of the territory of said city west of said center line of Ellis avenue and east of the center line of Vaughn avenue shall constitute and be the Third ward; all that part of the territory west of said center line of Vaughn avenue and east of the center line of Ninth avenue west, shall constitute and be the Second ward; all that part of the territory of said city west of said center line of Ninth avenue west, shall constitute and be the First ward; all that part of the territory of said city east of said center line of Ellis avenue and west of the center line of Willis avenue shall constitute and be the Fourth ward; all that part of the territory of said city east of said center line of Willis avenue, and west of the center line of Fourteenth avenue east, shall constitute and be the Fifth ward; all that part of the territory of said city east of said center line of Fourteenth avenue east, shall constitute and be the Sixth ward. Boundary lines of said wards described aforesaid, as the center lines of the avenues aforesaid, are

Amends chapter 127, laws of 1887. Ward boundaries.

Third ward.

Second ward.

First ward.

Fourth ward.

Fifth ward.

Sixth ward.

Clerk to prepare a book of plats for each ward.

hereby construed to be the center lines of each of said avenues extending in a direct line from the most northerly limit of said city to the southern boundary line thereof, whether said avenues are opened and existing from the north boundary line to the south boundary line or not. It shall be the duty of the clerk to prepare a book for use at the election in each ward in which shall be entered in orderly and convenient form, the lots and subdivisions of land in the ward. The description shall be platted when the territory has been platted, otherwise by government description. The common council may require also that all lots and parcels of land be designated as occupied or vacant as the case may be. The books so prepared shall be delivered to the inspectors of election for the respective wards before the polls are opened, and be returned by them, with the other returns as hereinafter provided.

Amends chapter 127, laws of 1887. Incumbering of streets prohibited.

SECTION 2. Subdivision 12, of section 4, of chapter 6, is hereby amended so as to read as follows: 12. To prohibit the obstruction and incumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheelbarrows, cars, locomotives, railroad tracks, boxes, lumber, firewood, timber, posts, signs, awnings or any substances or material or in any manner whatsoever, and to cause the removal of the same and assess and fix the cost and damages thereof and to levy taxes upon the property on which the same is located or abutting, for such costs and damages for such removal or the abatement of the same, and may impose penalties upon any person or corporation causing such obstruction or incumbrance. Subdivision 51, of said section, is hereby amended to read as follows: 51 To regulate and prohibit the use of locomotive engines and railroad cars within the city, and direct and control the location and laying of railroad tracks in, upon or across any street or alley of said city, and to require railroad companies to construct and maintain at their own expense, such bridges, subways, viaducts, gates, tunnels or other conveniences at public railroad crossings as the common council may deem necessary, and in such manner as said common council shall direct,

Amends chapter 127, laws of 1887. Power to regulate use of locomotive engines within city; location of tracks; construction of bridges, viaducts, etc.

and to require said railroad companies to pay all damages which may be awarded by reason of the construction of such bridges, subways, viaducts, gates, tunnels or other conveniences; to levy taxes upon the property of railroad companies situate or being in said city, to pay the expense, costs and damages for the construction and maintenance of any of the aforesaid structures and conveniences, and all damages to any property of any person which shall be assessed by reason of the construction of said structures and conveniences; and 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 and power to be used. To provide by ordinance or contract for the construction, operation and maintenance of street railways in said city.

**SECTION 3.** Section 11, of chapter 10, is hereby amended so as to read as follows: Section 11. All public works may be let by contract to the lowest responsible bidder. When the work is directed to be let to the lowest responsible bidder, the board of public works shall advertise for proposals by publishing a notice in the official newspaper of the city, at least once a week for at least three successive weeks before such proposals are advertised. A profile of the work to be done, together with the specifications, shall be placed on file with the city engineer for the inspection of bidders; and a form of the contract with sureties, as the same will be required to be executed by bidders, shall be prepared, and a copy of the same may be furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a bond with sureties executed on the part of the bidders, which securities 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 in the state of Wisconsin, not by law exempt from execution.

Amends chapter 127, laws of 1887. Public works to be let to lowest bidder; notice of letting contract how given.

**SECTION 4.** Said chapter 10 is hereby amended by adding thereto the following section, which shall be known as section 16 of said chapter: Section 16. The board of public works shall have power to reject any and all bids made for any

Amends chapter 127, laws of 1887. Board of public works may reject bids, when.

public work, if they shall deem such bids too high or made by irresponsible bidders, and they may re-advertise for further bids, or they may proceed to do such work or cause the same to be done under the supervision and direction of the city engineer, and the assessments upon abutting property shall be made for the cost thereof, the same as if the work was let by contract; provided however, that in case such work shall cost more than the lowest bid made by a responsible bidder, the abutting property owner shall in no case be assessed for more than the amount which would be assessable to such owner if said board of public works had accepted the lowest bid of such responsible bidder. This section shall apply in all cases of any public work, which the board of public works or the city engineer shall be required to do under the provisions of the city charter, or by the common council.

Amends chapter 137, laws of 1887.

Council may fund all bonds heretofore issued into one series; funded bonds, term of and interest.

SECTION 5. Chapter 14 is hereby amended by adding thereto the following section, which shall be known as section 14, of said chapter 10: Section 14. The common council shall have authority to fund all of the bonds heretofore issued for any purpose by the city of Ashland, into one series, which shall be known and designated as "The Funded Bonds" of said city, payable in not less than five years nor more than twenty years, bearing a rate of interest not to exceed five *per cent. per annum*, payable semi-annually, on the first days of January and July in each year. A sufficient portion of the moneys received from licenses of all kinds to pay the interest upon all of said funded bonds for the ensuing year and four *per cent.* of the principal of said bonds, shall be set aside for that purpose and placed with the depository now holding the sinking fund on or before the first day of June in each year. It shall be the duty of the mayor to demand of the city treasurer that said interest and sinking fund be placed with said depository as required by this section on or before the said date, and it shall be the duty of the treasurer to promptly comply with such demands. A report thereof shall be made by the mayor to the common council at the first meeting after June first, each year. The sinking fund now held by the depository of the same, and all moneys hereinafter

added to said sinking fund, shall be held by said depository for the redemption of said funded bonds and shall be used for that purpose at any time that any of said bonds can be purchased at par and accrued interest, and for no other purpose. The said depository shall pay interest on all of the moneys deposited under this section, at the rate of four *per cent. per annum*, semi annually, which shall be added to the sinking fund, and shall give bonds to be approved by the mayor and common council for the safe keeping of said moneys, the payment of said interest and the proper and lawful disposition of the same. New bonds shall be required at any time whenever in the opinion of the mayor and common council, they shall be deemed necessary for the safe keeping of said moneys. It shall be the duty of said depository to pay the interest when paid over as required by this section, on said funded bonds, on the first days of July and January, each year, until they are redeemed, and on all said interest money which shall be held by said depository, for the period of sixty days or more, interest shall be paid by said depository at the rate of four *per cent. per annum*, and the same be added to the sinking fund, The said depository shall report to the mayor and common council on the first days of July and January, each year, the amount of money so held by him applicable to the sinking fund and interest.

Depository to pay interest, when.

SECTION 6. Section 1, of chapter 15 is hereby amended to read as follows: Section 1. All property in the city subject to taxation under the laws in this state shall be subject to taxation for all purposes authorized by this act, but the total of the taxes for all purposes, except the special taxes levied upon property abutting upon and for public improvements, shall never exceed two *per centum* of the valuation of any property in said city.

Amends chapter 127, laws of 1887.

Taxation for general purposes not to exceed two per cent. of valuation.

SECTION 7. Section 12 of chapter 15 is hereby amended so as to read as follows: Section 12. On receipt of said tax roll, the treasurer shall give one week's notice thereof in the official paper, which notice shall specify that the taxes must be paid before the tenth day of January following, and that a failure to pay such taxes on or before

Amends chapter 127, laws of 1887.

Notice of collection of taxes.

that day, two *per cent.* thereof will be added thereto and collected as a part of said taxes, and on all taxes unpaid January 10, it shall be the duty of the city treasurer to add thereto two *per cent.* thereof. The common council may extend the time for the collection of all taxes remaining unpaid on January 10, until March 15, ensuing, but such extension shall not relieve any persons from paying the additional two *per cent.* required to be added to taxes unpaid on January 10.

Amends chapter 127, laws of 1887.

Treasurer to direct sheriff or chief of police to enforce collection of taxes, when.

SECTION 8. Section 13, of said chapter 15, is hereby amended so as to read as follows: Section 13. On the expiration of the time specified, the treasurer shall proceed to enforce collection of said taxes in the manner provided by law; provided, however, that the treasurer shall issue his warrant directed to the sheriff of the county, or the chief of police of the city, requiring him within the time specified in such warrant, to collect the taxes on all personal property as shall remain unpaid on the 10th day of January, as prescribed in the preceding section. And the sheriff or chief of police receiving such warrant shall possess all the power given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers, and entitled to receive as fees for such collection two *per cent.* of said taxes which shall be added to the same and collected of the owners of such personal property, together with necessary costs and disbursements required in collecting the same.

Amends chapter 127, laws of 1887.

Board of public works may reject bids.

SECTION 9. Section 16, of chapter 17, is hereby amended so as to read as follows: Section 16. The board of public works shall have power to reject any and all bids, otherwise the contract shall be let or the work performed as prescribed in the chapter entitled, "Board of Public Works," as amended by this act.

Amends chapter 127, laws of 1887.

Council to authorize laying of railway tracks.

SECTION 10. Chapter 17 is hereby amended by adding thereto the following section, which shall be known as section 30: Section 30. It shall be unlawful for any railroad company or others to lay any railroad track over, upon or across any street, alley or public grounds of the city, without being authorized by an ordinance duly passed by the common council.

Amends chapter 127, laws of 1887.

SECTION 11. The said chapter 17 is hereby further amended by adding thereto the following

section, which, shall be known as section 31: Council may order railway company to construct bridge, viaduct, etc.; how to proceed; penalty upon default; city may construct, when.

Section 31. Whenever the common council shall direct that any bridge, subway, viaduct, gate, tunnel or other convenience authorized by subdivision 51, of section 4, chapter 6, as amended by this act, be constructed, it shall be the duty of the city engineer to prepare plans and specifications of the same and submit them to the common council within the time directed by it for approval, and when the common council shall approve such plans, it shall be the duty of the city clerk to forthwith furnish some agent of the railroad company or companies, whose use of the street where such improvements, in the opinion of the common council, is needed, with a copy of the ordinance or resolution directing such improvement to be made, with a copy of the plans and specifications thereof and of the resolution approving the same. If the said railroad company or companies fail to commence the construction of such bridge, subway, viaduct, gate, tunnel or other convenience described in the ordinance or resolution within sixty days after receiving a copy of the same and of the plans, or fail to carry forward the construction of the same with reasonable diligence, shall forfeit and pay to the city one hundred dollars per day, for each and every day so failing to proceed with and to carry forward with reasonable diligence the said improvements, and the common council may direct the board of public works to proceed with the erection or construction of the same. Upon being so directed the board of public works shall immediately proceed with the construction of the same in all respects as required by chapter 10, of the city charter, entitled, "Board of Public Works," as amended by this act. The said board shall assess to the railroad company or companies the cost of damage thereof, *pro rata*, in proportion to the ownership of such companies of the land abutting thereon and as shall be just and equitable in their opinion. The damage to any other property than that owned by the railroad companies, on account of the construction of such bridge, subway, viaduct, gate, tunnel or other convenience shall be ascertained and awarded in the same manner as damages and benefits are determined for any improvement to streets as prescribed in the city charter and charged and as-

essed to the railroad companies respectively, and the property of each, *pro rata*, as aforesaid. Whenever the costs and damages shall be ascertained by the board of public works, for such bridge, subway, viaduct, gate, tunnel, or other convenience, and the same charged *pro rata*, as aforesaid, the said board shall demand of the companies the amount chargeable to each respectively, and forthwith make a full report to the common council. And if said company or companies shall refuse, neglect or fail to pay said amount within thirty days, the said city of Ashland shall be entitled to levy a special tax upon any of the property, situated or being in said city, of the railroad company chargeable by this act, for the cost of the improvement aforesaid. The said special tax may be collected in the same manner as personal taxes may be collected by the provisions of this act.

Amends chapter 127, of laws 1887.

Assessment for sewerage purposes, how based; deduction for corner lots, when.

SECTION 12. Section 9, of chapter 19; is hereby amended so as to read as follows: Section 9. 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, or the work shall have been otherwise performed, 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 or performed on each side of the same for its whole length, and which has not been so assessed for sewerage purposes, and such assessment against such abutting property shall be based upon the cost of an eight inch sewer, and the laying thereof; provided that corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner, shall be entitled to a deduction from such assessment of one-third of the cost of the sewer aforesaid, whenever it shall be laid along two sides of said lot or along the longest side or street line thereof, if such longest side or street line shall be one hundred feet or over. 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 such sewer, shall

be assessed for the cost of such sewer; and no corner lot shall be assessed for the cost of any sewer in any alley, when such lot has already been assessed for a sewer on two sides thereof.

SECTION 13. Section 15, of chapter 19, is hereby amended so as to read as follows: Section 15. 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 a proportionate value of that portion of the work to be paid for by the city, of the work then done, withholding in all cases ten *per cent.* of said estimate which shall entitle the holder to receive the amount thereof, less ten *per cent.* from the proper fund.

Amends chapter 127, laws of 1887.

Work to be subject to superintendence of board of public works: approval.

SECTION 14. Section 16, of said chapter 19, is hereby amended to read as follows: Section 16. Whenever the common council shall order the paving or re-paving 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 street, at the cost of the property fronting on such street, from the main sewer, water and gas main in such street to the curb line on either side of the street at intervals not less than twenty-five 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 paper, requiring them to do such work opposite their respective lots according to a plan and specification to be 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

Amends chapter 127, laws of 1887.

Water and gas service pipes, etc., to be laid previous to paving or repairing of streets; notice for, how given.

paving or re-paving 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 expenses thereof to the lots or parts of lots fronting upon such work, in the manner provided in and by section 5 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 re-paved 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 re-paved.

Amends chapter 127, laws of 1887.

Assessment for sewerage purposes, how based.

City treasurer may be re-elected.

Conflicting acts repealed.

SECTION 15. Said chapter 19 is hereby further amended by adding thereto the following section, which shall be known as section 33. Section 33. The board of public works, in assessing abutting lot owners for the cost of any sewer, shall base such assessment upon the cost of an eight inch sewer.

SECTION 16. The city treasurer may be elected to succeed himself.

SECTION 17. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1891.