

school commissioner elected for the Second ward of said city, at the annual charter election in 1890, shall hold his office for his unexpired term of two years, as school commissioner of the Third ward,

SECTION 5. For the purpose of holding the charter election this spring two days shall be considered legal notice, but this shall not be construed to effect elections in the future.

Two days' notice of election for spring election in 1891.

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

Approved April 3, 1891.

No. 842, A.]

[Published April 15, 1891.

## CHAPTER 135.

AN ACT to revise chapter 37, of the general laws of 1885, entitled, "An act to incorporate the city of Kaukauna."

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

### CORPORATE NAME.

SECTION 1. All that district of country, together with the incorporated village of Ledyard, in the county of Outagamie and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Kaukauna; and they who do now, or hereafter, inhabit said district, shall be a municipal corporation by the name of "The city of Kaukauna," and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes, and in addition thereto shall have and possess the powers hereinafter granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing or being sued; pleading and being impleaded, in all courts of law and equity; and shall have a common seal and may alter and change the same at pleasure.

Corporation created.

## BOUNDARIES.

Boundaries of  
city.

SECTION 2. All that district of country included within the following boundaries shall comprise said city, and shall be divided into five wards, as follows, named respectively, the First ward, the Second ward, the Third ward, the Fourth ward and the Fifth ward. For municipal or other purposes, the First and Second wards shall be known as the north district, and the Third, Fourth and Fifth wards be known as the south district. The center line of the main channel of Fox river shall constitute the dividing line; commencing at the point of the intersection of the east and west center line of section eighteen, in township twenty-one north, of range nineteen east, with the north-west line of private claim thirty-three, thence south forty degrees east, along said northwest line of said private claim thirty-three to the north bank of Fox river; thence in a southwesterly direction across said Fox river to the northeast corner of lot one, in fractional section one, on the south bank of said Fox river, in township twenty-one north, of range eighteen east; thence due south fifty-seven and seventeen one-hundredths chains to the quarter post on the southeast corner of said lot one, of fractional section twenty-one; thence due west fifty and ninety-eight hundredths chains to the east line of lot one; in fractional section twenty-two; thence south ten and sixty hundredths chains to the southeast corner of said lot one, of fractional section twenty-two; thence due west thirty-two and twenty-three hundredths chains to the southwest corner of lot five, in fractional section twenty-two; thence north eleven and ninety hundredths chains to the southeast corner of lot six, in said fractional section twenty-two; thence due west twelve and thirty-one hundredths chains to the southwest corner of lot seven, in said fractional section twenty-two; thence due north to the center of the highway known as the Green Bay and Menasha plank road; thence south sixty degrees west along the center of said highway fourteen and fifty-nine hundredths chains to the southwest corner of lot one in fractional section twenty-three; thence north

fifty-three and twenty-four hundredths chains to the northwest corner of said lot one in fractional section twenty-three, on the south bank of Fox river; thence in a northwesterly direction across the said Fox river to the point of the intersection of the north and south center line of section twenty-three, township twenty-one, range eighteen east, with the north bank of said Fox river; thence north along said north and south center line of sections twenty-three and fourteen, in said township and range, to the center post in section fourteen; thence due east across private claims one, thirty-five, thirty-four and thirty-three, to place of beginning.

#### FIRST WARD.

SECTION 3. The First ward of the city of Kaukauna shall consist of that territory of land within the city limits above described lying southwest of the southwest line of the north half of private claim thirty-five, and west of the center line of Desnoyer street, and all of block twenty-three lying south of the center line of Wisconsin avenue, on the north side of Fox river. First ward.

#### SECOND WARD.

The Second ward of the city of Kaukauna comprises all the territory lying east and north of the above described limits of the First ward, within the above city limits and north of Fox river. Second ward.

#### THIRD WARD.

The Third ward of the city of Kaukauna comprises all that part of the village plat of Ledyard lying west and southwest of the following described division line; south of the center line of Fox river, extend Fourth avenue in a straight line to its center point in Fox river, from that point in a southwesterly direction to where the center line of Fourth avenue intersects the center line of Fifth street; thence due south along the center line of said Fourth avenue to the city limits. Third ward.

## FOURTH WARD.

**Fourth ward.** The Fourth ward of the city of Kaukauna comprises all the territory east and southeast of the dividing line of the Third ward, south of the Fox river, except all land within the city limits east of section line between sections twenty-one and twenty-two, and land now known as the "Beaulieu Addition."

## FIFTH WARD.

**Fifth ward.** The Fifth ward of the city of Kaukauna comprises all the islands and island groups within the limits of the city of Kaukauna, generally known as islands one, two, three and four in Fox river, and also includes the platted land known as "Beaulieu Addition," and all land within the city limits lying east of section line between sections twenty-one and twenty-two.

## ANNEXATION OF ADJACENT TERRITORY.

**Other territory may be annexed.** SECTION 4. Territory lying adjacent to the city of Kaukauna may be annexed to said city in the manner hereinafter set forth.

**Proceedings.** SECTION 5. Three-fourths of the electors and 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 said city asking for annexation thereto; provided, that if no electors reside therein, such petition must be signed by the owners of at least three-fourths of the taxable property desired to be annexed before the common council shall have power to act thereon.

**Passage and publication of ordinance annexing territory.** SECTION 6. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced 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 such ordinance, taken by ayes and nces, and recorded, shall be necessary for its adoption.

Three-fourths vote necessary for adoption of ordinance.

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 proceedings 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.

Adoption of ordinance operates to annex territory.

SECTION 9. The number and boundaries of wards of the city may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by any ordinance the number of wards in the city and boundaries thereof or of any of said wards shall not be again changed for a period of two years except by adding thereto such territory as may at any time be added to the city limits; and provided further, that the territory of the wards shall be contiguous and compact, and that no ward shall have a population of less than five hundred.

Changing boundaries of wards.

#### CITY AND WARD OFFICERS.

SECTION 10. The officers of said corporation shall consist of a mayor, two aldermen from each ward, one supervisor from each ward, a city treasurer, city assessor, city clerk, city attorney, city physician, city marshal, two night policemen or watchmen, two justices of the peace, one for each district, chief of fire department, two street commissioners, three members of the board of sewer-

City officers.

age commissioners, and such other officers and agents as the common council may deem necessary.

#### ELECTIONS.

Election precincts.

SECTION 11. Until changed by the common council as hereinafter provided, the city shall be divided into two election precincts, one to comprise wards one and two, and shall be known as the north precinct, and the other to comprise wards three, four and five, and shall be known as the south precinct, and the places of holding elections shall be designated by the common council at least two weeks prior to any election.

Annual municipal elections.

SECTION 12. The annual municipal election in the city shall be held on the first Tuesday in April of each year, at such place or places in each election precinct as the common council shall designate. The polls of such election shall be opened at eight o'clock in the forenoon, and closed at five o'clock in the afternoon; 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 laws of the state; provided, however, that the failure to give such notice shall in no way invalidate said election. The common council shall provide five ballot boxes, numbered with the number of wards.

Elective and appointive officers.

SECTION 13. The mayor, city treasurer, city clerk, assessor, aldermen and justices of the peace 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. All of the officers above named, except aldermen and justices of the peace, shall be elected or appointed for one year; aldermen and justices of the peace shall be elected for two years.

Canvass of annual election returns.

SECTION 14. On Thursday next after the election herein provided for in each year, the common council shall, at its hour of regular meeting, as-

semble at the council rooms to canvass and declare the result of the annual municipal election.

SECTION 15. No person shall be eligible to an 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.

Qualifications  
of city officers.

SECTION 16. The term of office of the mayor and aldermen shall commence upon their election and qualification. The terms of other officers shall commence on the first day of May, succeeding their election or appointment, and shall hold one or two years respectively, as herein provided, and until their respective successors are elected or appointed and qualified.

Term of office;  
when to com-  
mence.

SECTION 17. 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.

All elections to  
be by ballot;  
ties.

SECTION 18. 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 for 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 an appointment in the first instance.

Vacancies;  
when occur-  
ing and how  
filled.

SECTION 19. Special elections to fill vacancies or for any other purpose, shall be held and conducted

Special elec-  
tions; how  
held and con-  
ducted.

by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner of the general municipal elections, and within such time as prescribed by law.

Duration of term of person elected to fill vacancy.  
v  
Officers: when to qualify.

SECTION 20. Every person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SECTION 21. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten 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.

#### SALARIES.

Salaries of city officers.

SECTION 22. The mayor and aldermen shall receive no salary; all other city officers shall be paid salaries or fees to be fixed as herein provided. The common council at their first regular meeting in March, shall fix the amount of salary or fees which shall be received by every city officer entitled to a salary or fees, 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 salary shall be paid out of the city treasury monthly at the end of each month; provided that when an officer receives fees in lieu of salary the same shall be paid, as may be provided by the common council. 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 provisions of this section; and when so fixed, they shall so remain until changed as herein provided.

#### OFFICERS—THEIR POWERS AND DUTIES.

Official bonds.

SECTION 23. The city treasurer and justices of the peace, 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 bonds; and in the absence of the originals, may be used as evidence in all courts of this state. Justices of the peace shall also give a bond as required by statute.

SECTION 24. 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 the 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.

Removal of officer; to be given opportunity to be heard in his own defense.

#### MAYOR.

SECTION 25. The mayor shall be the chief executive officer, the head of the fire department and chief of the 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 mayor; his powers and duties.

the city. When present he shall preside at all 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 power to veto any resolution, act or ordinance passed by the common council, by notifying the common council, or filing his objections thereto with the city clerk at any time within seven days after the passage of the same; and in case the common council shall not, at its next regular meeting or special meeting called for that purpose, re-enact such ordinance, or pass such act or resolution by a vote of three-fourths of the aldermen elected, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

**President of  
the council.**

SECTION 26. 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 power and discharge all the duties of the mayor. The president, while presiding at the 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.

#### CITY CLERK.

**The city clerk;  
his powers and  
duties.**

SECTION 27. The city clerk 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. Within thirty days after the close of each fiscal year he shall make out 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 effect and force as if the originals were produced. He shall also have power to administer oaths and affirmations 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. He shall hold his office at the council room in said city, and the common council shall at the time of fixing his salary on the first Tuesday of March in each year, by resolution fix his office hours.

#### ASSESSOR.

SECTION 28. The assessor shall assess all the taxable property of the city of Kaukauna, as required by law, and shall complete and return his assessment roll in the manner hereinafter pro-

The assessor;  
his powers and  
duties.

vided, and receive such compensation as shall be fixed by the common council.

#### CITY ATTORNEY.

The city attorney; his powers and duties.

**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 collecting 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.

#### TREASURER.

The city treasurer; his powers and duties.

**SECTION 30.** The city treasurer shall collect all city, county and state taxes; and shall receive all moneys belonging to the city, and keep an accurate account of the same in books suitable, 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 by him 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 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 predecessors 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; the common council may, prior to his election, fix a salary for the city treasurer, which shall be in lieu of all fees. Except as herein 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. No person having been city treasurer for one term shall be eligible to a re election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. He shall hold his office at the council chamber for such period as the common council may determine.

#### JUSTICES OF THE PEACE.

SECTION 31. There shall be two justices of the peace elected by the city at large under this act, one to hold his office in North Kaukauna and one in South Kaukauna; they shall each hold their office for the term of two years and until their successors are elected and qualified. They shall have the same jurisdiction and perform all the duties of justices of the peace; and shall qualify in the same manner, except that the official bonds shall be approved by a majority of the common council. They shall in addition to

Justices of the  
peace; their  
jurisdiction.

such jurisdiction as is conferred by law upon justices of the peace have concurrent jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council. Their fees shall be governed by the general laws concerning the fees of justices of the peace, but they shall not be furnished by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as a party to a suit before them. They shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested; and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by them and belonging to said city.

#### CITY MARSHAL.

**The city marshal shall; his powers and duties.**

SECTION 32. The marshal shall perform such duties as shall from time to time be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; he shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be the duty of the marshal so appointed to execute and return all processes and writs to him directed and delivered, and when necessary in criminal cases or for any violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots and disturbances, and breaches of the peace, and to remove or cause to be removed all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of the city or law of this state, and within reasonable time bring such person before competent authority for examination. It shall also be the duty of the marshal to see that all ordinances of the city are enforced, and prosecute in the name of the city, any person who may violate the same, and for such services he shall receive the same fees as are allowed to constables of towns for similar services, and such further compensation as the common council may

allow; provided, however, the common council, at the time of appointing the marshal, may provide by resolution that all fees in criminal cases, or for the violation of any of the city ordinances, which may be received by the marshal, shall be paid by him into the city treasury, in which case his compensation shall be an annual salary to be fixed by the common council. He shall be on duty every day, with the city, and as he shall from time to time be directed by the mayor.

#### POLICE OR NIGHT WATCHMEN.

SECTION 33. The policemen or night watchmen shall perform such duties as may from time to time be prescribed by the mayor or the common council, who shall have full power and authority to prescribe their hours of duty. They shall possess all the powers of constables of towns, be subject to the same liabilities, and shall receive the same fees for like services, and such additional compensation as may be allowed by the common council.

Police and ;  
watchmen.

#### CITY PHYSICIAN.

SECTION 34. The city physician shall be a legally qualified practitioner of medicine, and shall be *ex-officio* a member of the board of health of said city. He shall have charge of all the sick under the care of the city and render to them such medical and surgical aid as their condition may require, and in his judgment becomes necessary for their restoration to health. He shall use reasonable diligence to discover any nuisances, or anything existing in the streets, alleys or public places or upon the grounds adjoining the same within the city, that may endanger the health of the people residing therein, or in the vicinity of any nuisances; and once in each month, from the month of March to the month of November in each year, he shall file with the city clerk, a report, stating the facts with reference to any such nuisance known to him, and such recommendations with reference to the same as he may think will best subserve the public interests. He may at the same time report anything else known to him relating to the health of the people of said

The city  
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city which in his opinion should be remedied by the city authorities. Each such report shall at the next ensuing meeting of the council be presented to them for their consideration. He shall receive an annual salary to be fixed by the common council.

#### STREET COMMISSIONERS.

The street commissioner; his powers and duties.

**SECTION 35.** It shall be the duty of the street commissioners within ten days after their appointment and qualification, to inspect all the streets in their respective districts, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges and all things appertaining to the streets, and report in writing, to the common council, recommending in his opinion, what is necessary and ought to be done thereto, in separate items in the order of their first, second and third necessity, and so on to the end of his recommendation under item number one, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion, it is a matter of necessity. The street commissioners shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, sewers, gutters and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. They shall have the general supervision of all work let by contract for the making grading, paving, graveling, planking and repairing, and cleaning of the streets, bridges, alleys, public grounds, reservoirs and gutters, in their respective districts unless the council shall otherwise direct. They shall receive such compensation as the common council may determine.

#### THE COMMON COUNCIL — ITS POWERS.

The common council, how constituted; meetings of council.

**SECTION 36.** The mayor and aldermen shall constitute the common council, and the style of all ordinance shall be: "The mayor and common



council of the city of Kaukauna do ordain as follows.”

SECTION 37. 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 of such meeting. Which notice shall specify the objects of the meeting, and no other business shall come before such meeting.

General provisions relating to meetings of council.

SECTION 38. The common council shall determine the rules of its own proceedings. A majority of the members shall constitute a quorum for the transaction of business, but 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 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 members 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.

General provisions as to the common council.

SECTION 39. 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,

The council; its powers; control of city finances.

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 laws; provided, that they be not repugnant to the constitution of the United States or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

**Licenses.**

1st. 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 liquor; 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, 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 license shall be granted except by a majority vote of all the members of the common council; and the persons to whom such license is granted shall give a bond, according to law with two or more sureties.

**Gambling, etc.**

2nd. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

3rd. To license, regulate, suppress or prohibit concerts and musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, and all other exhibitions and amusements

Concerts and musical entertainments, etc.

4th. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill-fame.

Riots, disturbances, etc.

5th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer 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 or convenience of the inhabitants of said city.

Abatement of nuisances.

6th. 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.

Regulation of breweries, tanneries, slaughtering establishments, etc.

7th. To direct the location and management of public markets.

Public markets.

8th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food, and to describe their duties and compensation, and cause the seizure and destruction, or other disposition, of tainted or unwholesome meat, butter, vegetables, fruit or provisions

Butchers' stalls and inspection of food.

9th. To direct or prohibit the location and management of houses for the storage of gun powder and other dangerous and combustible materials.

Storage of gunpowder, etc.

10th. 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.

Same; use of candles, etc., in barns and stables.

- Shooting of fire-arms and crackers.** 11th. To prohibit the shooting of fire-arms and crackers, and the exhibition or use of any fireworks, 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.
- Encumbering of streets, etc.** 12th. 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.
- Horse racing in streets.** 13th. To prohibit horse racing and immoderate riding or driving in the streets.
- Abuse of animals.** 14th. To prohibit and punish the abuse of animals.
- Fastening of, horses, etc., on streets.** 15th. 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.
- Bathing and swimming.** 16th. To regulate and determine the times and places of bathing and swimming, in the canals, rivers, harbors or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct.
- Vagrants, street beggars, etc.** 17th. 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.
- Running at large of dogs.** 18th. To prohibit the running at large of dogs and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.
- Licensing of dogs.** 19th. To provide for the licensing and 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 dog.
- Licensing of hackmen, etc.** 20th. 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 occupation, with or without vehicles, and to prescribe their compensation, and to estab-

lish and change from time to time, stands for hacks and other public vehicles.

21st. 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.

Playing of ball, etc., on streets.

22d. To regulate, control and prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city; and also 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.

Contagious or infectious diseases.

23d. To establish hospitals, and to provide for their regulation and support.

Hospitals.

24th. 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.

Health regulations.

25th. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemeteries within or without the city limits, and to exercise jurisdiction and control thereof; to direct the returning and keeping the bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Burial of dead; purchase of cemetery grounds.

26th. 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 costs of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinance.

Running at large of cattle.

27th. To regulate the holding of public auctions.

Public auctions.

28th. To prescribe and regulate the construction of sewers within the city.

Sewers.

29th. To locate, purchase sites and let contracts for the erection and construction of public buildings. To acquire by gift, grant, devise, donation, purchase or condemnation, lands for

Public buildings.

- parks, and any other public purpose, and to sell, dispose of and convey the same.
- Laying out of highways, etc.** 30th. To lay out, make, open, and keep in repair, alter or discontinue any highway, streets, lanes and alleys, and keep them free from incumbrances, and protect them from injury.
- Grade of streets.** 31st. To establish and alter the grades 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.
- Naming of streets.** 32d. To name or change the name of any street.
- Water works, public pounds, etc.** 33d. 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 for 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 or 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.
- Lighting of streets.** 34th. 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 or 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.
- Boards of health.** 35th. To establish and regulate boards of health.
- Abatement and removal of nuisances.** 36th. 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.

37th. 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.

Depositing  
putrid car-  
casses in said  
city.

38th. 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.

Ringing of  
bells, blowing  
of horns, etc.

39th. To regulate or prohibit the use of steam whistles within the limits of the city.

Steam  
whistles.

40th. To provide for sprinkling the streets at the cost of the city, or of the lots or parts of lots fronting thereon.

Sprinkling  
of streets.

41st. To compel the owners or occupants of buildings or grounds to keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners 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.

Removal of  
snow and ice  
from side-  
walks.

42nd. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in such city or in any way doing damage to such sidewalks.

Driving horses  
and cattle on  
sidewalks.

43d. 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.

**Standard of weights and measures.**

44th. 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 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.

**Sales of hay, wood, ice, etc.**

45th. 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 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.

**License of auctioneers, brewers, pawnbrokers, etc.**

46th. To license and regulate auctioneers, distillers, brewers and pawnbrokers, and keepers or proprietors of junk-shops and places for the sale and purchase of second-hand goods, wares and merchandise.

**Hawkers, peddlers, runners for public houses and mercantile houses.**

47th. To license, regulate and restrain hawkers, peddlers and runners or solicitors for steam-boats, 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 of licenses under this subdivision, to prescribe the time in which such licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employment 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.

**Regulation of lumber yards, etc.**

48th. 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, boilers, etc.**

49th. To provide for the inspection and regulation of stationary steam engines and boilers.

50th. To provide for the appointment of in-



spectors, weighers and gaugers, and regulate their duties and to prescribe their fees.

Appointment of inspectors, weighers and gaugers.

51st. To regulate the use of locomotive engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto, to direct and control the location of railway tracks in the streets, and as one of the conditions for such privilege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, and the kind of rail to be used.

Speed of railway trains in city.

52d. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties.

Watchmen and policemen.

53d. 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.

Numbering of houses, stores, ect.

54th. 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.

Noxious weeds, etc.

55th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Ornamental trees.

56th. Exclusively to erect and construct, or to permit, cause or procure to be erected and constructed, float, pivot or draw bridges over the navigable or other waters within the jurisdiction of the city, and to keep the same in repair and regulate the use thereof; said bridges to have draws of suitable width, when necessary for the purposes of navigation.

Erection of bridges.

57th. To preserve the river and canals; to prevent any use of the same, or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, ashes, dead animals, or other substances, or logs, or floating mat-

Rivers and canals.

ter; to prevent and remove all obstructions therein, and punish the authors thereof.

Re-numbering  
of lots and  
blocks.

58th. To re number the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds.

Leasing of  
wharving  
privileges.

59th. To lease the wharving privileges of the rivers and navigable waters at the end of streets, upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such cases as are given by law in other cases; but no buildings shall be erected thereon. The owner or owners of adjoining lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

Arrest of va-  
grants. etc.

60th. To authorize the arrest, fine and imprisonment, of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering and rambling about, staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or, who shall be found trespassing in the night time upon 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 tables, gaming house, house of fortune telling, or place or 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 pretences 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.

Concealed  
weapons and  
confiscation  
thereof.

61st. To prohibit the carrying of concealed weapons and to provide for the confiscation or sale of such weapons.

Regulate con-  
struction of  
buildings,  
chimneys, etc.

62nd. To control and regulate the construction of buildings, chimneys and smoke stacks; 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 a nuisance, and to provide for their summary abatement.

63rd. 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 an alarm.

Regulate use  
of halls,  
theatres, etc.

64th. 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,

Running at  
large upon the  
streets of  
horses, cattle,  
etc.

65th. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published at least once in some newspaper published in said city, or posted in three public places in said city before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions, or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as evidence of the passage and publication of such law, ordinance, regulation or by-law. Such record of such law, ordinance, regulation, resolution or by-law, or a copy of such record certified by the city clerk under the seal of the city, or a newspaper or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof shall be adopted without the affirmative vote of a majority of the common council-elect, which vote

Passage and  
publication of  
ordinances,  
etc.

shall be taken by ayes and noes and duly entered of record.

Ordinance requiring mayor's signature.

SECTION 40. No law, ordinance, regulation, resolution or by-law requiring the signature of the mayor, shall take effect until seven days after the passage of the same unless sooner approved in writing by the mayor.

Veto power.

SECTION 41. The mayor shall have power to veto any resolution, act or ordinance passed by the common council, by notifying the common council of his objections thereto, or by filing the same with the city clerk, at any time within seven days after the passage of the same. And in case the council shall not at its next regular meeting called for that purpose, re-enact such ordinance, or pass such act or resolution by a vote of three-fourths of the aldermen elected, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he had signed it.

Power in council to abate nuisances not to bar actions for same purpose.

SECTION 42. The power conferred upon said common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein nitroglycerine or more than one hundred pounds of gunpowder or other explosives are deposited, stored or kept, at any one time, are hereby declared and shall be deemed nuisances.

Gambling houses, etc. declared nuisances.

Examination of accounts of city officers.

SECTION 43. The common council shall examine, audit and adjust the accounts of all officers or agents of said city, and all other claims against said city at such time as it may deem proper, also on or before the last Tuesday in March, in each year; and the common council shall require each and every officer or agent of said city to exhibit his books, accounts and vouchers for such examination and settlement, and if any officer or agent shall refuse to comply with the orders or requirements of the common council in the discharge of their duties in pursuance of this section, or shall neglect or refuse

to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer, or person, or agent of said city, who may be delinquent or defaulting in his accounts or discharge of his official duties, and shall make a full record of all such adjustments and settlements. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his behalf, except it be for street work or hire under the supervision of a street commissioner, duly certified by him.

SECTION 44. The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council or any member of any committee appointed by the common council shall have authority and power to administer all necessary oaths or affirmations to persons who may be called before the common council or any committee to give testimony. The mayor, acting mayor, or president of the common council is authorized and empowered to issue a subpoena by him signed, commanding any person to appear before the common council or committee designated to testify concerning any matter under examination or investigation as above provided, and to produce before the common council or such committee any books, papers or documents relating to the matter under examination or investigation, and every person served with such process is hereby required to obey the same without the prepayment of fees.

Council shall have power to examine official acts of officers or agents of city.

SECTION 45. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Examinations may be had by council in session or by committee.

Admission of witnesses shall not be used against them in any civil or criminal suit.

Printing and publishing to be let to lowest bidder. Publications, how proved.

Corporate authority where vested.

Actions, how brought.

Judgments on convictions in actions to recover penalties or forfeitures.

**SECTION 46.** Any admission which any person shall make when testifying before such committee or the common council shall not be used against him in any civil or criminal suit.

**SECTION 47.** The common council, at its first meeting or as soon thereafter as may be, shall let to the lowest suitable bidder the contract to print and publish all matter required by this act, or by the common council or by-laws, to be printed or published. Such party shall be the proprietor of a printing office in said city, and of a newspaper which shall have been printed and issued regularly at least once a week in said city for one year next preceding the contract, and shall have at least *bona fide* subscribers within the limits of the city. Such party shall be styled the city printer. The bids shall be made in such manner, and shall be received at such time and place as the common council may direct. The common council may reject any and all bids, and the price paid for publishing any matter shall not exceed forty cents per folio for the first insertion and twenty cents per folio for each subsequent insertion. The city printer immediately after publication of any ordinance or notice which is required to be published, shall file with the city clerk a copy of such publication with his affidavit or the affidavit of his foreman, of the length of time the same has been published and the number of insertions, and such affidavit shall be *prima facie* evidence of the publication of such ordinance.

**SECTION 48.** The corporate authority of the city shall be vested in the mayor and common council.

#### ACTIONS, APPEALS, BONDS, SURETIES.

**SECTION 49.** 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.

**SECTION 50.** In case of convictions 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, to-

gether with the costs of prosecution, against the defendant; and shall also enter a judgment that such defendant be imprisoned in the county jail 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 shall limit such additional terms of imprisonment in its discretion, in no case, however, to exceed six months.

SECTION 51. 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 Outagamie county in the same manner in which offenders may under the general law appeal from the judgments of the justices of the peace, in actions where the state is a party plaintiff.

SECTION 52. No action shall be maintained by any person against the city, upon any claim or demand until such a 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.

SECTION 53. 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.

SECTION 54. Whenever any claim against the city 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 Outagamie county, by causing a written notice of such appeal to be served on the clerk of said 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 ap-

Appeals.

Actions not maintainable upon claims against city until claims presented to council.

Action of council on claim conclusive unless appealed from.

Appeals from action of council disallowing claim; how and when taken; proceedings thereon.

peal 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 said 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 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 exceeds the amount recovered judgment shall be rendered against the appellant for the amount of such excess.

SECTION 56. The following shall be substantially the forms to be used in the justice courts of the city in cases of prosecutions for the violation of ordinances.

#### COMPLAINT.

Form of complaint.

State of Wisconsin, }  
City of Kaukauna, } ss. In the justice court  
of said city.

A. B. complains on oath to the justice court of the city of Kaukauna, that C. D. did, as the deponent verily believes, on or about the . . . day of . . . A. D. 189 . . ., 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 complaining 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., 189 . . .

E. F.,  
Justice of the Peace.



WARRANT.

State of Wisconsin, }  
 City of Kaukauna. } ss. In the justice court Form of war-  
 of said city. rant.

The state of Wisconsin, to the city marshal or any police officer of said city, or to the sheriff or any constable of the county of Outagamie. 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 Kaukauna.

Dated .....

E. F.

Justice of the Peace.

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 be imprisoned, in the alternative, the justice shall indorse upon the commitment a statement of the amount remaining unpaid of such fines and costs.

FIRE DEPARTMENT.

SECTION 56. The common council shall have power 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 for 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.

Organization of  
 volunteer fire  
 companies.

SECTION 57. The common council shall have power 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, prescribe special fire limits, within the general fire limits, within which special fire limits they may require such building material to be used and such additional precautions to be ob-

Council may fix  
 fire limits and  
 regulate con-  
 struction of  
 buildings  
 therein.

served, 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 or fire wardens, designate their authority, fix their term of office and provide for their compensation.

Establishment of paid fire department; chief engineer and assistants.

SECTION 58. It shall be competent for the common 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 to maintain it at the sole expense of the city; to provide for the appointment of a chief engineer of the fire department, and as many assistants as may be deemed necessary, and fix their salaries and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

Purchase of fire-engines and apparatus.

SECTION 59. In case the city shall establish a paid fire department under this act it shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines, engine houses and fire stations, fire alarms, fire signals, telegraph 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 account to be kept by city treasurer.

SECTION 60. In case the common council shall establish a paid fire department, the city treasurer shall keep a separate account, with the general fund, to be called the fire account, in which shall be entered all disbursements for or on account of the fire department, and all appropriations made, and all taxes collected for its use.

Pension fund for relief of disabled firemen.

SECTION 61. 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 centum* of their wages to said fund.

PUBLIC SCHOOL SYSTEM.

SECTION 62. The supervision of public instruction shall be vested in a board of education, consisting of the mayor and the director and clerk of each school district. The city superintendent of schools shall be *ex-officio* a member of said board, but not be entitled to a vote.

Board of education, how constituted.

SECTION 63. Regular meetings of said board shall be held on the last Wednesday of December, March, June and September in each year at such place as the board may designate; and special meetings may be called by the city superintendent or any two members of the board by leaving a written notice thereof at the residence of each member.

Meetings of the board.

SECTION 64. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his absence any one of the members present may be chosen chairman *pro tem*.

Majority of board a quorum, etc.

SECTION 65. The duties of the board of education shall be as follows:

Duties of board.

1st. To elect annually, at the regular meeting in June, a superintendent of schools and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting and discharge such other duties as the board may direct.

2nd. To arrange and determine the boundaries of school districts and to form new districts, subject to the approval of the common council; provided, that hereafter no joint district shall be formed of a portion of the city and a portion of any adjoining town.

3rd. To arrange terms and vacations of all public schools and establish uniformity in the school system.

4th. To require uniformity in text-books, and to adopt or reject text-books at will; provided, that text-books shall not be changed oftener than once in five years.

5th. To institute uniform regulations for

schools not conflicting with the constitution or laws of this state.

SECTION 66. The duties of the city superintendent shall be as follows:

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in said city.

2nd. To annul a teacher's certificate whenever he may think proper; provided such teachers shall have the right to appeal to the board of education.

3rd. To visit each school department in said city at least three times during each term.

4th. To report to the board of education at each regular meeting relative to the condition of schools under his supervision; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Members of board not entitled to compensation; salary of clerk; stationery.

SECTION 67. The members of the board of education shall not be entitled to any compensation for their services, but the common council shall provide them with all the necessary books and stationery, and a suitable place to hold their meetings, and the common council may in its discretion, allow a reasonable compensation to the clerk of the board of education.

School district; certain outlying territory attached to city for school purposes only.

SECTION 68. Whenever the electors of any school district, at the annual or adjourned meeting, shall neglect or refuse to levy such an amount of tax as is necessary to pay teachers' wages or defray incidental expenses, the school district board may appeal in writing from such action to the common council, and that body shall thereupon have authority to levy such amount of tax for teachers' wages and for incidental expenses in said district as the majority of the aldermen-elect shall determine.

Teachers' wages; tax to be levied to pay the same, how.

SECTION 69. All that territory now constituting joint school district number one, of the city of Kaukauna and the town of Buchanan, not included within the corporate limits of said city of Kaukauna and all that territory now constituting joint school district number two of the town of Kaukauna, and the city of Kaukauna, and not included within the corporate limits of said city, shall constitute and be a part of and be attached

to the city of Kaukauna for school purposes only, and when the common council of the city shall determine at any time to levy a school tax in addition to that levied by the said districts, and shall fix the rate *per centum*, the clerk of said city shall notify the town clerks of said towns in writing, of the *per centum* so determined by the common council, and said town clerks shall assess the same rate upon all real and personal property of their respective town so attached, and the town treasurer of said town shall collect the same, in the manner of collecting other town taxes, and when collected pay the same over to the city treasurer of the city of Kaukauna, for school purposes of the said city.

SECTION 70. It is hereby made the duty of the board of education, at their regular meeting in March in each year, to determine and fix the salary of the city superintendent for the ensuing year, and the salary so fixed shall not be increased or diminished during said year.

Salary of city superintendent.

SECTION 71. The amount of salary of the city superintendent as fixed by the board of education, shall be payable in equal portions by the several school districts of said city, and shall be assessed, levied and collected the same as other district taxes, except that no vote of the electors of said district shall be necessary to raise the same, but it is hereby made the duty of the several district clerks to include in their report of the amount of taxes raised in their districts, the proportion of such salary due from their districts; such amount shall be paid by the said districts to the city superintendent, upon the written order of the board of education of said city, said order to be signed by the chairman and clerk of such board.

Salary, how paid.

SECTION 72. It is hereby made the duty of the clerk of the board of education of said city, on or before the first Monday in July in each year, to report to the several school district clerks of said city the amount of salary to be paid the city superintendent for the ensuing year, with the portion of such salary due from each district.

Apportionment of salary among several districts.

SECTION 74. The city of Kaukauna, and that part of the town of Buchanan, and the town of Kaukauna, which is hereby attached to said city for school purposes, is hereby declared to be forever exempt from the provisions of an act "To

City and certain towns exempt from provisions of certain law.

create the office of county superintendent of common schools, approved April 6, 1851," and of all subsequent amendments thereto, and said county superintendent shall possess no authority as such over the schools of said city, and the territory so attached.

General laws relating to schools to be in force in city and adjoining territory.

SECTION 74. All the laws of this state relative to public schools, so far as the same shall be applicable and not inconsistent with the provisions of this chapter, shall apply to and be in force in the city of Kaukauna, and the territory attached to said city for school purposes.

#### FINANCE AND EXPENDITURES.

Fiscal year.

SECTION 75. The fiscal year shall commence on the first day of April in each year, and close on the thirty-first day of March next succeeding.

Funds in the treasury, under control of council; how drawn out.

SECTION 76. 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 authorized by a vote of the common council. All orders drawn upon the city treasury shall specify the purpose for which they are drawn, and shall be payable out of any funds in the city treasury not otherwise appropiated. City orders shall not be receivable for all city taxes except school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of the said city, which shall be collected in money or in orders upon such fund respectively. All orders shall be payable to the order of the person in whose favor they are drawn.

Funds to be paid out only for purpose for which appropriated.

SECTION 77. 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 especially appropriated, any direction of the city council to the contrary notwithstanding.

Debt to be contracted only on majority vote of council.

SECTION 78. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall be 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.

SECTION 79. 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 order is drawn.

Money to pay orders must be in treasury before order drawn.

SECTION 80. 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 statement of all disbursements since the last report. 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.

Treasurer's statement of condition of treasury to be filed with city clerk monthly.

SECTION 81. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty *per centum* 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.

Council may borrow money, when.

SECTION 82. The common council shall have authority to issue bonds for the following purposes only:

Bonds may be 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 centum* 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 centum per annum*, payable semi-annually.

Claims against city to be itemized and verified.

SECTION 83. 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 city 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.

Pay rolls.

SECTION 84. The common council may provide for the payment of persons employed by the city on monthly pay rolls and shall prescribe the form of the same; provided that said pay rolls shall be passed upon by the common council the same as other claims.

#### ASSESSMENT AND COLLECTION OF TAXES.

Property subject to taxation.

SECTION 85. All property in the city subject to taxation under the laws of the state, shall be subject to taxation for all purposes authorized by this act.

Assessment, when to be made.

SECTION 86. The assessor 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; provided that the assessment roll for the entire city or the roll for each ward of the city shall be made as the council may direct.

Board of review, how constituted.

SECTION 87. The mayor, city clerk and assessor shall constitute the board of review; provided, that the common council may by ordinance provide for an increase of membership of said board,



by adding thereto not exceeding five members of the common council.

SECTION 88. 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.

Meetings of board.

SECTION 89. When the roll or rolls shall have been examined and completed by the board of review, the assessor 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.

Completed and verified assessment roll to be delivered to city clerk.

SECTION 90. On or before the first Tuesday of December in each year the council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, 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

Levy of annual tax.

SECTION 91. It shall be the duty of the city clerk to make out a complete tax roll in the manner and form prescribed 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:

Preparation of tax roll by city clerk.

“To . . . . ., city treasurer of the city of Kaukauna:  
 You are hereby required to collect from each of the persons and corporations named in the annexed tax roll, and from the owners and occupants named, of the real estate described therein,

Form of warrant prima facie evidence that land was subject to taxation etc.

the taxes set down in such roll opposite to their respective names, and to the several parcels of land described therein; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of .... for state taxes, you are to retain and pay out as city treasurer, according to law, the sum of .... and the balance of said moneys you are required to pay to said treasurer for county purposes on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant with said roll annexed, together with your doings thereon as required by law.”

....., Mayor.  
 ..... Clerk.

Dated the ..... day of ....., 189..

Tax roll and warrant to be prima facie evidence of taxation therein.

SECTION 92. 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.

When council may remit or annul or cancel tax.

SECTION 93. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

1st. When a clerical error has been made in the description of the property or in the extension of the tax.

2nd. 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.

3rd. When the property is exempt by law from taxation.

4th. When a person has been assessed the same year for the same property in more than one ward or place.

SECTION 94. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lot 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.

Special taxes to be carried out on tax roll.

SECTION 95. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the taxes must be paid before the tenth day of January following.

Notice of time when taxes payable.

SECTION 96. On the expiration of the time specified the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, however, the treasurer shall issue his warrant directed to the city marshal of the city, requiring him within a time specified in such warrant, to collect the taxes on personal property as shall then remain unpaid, and the city marshal receiving such warrant 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 the same fees as town treasurers in such cases.

Collection of taxes; marshal to collect personal property tax.

SECTION 97. Before the treasurer shall sign his warrant to the city marshal, as provided in the preceding section, such city marshal shall give a bond to the city, in such sum and with such sureties as the common council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant.

Marshal's bond.

SECTION 98. Within the time required by the statutes of this state in the case of town treasurers for the return to the county treasurers of the delinquent taxes on personal and real property, the said city marshal shall return his warrant for the collection of taxes of personal property to the treasurer.

Return of warrant by marshal.

SECTION 99. 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 street and other public improve-

Disposition to be made of taxes collected.

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

Directions herein given directory merely, errors or informality not to be regarded.

SECTION 100. 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 any wise affect the validity of such tax or assessment.

#### EMINENT DOMAIN.

Council may condemn land for public purposes; proceedings.

SECTION 101. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act, amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain, or upon a donation thereof, or in a manner as follows: Whenever it shall in the opinion of the common council, be necessary, said council shall declare by resolution that it is necessary to take such lots or lands, for any of the purposes above set forth giving a description of the premises, defining separately each parcel thereof, and the purpose for which they are to be taken, the common council shall thereupon cause a written notice as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners thereof, if the place or resi-

dence of such owner or owners is known or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of this state or their place of residence after due diligence by the city attorney of said city cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or on the owner or owners, the residence of whom cannot be ascertained, by causing the same to be published for six weeks in a newspaper published within the county of Outagamie, at least once each week, and by causing such notice to be mailed postpaid to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

SECTION 102. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further that at a time and place to be therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge of Outagamie county for a jury to inquire and determine whether it is necessary to take the land or any part thereof, described in such resolution, for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for, to meet and discharge such duty, and the judge aforesaid shall fix the time and place so named in the precept hereinafter mentioned, and no other notice thereof shall be necessary.

SECTION 103. At the time fixed in such notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint twelve competent persons having the qualifications of jurors in and for the county of Outagamie, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be

Notice, what to contain.

Appointment of jurors.

disqualified. The same rights of challenge peremptorily, or for favor or cause may be exercised by the city attorney and by such land owner whose land is sought to be taken by his agent or attorney, as party to a civil action in a circuit court is entitled to have; and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them, and each of them to appear before him on the day named in the notice to such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duties as such jurors, and a true verdict give, whether it is necessary to take such land, or any part thereof, mentioned in such resolution for the purposes therein specified.

**Taliamen.**

SECTION 104. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

**Jury to view premises and hear testimony**

SECTION 105. The said jurors shall forthwith under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested whose testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

**Verdict of jury; if jury disagrees another to be appointed.**

SECTION 106. After having made such view and heard such testimony as shall have been produced, the said jury, under direction of said judge, shall deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the

papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Outagamie county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall on the application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling for such jury in the precept therefor, but no further notice thereof shall be necessary to any party. A third jury shall not be called except by the direction of the common council.

SECTION 107. The costs of the forgoing 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 proceedings 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.

Costs, how paid.

SECTION 108. Should the necessity for the taking of the premises or any part thereof mentioned in the resolution of the council be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damage to the owner or owners of the premises so found necessary to be taken, by the reason of the taking of the same for the purposes specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court of Outagamie county, briefly setting forth that the necessity for taking the premises had been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of the owner or owners of such land, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of

Appointment of commissioners to appraise damage.

the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section 101 of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land, so found necessary to be taken, and fix a time and place for the first meeting of said commissioners.

Buildings to be appraised separately.

**SECTION 109.** If there should be any buildings standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their statement, shall first estimate and determine the whole value of such building to owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to be moved.

Notice of determination of commissioners to be served on owner.

**SECTION 110.** At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication for three successive weeks in a newspaper published in Outagamie county; such notice shall specify the building and award of the commissioners. It shall also require the parties interested to appear at a day therein named, or give notice to the common council, of their election to accept the award of the commissioners and allow such building to be taken, with the lands appropriated, or their intention to remove such building at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have time for this purpose as the common council shall allow.

Sale of building if owner refuses to remove same; disposition of proceeds.

**SECTION 111.** If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct



the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

SECTION 112. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons in interest respectively, may be awarded to them by the commissioners less the benefit resulting to them respectively from the proposed improvement.

When property belongs to different owners, how award made.

SECTION 113. A majority of the commissioners appointed shall be competent to determine all matters before them; and they shall within twenty days after viewing any of the land so taken, make and file in the office of the clerk of the circuit court of said county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. Whenever the commissioners shall have completed their duties the common council may by resolution order such improvements to be made and the land which has been so found necessary to be taken therefor, to be taken and used; and in such case the city shall be absolutely liable to the owner or owners, or parties entitled thereto for all compensation that may be established therefor; and the council may also make an assessment of the compensation therefor to be paid, with the costs of the proceedings, or such part thereof as it shall determine to be just upon the lands found by them to be directly benefited by such improvements in such proportions to the benefit enjoyed as it shall determine.

Report of commissioners to be filed in office of clerk of circuit court.

SECTION 114. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court of Outagamie county within twenty days from the time of awarding of compensation or assessments of benefits, by serving on the mayor or city clerk a notice of appeal therefrom and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor or city clerk to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of com-

Appeal from award of commissioners, how taken.

pensation, or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party without giving bonds. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there, as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by a jury unless a trial by jury be waived by both parties; costs shall be allowed to the successful party as in other like actions in said court.

Report to be recorded by clerk of circuit court.

SECTION 115. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, and at any time after the making of such award the city may set apart in its treasury to the order of the owner or owners of the land so taken, or pay the same to such owner or owners, or to the clerk of said court, for the use of such owner or owners, the amount awarded by the commissioners and thereupon may enter upon, take and use the land for the purpose for which it was condemned, and may obtain from either of said judges upon twenty-four hours notice a writ of assistance to put its officers or agents in possession of the same, provided that no appeal be pending.

Taking of land to work release of all contracts touching same.

SECTION 116. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon confirmation of such report, respectively cease and be absolutely discharged.

Contracts touching land to be only discharged as to part taken.

SECTION 117. When only a part of a lot or tract of land or other premises so under lease, or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same upon the confirmation of such report shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for, and in respect to the same, shall be so proportioned that the part thereof justly and

equitably payable for such residue thereof; and no more shall be paid or recoverable for or in respect to the same.

SECTION 118. When any known owner of lands or tenants affected by any proceeding under this charter, shall be an infant or labor under any disability, the judge, before whom the proceedings are pending, may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by the foregoing provisions shall be served upon such guardian.

Appointment of guardians for infant owners.

SECTION 119. The commissioners appointed under this act shall, before they enter upon the performance of their duty, take an oath before the judge appointing them, faithfully and impartially to discharge their duties as such commissioners. They shall be entitled to such compensation as the court may direct, which shall be paid by the city.

Oath and compensation of commissioners.

SECTION 120. The judge or court, before whom proceedings are pending, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new portions to be added, and to direct such further notices to be given to any party interested, as he deems proper; and also to appoint other commissioners in place of any who may die, or refuse or neglect to serve, or be incapable of serving.

Amendments; appointment of commissioners in lieu of those neglecting to serve.

SECTION 121. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged, or other public improvements made under the provisions of this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office or the city clerk.

Survey and profile of streets and alleys to be filed with city clerk.

SECTION 122. The council shall have the power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in a paper published in said city or posted in at least three public places prior to the meeting of the council.

Changing names of streets, vacating plats, etc.

Roads and streets through unplatted lands.

**SECTION 123.** Roads or streets may be laid out through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Provisions herein regarded as directory merely; informalities to be disregarded.

**SECTION 124.** All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act not affecting substantial justice, shall in any way affect the validity of the proceedings.

#### CITY IMPROVEMENTS.

Cleaning and repairing of streets, bridges, sidewalks, etc.

**SECTION 125.** The common council shall adopt general regulations for the cleaning and repairing of streets, alleys, highways, bridges, sewers, sidewalks, crosswalks and public grounds, and requiring the owners and occupants of lots or parcels of land bordering or abutting on any street, alley or highway, to keep in repair or rebuild the sidewalks adjoining their premises; and in case the owner or occupant of such lot or parcel of land, after due notice, shall neglect or refuse to repair or rebuild any such sidewalk, the street commissioner shall, in pursuance of such regulation, or of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto; and the street commissioner shall, prior to the second Monday in November in each year, make a report in detail to the city clerk duly verified, of the amount of tax properly chargeable against each lot or parcel of land, for all work done and unpaid for under the provisions of this section; and such amount shall be a lien upon such lot or parcel of land and with other or like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to collection of taxes and sale of lot, or parcel of land for unpaid taxes prescribed in this act.

Ordinance requiring repair of sidewalk or gutter, or grading of streets, how to be passed.

**SECTION 123.** Every ordinance, resolution or by-law providing for repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street, at the expense in whole or in part, of the owners of lots or parcels of land abutting or fronting such sidewalks, gutter or street, shall, on being introduced

at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than two weeks after the introduction of such ordinance, resolution or by-law, nor until one week's notice of the introduction of such resolution shall have been published in a newspaper published in said city, or by posting three notices in three public places in said city; provided, that when said ordinance is introduced on petition of all the lot owners subject to the special assessment of such ordinance, no notice, by publication or otherwise need be necessary.

SECTION 127. Sidewalks shall be constructed re-constructed or repaired upon the proper established grade, of any street in said city, such width, in such manner, of such materials, and in such time as the common council by resolution, ordinance or order shall direct, by the owner or owners of any lots or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, who shall file a bond with the city clerk for the amount of the contract in full, for the faithful performance of such contract, and notice shall be given for one week in a newspaper published in said city, or by posting notices in three public places, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of land in front of which any such sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, no such contract shall be let until two weeks after such notice shall have been given to such owner or owners, either personally or by publication for one week in a newspaper published in said city or by notices posted in three public places in said city.

Construction  
and repair of  
sidewalks.

SECTION 128. The common council shall have power by a vote of two-thirds of all its members to order the building, construction, re-construction or repair of sidewalks in such manner as it may

Repair of  
sidewalks;  
duties of street  
commissioner.

deem proper. The proceedings for ordering the repair of sidewalks and the levying of special taxes on the respective lots to pay for the same, shall be the same as hereby provided in case of building a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the sum of five dollars, in front of any one lot or part of lot, to repair, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of the cost of such repairs, specifying the lot or part of lot, block, or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Kaukauna, for the payment, and if such owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the common council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in said city, the said street commissioner shall return said amount to the common council with his certificate stating that fact, and the common council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Costs and expenses of surveys, where chargeable.

Cost of grading, etc., where chargeable.

SECTION 129. The costs and expenses of surveying streets, alleys, sewers and gutters and of estimated work thereon, in the execution of any public improvements, shall be chargeable to and payable by the north or south side road district fund as the case may be. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, may be chargeable to and payable wholly or in part by the lots or lands fronting on such streets and alleys, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley or such proportion thereof as the council shall determine or out

of the north or south side road district funds as the case may be.

SECTION 130. Every person, who shall interfere with, molest or hinder any alderman, street commissioner, contractor or sub-contractor or retard the work on streets after the same is ordered let and under contract, on any street, drain, sidewalk or other street improvements, shall be liable to pay a penalty of ten dollars, which shall be sued for and recovered with costs, of such person or persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for violation of the city ordinances herein provided.

Penalty for interfering with or retarding work on streets.

SECTION 131. The common council may by a vote of two-thirds of its members advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the contract for the construction of, or re-building of any sidewalks, gutters, grading, paving, cleaning of streets, alleys, reservoirs, sewers, building or re-building bridges, or any other improvement.

Contracts for work, how let.

SECTION 132. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Kaukauna, who may desire to subdivide or plat such lot or tract of land in city lots shall in platting the same cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat as required by law it shall be the duty of the person or persons making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by the common council, a copy of which duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county, to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum of not less than

Platting of land in city lots; duty of owner.

one hundred dollars, and not more than one thousand dollars, and the register of deeds who shall record such plat without a resolution of the common council thereto attached approving the same, shall forfeit and pay a sum of not more than one hundred dollars and not less than fifty dollars, for the use of said city, and before any such plat shall be approved as aforesaid, there shall be filed in the office of the city clerk a certified copy of such plat.

**Moving of buildings through streets.**

SECTION 133. No building shall be moved through the streets or obstruction be placed there-in without a written permit therefor granted by the mayor; said mayor 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 mayor in this regard may be appealed from to the council.

**Street, alley or sidewalk, excavated, altered or taken up to be restored to former condition.**

SECTION 134. In case any corporation or individual 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 mayor, said mayor shall cause the same to be done at the expense of said corporation or individual.

**Public works costing over one hundred dollars to be let to lowest bidder.**

SECTION 135. All public works, the estimated cost of which shall exceed one hundred dollars, shall be let by contract to the lowest 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 common council shall advertise for proposals by publishing a notice in some newspaper, printed and published in the city, and at least once a week for at least three 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 a 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 bidders, and such



sureties, which sureties shall justify as to their responsibility and by their several affidavits, and 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.

SECTION 136. 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 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.

Contractors to maintain barriers and lights to prevent accidents.

SECTION 137. All contracts shall contain a provision authorizing the common council 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.

Contracts not completed within specified time may be completed by common council.

#### THE BOARD OF SEWERAGE COMMISSIONERS.

SECTION 138. There shall be a department known as the board of sewerage commissioners, to consist of three members. They shall be appointed by the mayor and confirmed by the council, at their first regular meeting or as soon thereafter as may be; and the members of the first board shall hold their offices one, two and three years respectively, and thereafter they shall hold their offices for three years, or until their successors are appointed and qualified. The commissioners shall receive such compensation as the common council shall determine.

Board of sewerage commissioners.

SECTION 139. The members of the board of sewerage commissioners 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.

Officers of board.

SECTION 140. Each member of the board of sewerage commissioners shall before entering upon the duties of his office, take and file in the office

Oath and bond of members of board.

of the city clerk an oath of office, and shall give a bond to the city, with sufficient sureties, in such form and sum as the council may direct for the faithful performance of his duties.

Rules.

SECTION 141. 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 sewerage commissioners and the manner in which the business of said board shall be conducted.

Record of proceedings of board to be kept and reports to be made.

SECTION 142. 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 the city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

Duty of board.]

SECTION 143. It shall be the duty of the board under the direction of the common council, to superintend all sewerage construction and repairs.

#### SEWERS.

Division of city into sewerage districts; council may construct sewers.

SECTION 144. The common council shall have full power to construct systems of sewerage, but shall not enter upon such construction until the city 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.

Diagrams to be prepared.

SECTION 145. The board of sewerage commissioners shall cause diagrams of the plans of the 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.

Form of notice of preparation of plan of sewerage.

SECTION 146. 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 of sewerage for the district bounded as follows . . . . . 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 en-

titled to examine the same at any time within thirty days after the first publication of this notice, and file objections to the 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 be heard. Dated . . . . .

. . . . .  
 . . . . .

**Board of Sewerage Commissioners.**

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

**SECTION 147.** On the day specified for said hearing before the board they shall take up and consider all objections made to the plans as proposed, and shall take down in writing any testimony that may be offered to sustain said objection. 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 direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Hearing of objections to proposed plan.

**SECTION 148.** When the plan of 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 sewerage commissioners. 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 of Outagamie.

Diagrams to be filed in office of city clerk and register of deeds.

**SECTION 149.** 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 some 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

Recommendations of board to be presented to council.

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.

Advertisements for bids for sewerage contracts; plans and specifications to be on file in office of board.

SECTION 150. After the common council shall have ordered the construction of any sewer, the board of sewerage commissioners 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 the 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 mayor and clerk.

Contractor may be paid in certificates or improvement bonds.

SECTION 151. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive in payment for so much of the work as has been assessed against the lots opposite to the front of which any 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 sewerage commissioners.

Assessments for sewerage improvements, how made.

SECTION 152. 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 sewerage commissioners shall make or cause to be made an assessment against all lots, parts of lots or 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 sewer-

age 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 lots subdivided in ownership, shall be entitled to a deduction in making sub-assessments 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, in that case, the assessment shall be for the actual cost of such sewer per lineal foot, and 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 subdivisions 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.

Apportionment of tax between parts of lot subdivided after improvement made.

SECTION 153. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of the benefit 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; if by neglect of the owners of the lots so divided, no such apportionment shall be made, then the entire lots shall be liable for the entire tax.

Costs of sewers in streets and alleys.

Crossings and  
sewers costing  
more than two  
dollars per  
foot, how paid.

**SECTION 154.** The cost of all sewers in streets and alley crossings and all sums in excess of two dollars per lineal foot, chargeable to lots and lands as provided by the provisions of this act, of all catch-basins for receiving the water from the gutters and of overflow pipes connecting them with the sewer, of all temporary catch-basins and of the repairing and cleaning of sewers, and of all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all cost for constructing sewers not provided for by special assessment shall be paid out of the funds 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 sewerage commissioners as may be necessary.

Reports of  
board to be  
made to coun-  
cil annually;  
what to con-  
tain.)

**SECTION 155.** The board of sewerage commissioners 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; 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 funds 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.

Sewerage im-  
provement cer-  
tificates to be  
issued to con-  
tractor for  
work.

**SECTION 156.** 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 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 sewerage commissioners 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 the 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 clerk of said city.

SECTION 157. All contracts entered into by the board of sewerage commissioners, 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 clerk.

Contracts,  
form of and  
how executed.

SECTION 158. In all cases the work shall be subject to the superintendence and direction of the board of sewerage commissioners; 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 proportionate value of the work already done, withholding in all cases twenty-five *per centum* of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five *per centum* from the proper fund.

Board to  
superintend  
work and may  
make esti-  
mates of  
amount of  
work done  
and authorize  
payment on  
contract.

SECTION 159. 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 sewerage commissioners 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 sewerage commissioners 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

Council may  
order sewer  
and gas con-  
nections made  
by owner of  
property,  
when.

such work opposite their respective lots according to the 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 repairing 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 the provisions 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.

Board to see that proper drains and sewers are constructed.

SECTION 160. It shall be the duty of 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 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.

Board to prescribe form and material of which sewers to be constructed.

SECTION 161. The said board shall describe the location, arrangement, form, material and construction of every drain and sewer for every lot in the city emptying into the public sewer, 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 superintendance 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 lots for the benefit of which such private sewer shall be constructed.

SECTION 162. 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 owners 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 effect as other certificates given for work chargeable to lots.

SECTION 163. Any person who has taken such contract from said board to conduct 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 necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Specifications of private drains or sewers to be on file in office of board; notice to owner to construct same.

SECTION 164. 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 let 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 any 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 other special assessments, and shall be collected as other taxes upon real estate are collected; provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Contractor to be authorized to enter upon land to perform work.

SECTION 165. No person is required to make connections 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 sewerage commissioners, and

Permit to owners to make sewer connections; fee.

Sewer connection need not be made until building; penalty for damaging sewers.

any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purpose of sewerage shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not to exceed three months.

Contractor may lay sewers through streets, alleys and highways, when.

SECTION 166. Any contractor or other person acting under the direction of the board of sewerage commissioners may lay sewers in and through any alleys and streets of said city, 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 contractors to repair such streets, alleys and highways and to restore the same to the former condition upon the completion of such sewers.

After nine months plan of sewerage conclusive proof of regularity of proceedings establishing same.

SECTION 167. Either of the duplicate diagrams filed as a 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 plans of sewerage shall not thereafter be called in question in any court.

Plan once adopted not to be changed except by three-fourths vote.

SECTION 168. 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.

Diagrams of plans changed, to be filed.

SECTION 169. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before, showing the plans 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 sewer and the expense of change shall be paid by the general fund.

SECTION 170. Whenever a contract shall have been let for the construction of any sewer, and the amount has been determined that is 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 the 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:

When plan adopted and contract let notice of issue of improvement bonds to be published; form.

IMPROVEMENT BONDS FOR SEWER ASSESSMENT.

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 centum* semi-annual interest coupon bonds for an amount sufficient to cover the special assessment which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated; that said bonds will be charged upon the particular lots only against which said special assessments are claimed.

Dated, the ..... day of ....., 18..

.....  
 City Clerk of the City of Kaukauna.

SECTION 171. The city 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 centum per annum*, and shall specify on their face that they are sewer bonds

Issuance of bonds. Conditions of same.

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 with the official seal of the city.

Disposition of bonds.

SECTION 172. Said bonds may be sold by the common council at not less than their 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.

Principal and interest to be paid as same falls due.

SECTION 173. 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:

Levy of tax on lands to pay bonds.

SECTION 174. 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 centum* 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.

Action to avoid tax not maintainable after issue of bonds.

SECTION 175. 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.

#### MISCELLANEOUS.

Members of council ineligible to any other office except mayor.

SECTION 176. 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.

Inhabitaney of city not to disqualify judge, justice, juror or witness.

SECTION 177. 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.

General laws of state to be in force as to said city except as herein provided.

SECTION 178. The general laws of the state for the government of cities, villages and towns, the assessment of taxes, the preservation of public

and private property, highways, roads and bridges, and punishment of offenders, and the manner of conducting elections, shall be in force except as otherwise herein provided.

SECTION 179. The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

General laws as to bribery and corruption in office shall apply.

SECTION 180. 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 officer shall be accepted as surety on any bond, contract or obligation made to the city.

City official not to be interested in city contracts, nor surety on bonds, to city.

SECTION 181. No real or personal property of any inhabitant of the city of Kaukauna, shall be levied upon 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 of inhabitants not to be levied upon for city debts.

SECTION 182. 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 forms prescribed by this act.

Forms.

SECTION 183. In case any person shall present his claim or a demand against the city and the common council shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

Claims disallowed once not to be again considered or allowed.

SECTION 184. The city marshal shall be known as such and he shall have command of the police force of the city under the direction of the mayor.

City marshal.

SECTION 185. 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 final vote upon its passage, and the name of the newspaper in which said ordinance was published, and the date of such publication, together with

Ordinance book to be kept by city clerk. What to contain.

the 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 received in all courts and places as evidence of their adoption.

Duties of officers not herein prescribed.

SECTION 186. In case of the failure to prescribe the duty of any officer elected or adopted 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.

Rewards for apprehension of criminals.

SECTION 187. When any heinous offense or crime has been committed against life or property within the 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.

No property exempt from special assessments except state and U. S. property.

SECTION 188. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks or sewers, upon which such lot or parcels of land may border, excepting only property belonging to the United States or the state of Wisconsin.

Credit never to be loaned.

SECTION 189. The credit of the city shall never be given nor loaned in aid of any individual, association or corporation.

Licenses, how issued.

SECTION 190. Every license issued by the authority of this act or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall first be approved by the mayor and city clerk, and should the dealer discontinue the business before the expiration of the license, no allowance or rebate shall be allowed by the common council.

**SECTION 191.** Chapter 63 of the revised statutes of the year 1878, and the laws amendatory thereto, in relation to the support of the poor, shall apply to and be in force in the city of Kaukauna.

Chapter 63, revised statutes 1878, shall be in force in city.

**SECTION 192.** The use of the jail of Outagamie county until otherwise provided, shall be granted to the city of Kaukauna, for the confinement of offenders.

City may use county jail.

**SECTION 193.** The city of Kaukauna shall constitute two road districts within the territory. District number one comprises all the territory within the boundary line and north of the main channel of the Fox river; and district number two comprises all the territory within the boundary line of said city, and south of the main channel of Fox river; provided, however, that the common council of said city may by an ordinance duly introduced, passed and published as other ordinances are required to be, consolidate or change the boundaries of said districts.

Road districts.

**SECTION 194.** The city of Kaukauna, or that part south of the south channel of Fox river, shall own and succeed to all the money and property, and all the rights of the property contract or active and to all the duties, liabilities and obligations of the village of Ledyard; and all rights, actions, prosecutions, demands and claims in favor of or against said village, shall continue and be of the same force in favor of or against said village as if no change had been made.

City shall succeed to property, etc., of village of Ledyard.

**SECTION 195.** The plats of the villages of Ledyard, Kaukauna and the additions thereto, heretofore executed and recorded, are hereby adopted as plats of the city of Kaukauna, and the additions thereto, and the real estate included in said plats, and the real estate not yet platted within the outside boundary line, may be hereafter described by lots and blocks, and by describing the plats as the original plat of the village of Kaukauna and village of Ledyard, now city of Kaukauna, and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Plats of villages of Ledyard, Kaukauna, etc., heretofore adopted are adopted as plats of city of Kaukauna.

**SECTION 196.** If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason

Elections not held at times herein prescribed, may be held at such other time as council may fix upon.

for arresting, suspending or abolishing said corporation; but such election or organization may be held at any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said act may be done and performed.

General law conflicting herewith not to repeal this act unless so stated.

SECTION 197. No general law contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Form of deeds or leases of city property.

SECTION 198. When the city deeds or leases any real estate or any interest therein owned by the city, the party of the first part shall be "The city of Kaukauna," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor authorized to execute deeds and leases.

SECTION 199. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city; provided, that such sale, lease, quit claim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and the interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as prescribed by law.

Ordinance or resolution authorizing deed or lease to be attached thereto.

SECTION 200. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county, with said instrument; and such copy so attached and recorded shall be *prima facie* evidence in all courts and places of the authority of such mayor to make and execute such deed or other conveyance.

Repeals certain acts.

SECTION 201 Chapter 37 of the laws of Wisconsin, for the year 1885, as amended by chapter 453 of the laws of Wisconsin for the year 1887, and chapter 46, of the laws of Wisconsin for



the year 1889, so far as it conflicts with the provisions of this act are hereby repealed.

SECTION 202. This act shall take effect and be in force from and after the first day of April, succeeding its passage and publication.

To be in force after April 1, 1892.

Approved April 3, 1891.

No. 142 A.]

[Published April 9, 1891.

## CHAPTER 141.

AN ACT to amend section 3, of chapter 12, of chapter 184, laws of 1874, entitled, "An act to revise and consolidate the charter of the city of Milwaukee and the several acts amendatory thereof."

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

SECTION 1. Section 3, of chapter 12, of chapter 184, of the laws of 1874, is amended by section 5, of chapter 528, of the laws of 1889, and it is hereby further amended so as to read as follows:

Section 3. The school board of the city of Milwaukee is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public or common schools in addition to those already established in said city as may be necessary for the accommodation of the children of the city, entitled by the constitution and laws of the state to instruction therein, and the common council shall erect, purchase, hire or lease buildings and furniture and lots for the accommodation of such schools, and of the high schools of said city; and shall improve and enlarge such school buildings. The school board shall have power to establish and define, from time to time, the boundaries of all common school districts in the city in such a manner as they may deem best calculated to promote the interest of the schools. No janitor having charge of any steam boiler in any

Amends chapter 184, laws of 1874, as amended.

School board authorized to organize and establish additional public schools; janitor having charge of steam boiler to pass examination.