

No. 338, A.]

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CHAPTER 40.

AN ACT to amend and revise chapter 313, of the laws of 1876, entitled, "An act to revise, consolidate and amend the charter of the city of Racine," and the several acts amendatory thereof.

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

Amends chapter 313, laws of 1876.

SECTION 1. Chapter 313, of the laws of 1876, known as the "Charter of the city of Racine," and the several acts amendatory thereof are hereby amended and revised to read as follows:

TITLE I.

BOUNDARIES.

Boundaries of city.

SECTION 1. The territory included within the following boundaries and limits shall constitute the "City of Racine," to-wit: Beginning at a point three miles due east from the northeast corner of the fractional southeast quarter of section number four, in township three north, of range number twenty-three east, in the county of Racine, running thence west along the quarter lines of sections four and five to the north and south quarter line of section five; thence due south along the quarter lines of sections five and eight, to the north line of section seventeen; thence west along the north line of section seventeen to the west line of section seventeen; thence south along the west line of sections seventeen and twenty, to the southwest corner of the northwest quarter of section number twenty in said township number three and range number twenty-three, and thence along the quarter section lines of sections twenty and twenty-one, to Lake Michigan; thence easterly to a point three miles due east, and thence northerly to the place of beginning.

SECTION 2. The said city shall be divided into wards, and the number and boundaries shall be as follows, until altered by the common council:

The First ward shall embrace all the territory south and east of the center line of Root river and north of the center line of Seventh street and east of the center of Park avenue.

The Second ward shall embrace the territory bounded as follows: Commence at the intersection of the continuation of the center line of Seventh street with the east boundary line of the city; run thence west along the center of Seventh street to its intersection with College avenue; thence south along the center line of College avenue to the south line of section sixteen; thence west along said south line to the northwest corner of the east half of the northwest quarter of section twenty-one; thence south to the city limits, and thence east to the east boundary line of the city, and thence north to the place of beginning.

The Third ward shall embrace all the territory situated within the following boundaries: Commencing at the intersection of the center line of College avenue with the south line of section sixteen, run thence west on the south line of said section to its intersection with the center line of Center street; thence north along the center line of Center street to the center of Root river; thence easterly along the center of said river to the intersection with the center line of Park avenue; run thence southerly along the center of Park avenue to the center of Seventh street; run thence east along the center of Seventh street to the intersection with the center line of College avenue, and thence south along the center of College avenue to the place of beginning.

The Fourth ward shall embrace all that part of the territory of said city bounded as follows: Commence in the center of Root river on the south line of the north half of section nine, run thence west to the center of St. Clair street, thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center line of Marquette street to the center line of St. Patrick

street, and thence easterly along the center line of St. Patrick street to the east boundary line of the city; thence south along the east boundary line of said city to the center line of Root river, extended eastward, thence westerly on said last named line to the place of beginning.

Fifth ward.

The Fifth ward shall embrace all that territory situated within the following boundaries, to wit: Commence in the center of Root river on the south line of the north half of section nine, run thence west to the center of St. Clair street; thence northerly along the center of St. Clair street to the intersection with the center line of Prospect street; thence west along the center line of Prospect street to the center of Marquette street; thence north along the center of Marquette street to the center of Albert street; thence west along the center of Albert street, extended to the west boundary line of the city; thence south along the west boundary line of the city to the north line of section seventeen; thence west along the north line of section seventeen to the west line thereof; thence south along the west line of section seventeen to the south line of the highway running along the north side of Mound cemetery; thence east along the south line of said highway and the same extended to Root river; thence along the center line of said river to the place of beginning.

Sixth ward.

The Sixth ward shall embrace all that territory of the city situated south of the Fifth ward and the center line of Root river, and not embraced by the First, Second and Third wards. The Seventh ward shall embrace all that part of the territory of the city bounded as follows: Commencing at the intersection of the center line of St. Patrick street with the east boundary line of said city; thence west along the center line of St. Patrick street to the center line of Marquette street; thence south along the center line of Marquette street to the center line of Albert street; thence west along the center line of Albert street and Albert street extended to the west boundary line of the city; thence north on said west boundary line to the north boundary line of the city; thence east on said north boundary line to the east boundary line of the city; thence southerly on the east boundary line to the place of beginning.

TITLE II.

OFFICERS, THEIR QUALIFICATIONS, TERMS, ELECTION, APPOINTMENT AND SALARIES.

SECTION 3. The officers of said city to be elected by the people shall be: A mayor, two aldermen {from each ward, constituting the common council, one supervisor from each ward to represent such ward in the county board of supervisors, a city treasurer, a city clerk, three assessors, two justices of the peace, a city marshal.

City officers,
election.

SECTION 4. The appointive officers shall be: A city engineer, two commissioners of public works, one from each side of the river, who, together with the city engineer, shall constitute the board of public works, three commissioners of health constituting the board of health, two school commissioners from each ward constituting the board of education, a city attorney, a chief of police, a fire marshal, an assistant fire marshal, a superintendent of poor, a harbor-master, a city sexton, and as many bridge tenders, policemen, firemen, watchmen, and such other officers and agents as may be provided for in this act and as the common council may determine.

Appointive
officers.

SECTION 5. The officers to be elected by the people shall be qualified electors of the city, and the officers to be elected from any ward shall be qualified electors in their respective wards.

Elective of-
ficers to be
qualified elec-
tors.

SECTION 6. The terms of office of the supervisors shall be one year.

Term of office
of all city and
ward officers.

The terms of office of mayor, city marshal, city treasurer, city clerk, justices of the peace and aldermen shall be two years; provided that no person shall be eligible to hold the office of city treasurer for two consecutive terms; and provided that at the next annual election a city marshal shall be elected for one year.

The terms of office of the assessors shall be three years.

The terms of the appointive officers shall be as follows: Of the school commissioners two years, of the fire marshal and assistant fire marshal two years, the city sexton two years, the commissioners of public works two years, pro-

vided that the first appointment of commissioners of public works under this act shall be made as soon as practicable after the passage of this act, and one of said commissioners of public works shall be appointed and hold his office until the Tuesday next following the second Monday of May, 1892, and the other until the same day in May, 1893, and thereafter on- shall be appointed annually for two years.

The term of all other appointive officers named shall be one year.

Provided, that the terms of officers and agents not herein specially enumerated shall be only during the pleasure of the common council and shall terminate with the second Monday of May next succeeding.

The terms of office of all officers elected by the people shall commence on the third Tuesday of April of the year of their election.

The terms of office of the appointive officers shall commence on the Tuesday next following the second Monday in May in the year of their appointment.

Provided, that the terms of office of all officers elected or appointed to fill a vacancy shall commence immediately upon such election or appointment and qualification and shall end with the term for which their immediate predecessors shall have been elected or appointed, and provided that every officer shall hold his office for the term for which he was elected or appointed and until his successor shall have been elected or appointed and shall have qualified, unless sooner removed from office or unless such office be abolished.

Removal of ward officer from ward or failure of officer to qualify, office becomes vacant; suspensions, removals and resignations.

SECTION 7. When any alderman, supervisor or school commissioner shall remove from his ward, or any other officer elected or appointed under this act shall remove from the city or from the district for which he shall have been appointed or become otherwise disqualified, or shall after notice of his election or appointment fail to qualify or to give the requisite bond or to enter upon the discharge of his duties at the time prescribed by this act, his office shall thereby become vacant.

Any officer elected or appointed under this act, except justices of the peace, may be removed

from office for willful neglect or for misconduct in office, by a vote of two-thirds of all the members of the common council, upon charges preferred and due hearing thereon before the common council, and the common council may suspend any ministerial officer from office during the pendency of such charges.

The mayor shall have power to suspend or remove from office any officer of his appointment and fill the vacancy by a new appointment subject to the approval of the common council, and he shall have power to temporarily suspend from office any officer appointed by the common council and fill such office temporarily by appointment subject to the further action of the common council thereon.

Resignations from office shall be in writing directed to the mayor and common council and shall not take effect until accepted.

SECTION 8. Municipal elections shall be held annually on the first Tuesday in April. At every such annual election there shall be elected by the electors of the several wards, one alderman and one supervisor from each ward, and by the electors of the whole city one justice of the peace; and at every such election in odd numbered years, there shall be elected a mayor and city clerk, and in the even numbered years a city treasurer and a city marshal, but at the next annual election a city marshal shall be elected for one year.

Municipal elections; officers to be elected thereat.

The qualifications of electors shall be the same as those of electors at general elections. Every ward shall constitute not less than one election precinct, and the election precincts shall be the same as those fixed for general elections. The inspectors and clerks appointed for the general elections shall conduct the annual and special municipal elections and vacancies in the offices of such inspectors, and clerks shall be filled, and the elections shall in all things be conducted as provided by the laws of this state.

SECTION 9. Public notice of every annual election shall be given by the mayor by proclamation thereof to be published not less than fifteen days before such election, in the official paper of the city, naming the officers to be elected, the time and places for such elections and the time for opening and closing the polls.

Notice of election.

Special elec-
tions.

SECTION 10. Special elections may be ordered by the common council to fill vacancies in the offices of mayor, aldermen or justice of the peace, when such vacancies shall occur more than sixty days before the next annual election, otherwise such vacancy shall be filled at such next annual election. Notice of not less than five days shall be given for such special election by the mayor and the manner of conducting such special election may be prescribed by the common council, any general law of this state, to the contrary notwithstanding.

Vacancies.

SECTION 11. Vacancies occurring in any elective office, excepting the offices of mayor, alderman and justice of the peace, may be filled by appointment by the common council.

Appointments
to office.

SECTION 12. The chief of police, school commissioners, and commissioners of health, shall be appointed by the mayor, with the approval of the common council; policemen and watchmen may be appointed by the mayor alone, without confirmation by the common council, all other appointive officers shall be appointed by the common council. Such annual appointments, shall be made on or before the first Monday in May of each year. The vote on the approval of the appointments made by the mayor, shall be taken by *viva voce*, and the vote on the appointment by the common council, shall be taken by *viva voce*, or by ballot.

The vote of a majority of all the members of the common council shall be necessary to such approval or appointment.

Returns of
election.

SECTION 13. The returns of the municipal election shall be made to the city clerk within twenty-four hours after the closing of the polls, and they shall be canvassed by the common council within one week after such election. The common council shall declare the result; a plurality of votes shall be sufficient to an election, and in case of a tie vote the common council shall decide the same by lot. The city clerk shall record the proceedings and shall within three days after such canvass, or of any appointment notify the persons elected or appointed, by mail, of their election or appointment. The ballots shall be returned to the city clerk, and shall be kept and be disposed of as provided by law.

SECTION 14. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more sureties, the aggregate amount of whose property within this state over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits attached to, or endorsed on such bonds, shall be at least double the sum named as the penalty in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds, executed to the city of Racine, except that of the city clerk, shall be filed with and be safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk and of all officers who may be charged with the collection, or safe keeping, or the disposition or disbursement of any of the funds of said city, or who may have any control over such funds at any time, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the county of Racine. A transcript from the records of such bonds in the office of the register of deeds or city clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

Qualifying of
officers.

SALARIES.

SECTION 15. Salaries shall be fixed for the following named officers on or before the fifteenth day of March, next preceeding their election or

Salaries of
officers.

appointment for their respective terms of office, which shall be in full for all services by them to be rendered, and in lieu of all fees and perquisites to which they might be otherwise entitled, and which salary shall not be increased nor be reduced during their respective terms, and shall not exceed the following named respective sums, to wit:

For the city clerk, fifteen hundred dollars (\$1,500.00); for the city treasurer, eighteen hundred dollars (\$1,800.00); for the city attorney, one thousand dollars (\$1,000.00); for the assessors, three hundred dollars (\$300.00) each; for the fire marshal, eight hundred dollars (\$800.00); for the assistant fire marshal, two hundred dollars (\$200.00); for the city engineer, eighteen hundred dollars (\$1,800.00); for the commissioners of public works, one thousand dollars (\$1,000.00) each; for the superintendent of poor, five hundred dollars (\$500.00); for the city marshal, three hundred dollars (\$300.00); for the chief of police, one thousand dollars (\$1,000.00); for the harbor-master, five hundred and fifty dollars (\$550.00).

The salaries or compensation of other officers may be fixed by ordinance or resolution. All salaries shall be paid by the city treasurer in monthly installments, at the end of each month, upon pay rolls to be made out by the city clerk, and warrants drawn for the same, signed by the mayor and city clerk, excepting the salaries of assessors, which shall be paid at the conclusion of their duties each year.

TITLE III.

POWERS AND DUTIES OF OFFICERS.

DUTIES OF MAYOR.

The mayor; his powers and duties.

SECTION 16. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures, as he may deem advantageous to the city. When present he shall preside at the

meetings of the common council, but shall vote only therein on an equal division of the members present. The mayor shall be the chief executive officer of the city and the head of the fire department and police; he may appoint and remove at pleasure as many temporary special policemen as the means of the police fund may permit. He shall have power to administer oaths and to take the acknowledgment of the execution of instruments. He shall sign all drafts and warrants on the city treasury, excepting those drawn on the school fund, and all contracts on behalf of the city, excepting contracts made by the board of education. He shall have the powers of supervisors of towns in the prosecution and settlement of bastardy suits, and relating to the support of poor under section 1502, revised statutes, and he shall have such other powers and perform such other duties as are prescribed by this act or by any laws of the state.

SECTION 17. The common council shall annually at the meeting when the new members thereof are admitted to take their seats, elect by ballot or *viva voce* one of their number as president of the council, who shall preside at their meetings in case of the absence of the mayor. In case of a vacancy in the office of mayor or of his inability to perform the duties of mayor, the president of the council shall have and exercise all the powers and discharge all the duties of the mayor, under the title of "acting mayor," until the mayor shall resume his office or the vacancy shall be filled by an election; provided the acting mayor shall have no power to approve any act or proceeding, which shall have been vetoed by the mayor.

President of the council; his powers and duties.

CITY CLERK.

SECTION 18. The city clerk shall keep the corporate seal and all the 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 its proceedings. He shall record all ordinances, attest the signature of the mayor thereto, draw and sign all warrants, or orders on the city treasury (except as in this act otherwise provided) authorized to be drawn by the common

The city clerk; his powers and duties.

council, and shall keep a full and correct account thereof; he shall keep a record of licences and bonds issued by the city, and shall carefully preserve all receipts, papers and documents filed in his office, and prepare the proceedings of the common council for publication in the official paper of the city. He shall have the powers and perform the duties conferred on city clerks by the laws of this state. He shall keep an accurate account with the city treasurer and charge him with all tax lists put into his hands for collection and with all sums of money paid into the city treasury. He shall sign all contracts authorized to be made by the common council or by the board of public works or by the board of education by virtue of this act, and unless such contracts are by him signed, they shall have no validity; provided however, that the city clerk shall sign no contract unless the means for payment thereof shall have been provided for, or unless the fund against which the expense thereof shall be chargeable shall be good for the amount, or unless the expense is to be provided for by special assessments and except such contracts which are authorized by this act to be made for a term of years. He shall keep account of the several funds of the city and of the several sums received to the credit of the same and of all disbursements therefrom and make report thereof to the common council on the first Monday of each month. Every warrant, pay roll, or order on the city treasury, shall specify the debt for which, the person in whose favor and the fund from whence it is to be drawn. Before any bill or account shall be allowed by the common council, it shall be audited by the city clerk, who shall keep a full account of the bills so audited and separate files of such bills against the several funds and of all tracts signed by him.

Copies of any records, books or papers kept or filed in the office of the clerk, and of the endorsements thereon and transcripts from the records of proceedings of the common council or board of public works certified by him under the corporate seal of the city, shall be evidence in all courts and places, of the contents thereof, and of such endorsements in like manner and with the same force and effect as if the originals were produced.

He shall have power to administer oaths and affirmations and to take the acknowledgements of instruments, and he shall perform such other duties as are prescribed in this act or as may be prescribed by the common council.

He shall on the Monday immediately preceding the third Tuesday in April of each year report to the common council a statement in detail of all the expenditures and income of the city for the preceding year and the condition of the several funds. The fiscal year shall commence on the third Tuesday of April. The city clerk shall be secretary of the board of public works; he shall appoint a deputy in writing under his hand and report such appointment to the common council for confirmation, and such deputy clerk shall aid in the performance of the duties of the city clerk under his direction, and in case of his absence or disability or a vacancy of his office, shall perform the duties of such clerk during such absence or disability, or during such vacancy, and the city clerk and his sureties shall be liable upon his official bond for the acts of his deputy, and such deputy shall not be entitled to compensation from the city until the common council shall by resolution fix his compensation

CITY TREASURER.

SECTION 19. The city treasurer shall be the custodian of the funds of the city; he shall collect and return the state, county and city taxes and special assessments as provided by law, and receive all moneys belonging to the city, keep accurate account of the same in suitable books provided for that purpose, and shall pay over all moneys and other property in his hands according to law. He shall pay the interest on the bonds of the city as the same shall become due, and the principal of such bonds for which the payment has been provided. He shall pay the drafts upon the school fund only upon warrants signed by the president and clerk of the board of education, and countersigned by the city clerk, and the drafts upon any other funds upon warrants signed by the mayor or acting mayor and city clerk. He shall on every Saturday immediately preceding the first regular meeting of the

The city treasurer; his powers and duties.

common council in each month, report to the city clerk his disbursements from, and the sums of money received into the city treasury since the making of his last report, and shall annually, on the Monday immediately preceding the third Tuesday of April, submit to the common council a statement in detail, showing the receipts and disbursements of the preceding year on account of the several funds. The city clerk shall have the right at all times, to examine the books, papers and accounts of the city treasurer, and it shall be his duty from time time to compare his reports there with.

ASSESSORS.

Assessors;
their powers
and duties.

SECTION 20. The assessors shall assess all the taxable property in said city, arranged by wards, and shall make out the annual assessment roll as provided by law, except that there shall be only one assessment roll for the whole city. The assessment shall be reviewed and corrected, and notice of such review shall be given as provided by law, except that such notice shall be published in two newspapers in said city at least one week previous to the time of the commencement of such review. Upon the correction of the assessment, the assessment roll shall be verified by the oaths of the assessors as required by law, and shall be deposited in the office of the city clerk.

CITY MARSHAL.

The city mar-
shal; his
powers and
duties.

SECTION 21. The city marshal shall have the powers and perform the duties of a constable and shall be entitled to the same fees for services rendered as such.

It shall be his duty to attend the sessions of the common council, to maintain order under the direction of the mayor, acting mayor or president of the council, and to execute the commands of the common council and all processes and orders issued by authority thereof directed to him by the mayor, acting mayor, or president of the council.

His bond shall be in the sum of two thousand dollars, conditioned for the faithful performance

of his duties and for the requirements mentioned in section 841, revised statutes.

CITY ATTORNEY.

SECTION 22. The city attorney shall conduct the law business of the corporation and its several departments. He shall, at the request of the mayor or common council, furnish written opinions upon any matters affecting the interests of the city or relating to the administration of corporate affairs, and to give counsel to any city officer relating to his powers and duties. He shall keep a docket of all suits 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, and which shall be open to inspection by the mayor, city clerk or any committee of the common council. The city attorney shall draw all ordinances, bonds, contracts, leases, conveyances, and other instruments necessary in conducting the business of the city; he shall examine assessment and tax rolls and all proceedings with reference to the levying and collection of taxes and assessments, and shall perform such other duties as may be prescribed by this act or any ordinance of the city. He shall have power to appoint an assistant who shall have authority to perform any of the duties of the city attorney, but the city attorney, shall be liable for the acts of his assistant and for his compensation. The common council shall have power to employ additional counsel in the defense or prosecution of important suits.

The city attorney; his powers and duties.

CITY ENGINEER.

SECTION 23. The city engineer shall be a practical surveyor and engineer, and he shall be provided with a suitable office for the safe keeping of the records and surveys.

The city engineer; his powers and duties.

He shall be *ex-officio* a member of the board of public works, and shall prepare all plans, profiles, specifications and estimates of cost of improvements required by the common council of the board of public works. He shall perform such other duties as may be required by the common

council, and the common council may appoint assistants to him as may seem necessary, and all such assistants shall file with the city clerk their oaths of office as required of other officers. All surveys, profiles, maps, field notes and memorandum, and all records or charts of water mains, gas mains, sewers and drains shall be safely kept in his office as the property of the city. The surveys of streets, alleys and public grounds in said city, made by the city engineer or his certificates thereof, shall be *prima facie* evidence of their correctness in all courts of this state.

THE BOARD OF PUBLIC WORKS.

The board of public works, how composed; its powers and duties.

SECTION 24. The board of public works shall consist of the city engineer and two commissioners of public works. It shall be the duty of said board, subject to the direction of the common council, to keep the streets, sidewalks, bridges, culverts, alleys, sewers, drains, public works and buildings in suitable condition and repair; it shall have the power summarily to remove obstructions and encroachments in or upon the harbor, public streets, alleys and grounds, to abate or remove all nuisances thereon, to require the owners of real estate in the city to build, rebuild or repair sidewalks, curbings and gutters in front of their respective premises, to clean sidewalks and alleys adjoining their premises of snow or rubbish or other obstructions, to require them to remove dilapidated walls, buildings or structures and trees near any street that may endanger travel thereon, and upon the neglect of such owners to comply with such request it may cause the same to be done at the charge of the respective real estate as is further provided in this act.

The board shall have charge of the erection and repair of public buildings and the making of public improvements authorized by the common council; it shall prevent the erection, rebuilding or repair of buildings within the fire limits or in violation of the city ordinances upon the subject.

The board of public works shall have a general supervision over the public streets, alleys, grounds, parks and the harbor.

It shall have power to employ men and teams

to repair and clean streets, sidewalks and public grounds, to be paid by the day, and it shall at such times and in such form as the common council may proscribe, make out and file with the city clerk, a pay roll of such employes, and the common council may provide for the immediate auditing and payment of the same, and authorize the mayor and city clerk to draw warrants on the city treasurer for that purpose.

It shall have such other powers and perform such other duties as provided by this act or any ordinance of the common council.

DUTIES OF OTHER OFFICERS.

SECTION 25. The common council shall by ordinance prescribe the duties of all other officers whose duties are not prescribed by this act. Duties of other officers.

TITLE IV.

THE COMMON COUNCIL — ITS GENERAL POWERS.

SECTION 26. The municipal government of the city shall be vested in the mayor and common council; and the style of all ordinances shall be: "The mayor and common council do ordain," etc. Council, how composed.

SECTION 27. The common council shall hold stated meetings at such time and place as they shall appoint; and the mayor or the president of the common council may call special meetings thereof by notice of at least twenty-four (24) hours to each of the members to be served personally or left at their usual abode, and in case of absence from the city of the mayor and the president of the council, any five members may call a meeting of the common council. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. Two-thirds of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open to the public; their proceedings shall be recorded, and all their papers and records and all election Stated and special meetings of council, quorum, etc.

returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote and no more on any one question. The ayes and noes may be required by any member and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes, and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification 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 sessions and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member or for unnecessary absence from the sessions of the board. At all elections and confirmations by the common council the vote shall be *viva voce* or by ballot, and shall be duly recorded by the clerk in the journal, and the concurrence of a majority of all the members-elect shall be necessary to an election or confirmation.

Council shall
manage
finances, etc.

SECTION 28. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and 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 and regulations, and such ordinances, rules, by-laws and regulations are hereby declared to be and to have the force of law; provided, that they

be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in the general laws of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulations:

First. To regulate taverns, victualing houses, saloons, gardens and all other places within said city, where wines and other liquors are sold to be drunk on the premises; and to license, regulate and restrain tavern keepers, keepers of ordinaries, saloons, victualing houses or other houses or places, or the selling or giving away of spirituous, vinous or fermented liquors, and to prescribe the time for which said license shall be granted, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council. Grant licenses.

Second. To license, tax, regulate, suppress or prohibit public billiard halls, bowling alleys or bowling saloons, shooting galleries, theaters, opera houses, ice or roller skating rinks or parks, concert saloons, exhibitions of common showmen, concerts or other musical entertainments and theatrical performances, exhibitions of natural or artificial curiosities, caravans, circuses by itinerant persons or companies, or any other exhibition or amusements. Billiard halls, bowling alleys, etc.

Third. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices and to destroy the implements and devices employed therein. To prohibit gambling.

Fourth. To prevent and suppress riots, noise, disturbances or disorderly assemblages, to restrain loafers and idlers upon the streets and public places, to suppress and restrain disorderly houses and houses of ill-fame or of prostitution or assignation, to restrain and punish vagrants, mendicants, street beggars, drunkards, prostitutes, street walkers, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing or punishing any person guilty thereof. Suppress riots, etc.

Fifth. To compel the owner or occupant of any grocery, cellars, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, To compel owner to remove nuisances.

to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city.

To regulate location, etc., of breweries, tanneries, etc.

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

Public markets.

Seventh. To establish and regulate public markets, determine their location, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers, and the sale of game, poultry, etc.

Eighth. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit, drink or provisions.

Gunpowder and other combustible material.

Ninth. To regulate and prohibit the storing of gunpowder and other combustibles and dangerous materials within the city, to regulate the sale of mineral oils for illuminating purposes; to require the inspection thereof and to establish a proper fire test and prescribe the manner of testing and inspection of the same, and to prohibit and punish the sale or keeping for sale of any mineral oils for illuminating purposes not so inspected and tested, or of any such oils, the fineness of which shall be below such established fire test.

Same.

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

Eleventh. To prevent shooting of fire-arms

and fire-crackers, and to prevent the exhibition or the use of any fire-works at any time or in any situation which may be considered by the council dangerous to the city or to any property there-in or annoying to any citizen thereof.

Shooting of
firearms and
crackers.

Twelfth. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts; signs, awnings, or any substance or material, in any manner whatsoever.

Encumbering
of sidewalks.

Thirteenth. To prevent horse racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and 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.

Horse racing
and immoderate
driving
on streets.

Fourteenth. To regulate and determine the time and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition or conduct.

Bathing and
swimming.

Fifteenth. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals for a violation of any ordinances in relation thereto.

Running at
large of cattle.

Sixteenth. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances; to restrain, regulate and prohibit the keeping of swine within the city; to restrain and prohibit the keeping of cattle in proximity of any dwelling house or store.

Running at
large of dogs

Seventeenth. To provide for licensing the keeping of dogs in said city, at a sum or rate of not less than one dollar (\$1) nor more than five dollars (\$5) 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 licensed dogs and for the killing and destruction, in a summary manner, of all dogs not licensed whenever the same may

Licensing
of dogs.

be found within said city, and of any licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

License
hackmen, etc.

Eighteenth. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles; also to license bill posters and prescribe their compensations.

Rolling of
hoops, playing
of ball, etc.

Nineteenth. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Contagious or
infectious
diseases.

Twentieth. To regulate, control and prevent 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 said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city and not to exceed four miles beyond the city limits.

Abatement of
nuisances.

Twenty-first. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Cemeteries,
and burial of
dead.

Twenty-second. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine or imprisonment of any person or persons injuring in any manner the fences, ornaments, trees, shrubbery, plants, gravestones, monuments, railings, buildings or other fixtures or improvements on the same, or by violating any ordinance or regulation of the common council enacted for the protection of such cemeteries against trespassers. And for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city and to be within the jurisdiction of the same.

Twenty-third. To regulate the burial of the dead and registration of births and deaths, to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises, also to provide for, hold and regulate grounds for the interment of dead animals.

Burial of dead and registration of births and deaths.

Twenty-fourth. To abate and remove all nuisances under the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city or within its jurisdiction by indictment or otherwise.

Abatement of nuisances.

Twenty-fifth. To prevent any person from bringing, depositing or having within the limits of said 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, hides or skins of any kind, 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.

Putrid carcasses and unwholesome substances.

Twenty-sixth. To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same.

Pest houses.

Twenty-seventh. To prevent 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.

Ringling of bells and blowing of horns.

Twenty-eighth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Steam whistles.

Twenty-ninth. To control and regulate the streets, alleys and public grounds in said city, and to summarily remove or abate any obstructions or encroachments thereon.

Streets and alleys.

Thirtieth. To provide for sprinkling the streets

Street sprinkling.

at the cost of the city or of the lots or parts of lots fronting thereon.

Removal of snow, ice, etc., from sidewalks.

Thirty-first. To compel owners or occupants of buildings or grounds to remove snow, ice, dirt or rubbish from the sidewalk and alleys adjoining thereto; and to compel such owners or occupants to remove from the lots owned and occupied by them all such substances as the board of health shall direct, and on their default to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants.

Mending, cleaning and repairing of streets.

Thirty second. To control, regulate and repair, mend and clean the streets and alleys, bridges, side and crosswalks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grades thereof, and to prevent the encumbering of the streets and alleys in any manner, and to protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon.

Driving of cattle on sidewalks.

Thirty-third. To prevent all persons from riding or driving any horses, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks

Public wells and cisterns.

Thirty-fourth. To make, establish and regulate public wells, cisterns, water works and reservoirs

Street lighting.

Thirty-fifth. To erect lamps and regulate the lighting thereof and to provide for lighting the streets and public buildings with gas or otherwise.

Sealing of weights and measures.

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

Sale of hay and straw; hay and wood market.

Thirty-seventh. To regulate the weighing and sale of hay and straw and the places and manner thereof, to appoint official weighers and establish and maintain a hay and wood market and city

scales therefor, and empower such weighers to charge and collect reasonable charges for such weighing, and to prescribe suitable fines and penalties for the sale or offering for sale of hay or straw in violation of such regulations; to regulate the cutting and sale of ice and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same and to define their duties.

Thirty-eighth. To regulate the time, places and manner of holding public auctions and vendues. Auctions.

Thirty-ninth. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk shops and places for the sale and purchase of second-hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers or runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners, including runners or solicitors for mercantile houses from other cities and towns, for the sale of goods, wares and merchandise by sample, order or otherwise, and keepers and proprietors of gift book stores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license, and to regulate the manner in which they shall be carried on, provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars (\$10) per year, nor greater than at the rate of one hundred dollars (\$100) per year for the carrying on of either of said trades, kinds of business or employment. License auctioneers, distillers, brewers and pawnbrokers, etc.

Fortieth. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other com- Lumber yards and the piling of lumber.

- bustible material within the fire limits of said city.
- Measuring and inspecting of lumber, etc.** Forty-first. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings and all building materials, and to appoint one or more inspectors.
- Sale of fish.** Forty-second. To regulate the places and manner of selling fish.
- Inspection of steam engines and boilers.** Forty-third. To provide for the inspection and regulation of stationary steam engines and boilers.
- Inspection of weights and measures.** Forty-fourth. To appoint inspectors and weighers, and to regulate their duties and prescribe their fees.
- Public grounds.** Forty-fifth. To establish and regulate public grounds.
- Speed of locomotives in city.** Forty-sixth. To regulate the speed of locomotive engines in the city, and to direct and control the location of railroad tracks in the streets, to require railway companies to construct and maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as the common council may deem necessary, to regulate the running of street railway cars, transportation of passengers, etc.
- Watchmen and policemen.** Forty-seventh. To appoint watchmen and policemen, and to regulate the police and prescribe their duties.
- Numbering of houses, etc.** Forty-eighth. To compel the owners and occupants of all houses, stores and other buildings within the city of Racine to number the same in such manner as the common council may from time to time prescribe.
- Canada thistles and noxious weeds.** Forty-ninth. To declare the weed commonly called the Canada thistle, and other noxious plants and trees on lots, parts of lots, railroad tracks, and streets and lands in said city, a public nuisance, and to proceed to abate the same as the said city is authorized by law to abate other nuisances.
- Health.** Fiftieth. To impose fines for all violations within the limits of the said city, of the general laws of the state, when in their judgment it is necessary for the peace and good order, or for the health of the said city.
- Trees.** Fifty-first. To direct and regulate the planting

and preserving of ornamental trees in the streets and public grounds.

Fifty-second. Exclusively to erect and construct, or permit, or cause, or procure to be created and constructed, float, pivot or draw bridges, over the navigable waters in said city, and keep the same in repair; said bridges to have draws of suitable width.

Float and draw bridges.

Fifty-third. To preserve the harbor, 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.

Preservation of harbor.

Fifty-fourth. To prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances or filth, logs or floating matter; to punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, passing the bridges, and of coming to and departing from the wharves and streets of the city by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving or abiding in the harbor; and to regulate and prescribe by such ordinances or through their harbormaster or other authorized officer such location of every boat, steamboat or other craft or vessel afloat, and such changes of station in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience as near as may be of all such boats, vessels, crafts and floats, and to impose penalties, not exceeding one hundred dollars (\$100.00) for any offense against any such ordinance; to charge and enforce such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat or other vessel, craft or float.

Same.

Fifty-fifth. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges across Root river in said city.

Time of entry and speed of vessels.

Fifty-sixth. To regulate the construction of piers and wharves extending into lake Michigan within the limits of said city; and to prescribe

Piers and wharves.

and control the prices to be charged for dockage and storage within the city.

Wharfage rates.

Fifty-seventh. To establish rates and collect wharfage for the landing of lumber, wood, coal, merchandise or other property, at the ends of streets abutting on the river, and to let and lease the privilege thereof; provided, no permanent obstruction shall be created on such street, and free access shall be left open to the lots adjoining on either side of such street.

Destitute children.

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

Vagrants, etc.

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

Concealed weapons.

Sixtieth. To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person of any pistol, or revolver, or sling-shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie-knife, dirk knife, dirk or dagger, or any other dangerous or deadly weapons, and to provide for the confiscation or sale of such weapons.

Construction of buildings, chimneys, etc.

Sixty-first. To control and regulate the construction of buildings, chimneys and smoke-stacks, and to prevent and prohibit the erection

or maintenance of any insecure or unsafe buildings, smoke-stacks, walls or chimneys, in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Sixty-second. To declare that it shall be unlawful for any hall, theatre, 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 assembled in case of alarm.

Construction of doors of opera houses, churches, etc.

Sixty-third. To establish fire limits and to regulate and prohibit therein the erection, enlargement, raising, rebuilding or repair of wooden buildings or structures; to prohibit the moving of buildings within or into the fire limits.

Fire limits.

Sixty-fourth. To maintain a fire department and to appoint its officers and members and prescribe their duties.

Fire department.

Sixty-fifth. To contract for a water supply for the city, to erect or purchase waterworks and to issue bonds for that purpose, but the question of erecting or purchasing waterworks shall first be submitted to the people at a special election, and only in case a majority of the voters shall vote for such purchase or erection of waterworks, shall the common council have power to act thereon.

Water works.

Sixty-sixth. To build and maintain protections of the shore on Lake Michigan and to prevent the erosion of the same.

Protection of Lake Michigan shore.

Sixty-seventh. To license, regulate or prohibit the erection of poles and the stringing of telegraph, telephone or electric light wires within the streets and to remove the same from the public streets and alleys.

Stringing of electric wires.

Sixty-eighth. To purchase, lease and hold real estate and to erect and maintain buildings thereon for the public use; to insure such buildings and to convey real estate.

Public buildings.

Sixty-ninth. To levy taxes and make and levy special assessments for public improvements.

Taxes for public improvements.

Seventieth. To establish a system of sewerage and to divide the city into sewer districts.

Sewer and sewerage districts.

Seventy-first. To change the boundaries of the wards and to increase the number of wards, but no ward shall be created with a population of less than two thousand (2,000) people.

Changing boundaries and increasing number of wards.

Ordinances,
etc., how
passed.

SECTION 29. All ordinances and by-laws shall be passed by an affirmative vote of a majority of the aldermen-elect, and shall be signed by the mayor and shall be published in the official paper of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said ordinances or by-laws shall be recorded the publication thereof, respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. 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 a vote in its favor of a majority of all the aldermen entitled to seats in the common council, which vote shall be taken by the ayes and noes and entered among the proceedings of the council.

Ordinances,
etc., creating
charge on city,
how and when
acted upon.

SECTION 30. All ordinances, petitions, communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day on the report of the committee to which the same were referred. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by a request of one-fifth of the aldermen present.

Reconsideration of vote.

SECTION 31. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken; and no business shall be transacted at any special meeting except that named in the notice calling such meeting.

SECTION 32. Every ordinance or by-law which shall have been duly passed by the common coun-

cil, before it shall take effect, and within five days after its passage, shall be presented to the mayor for his approval. If he approve, he shall sign it; if not, he shall return it within five days, with his objections stated in writing, to the city clerk, and the clerk shall submit such objections to the common council at their next regular meeting thereafter, who shall enter such objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if, after such reconsideration two-thirds of all the members elected should vote to pass such an ordinance or by-law, it shall take effect and be in force as an act or law of the corporation, otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken by yeas and nays, and be entered upon the journal of proceedings of the common council. If the mayor shall not return an ordinance or by-law it shall take effect in the same manner as if he had signed it; and in case such ordinance or by-law shall not receive the signature of the mayor the certificate of the city clerk shall be attached thereto, showing the manner in which it was passed and acquired its validity.

Mayor's approval of ordinance or by-law; veto.

The mayor shall have the power to veto any other act, resolution or appropriation by filing his objections in writing thereto with the city clerk within ten days after the passage thereof, and the city clerk shall submit such objections to the next regular meeting of the common council, and the vote on the adoption of such act, resolution or appropriation shall then be reconsidered, and if the same shall thereupon be passed by a two-thirds vote of all the members of the council, it shall be valid, notwithstanding such veto, otherwise it shall be void and of no effect.

SECTION 33. The common council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent, shall refuse to

Examination and auditing of accounts of officers, etc.

comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or any authorized committee thereof, it shall be the duty of the common council to declare the office of such person vacant. The common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his duties, and they shall make a full record of all such settlements.

Official city paper.

SECTION 34. The common council shall annually on or before the first Monday in May, designate some daily newspaper, printed in said city, as its official paper, wherein all ordinances, notices or other proceedings which require publication, shall be published. The affidavit of the printer or his foreman, having thereto the ordinance, notice or other publication attached, stating the length of time, or the number of times and dates thereof, that the same shall have been published in such newspaper, and filed in the office of the city clerk, shall be conclusive evidence of such publication.

Lighting of streets.

SECTION 35. The lighting of the public streets shall be let by the common council to the lowest responsible bidder as a whole or in parts, and for terms not exceeding five years.

Purchase of supplies.

SECTION 36. The purchases of wood and coal and other supplies, in quantities exceeding the sum of one hundred dollars (\$100), shall be made by contract let to the lowest responsible bidders.

TITLE V.

EMINENT DOMAIN—OPENING STREETS, ETC.

Lands for public use acquired by purchase or condemnation.

SECTION 37. The common council shall have power to acquire by purchase or condemnation, lands for streets, alleys, parks or sewers, to the public use, and may likewise acquire the title in fee to lands for public school houses, and to other uses of the city.

Opening or widening of streets or alleys.

SECTION 38. Whenever the common council shall deem that the public interest requires the opening, widening or extending of any street or

alley in said city, it shall by resolution, describing the location and extent of the proposed opening, widening or extension, direct the board of public works to make the requisite examination and plans therefor.

SECTION 39. The board of public works shall make a description of the metes and bounds of the proposed street or alley or of the widening or extension thereof, and of the several parcels of land over which the same is to be laid, opened, widened or extended, and of the parts to be taken therefrom, and it shall cause the same to be surveyed and staked out, and a plat to be thereof made showing the metes and bounds and distances of such street or alley or extension or widening thereof, and the metes and bounds of the lands directly effected thereby, with the names of the owners thereof, and the buildings upon or in close proximity to the lands to be taken, and shall make an estimate of the cost thereof, and report the same to the common council.

Board of public works to cause surveys to be made of land proposed to be taken.

SECTION 40. Upon the filing of the report of the board of public works, the common council shall by resolution, appoint a time and place for a hearing upon the proposition of making such improvement, and cause notice thereof to be given by publication in the official paper at least ten days before the time fixed for such hearing. Such notice shall contain a brief description of the proposed improvement, the names of the owners of the lands to be taken as far as known, and a statement that all persons interested may appear at such hearing and be heard in the matter of the proposed improvement. At the time and place appointed the common council shall meet and proceed to consider said matter and to hear all persons interested in relation thereto. The common council may, after such hearing, amend, reject, modify or adopt such plans or report of the board of public works as it may deem advisable, and may by resolution direct the city attorney to institute proceedings in the circuit court for Racine county for the condemnation of the lands necessary for the improvement.

Notice of hearing on proposition of making improvements to be given; hearing.

SECTION 41. The city attorney shall thereupon file with the clerk of the circuit court the survey and plat of the street or alley, or of the land to

Survey and plat to be filed with clerk of circuit court; petition.

be taken, as adopted by the common council, and present to the circuit court his petition setting forth the metes and bounds of the lands to be taken and for what purpose, the names of the several owners, and whether any of such owners are minors, insane or under guardianship, and names and ages thereof as far as ascertainable, and the residences of such owners as far as known to him, or can with reasonable diligence be ascertained by him, that he has been directed to make such application and praying for the appointment of a jury to ascertain and determine the necessity of taking such lands for such purpose.

Appointment of time for impanelling jury.

SECTION 42. Upon the filing of such petition the circuit court shall appoint a time for the drawing and impanelling of a jury and for the hearing and determination of the matter prayed for in such petition, which time shall not be less than ten days nor more than sixty days from the filing of such petition. The court shall also issue to the sheriff of Racine county its precept commanding him to summon from the resident freeholders of the city of Racine twenty-four disinterested persons having the qualifications of jurors, to appear before said court at the time appointed to be examined, impanelled and sworn as jurors in the matter of such petition. The sheriff shall summon such jurors by reading the precept to them at least two days before the time appointed for such hearing and make due return thereof endorsed on said precept and file the same with the clerk of the court. And the juror so summoned shall appear at the time and place appointed.

Notice of impanelling of jury; form of service of.

SECTION 43. The city attorney shall thereupon prepare a notice substantially in the following form:

State of Wisconsin, in circuit court for Racine county.

In the matter of (here insert the object of the proceedings) in the city of Racine.

To whom it may concern:

Notice is hereby given that a petition has been presented to said court in the above entitled matter (a copy of which petition is hereto annexed) by the city of Racine by its attorney, and that a jury will be drawn and impanelled therein by said

court on the day of
 189., at o'clock in thenoon of said
 day, and further proceedings will be had thereon
 according to the prayer of said petition.

Dated.....

A.... B....,

City attorney.

When any minors shall be interested in any of the land to be taken, the city attorney may add to such notice the following: "And guardians *ad litem* will be appointed for any minors interested in said matter."

Such notice shall be served upon the owners of land which is proposed to be condemned and upon all persons interested as mortgagees therein, residing in the county of Racine in the manner as a summons, in a civil action in the circuit court, is required to be served except that service may be made by the chief of police or any of his police force instead of the sheriff of the county, and the return or returns of such chief of police by himself or by any of his policemen, upon such notice or copies thereof, shall have the same force and effect as the return of the sheriff by himself or by his deputies. If any of such owners or parties interested as mortgagees are unknown or non-residents of the county of Racine, such notice together with the petition shall be published in the official paper of the city, twice in each week for two successive weeks, and such publication shall be a sufficient service upon such unknown owners or non-residents of said county and the affidavit of the printer or the foreman of the printers of such official paper shall be conclusive evidence of such publication. If the land of such unknown or non-resident owner shall be occupied, such notice shall be served upon such occupant, and if the owner have a known agent residing in the city such notice shall be served on such agent.

SECTION 44. At the time appointed for the drawing of the jury, the court shall first appoint guardians *ad litem* for all minors or other incompetent persons interested, and the jurors shall then be examined under oath as to any grounds for challenge for principal cause or favor, and any person interested may appear in person or by attorney and take part in the selection of the jury,

Drawing of jury; view of premises.

and if after such examinations and excuses there shall be less than eighteen of the jurors summoned remaining, the sheriff shall summon talesmen, who shall likewise be examined to keep up a list of not less than eighteen jurors. Thereafter the owners of land and mortgagees as one party, and the city attorney as the other party, shall alternately, commencing with such owners, each strike out from the list of jurors remaining one juror until twelve jurors shall remain. The strikes by the owners if several appear, may be made by agreement among themselves or by direction of the court. Such jury shall immediately thereafter be sworn to well and truly inquire into and determine the necessity of taking the lands described in said petition for the public use and faithfully to discharge their duties according to law. The court shall thereupon direct the sheriff to take charge of the jury for a view of the lands proposed to be taken, and the jury shall be provided with the surveys and plats of the premises, and the city engineer shall point out to the jury the lines of his survey of the premises. The jury shall view the premises and examine and ascertain the necessity of taking any of the lands and shall thereupon return into court. On returning into court either party may introduce evidence as to the necessity of taking such lands under the direction of the court, and thereafter the jury shall retire to consider their verdict. The jury shall render a unanimous verdict in writing signed by them in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, briefly designating such as they find necessary to be taken.

Verdict of
jury.

SECTION 45. Any technical error may be immediately corrected with the consent of the jury. Such verdict shall then be entered by the court and the jury shall then be discharged and the court shall render judgment according to such verdict. If the jury shall fail to find a verdict the city attorney may at once move for the selection of another jury, and another jury shall be summoned to appear at some future day, and the court shall adjourn the proceedings to such future time, at which time such other jury shall be selected and sworn and proceedings shall be had in the same manner. The proceedings and judgment shall be

entered of record in the court in the same manner as other actions or proceedings. The verdict and judgment for the condemnation of the land shall be final and conclusive.

SECTION 46. After the entry of a verdict of condemnation the court shall appoint three special commissioners to assess the damages and benefits arising from making such improvements. Such commissioners shall be disinterested freeholders, residents of said city, and the court shall issue a precept to the sheriff to summon the persons so appointed to appear in court at a time to be named, and the sheriff shall summon such commissioners and such commissioners shall appear at the time required, and may be examined as to their interests or prejudices in the matter; and all parties interested shall have the right to take part in such examination, and to challenge any of such appointees for cause, and the court shall decide any and all objections and may order the summoning of other persons to serve as such commissioners until three such commissioners shall be finally appointed. The commissioners shall thereupon be sworn to view the premises and to assess the damages and benefits faithfully and impartially in the matter, and such commissioners shall thereupon proceed to view the lands, and to assess the damages accruing from the taking of the lands to the owners thereof, and shall assess all such parcels of land which will in their opinion be benefited by the improvement, with such benefits as they may deem just, provided that the total assessment of such benefits shall not exceed the award for damages.

Appointment of commissioners to assess damages and benefits; their powers and duties.

SECTION 47. Upon the completion of such assessment of damages and benefits, the commissioners shall publish the assessment in the official paper of the city with a notice that they have made such assessment and that the same will be open for review and correction before them at a time and place named, which time shall not be less than ten days from the publication thereof, and the place of meeting for such review shall be the council chamber, and that all persons interested will then be heard in the matter of such assessments. At such time and place such commissioners shall then meet and hear all persons interested, and said commissioners shall have power to administer

Publication of assessment; review.

oaths and to take testimony in the matter and to make such changes in their assessment of damages and benefits as they shall deem just. After such review and correction the commissioners shall report their assessment to the common council, and the common council may either confirm or reject such assessment; and upon rejection of said assessment the common council may direct the city attorney to apply to the circuit court or a judge thereof for the appointment of three other commissioners. The city attorney after such directions shall thereupon give notice in the official paper of the city that at a time to be named in such notice, not less than ten days from the publication thereof, he will apply to the circuit court or a judge thereof (stating which) for the appointment of three other commissioners in said matter. At the time and place named in such notice such application shall be made, and like proceedings shall thereafter be had for the appointment of such new commissioners, and they shall be sworn and proceed in the assessment of damages and benefits in said matter as hereinbefore provided for the first commissioners. When there shall be any buildings on any lands so taken and the land and building shall be owned in severalty, or when land so taken shall be held under a lease, the awards of damages may be made in severalty to the owners of the land and the owners of the building, or to the landlord and the tenant.

Appeal from
assessment to
circuit court.

SECTION 48. Any person or persons owning or having any interest in any property affected by such assessment, may within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county by filing with the clerk of said circuit court his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond for five hundred dollars (\$500), conditioned for the payment of all costs that shall be adjudged against him on such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit endorsed upon such bond, that he is worth five hundred dollars (\$500) over and above all his debts in property not exempt from execution; and said bonds and sureties, if

objected to by the city attorney, shall also be approved by the judge of said court. Such appeal shall be ineffectual, unless the appellant shall also within said twenty days serve a copy of his notice of appeal and bond upon the city attorney. In case of any appeal under the provisions of this section, the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said commissioners as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal, upon their petition setting forth the nature and extent of such interest. If on such trial the benefits assessed by the commissioners shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appellant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall, by their verdict, award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict the city shall pay the amount of such judgment, and the costs, if any, recovered therewith, or make provision for the payment thereof, within one year after the same shall have been rendered; provided, that in case of an appeal from such judgment to the supreme court, the time of the pending of such appeal shall not form any part of such year. The common council of said city may within twenty days from the filing of said report of said commissioners with the city clerk, appeal therefrom to the circuit court of Racine county and the same shall be disposed of in same manner as other appeals provided for in said section, except the said city shall not be required to give a bond.

SECTION 49. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of the said city or its officers in the matter to which said assessment relates; and no action at law or in equity shall be had or

Appeal the only remedy.

be maintained for such injuries or on account of such acts and proceedings.

When title to lands to be vested in city. Who entitled to damages awarded.

SECTION 50. Whenever the damages awarded to the owner by the report of the commissioners as confirmed by the common council, for any property condemned by said city for public use shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the city clerk in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened and laid out. The claimant of such damages shall in all cases furnish an abstract of title, showing himself entitled to the same before they shall be paid to him. If there shall be any doubt as to who shall be entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold said city harmless from all loss, cost and expenses, in case any other person should claim said damages, or may pay the amount of damages to the clerk of the circuit court of Racine county, and said court shall distribute the same as shall be deemed just. The damages assessed by the commissioners or awarded by the verdict of the jury, and judgment rendered thereon in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official paper as herein provided, within twelve months after the rendering of such judgment, or after the confirmation of such assessment by the common council. In case no appeal shall have been taken, and if not so paid, or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; provided, that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the commissioners from the confirmation of such report by the common council,

shall be and remain a lien upon the premises so determined by the commissioners to be benefited by the taking and appropriating of lands to the public use as proposed.

SECTION 51. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate plat thereof to be made and filed in the office of the city clerk. The proceedings for the taking of lands for other purposes than streets or alleys shall conform as near as practicable to the proceedings hereinbefore set forth. And in all cases a *lis pendens* shall be filed with the register of deeds, and the final order for the taking of any lands to the public use shall be filed in the office of the register of deeds as provided by statute.

Plats, *lis pendens* and final order to be filed.

SECTION 52. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

Confirmation of proceedings laying out streets and alleys, etc.

SECTION 53. All the foregoing directions given in this chapter shall be deemed only directory; and no error, irregularity or informality in any of the proceedings under the provisions of this title of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

Chapter declared directory.

SECTION 54. The common council shall have power, and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks, within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; provided, however, that no ordinance or resolution for the vacating of any street, alley or public ground, or any part thereof, shall be adopted unless such ordinance or resolution shall have been heard before the council, and notices of such hearing shall have been given as provided in section 40. On the vacation of any street, alley or public ground, or any part thereof, the common council shall, upon the request of any party interested, or may of its own motion, provide for the appointment of commissioners to assess damages and benefits,

Vacating highways, streets, alleys, etc.

and such assessment shall have the same force and effect as assessments made upon the opening of streets.

Streets and alleys in new additions to correspond in width, etc., with adjacent streets and alleys. Filing of plats; penalty for failure.

SECTION 55. In all cases where lands in the city shall hereafter be subdivided into lots and blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council it shall be lawful for the party or parties making such plat to record the same and the evidence of such approval, in the manner prescribed in the revised statutes of this state, concerning town plats; but unless such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Racine county to receive such plat or map for record, or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and the register of deeds who shall record such plat without such copy of a resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, may be recovered in action by the city of Racine, and paid into the city treasury, for the use and benefit of said city. In case of the approval of any plat by the common council it shall be the duty of the proprietor thereof to immediately file an exact copy of said plat with the certificates attached in the office of the city clerk. In case of failure by the proprietor to file such copy, he shall be deemed guilty of an offense and shall be liable to the same forfeitures

and penalties as hereinbefore prescribed in case of failure to present the original plat for approval.

SECTION 56. All streets and alleys which have been heretofore laid out or which may be hereafter laid out by the common council or otherwise, and which shall have been opened and used, or worked and improved for four years successively, shall be held to be public streets and alleys, and no defect or irregularity in the proceedings of opening the same, or in the direction thereof, shall affect the same.

Confirming
plats of streets,
etc., heretofore
made.

TITLE VI.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 57. The common council, and under it the board of public works, shall have the care of the public streets, ways, alleys, grounds and parks. The streets shall be divided into a carriage-way and a sidewalk on each side thereof. The common council shall establish grades on all streets whereon grades have not already been established, and after the 1st day of January, 1892, no change shall be made in the established grade of any street, except with the consent of all the owners of the real estate upon or in front of which such change is proposed to be made, or excepting upon the vote of three-fourths of the members of the common council in favor thereof. When any owner of real estate shall have improved the same or erected substantial buildings thereon with reference to the established grade of the street in front thereof, and such grade shall thereafter be changed without his consent, and the street shall be ordered to be graded to such new grade, the board of public works shall assess the damages accruing to such real estate over and above any benefits, as in their opinion shall be inflicted upon the same by such change, and shall file such assessment of damages with the city clerk, who shall cause the same to be published in the official paper of the city and cause a copy of the same to be served by the police of said city upon all the resident owners of real estate interested in such assessment of damages. Every such owner

Streets, etc., to
be under control
of council
and board of
public works.
Grade of
streets, etc.
Assessment of
damages caused
by change
of grade of
streets.

feeling himself aggrieved by such assessment, may demand a review of such assessment of damages by filing with the city clerk, within ten days after such service or publication, a notice thereof setting forth his interest in the premises and the grounds of his grievance, and his postoffice address, together with an undertaking with two sureties to be subject to the approval of the city clerk, that he will pay the cost of the proceedings in case his award of damages shall not be increased on such review. The city clerk shall submit all such demands and papers to the city attorney, and the city attorney shall cause to be served upon each of the resident owners, and forwarded by mail, postage prepaid, to every non-resident owner to his post-office address, a notice that he will at a time to be named in such notice, not less than ten days thereafter, apply to one of the justices of the peace of the city, naming him, for the appointment of three special commissioners to review the assessment of damages in said matter. At a time mentioned in such notice the city attorney shall apply to such justice for the appointment of three special commissioners to review the assessments of damages, and such justice shall appoint as such commissioners, three disinterested freeholders, residents of the city, and in making such appointments, the justice shall hear any objections of the parties interested, and shall examine such commissioners as to any interest they might have in the matter, and shall hear and decide any challenges for cause. The justice shall issue a precept to the chief of police to summon such persons appointed as commissioners to appear before him forthwith to be sworn and act as such commissioners, and the chief of police shall serve such precept by reading the same to the persons so appointed. If any of such appointees shall be excused from service, other persons qualified as aforesaid shall be appointed and summoned. Every person so appointed and summoned shall appear at the time named in such precept. Such commissioner shall thereupon make and subscribe an oath before such justice, that they will fairly and impartially review said assessments, and discharge their duties as such commissioners. And after being sworn

such commissioners shall forthwith proceed to view the premises and assess the damages accruing to the premises of any of such owners who have demanded a review of the assessment of damages from the change of such grade, after deducting any special benefits which such premises may derive from such change. But no damages shall be allowed for injuries to any premises unless such premises shall have been improved or a substantial building shall have been erected thereon, with reference to such former established grade. The commissioners shall immediately after such assessments of damages make a return thereof, to the justice, which may be in the following form:

We assess the damages to (here briefly describe the premises) owned by (name the owner) at dollars, and s. f. ...

Dated 18 ..

A. B.	} Commissioners.
C. D.	
E. F.	

The justice shall enter the proceedings and return on his docket and file all papers relating thereto in his office.

The justice shall receive for his service three dollars, and the commissioners shall each receive three dollars per day for their services. The city shall pay the amount of damages and said fees, but in case any of such appellants shall fail to recover a higher award of damages than awarded to him by the board of public works he shall repay to the city its cost for fees so paid, or when there shall have been several appellants, then his proper proportion thereof.

If any such commissioner shall fail to appear and serve, he shall forfeit to the city the sum of fifty dollars, and every such commissioner who shall accept any bribe to influence his decision, shall be guilty of a felony and shall be imprisoned in the state prison not to exceed three years.

The assessment of damages by the board of public works, unless appealed from as herein provided and the review and assessment of the commissioners shall be final and conclusive on the parties thereto, and such assessments of damages shall be the only remedy for the recovery of any

damages for injuries accruing from the change of the grade of any street in said city.

Report of
board of public
works.

SECTION 58. The board of public works shall annually on the first Monday in March, render a summary report to the common council of its proceedings during the year last past, and shall therein recommend the making of such further improvements (such as the board is not empowered to order on its own motion) as it shall deem most advisable, and the board may from time to time make such further recommendations to the common council as it shall deem best. The common council shall annually on the first Monday in May or as soon thereafter as practicable, determine the public improvements to be entered upon for the ensuing year, and such determination shall not be materially departed from. All public improvements except the repair of school houses shall be made under the supervision and direction of the board of public works.

First improve-
ment to be
grading.

SECTION 59. The first improvement to be made on an unimproved street or streets newly opened, shall be the grading thereof to an established grade to its full width, and the building of the necessary culverts over any water courses crossing the same, and the erection of such retaining walls to hold up embankments as the common council may determine.

Classification
of sidewalks.

SECTION 60. The common council shall have power by ordinance to prescribe the width of the sidewalks, the lines upon which curbing shall be set, and what part of the sidewalk spaces may be used for the planting of shade or ornamental trees and the material of which sidewalks shall be built, and the manner of their construction; and classify the sidewalk according to their width and construction into three or more different classes, to be named No. I, II, III, etc., and when any person shall be notified to build or rebuild a sidewalk; according to such class, one, two, three, etc., such notice shall be a sufficient description of the sidewalk required to be built.

Building and
repairing of
sidewalks; gas,
water and sewer
pipes.

SECTION 61. The board of public works shall have power to require the owners of real estate to build, re-build, re-lay or repair sidewalks, hand rails, curbing and gutters in front of their property, and when a street or alley shall have been ordered to be paved or macadamized to re-

quire the owners of real estate fronting on the same to lay service gas pipe, water pipe or sewers from their curb lines to any gas or water pipe or sewer on such street or alley, at intervals of not less than twenty feet, and to cut down or remove any noxious trees, or any trees, fences, buildings or other structures, encroaching on any street or sidewalk, in front of their premises; to take down or remove any dilapidated building, ruins, walls or other structure, on their premises, endangering travel on the streets or sidewalks; to clear the sidewalks in front of their premises of snow, ice, rubbish, or filth; to require them to clean the alley adjoining their premises to the center thereof.

SECTION 62. When the board of public works shall deem it necessary to require any of the things or works mentioned in the foregoing section to be done, it shall make and enter an order requiring the same to be done or performed, briefly describing the real estate in front of which or upon which such work or thing shall be done and naming a reasonable time, after the service of such order, for the performance thereof; but the repairing of sidewalks, cleaning or clearing of sidewalks and alleys of snow, ice or rubbish may be ordered to be done forthwith.

Work, how ordered done.

SECTION 63. If the owner of the real estate in front of which any such work as mentioned in the foregoing section, shall have been ordered to be done, shall be a resident of the city, a copy of such order shall be served upon him in the manner prescribed, for the service of a summons issued out of the circuit court; if such service can not be made, or if the owner be a non-resident, and such real estate shall be occupied by a tenant, a copy of such order shall be delivered to such tenant; if such non resident owner have a known agent residing in the city, such service may be made on such agent; or if his post-office address be known, a copy of such order may be mailed to his post-office address, postage prepaid.

Order to be served on owner; manner of service.

When such service cannot be made on any of such owners, the board of public works shall cause such order or so much thereof as shall affect such owners on whom such service could not be made, to be published in the official paper at least twice

within ten days, and after the expiration of ten days from the first publication, such service shall be deemed sufficient and complete; provided, however, that notwithstanding any of the foregoing provisions, the board of public works shall have the power to cause any sidewalk which shall be in a dangerous condition for travel, to be repaired at once without notice, and to charge the cost thereof to the particular parcel of land in front of which such repairs shall be made, provided that the cost thereof shall not exceed five dollars per twenty feet frontage.

Failure of owner to construct; city to construct the same at owner's cost.

SECTION 64. All such improvements or work mentioned in section 61, shall be chargeable upon the particular parcel of land in front of or upon which the same shall be made or done. If after the expiration of the time fixed for the performance of such work or making such improvement, any part thereof remain undone, or if any owner shall have neglected to comply with such order made by the board of public works, said board shall cause such improvements to be made or work to be done, either by contract or by men in their employ; provided that the building of new sidewalks, handrails, curbings or gutters shall be let by contract to the lowest responsible bidder. And the cost of such improvements or works shall be assessed against the particular parcels of land in front of which the same shall have been done, and all such assessments shall be filed with and be recorded by the city clerk.

Council may order paving, grading and improvement of streets; plans, etc., of work.

SECTION 65. The common council may by ordinance or resolution order the grading, paving, macadamizing, graveling or other improvements of streets, alleys and public grounds, the laying and building of sewers, the building and repair of lake shore protection, the sprinkling of streets, the improvement and dredging of the harbor, the building and repair of docks along Root river, and the filling of the lots adjoining such docks, the abatement of nuisances upon private property. Before ordering such works or improvements the common council shall direct the board of public works to make and report to the council suitable plans, profiles, specifications or descriptions of such work with an estimate of the cost thereof, and after the same are submitted by said board and finally adopted by

the council after due consideration and making of such changes as the council may deem expedient, such plans, profiles, specifications or descriptions of such work shall be filed with the city clerk, and the ordinance or resolution of the common council ordering such work shall require the making of such improvements or doing such work in accordance with such plans, profiles and specifications filed with the city clerk, and such order may contain only a brief description of the work to be done with a reference to the plans, profiles, specifications or descriptions on file, or may set forth a full description thereof as may appear most practicable, and shall direct the board of public works to take charge thereof.

SECTION 66. Every ordinance or resolution requiring the building or repair of docks, the dredging of the harbor or river and filling of lots, or the abatement of nuisances on private premises shall require the respective owners of the real estate in front of or upon which such work is to be done, to build, re-build or repair such docks, to dredge the harbor to a distance of fifty feet from their dock lines, or to fill such lots, or to abate such nuisances within a reasonable time therein to be specified, but not to be less than ten days from the publication of such ordinance or resolution. The publication of such ordinance or resolution in the official paper of the city shall be a sufficient request upon such owners to perform such work or to make such improvements, but the board of public works shall cause such ordinance or resolution to be served upon the resident owners as hereinbefore provided for the service of orders for the building of sidewalks.

What notice to require; publication of and service of notice.]

SECTION 67. If, after the expiration of the time limited for the building or repairing of docks, filling of lots, dredging of Root river or abating any nuisance by the owners of property such work or improvement shall remain undone, the board of public works may advertise for bids and award the contract for such work, and the cost of such work done upon or in front of such real estate shall be charged and levied as a special assessment upon the several parcels of land in front of or upon which said work shall have been done, and such assessment shall be made by the board of public works and be filed with the city clerk.

When owners neglect to do work, board may let contract and assess lot for cost of same.

OF THE IMPROVEMENT OF ALLEYS AND SPRINKLING
OF STREETS AND ASSESSMENTS THEREFOR.

Paving of alleys, etc.; sprinkling of streets.

SECTION 68. Alleys may be ordered to be graded, paved or otherwise improved, upon the petition of the owners of a majority of the frontage of the real estate fronting on such alleys, and the costs thereof shall be assessed on such real estate fronting thereon in proportion to the lengths of its respective frontage. Any street or part of a street may be ordered to be sprinkled upon the petition of a majority of the owners of lots or parcels of land fronting upon such street or part of street, and the costs thereof shall be assessed on the real estate fronting thereon in proportion to the length of its respective frontage, but the sprinkling of street crossings shall be paid by the city.

GRADING STREETS.

Order for grading may require other work to be performed.

SECTION 69. An order for grading streets may also provide for the erection of the necessary retvetment or retaining walls, and for the purchase of the right of extending of embankments on adjoining property, and for the grading to a sub-grade, and for filling the same to grade with gravel or other suitable material, and the grading and improving in such manner of several adjacent or intersecting streets may be ordered as one improvement, and not exceeding one-half of the costs thereof shall be assessed by the board of public works upon the real estate fronting on and adjacent to the streets improved, in the proportion as the several parcels of land shall be deemed to be benefited thereby; but the assessment district shall not extend further than one thousand feet on any street from the nearest point where any work shall be done in improving or grading the same, and the remainder of the cost to be paid by the city.

OF THE PAVING OR MACADAMIZING OF STREETS.

Costs of paving or macadamizing, how apportioned and defrayed; rules of assessment.

SECTION 70. The cost of paving or macadamizing any street shall be apportioned and defrayed as follows: First, one-third shall be apportioned to the city, and the other two-thirds shall be

equally apportioned for assessment to the adjoining blocks on the opposite sides of the street, and shall be assessed on the several parcels of land in proportion to their width or frontage upon or towards the street to be improved, subject to the following rules:

First. When a block is divided into one or more rows of lots fronting on streets, and such improvement shall be made in front of such rows of lots, the frontage assessment shall extend from the front to the rear of such lots, but when the improvement is made on the side of such row, the frontage assessment shall extend from the street even across lots a distance of one hundred and fifty feet, but not beyond the middle of such block.

Second. When a block is not subdivided into lots or is subdivided into one row of lots only, or is irregularly divided, the frontage assessment shall extend to one hundred and fifty feet from the street so improved, but not beyond the middle of the block, unless the block shall be bounded on the opposite side of the street improved by Root river or Lake Michigan. But when the entire distance across the block shall be less than one hundred and fifty feet, the frontage assessment shall extend across the block.

Whenever the depth of the real estate from street to street shall be less than eighty feet the assessment shall nevertheless extend eighty feet, but the proportion of the assessment falling beyond the block shall be paid by the city; when the street to be improved shall intersect such other street in a sharp angle the average length of each parcel shall be taken as a basis of computation and the assessment shall be extended in the general direction of improvements and lines of ownership.

When the real estate or parcels of land over which such assessment shall extend as hereinbefore provided, shall be divided in ownership so that some parts of the parcel have no immediate frontage on the street improvement, the frontage assessment shall be apportioned so that the parts nearest to the street shall bear the higher *per cent.* of the assessment on the following basis: The first one fifth shall bear forty *per centum*; the second one-fifth twenty-five *per centum*; the third

one-fifth fifteen *per centum*, and the fourth and fifth one-fifths each ten *per centum* as illustrated:

Illustration.

10	10	15	25	40
60				40
35			65	
20		80		
10	90			
100				-

When the first one-fifth part shall be owned in severalty the part thereof adjoining the street to be improved shall bear per foot in depth twice as much of the assessment as the inlying part of such one-fifth shall bear per foot in depth. (Suppose the one fifth is twenty four feet deep, the part next to the street is ten feet deep, then it pays twenty parts and the inlying fourteen feet pay fourteen parts of the forty *per cent.* of the frontage assessment.) When the lines of the several ownership shall fall between the lines of any of the other one fifth divisions, the portion of such divisions shall be divided in proportion to the depth.

SEWERS.

Division of city in sewer districts and plans of sewerage for each district.

SECTION 71. The common council may divide the territory of the city into sewer districts and determine a plan of sewerage for each of such districts, or it may confirm the sewer districts now established by ordinance of said city and the several plans for sewerage of the same, or it may change such districts and plans, or either in such manner as it may deem best. After the fix-

ing of such sewer districts and adoption of plans for sewers, the common council may order such plans for any of such districts to be carried out and may order the whole of such sewer system in any district to be constructed at once, or in different parts at different times. The cost of the construction of such sewers or sewer systems shall be defrayed as follows: Every lot or parcel of land fronting or abutting on any street, alley or way whereon a sewer is contemplated to be built, shall upon the ordering of the building of any sewer in the street, alley or way adjoining thereon be assessed at the rate of sixty cents per foot frontage on such street, alley or way, but when any parcel of land undivided in ownership shall have sewer frontage on two or more sides, it shall be assessed on the shortest of such fronts if unequal in length and next upon the other front or fronts, but only for any frontage over and above one hundred feet. The balance of the cost of such sewers shall be paid by the city.

LAKE SHORE PROTECTION.

SECTION 72. Of the cost of any lake shore protection ordered to be built by the common council, one-half of such cost shall be assessed as special benefits upon the real estate within the following described districts, in such proportion as the several parcels of land shall be determined to be benefited thereby, to-wit: The eastern boundary of such district shall be the line of the proposed protection. The north and south limits respectively, of such district, shall be straight lines extending westerly from the north and south ends respectively of such protection and running parallel with the north lines and south lines of the several blocks through which the same shall pass and extending to the western boundary of such district, and the western boundary of such district shall be as follows: From Root river south to Tenth street such boundary shall be said Root river to the point where the east line of the College avenue extended northerly intersects the easterly line of said river, and from thence south to Tenth street such boundary shall be College avenue; from Tenth to Twelfth street it shall be Park avenue; from Twelfth to Sixteenth street it shall be Grand

Cost how assessed; districts.

avenue; from Sixteenth street to DeKoven avenue it shall be the east line of Franklin street extending southerly, and from DeKoven avenue to the southern limits of the city it shall be the present north and south boundary line between the Second and Sixth wards of said city; from Root river north to Hubbard street it shall be North Main street; from Hubbard street to High street it shall be North Erie street, and from High street to the northern limits of the city it shall be Green street; provided, however, that not more than ten thousand dollars (\$10,000) shall be raised or expended in any one year for such improvement, exclusive of the amounts necessary to protect the easterly ends of the east and west streets abutting on Lake Michigan, and provided, further, that the expense of protecting the ends of such streets shall be borne wholly by the city of Racine, and the ends of such streets shall be protected and in like manner and with like material as the block or blocks contiguous thereto.

SPECIAL ASSESSMENTS REVIEW.

Assessments to be filed with city clerk.

SECTION 73. The special assessments mentioned in sections number 68, 69, 70, 71 and 72 shall be made by the board of public works, after the letting of the contract for the improvement, and shall be filed with the city clerk, and shall show the several and the aggregate amounts thereof, and the whole sum which will remain payable by the city out of its general fund.

Notices of assessment for various purposes to be published.

Notice of the assessments made for grading, graveling, paving, macadamizing or otherwise improving streets as hereinbefore provided, and for building of sewers and lake shore protection, shall be given by advertisement in the official paper or said city, that such assessment has been made and is ready for inspection in its office, and that the same will be open for review and correction by the said board, at one or more meetings of the said board to be held not less than ten days after the first publication of such notice, that all persons interested will then be heard by the board in objection to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has

been made for and in what locality, and no further notice or publication shall be necessary. At the time and place mentioned in such notice the board shall meet and hear all objections and evidence and keep minutes of their proceedings, and it shall have the power to review, modify and correct such assessment in such manner as it shall deem just, at any time during such review, and such assessment shall then be filed with the city clerk, after its review and correction.

Any owner of real estate so assessed who shall have appeared before said board on the review of said assessment, and being aggrieved by its decision, may appeal to the common council by filing a notice with the city clerk, within five days after filing of said assessment, setting forth the nature of his grievance, and the clerk shall lay such appeal before the common council, and the common council shall then hear the appellant and may adjourn and make its decision on such appeal as it shall deem just.

The city clerk shall keep a record of all such assessments and of the certificates of special assessments issued thereon.

CONTRACTS.

ADVERTISING FOR BIDS.

SECTION 74. Contracts for the performance of public works of which the cost is not directly chargeable against the particular lots or parcels of land in front of which such work is done, may be let by the board of public works immediately after such improvements shall have been ordered and the necessary estimates, plans and specifications shall have been made and adopted. And all public works or improvements, except such as the board of public works is authorized to make or to do by men in their employ, shall be let on contract in the following manner, to-wit: The board of public works shall advertise for bids for the making of such improvements, and such work may be let in sections or parts or by the lineal, superficial or cubic measure, or as a whole, as may

Contracts how
let, advertise-
ments for bids
what to con-
tain.

be deemed most advantageous to the city and the tax payers.

Such advertisement shall contain a brief statement of the work to be let and that the same is to be done according to the plans or profiles, specifications or descriptions thereof, made and filed in the office of the city clerk, and of the time within which such work shall be done, and when and how payment therefor will be made, and that every bidder shall accompany his bid with a sum of money or certified check payable to the city treasurer of not less than ten *per centum* of the estimated cost of the work to be let, to be forfeited to the city if after the award of the contract to him and notice thereof of five days he shall fail to enter into a contract therefor with the city and give bond with sufficient sureties to the city in a sum not less than the estimated cost of such work. It shall further state the time within which such bids will be received and that they are to be filed with the city clerk. Printed forms for proposals shall be prepared and furnished to bidders, at their request, by the city clerk.

EXAMINATION OF BIDS AND AWARD OF CONTRACT.

Board to open and consider bids; successful bidder to sign contract and file security within five days.

SECTION 75. At the expiration of the time for the filing of bids, the city clerk shall deliver the bids filed to the board of public works, and it shall immediately proceed to open and examine such bids and shall reject all bids not conforming to the advertised notice, and it may reject all bids of irresponsible or incompetent bidders and shall award the contract to the lowest responsible and competent bidder; but any member of such board of public works may demand that the decision of the award be submitted to the common council for its decision. If after the award of the contract, the successful bidder shall neglect to enter into such contract with the city and to give a bond with sufficient sureties within five days after notice to him of the award of the contract, the sum of money or check accompanying his bid shall be forfeited and paid into the city treasury; and in such case the contract may be awarded to the next lowest responsible bidder or new proposals may be advertised for in the same manner as hereinbefore described, and the

board of public works may, whenever it shall have reason to believe that the bids offered are too high by reason of the combination of bidders or otherwise, reject all bids and readvertise for new bids.

THE CONTRACT.

SECTION 76. All contractors doing any work upon any streets or sidewalks shall put up and maintain sufficient barriers, guards and lights to prevent accidents and shall be liable for all accidents caused by the failure to do so. Contracts which to contain.

All contracts shall contain a provision covering this liability, and shall contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any carelessness of such contractor in the performance of such work.

All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties, and that such work shall be done to the approval of the board and the estimate of the work by the city engineer shall be conclusive on the parties thereto.

All contracts for the performance of work for which special assessments are authorized, shall contain a provision that the contractor shall receive in payment the certificates of special assessments upon the particular lots or parcels of land liable to be assessed therefor; and shall further require that in case said assessments or any part of them be not paid to the proper officers before the sale of the respective parcels of land for said assessment by the county treasurer, such contractor shall accept and receive in exchange for such certificates of special assessment the certificate of tax sale upon such particular lot or parcel of land, and that he will pay the costs of such sale and shall receive no money and the same from the city until the money due on such special assessments or tax sales shall have been actually paid into the city treasury.

Certificates of assessment to be issued to contractor; record of same; certificates how collected; shall be liens on lots when work done.

SECTION 77. After the performance of any contract of work, the board of public works shall certify the fact to the city clerk, and the mayor and city clerk shall execute and deliver to the contractor the certificates of special assessment, certifying that there is due to the contractor for certain work done a certain sum of money which has been assessed against the particular parcel of land to be therein described. It shall be the duty of the clerk to keep a register of all certificates issued against lots and countersigned by him, which said certificatee may be paid to the city treasurer at any time before the return of the delinquent tax list to the county treasurer of Racine county; and said city treasurer shall receive the amount paid on such certificates and hold the same for the benefits of the owners of such certificates, and such owners shall be entitled thereto upon producing and surrendering such certificates to be cancelled; and if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be levied upon said lots or parcels of land respectively and collected for the use and benefit of the holders of such certificates; and if the same shall not be paid at the time of the return of said delinquent list, they shall be included in said delinquent list, and they shall be designated on said list as special assessments, and for whose benefit the same are to be collected; and the said lots shall be advertised for sale by the county treasurer in the annual tax sale list, and if not redeemed, shall be sold by said county treasurer, and the city treasurer shall be present at such sale, and if no bids be received, shall bid off said lots and parcels in the name of and solely as agent for said contractor, and said county treasurer shall turn over the certificates upon any lots so bid in by said city treasurer, to said city treasurer, upon his receipt therefor, and the city treasurer shall thereafter hold the same as agent for said contractors, and turn the same over to said contractors on surrender of the special assessment certificates previously issued, and payment of the expense of sale; or, if the same be paid, said city treasurer shall receive the moneys due thereon and deliver the same, except said expense of sale, to said contractor on surrender of said special assessment certificates.

All sales for such special assessments shall be made separate and distinct from any other taxes which may be due on the same lands, and the certificates of sale on said special assessments shall be a lien subsequent only to the lien of any state, county, city or other taxes for the same year. Tax deeds may be issued on said special assessment sales with the same effect as upon other tax sales except as herein provided.

All certificates issued under and in pursuance of any of the provisions of this title shall be liens upon the lots or parcels of land against which the same shall be respectively chargeable, from and after the time when such certificates shall be countersigned and registered by the city clerk.

After the return of such special assessments to the county treasurer they may be paid to such treasurer on the same conditions as other taxes, and when sold the certificates of sale shall bear the same interest as other tax certificates.

IMPROVEMENT BONDS.

SECTION 78. When a contract is let, or about to be let, for paving or macadamizing any street, building, sewers or lake shore protection, it may provide that the amounts chargeable as special assessments may be paid in certificates or in improvement bonds or both, and the advertisement for bids may contain such provision.

Improvement bonds may be issued in lieu of assessment certificates at option of owner of lot; how collected.

The owners of real estate assessed for the paving or macadamizing any street, or for the building of sewers, or for building lake shore protection, may at any time before the issue of special assessment certificates to the contractor, file a notice with the city clerk that they prefer that improvement bonds be issued against their property, describing the same, in lieu of special assessment certificates, and if the aggregate amount of the assessment on such owners exceeds the sum of three hundred dollars, the common council shall order the issue of one or more of such improvement bonds, covering all of the assessments in relation to which such notice was given. Said bonds shall be signed by the mayor and city clerk and sealed with the corporate seal of the city, and shall contain such recitals as may be necessary to show that they are chargeable to

particular property, the purpose for which they are issued, and the number and amount for which they are issued, and the number and amount of said bonds.

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

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

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

Bonds shall be conclusive proof of regularity of all proceedings on which based.;

SECTION 79. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after the bonds have been issued, covering such special assessments, and said bonds shall be conclusive proof of the regularity of all the proceedings on which the same are based.

No irregularity, error or informality in any of the proceedings for special assessments, not affecting substantial justice, shall in any way affect the validity of the assessment.

The certificates of assessment issued shall be *prima facie* evidence of the regularity and validity of all prior proceedings, and after any land shall have been sold by the county treasurer for the non-payment of any such special assessment, no action shall be maintained to avoid such tax or tax sale.

Assessment how apportioned between owners of subdivisions of lot.

SECTION 80. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the said board of public works, may, after ascertaining such facts, at any time before the return of the delinquent tax list to the county treasurer, make

an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

TITLE VII.

BOARD OF HEALTH.

SECTION 81. It shall be the duty of the board of health to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Duties of board of health.

SECTION 82. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules, regulations and proceedings of said board, in a book provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of the city shall be received as evidence in all courts and places.

City clerk to be clerk of board; his duties as such.

SECTION 83. The chief of police shall be *ex-officio* health officer of the city. The board shall have power to authorize such health officer to exercise any or all the powers conferred on them, and all directions and orders of the health officer made under such authority of the board shall have the same force and effect as if made by the said board.

Chief of police *ex-officio* health officer.

SECTION 84. The said board of health and health officer, or any person acting under their orders shall have authority to enter into and examine at any time all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby.

Powers of board and officers.

SECTION 85. The board of health shall give all such directions and adopt all such measures for cleansing and purifying all such buildings, lots and other places and for causing the removal therefrom of all nauseous substances producing a disagreeable smell or tending to cause sickness or disease, as in their opinion shall be deemed necessary, and they may do so or cause to be done

Duties of board

whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order, shall, on complaint of the board of health or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Removal of nuisances from property of non-resident owners.

SECTION 86. It shall be lawful for the board of health in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners or upon property the owners of which can not be found or are unknown and cannot be ascertained, to be abated or removed, in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisances in such cases shall be a lien in the same manner as any tax upon real estate, upon the lots or premises, from or upon which such nuisances shall be abated or removed; the board of health, by their president shall certify to the city clerk the description of such property and the cost of abating or removing such nuisance or nuisances thereon, and the city clerk shall include the same in his annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; provided, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this title, and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liabil-

ity on the part of the said city, in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

SECTION 87. It shall be the duty of the board of health, by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and provisions, and to forbid and prevent any communication with any house of family infected with any contagious disease, except by physicians and nurses.

Destruction of articles dangerous to health of inhabitants, pest houses and medical attendance for sick.

SECTION 88. It shall be the duty of the board of health on complaint being made to them, or whenever they shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Racine, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice why such business, trade or profession should not be discontinued or removed, which notice shall not be less than three days (except that in cases of epidemic or pestilence the board of health may by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business or residence of the parties to be effected thereby. Cause may be shown by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such

Business detrimental to public health to be discontinued.

time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

Penalty for refusal to obey order of board of health.

SECTION 89. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment of not more than three months, or by both such fine and imprisonment, and such person or persons shall be subject to like punishment for each and every day that he, she, or they, shall continue such business, trade or profession, after the expiration of the time specified in the order of the board of health for the discontinuance or removal of the same.

Service of notices how proven.

SECTION 90. In all trials for violation of the provisions of this title, the *ex parte* affidavit of service of any order, notice or requirement of the said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as a *prima facie* evidence of the due service of such order, notice or requirement in all trials in any court.

Dispositions of fines.

SECTION 91. All fines mentioned in this chapter shall be collected as other fines and when so collected shall be paid into the city treasury and credited to the contingent fund.

Power of board during epidemic disease.

SECTION 92. The board of health, during the prevalence of Asiatic cholera, or any epidemic disease, shall have power when by them it is deemed necessary, to take possession of and occupy as temporary hospitals, any building or buildings in the said city; but the city of Racine shall pay for the use of such property, so taken, a just compensation.

Duties of practicing physicians as to reports concerning diseases of patients.

SECTION 93. It shall be the duty of each and every practicing physician in the city of Racine: 1st. Whenever required by the board of health of said city to report to said board, at such time and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physician for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease. 2d. To report in writing to said board of health every patient he shall have,

laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. 3d. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

SECTION 94. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this title, shall be considered guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars for each offense.

Penalties for neglect of above.

SECTION 95. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said board of health are authorized to appoint by this title, and for all necessary expenses incurred by said board in the performance of the duties prescribed in this title, and such expenses shall be audited and allowed, and paid as other expenses of said city.

Tax to pay expenses of board of health.

SECTION 96. The common council of the city of Racine shall have power to further define the duties of the board of health, and to pass such ordinances in aid of the powers of the board of health as may tend to promote and secure the general health of the inhabitants of said city.

Further duties may be required of board of health.

SECTION 97. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers, and all citizens of the state, to aid, to the utmost of their power, the board of health and the officers mentioned in this title, in the performance of their respective duties, and on requisition of the president of said board of health officers, it shall be the duty of the police of said city to serve the notices of said board, and to perform such other duties as such board may require.

Police, magistrates, civil officers and citizens required to assist board in performance of duty.

TITLE VIII.

FINANCE AND TAXATION.

Annual tax
levy, purpose
of tax.

SECTION 98. The common council shall annually on or before the first regular meeting in September, levy a tax upon all the taxable property in said city, sufficient to pay the salaries of its officers and to meet the interest on the corporate debt and for the purposes hereinafter named, to-wit:

1. For a sinking fund a sum not less than five *per centum* on the dollar of the corporate debt.

2. For school purposes, including the repair of school houses and incidental expenses, a sum not to exceed thirty-five thousand dollars

3. For the lighting of streets and public grounds a sum not to exceed twelve thousand dollars.

4. For the maintenance of the fire department a sum not to exceed sixteen thousand dollars.

5. For the payment of hydrant rentals a sum not to exceed fifteen thousand dollars.

6. For a police fund from which the salaries of all police officers shall be paid, a sum not to exceed ten thousand dollars.

7. For a contingent fund from which all expenses for elections, printing and all expenses for which no other fund is provided for, shall be defrayed, a sum not to exceed five thousand dollars.

8. For a general improvement fund, such sum as the common council may determine, provided that the aggregate sum of such tax levy shall not exceed one and three-fourths *per centum* on the dollar upon the valuation of the taxable property in said city as assessed by the assessors for such year. From such general improvement fund shall be defrayed the expense of cleaning, repairing and improving public streets and grounds over and above any special assessments made therefor, the cost of building and repairing lake shore protections and of improving the harbor over and above any special assessments made therefor, the building and repair of bridges, culverts, the repair of public buildings, except of school buildings or fire department buildings, and all other

expenses for public improvements not chargeable to other funds or not otherwise provided for.

All moneys received for fines or penalties, and for licenses of any kind shall constitute the poor fund, from which the poor of the city shall be supported or assisted and from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund and general improvement fund. The relief of the poor shall be regulated by the common council.

All delinquent taxes and remittances shall be charged against the contingent fund and all receipts for interest on taxes and other incidentals shall be credited to said fund.

SECTION 99. The sums levied and raised for said several purposes and the moneys received into the treasury shall belong to the several funds, and separate accounts of all receipts into and disbursements from such several funds shall be kept by the city clerk. Disbursements from any of said funds, excepting from the school fund, the interest fund and sinking fund shall be only made upon warrants or orders thereon signed by the mayor and city clerk duly authorized by the common council, which shall designate the name of the payee, the sum and the debt, for which, and the particular fund from which such sum is to be drawn, and all warrants or orders upon the city treasurer shall be drawn on the particular fund from which the debt is properly payable. No warrant shall be drawn on the city treasury unless the fund from which it is payable shall be good for the amount thereof and the city shall not be liable on any warrant drawn in violation of this provision, but the officers drawing such warrant, shall be personally liable thereon.

Money collected, how divided and disbursed.

SECTION 100. The common council by a vote of two thirds of its members, shall have power to issue the corporate bonds of the city, bearing not to exceed five *per cent.* interest *per annum*, payable annually or semi-annually, running not to exceed twenty years from their issue, and made payable at the office of the city treasurer or at some national bank, for the purpose of building school houses and bridges, and for the improvement of the harbor. And after the corporate

Issue of bonds for building school houses and bridges and improving harbor.

bonds of said city, issued by authority of chapter 43, of the laws of 1871, shall have been reduced by payment to a sum not exceeding forty thousand dollars, bonds may be issued as aforesaid to defray the charge upon the city for the building of sewers and paving streets and for other public improvements; provided, that the corporate debt shall not be increased beyond the sum of two hundred and twenty-five thousand dollars, unless the question of issuing any bonds beyond said amount shall have been submitted to the vote of the electors of said city and a majority of such electors voting on such question shall have voted in favor thereof.

Existing ward funds to be used for lighting, cleaning and repairing of streets.

SECTION 101. The existing ward funds shall be used and applied to defray the cost of lighting the streets in the respective wards, and for the cleaning and repairing of said streets. The board of public works shall, during the existence of said ward funds have charge of such street work, and cause such work to be done as may be directed by the aldermen of the respective wards at the expense of such ward funds, and it shall on the first Monday of every month report to the common council the work so done and the cost thereof.

TITLE IX.

ASSESSMENT AND COLLECTION OF TAXES.

Preparation of tax roll and abstract of assessment and statistics.

SECTION 102. After the completion of the assessment and correction of the assessment roll returned by the assessors, the city clerk shall within the time prescribed by law, make an aggregate abstract of the assessment and statistics required by law, and return the same to the county clerk of Racine county in pursuance with the general law; he shall also prepare a tax roll in the usual form with appropriate columns and headings for general, city, school, state and county taxes, and special assessments, on which he shall carry out, opposite to the description of each parcel of land, and to the name of each person taxed, the appropriate proportion of the state, county and school taxes, as certified by the county clerk of Racine county as the apportionment of

taxes against the city, and the city taxes and special assessments levied by the common council. To such tax roll shall be annexed a warrant signed by the mayor and city clerk and sealed with the corporate seal of the city, directed to the city treasurer, commanding him to collect the taxes and assessments therein specified. Such roll shall be delivered to the city treasurer on or before the second Monday in December in each year, and before being delivered to said treasurer shall be compared by the clerk with the corrected assessment roll; and he shall append to it his certificate that the same has been so compared by him and that the said assessment roll and the whole thereof has been copied by him into said tax roll; and said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

SECTION 103. The city treasurer shall, within ten days after the receipt of the tax roll, publish a notice in the official paper of the city and in such other local paper as he shall deem proper, specifying that all taxes and assessments, whether upon real or personal property in said tax roll, shall be paid before the 10th day of January next ensuing, and that all taxes on personal property not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes, and the publication of such notice shall be deemed and taken to be a demand, and a failure to pay the taxes a refusal to pay the same. The city treasurer shall charge no fees for collection of taxes and assessments paid to and collected by him prior to the 10th day of January of each year, and shall charge and collect five *per cent.* upon all taxes and assessments remaining unpaid on the 10th day of January of each year, unless the time of collection shall be extended by the common council.

Delivery of tax roll to city treasurer, when.

SECTION 104. At the expiration of the time specified for the collection of taxes the city treasurer shall proceed to collect the personal property taxes remaining unpaid, by seizure of the goods and chattels of the respective firms and corporations, and he shall have the same power

City treasurer upon receipt of tax roll, to proceed to collect taxes; notice.

to collect, such taxes and to levy the same by distress and sale of the goods and chattels of the person or corporation owing such taxes, and to sue for the same as is, or may be given to town treasurers. And the city treasurer may make a list of such delinquent taxes on personal property and attach thereto his warrant directed to the chief of police of the city, requiring and commanding him to collect such taxes of the persons or corporations liable to pay the same, by the seizure and sale of their goods and chattels. The chief of police shall proceed to collect such taxes as directed and make return of the warrant within the time to be specified in such warrant, to the city treasurer, and the chief of police shall have the same power to collect and levy such taxes by distress and sale as is given to the city treasurer, and to his return he shall annex his affidavit that after diligent search he has been unable to discover any goods or chattels belonging to persons or corporations charged with such personal property taxes as then shall remain upon his tax list. The chief of police shall receive as compensation, five *per cent.* collection fees upon all taxes by him collected, and in addition thereto, in case of a levy and sale, such further fees as are allowed to constables upon a levy and execution. The chief of police before receiving such tax list, shall execute to the city treasurer a bond in such penal sum as the treasurer shall require, conditioned that he will account for and pay over to the city treasurer all taxes by him collected and make due return of his warrant as required.

Collection of personal property taxes.

Taxes to be paid over to county treasurer.

SECTION 105. The city treasurer shall pay to the county treasurer of Racine county, the state taxes apportioned to the city at the time provided by law, and shall at the expiration of the time set for the collection of taxes pay over to the said county treasurer, the amount of the county taxes apportioned to the city and the amount of the indebtedness to the county as certified by the county clerk in cash. And at the same time he shall make a return to the county treasurer of the delinquent taxes and assessments on real estate remaining unpaid on the tax roll, in manner and form, as near as may be, as required by law of the town treasurers, except that the affidavit to such returns shall be sufficient if it state that the

Returns of delinquent taxes.

facts stated in his return are true, and that the taxes and assessments returned as delinquent were duly demanded and have not been paid. In said return the special assessments which are the property of any contractor with the city, shall be set out separately, and if any of them shall remain unpaid at the time of the sale of lands for delinquent taxes, the lands upon which such assessments remain unpaid shall be sold for such assessments separately, and separate certificates of sale distinct from other taxes shall be issued thereon as provided in section 77 of this act; but all other special assessments which are not the property of any contractor shall be returned and be included in the tax sale with other taxes.

SECTION 106. The taxes and assessments returned to the county treasurer as delinquent may be discharged in the same manner as provided by section 1129, of the revised statutes, and the general law of the state shall be applicable to the collection of such taxes and assessments by the county treasurer to the sale of such delinquent lands, and to the redemption or conveyance of the same, except as otherwise provided in this act.

How delinquent taxes may be discharged.

SECTION 107. Upon the sale of the delinquent lands by the county treasurer, the county treasurer shall pay to the city treasurer the amount of the taxes and assessments returned on the delinquent list together with the interest thereon received by him either in cash or certificates of sale upon such delinquent lands.

On sale of delinquent lands city treasurer to receive amount of taxes.

SECTION 108. The city treasurer may at any time after his return of delinquent taxes on real property, proceed in the collection of any taxes on personal property remaining unpaid, and may issue new warrants for the collection of personal property taxes to the chief of police, and may in such lists include unpaid personal property taxes for any previous years; and such taxes may be collected in the same manner as herein prescribed.

Collection of personal property tax.

SECTION 109. All directions herein given for the assessments of lands, and levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in any of the proceedings of any of the officers entrusted with the same, not effecting the substantial jus-

Directions herein given shall be deemed only directory.

tice of the tax itself, shall vitiate or effect the validity of the tax so assessed.

When council may remit, annul or cancel tax.

SECTION 110. After the tax roll shall have been delivered to the city treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases:

1st. When a clerical error shall have been made in transcribing the assessment from the assessment roll to the tax roll or in the extension of the tax.

2d. When by error of the assessors, improvements shall have been assessed on the wrong parcel of land.

3d. When the property taxed shall be exempt from taxation.

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

Treasurer and chief of police liable on official bonds for default or negligence.

SECTION 111. The city treasurer and chief of police shall be liable, on their respective bonds, for any loss accruing by their default or negligence in the collection of taxes under the warrants directed to them.

TITLE X.

PUBLIC SCHOOLS.

Board of education, how composed; to have management of public schools.

SECTION 112. The public schools in said city shall be under the supervision and management of the board of education, consisting of two commissioners from each ward.

Meeting of board; officers; salary of clerk and his duties.

SECTION 113. The board of education shall hold such regular stated meetings, and other meetings, as they shall determine, and the president of said board shall call special meetings when requested by at least two members of said board, and a majority of all the members of said board shall constitute a quorum. The board of education shall elect from its members a president to preside at its meetings, and in his absence a president *pro tempore* may be appointed, who for the time being shall possess all the authority of the president. Said board shall appoint a clerk whose salary shall not exceed one hundred and

fifty dollars (\$150), and it shall be his duty, under the directions of the board, to keep a record of the proceedings thereof in a book to be provided for that purpose. He shall also enter therein, or in a book specially provided for that purpose, copies of all official reports made by the board or the superintendent. He shall keep and preserve all papers, books and records, or other property belonging to his office, and deliver the same to his successor, or to the common council. The board of education shall employ some suitable person to take the school census of children in the city over the age of four and under the age of twenty years, and shall pay reasonable compensation for such service.

SECTION 114. The said board of education shall possess the following general powers and duties: Powers and duties of board.

1st. To establish, organize and maintain such, and so many, schools in said city or the several wards thereof as they may deem necessary and expedient, and to alter and discontinue the same.

2nd. To have the custody and safe keeping of the school houses, out-houses, books, furniture, library, and all the property appertaining to the public schools of the city.

3rd. To contract with and employ on behalf of the city all teachers in the common schools and the high school, who shall have been licensed by said board and at their pleasure to remove them.

4th. To repair school houses and out-houses, and enclose and improve the school house sites and grounds.

5th. To purchase and contract for the furnishing of fuel for the use of the schools, and to purchase, exchange, improve and repair school apparatus, furniture and appendages, to pay and defray the expenses of the school library, and to furnish school books for indigent pupils.

6th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their government, organization and instruction, for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

7th. To regulate the admission of children of non-residents to the schools in said city, and to establish and collect tuition fees.

8th. To prepare and report to the common council such ordinances and regulations as may be necessary and proper for the protection, safe keeping, care and preservation of school houses and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and to determine and certify to the common council of said city on or before the first Monday in August in each year the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the amounts required for the payment of teachers' wages, salary of the superintendent and janitors, for the purchase and repair of furniture, apparatus, books, fuel, for the repair and improvement of buildings and school house sites, the expenses of the library, and for the defraying of any other contingent expenses.

When work or labor, and furnishing of supplies to be let by contract.

SECTION 115. All work and labor when the value thereof shall amount to over fifty dollars (\$50), necessary to be done for said schools (excepting teaching), and all materials to be provided for the use of the same that are of such a nature as to admit of it, shall be let to the lowest competent and responsible bidder, for which the clerk shall advertise and receive proposals in a public manner. And no member of said board shall either directly or indirectly, have any pecuniary interest in any such contract.

School fund, how disbursed.

SECTION 116. All moneys raised for school purposes and received into the school fund of said city, from whatsoever source, shall be liable to be drawn therefrom for the purposes authorized by this act, by the order of the board of education, directed to the city treasurer, and signed by the president of the board and clerk, and countersigned by the city clerk, and specifying the purpose for which it was drawn, and naming the amount of the sum for which it is drawn, and the person to whom it is payable.

City clerk to keep account of expenditures for school purposes.

SECTION 117. All contracts entered into by the board of education (excepting the employment of teachers), shall, before they shall have any validity, be countersigned by the city clerk, who shall

keep an account of the liabilities incurred by the board for each current year; and the amounts required for teachers' wages, salaries of the superintendent, and other persons employed on a salary, and for the purchase of fuel, and the amounts required for the payment of all such liabilities incurred shall be set apart for such purpose, and shall not be drawn from the school fund for any other purpose. No expenditure shall be incurred, no liability created, or contract entered into in excess of the amount of money raised for the school fund and available for such purposes. And all agreements and contracts entered into in violation of this provision shall be null and void and of no force against said city, and no money shall be drawn from the school fund on account thereof.

SECTION 118. No appropriation of money shall be made or order on the school fund be drawn or any liability incurred, or expense authorized by the board of education except upon the affirmative vote of a majority of all the members of the board; and upon all appropriations, propositions creating any charge or liability against the school fund, the ayes and noes shall be called, and such vote and the names of all the members of the board either voting in the affirmative or in the negative, shall be recorded in the record of proceedings of the board. Any and all members of the board of education who shall create any liability, enter into any contract on behalf of the city, or who shall vote to create any liability or expenditure, or for any appropriation of money from the school funds beyond or in excess of the amounts authorized, or against the provisions of this act, shall be jointly and severally liable to any person or corporation for the amount of such contract or the excess thereof, or for the injury sustained by any person by reason thereof.

SECTION 119. It shall be the duty of the board of education to report to the common council on the first Monday in August of each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting each and all of said schools since their previous report, together with the estimated cost thereof for the ensuing year.

Money to be drawn from fund only on affirmative vote of major ity of board.

Report o board.

Superintendent
of schools.

SECTION 120. The board of education may elect some competent person superintendent of schools of said city, who may act as clerk of said board of education, and the said board shall fix the salary of such superintendent which shall be paid out of the school fund and shall not exceed the sum of fifteen hundred dollars (\$1,500) *per annum*.

Powers and duties of superintendent.

SECTION 121. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making application for schools (examinations to be public and in the presence of the board), shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to common schools. He shall visit the common schools of the city at least during each month, and report from time to time their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him.

Superintendent's report.

SECTION 122. It shall be the duty of the superintendent annually at the time and in the form as required by section 463 of the revised statutes to make report of the public schools and the number of children of school age.

Title to school property to be in city of Racine.

SECTION 123. The title to all school property, real, personal or mixed, now in said city, as well as that hereafter acquired for school purposes, shall be vested in the city of Racine, and shall not be subject to taxation, nor be levied upon and sold by virtue of any warrant, execution, judgment or decree, and the said city in its corporate capacity shall be authorized to receive and hold, or dispose of any real or personal estate transferred to it by grant, devise or bequest, for the use of the public schools of said city.

TITLE XI.

OF THE POLICE AND EXECUTION OF THE LAWS AND ORDINANCES.

SECTION 124. Any person who shall be found in or upon the public streets, alleys or grounds or public places in said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, or of any improper noise or disturbance, or indecent exposure of his person, or of firing any gun or pistol, or of fighting or threatening to fight, shall be deemed guilty of an offense, and it shall be the duty of the city marshal and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person offending as aforesaid, or who shall in any other manner be engaged in violating any provisions of this act or ordinance made or to be made in pursuance thereof, or any ordinance existing at the time of the passage of this act, and herein declared to be in full force until altered or repealed, and said justice shall have power to hear, try and determine all such offenses, and any person convicted of any offense specified in this act or in any ordinances in force in said city, where no other punishment is specified by law or by any ordinance of said city, shall be punished by a fine of not less than three dollars (\$3), nor more than fifty dollars (\$50), and costs of prosecution, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days in the discretion of the justice. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expenses of imprisonment to the sheriff or other officer having charge of such jail or lock-up; provided, that whenever any person shall have been sentenced by any justice of said city for the violation of any of the provisions of this act or of any ordinance of said city, and such person shall have been committed to the county jail on the non-payment of the fine and costs im-

Penalty for disturbing public peace by drunkenness, boisterous revelry or obscenity, etc

posed until such fine and costs are paid, said justice or his successor in office may, after such person shall have been confined for ten days, order such prisoner to be brought before him, and if upon further examination it shall appear to him that the public good requires that such person be discharged, he may order the discharge of such prisoner from such confinement.

Duty of marshal or police officers.

Commitment of prisoner without process, when.

SECTION 125. Any officer making any arrest under the provisions of this act may, if necessary, commit the person arrested to such jail or lock-up without process; provided, that if such officer does not demand the person so committed within twenty-four hours (Sunday excepted) after such committal, the officer having charge of such persons shall discharge the persons so arrested from confinement. In case any person or persons so arrested shall be discharged before being taken before such justice, the marshal or police officer making such arrest shall not be entitled to, or have or receive from the city any fees on account thereof.

Disposition of fines.

SECTION 126. All fines collected in pursuance of this act shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof.

Forms.

SECTION 127. The following or equivalent forms may be used in proceedings under this act, or in any proceedings for any violation of the charter or any ordinance of said city:

FORM OF COMPLAINT.

Complaint.

State of Wisconsin, }
 Racine County, } ss.
 City of Racine. }

“A. B., being duly sworn and examined, makes complaint and says that in said city on the day of, A. D., eighteen hundred and one C. D., was guilty of (here state the nature of the offense) in violation of law, and prays that the said C. D., may be apprehended to answer therefor.

A. B.

Subscribed and sworn to before me this day of 189

Justice of the Peace.”

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form; provided always, that in any case where any offender may have been arrested without warrant the said justice may proceed upon the complaint alone:

FORM OF WARRANT.

State of Wisconsin, }
 Racine County, } ss.
 City of Racine. }

Warrant.

To the marshal or any police officer of the city of Racine:

Whereas, A. B. has this day complained to me in writing, on oath, that in the said city, on the day of, A. D. eighteen hundred and, one C. D. was guilty of (here name the nature of the offense). Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D. and bring him before the undersigned, one of the justices of the peace of said city and county, to answer to said complaint, and to be dealt with according to law.

Given under my hand this day of eighteen hundred and

E. F.

Justice of the Peace.

SECTION 128. All the general provisions of law concerning the trial of actions, the fees of officers and removal of cases to the circuit court when the title to lands shall be brought into question, shall govern trials under this act, except as may be herein otherwise provided for; provided, that in all convictions or judgments rendered under this act, when a punishment, fine or penalty for the offense is prescribed under this act, or in any ordinance of said city, the punishment, fine or penalty as prescribed by this act or such other ordinance, shall be imposed upon the person convicted, or against whom such judgment shall be rendered. Practice.

SECTION 129. In all cases in which by the provisions of this act the city council has power to pass ordinances, they may prescribe any fine, penalty or punishment for the violation thereof, not exceeding one hundred dollars (\$100) for any Council may prescribe penalties by ordinance.

offense together with the costs of prosecution, or imprisonment in the county jail or city lock-up not exceeding fifty days, and may also provide that in default of payment of such fine and costs the defendant may be committed to such county jail or lock-up.

Executions may contain order for imprisonment.

SECTION 130. Executions issued upon judgment obtained for a penalty for a violation or non-observance of ordinances or by laws of the city, may contain a clause directing the imprisonment of the defendant for such time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant, and all fines, penalties and forfeitures when collected shall be paid into the city treasury for the use of the city.

Justices of the peace to have exclusive jurisdiction of prosecutions hereunder.

SECTION 131. The justices of the peace elected in said city shall have exclusive jurisdiction to hear, try and determine all prosecutions brought for the violation or non-observance of any provisions of this act or of any ordinance passed by virtue thereof or now in force in said city, and to render judgments and impose fines, penalties and punishments in accordance therewith, subject to appeal to the circuit court of Racine county.

TITLE XII.

POLICE DEPARTMENT.

Police force, how composed

SECTION 132. The police force of the city of Racine shall consist of one chief of police and such number of policemen as the common council shall from time to time determine.

Mayor, etc., shall have powers of policemen.

SECTION 133. The mayor and aldermen and the harbor master and bridge tenders, and the fire marshal and his assistants of the city, shall severally and respectively have and exercise within said city all the powers of policemen of the city without any compensation or claim to compensation therefor.

Powers and duties of police officers.

SECTION 134. The members of the police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and the good order and health of

the city; they shall possess the powers of constables at common law or by the laws of the state, in all causes or prosecutions arising under this act, but shall receive no fees for serving any process or making any arrest, but in all cases where the arrest is made or process is served by the chief of police or any police officer, returnable in any court, the usual fees for serving the same shall be taxed and paid into the city treasury.

SECTION 135. The mayor or acting mayor, the sheriff of Racine county, city marshal of said city, fire marshal or assistant fire marshal, and each and every alderman, justice of the peace, policeman, constable and watchman shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes they may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when required, each such person shall forfeit and pay a fine of ten dollars (\$10); and in case where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

SECTION 136. It shall be the duty of the chief of police, on or before the first day of May in each year, to report to the common council the names and places of business of all parties selling or dealing in spirituous, vinous or fermented liquors, and to give notice to such parties that they are required to pay the city treasurer such license money as may be fixed by law for the selling or dealing in spirituous, vinous or fermented liquors; and from time to time the chief of police shall report the names and places of business of all other parties who subsequent to, or not embraced in such report, shall be or may have been engaged in the selling or dealing in spirituous, vinous or fermented liquors. Every such license shall expire on the first Tuesday in May next, following the date of its issue, and in case license shall be granted after the first Tuesday in November, one-half of the regular license fee shall be paid therefor. It shall

Who are police officers. Bystanders may be ordered to assist in case of necessity.

Report of chief of police, what to contain.

be the duty of the chief of police to make such complaint against any person who sells liquors without license within said city.

Additional duties of police officers.

SECTION 137. The police shall serve all orders and notices required to be served by the common council, board of public works or board of health, and the return of the police officers shall be sufficient proof of such service.

TITLE XIII.

FIRE DEPARTMENT.

Council to provide apparatus, etc., etc., for fire department. The fire marshal; his powers and duties.

SECTION 138. The common council shall have power to provide and maintain the necessary apparatus, buildings and water supply for a fire department, and to employ therein such a number of firemen as they may deem expedient. The fire marshal shall have the care of the property employed or used in the service of the fire department, and shall command the force employed therein. It shall be his duty to keep and maintain the apparatus employed therein in serviceable condition, and to inform the common council from time to time of the needs and wants of the fire department. It shall be his duty to inquire into and prevent any violation of the ordinances passed by the common council relating to the prevention of fires and to the construction and repairs of buildings in the fire limits.

The fire marshal shall have power to appoint the members of the fire department (except the assistant fire marshal and engineers of steamers), and to suspend any of them; but he shall report such suspension to the common council at its next regular meeting, and the common council may thereupon approve such suspension and discharge such member or reinstate him, as it shall judge best.

The assistant fire marshal shall perform such duties as the fire marshal shall assign to him and as the common council shall prescribe, and shall, in case of the disability or absence of the fire marshal or in case of a vacancy, perform the duties of the fire marshal.

The fire marshal shall annually, on or before the first Monday in April, report to the common

council the condition of the fire department and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus and tools belonging to the fire department.

SECTION 139. Whenever the fire marshal shall deem it necessary in order to prevent the spread of any conflagration, to tear down or remove any building or structure, he may, with the assent of the mayor or acting mayor, or with the assent of two members of the committee on fire of the common council, or when neither of them shall be present, with the assent of any two aldermen present, tear down or in any manner remove such buildings or structure.

In case of necessity, fire marshal may order buildings torn down or may order the closing of any street.

The fire marshal shall have the power to close travel on any street in the fighting of any fire and to order the removal of any obstructions from the streets interfering with the work of his force, and to require the clearing of the streets, alleys and sidewalks, from spectators and idlers, and the police of the city shall assist him in carrying out such orders, and every person refusing to obey such orders shall be guilty of an offense and shall be fined not less than ten dollars nor more than fifty dollars and costs.

SECTION 140. There shall be paid annually on the first day of February to the city treasurer, to the credit of the fire department fund, two *per centum* of all premiums received for insurance against fire, as provided by section 1929 of the revised statutes, and the city of Racine shall enjoy all benefits and rights secured to cities and villages of this state on said subject.

Two per cent. of all fire insurance premiums to be paid city for benefit of fire department.

TITLE XIV.

DISQUALIFICATIONS AND IMPEACHMENTS.

SECTION 141. No member of the common council or board of education shall be eligible to any other office provided for by this act, for the term for which he shall have been elected or appointed.

Councilmen and members of board of education ineligible to other offices.

SECTION 142. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Member of council not to vote on question in which personally interested.

Councilman or member of board of education not to be interested in any contract with city.

SECTION 143. No member of the common council or board of education shall be a party to or interested in any job or contract with the city, and any contract in which any such member may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and from the members of the council or members of the board of education interested in the same.

Person interested in contract with city ineligible to any office which gives him any control over such contract.

SECTION 144. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which the said city shall be a party in interest, or to which any officer or board under this act shall officially be a party for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of said city, or by any officer or board under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be deemed vacant.

Penalty for officer of city becoming interested personally in contract with city after election to office.

SECTION 145. If any member of the common council or board of education, or other officer of the corporation after his election or appointment or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding pending before the common council or on which such officer may be called upon to act officially with intent to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), nor less than five hundred

dollars (\$500), or by both such fine and imprisonment, in the discretion of the court.

SECTION 146. If any member of the common council or other officer or agent of the city government shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods or chattels, or any deed of writing containing a conveyance of land, or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively or that he will not vote, or that he will use his interests and influence on any question, ordinance, resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding five thousand dollars (\$5,000), nor less than five hundred dollars (\$500), or by both such fine and imprisonment, at the discretion of the court.

Bribery; penalty.

SECTION 147. Whenever any charges of official misconduct shall be preferred against any member of the common council of the city of Racine, or any officer of said city, the common council shall appoint a committee to investigate such charges, and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the result of their investigation to said common council; and in case such committee shall deem it necessary or proper, for the purposes of their investigation, they may examine witnesses, on oath in re-

Committee of council to investigate charges of misconduct.

Examination. lation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses, to be examined for the purposes of such examination.

Witnesses may be compelled to attend before such committee.

Penalty for false swearing.

SECTION 148. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpoena shall state when and where, and before whom, the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated. All such subpoenas shall be signed by the city clerk of said city, shall be issued under the seal of said city, and may be served in the same manner and shall have the same force and effect as subpoenas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpoenaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before such committee, and such committee may exercise the powers of arrest, fine or imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

TITLE XV.

MISCELLANEOUS.

In suits against city for injuries on defective sidewalks, etc., plaintiff must exhaust remedy first against individual or corporation primarily liable, if any.

SECTION 149. Whenever any injury shall happen to persons or property in the said city of Racine, by reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable, and such defect, incumbrance or

other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

SECTION 150. When any person shall sustain injuries or damages to his person or property upon any place or the streets, sidewalks or alleys, where work is being performed by any contractor on contract with the city, and such injury or damage shall have been caused by the neglect of any such contractor in failing to maintain proper guards, barriers or lights while doing such work, such contractor shall be primarily liable for such damages, and the city shall in no case be liable until after all legal remedies shall have been exhausted to collect such damages from such contractor.

Same as to injuries sustained by reason of negligence of contractor of city.

SECTION 151. No penalty or judgment recovered in favor of the city shall be remitted or discharged without payment, and no resolution for a stay of prosecution for a violation of a city ordinance shall be passed, except by an affirmative vote in either case, of two thirds of all the members-elect of the common council.

Judgments in favor of city to be discharged only on payment.

SECTION 152. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Racine, in any proceeding or action in which the city shall be a party in interest.

Incompetency not to disqualify justices, judge, etc., when city a party.

SECTION 153. All ordinances, regulations or resolutions now in force in the city of Racine, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Ordinances, etc., not inconsistent with this act and now in force to remain so.

SECTION 154. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Suits for fines, penalties, etc., to be brought in name of city.

SECTION 155. 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,

Elections not held on day herein specified may be held on some other day.

or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving such corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by laws of the city to be done by any officer at any specified time are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

On appeals city not required to give bonds.

SECTION 156. When, in any suit, the city shall take an appeal from the order or judgment of any court in the state to a higher court, it shall not be required to furnish an appeal bond; and when any action shall be commenced against said city in any justice court, and the city shall answer that the title to land will come in question, such justice shall transmit the case to the circuit court without requiring the city to give a bond.

City property exempt from levy and sale under execution except on judgments for purchase money.

SECTION 157. All property, real or personal, now or at any time hereafter belonging to said city, or to either of the wards thereof; shall be exempt from levy and sale under or by virtue of any execution; provided, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued on a judgment for the purchase money thereof. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on, and sold, by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Property belonging to city shall be vested in city.

SECTION 158. All property, real, personal or mixed, belonging to the city of Racine, is hereby vested in the corporation created by this act. The officers of said corporation, now in office shall respectively continue in the same until superseded in accordance with the provisions thereof, but shall be governed by this act, which shall take effect and be in force from and after its passage and publication.

City may purchase necessary property.

SECTION 159. The said city may lease, purchase and hold real or personal estate, sufficient for the convenience of the inhabitants thereof; and may sell and convey the same; and the same shall be free from taxation.

SECTION 160. Real estate exempted from taxation by the laws of the state shall be subject to special taxes or assessments, which may be or become chargeable against particular property, as provided by this act.

Property exempt from taxation generally shall be subject to special assessments.

SECTION 161. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, except such purpose be expressly set forth in such law.

General law not to repeal this act unless expressly intended.

SECTION 162. The common council of the city of Racine is hereby authorized to cause this act, together with any other act, or parts of acts of the legislature of Wisconsin, relating to or affecting said city, and also any ordinances, by-laws, resolutions, rules and regulations of said city, or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city, to be printed and published in book form, and the same shall be admitted and may be read in evidence in all courts and legal proceedings from such printed book, so published, by order of the said common council, and such book shall be deemed *prima facie* evidence of the contents and passage, and shall be sufficient publication of all such acts, ordinances, by-laws, rules, resolutions and regulations. The common council of said city is hereby authorized to codify, revise and consolidate in a single ordinance, all the existing ordinances, rules and regulations of said city, with such additions as to them may seem proper, and to cause the same to be printed in book or pamphlet form, and said council may also cause the charter of said city as now amended and existing and any other acts affecting said city, to be printed either in connection with or separate from said ordinance, all of said printing to be under the supervision of some suitable person appointed for the purpose, and said printing and publication shall be sufficient printing and publication of said ordinance, and said pamphlet or book form shall be admitted and may be read in evidence in all courts and legal proceedings and shall be *prima facie* evidence of the contents, passage and publication of said ordinance. The city clerk of said city shall preserve and keep in his office the origi-

Council may print charter.

Amendments, ordinances, etc., in book form.

nal codified ordinance as signed by the mayor, which shall be a sufficient recording of the same, and no further recording of the same shall be required.

This act not to invalidate any legal act done heretofore.

SECTION 163. This act shall not invalidate any legal act done by the common council of the city of Racine or by its officers, nor divest their successors under this act of any rights of property or otherwise, or of any liability which may have accrued to or been created by said corporation prior to the passage of this act, and all ordinances now in force in said city not contravening the provisions of this act shall be and remain in force until altered or repealed by the common council.

All conflicting acts repealed.

SECTION 164. All acts or parts of acts contravening any of the provisions of this act are hereby repealed, in so far as they conflict with such provisions, but this act shall not effect chapter 42 of the private and local laws of 1871, relating to the readjustment of the corporate debt of said city, nor any acts relating to said city of Racine, of the year 1891.

SECTION 165. This act shall take effect and be in force from and after its passage.

Approved March 12, 1891.

No. 71, A.]

[Published March 19, 1891.

CHAPTER 42.

AN ACT to amend the city charter of the city of Merrill.

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

Amends chapter 32, laws of 1885, as amended.

Annual municipal election; special election.

SECTION 1. Section 7, of chapter 32, of the laws of 1885, as amended, is hereby further amended by striking out the word "March," and inserting in lieu thereof the word "April," so that said section, when so amended, shall read as follows: Section 7. The annual municipal election shall be on the first Tuesday in April of each year, at