

No. 356, S.]

[Published April 27, 1891.

CHAPTER 415.

AN ACT to amend chapter 197, of the laws of 1885, entitled, "An act to reduce the laws incorporating the city of Hudson in the county of St. Croix, and the state of Wisconsin, and the several acts amendatory thereof, in one act."

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

Amends chapter 197, laws of 1885.

Costs of surveying streets, alleys, etc., how paid; cost of paving, grading, etc., how paid.

SECTION 1. Strike the words "and sewers" out of line 5, of section 3, of chapter VII, of said chapter 197, where they occur after the word "reservoirs," and insert in line thirty two of said section the word "wholly," after the word "be," so that said section when amended shall read as follows: Section 3. The cost and expenses of surveying streets, alleys, sidewalks and sewers, and estimating work thereon, repairing and cleansing streets and alleys, and of constructing and repairing reservoirs shall be chargeable to and payable out of the general fund of the city. Planking, grading, graveling, macadamizing or paving streets and alleys to the center thereof shall be chargeable to and payable by the lots or parcels of land fronting on such street or alley within the line of improvement as far as the work extends; and the whole of the expense thereof shall be assessed upon such lots or parcels of land in proportion to their fronts thereon. Sewers and drains communicating with the main sewer and drains may be built by order of the common council through any street or alley, for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefited in such blocks and being within the line of improvements; provided, that in all cases where improvements or work of any kind is chargeable, by virtue of this section, upon lots benefited, all such improvements across streets,

alleys and public grounds shall be made and paid for out of the general fund of the city, in proportion to the width of the streets or alleys or public grounds. No grading, graveling, paving or macadamizing of streets or alleys to be done at the expense of lots fronting such improvements and no sewer, the expense of which is to be wholly charged to the lots drained or benefited, as before provided, shall be ordered by the common council except upon petition in writing of a majority of the owners of the property residing on the line of the proposed improvements, and chargeable therewith, unless by a two-thirds vote of the common council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner, with the assistance of the city surveyor, to examine the premises and report an estimate of the whole expense thereof, and the lots or parcels of land chargeable with the expense, and the owner's name, if known, and the proportion of the expense to be assessed to each lot or parcel of land, and in case of grading, graveling, paving or macadamizing a street or alley a proper grade, and the common council may adopt, revise, correct or remand the same with instructions upon such report being adopted; an accurate survey and profile of such grade shall be prepared by the city surveyor and filed in his office for record. The common council may thereupon order the said work to be placed under contract upon such terms and under such regulations as they deem advisable, or order the same to be done under the supervision of the street commissioner and the city surveyor. Where any work provided for in this section shall be completed, or the contract performed to the satisfaction of the street commissioner and the city surveyor, said street commissioner shall give notice by publication in the official newspaper of said city, for three weeks, that the expense thereof (in case of streets and alleys) will be assessed upon the lots or parcels of land fronting such streets or alleys within the line of such improvement in proportion to their fronts thereon, and in case of sewers chargeable to the lots as herein-

before provided, that the lots in the blocks fronting such improvement, drained or benefited thereby (which lots shall be designated in the notice), will be assessed in proportion to their size or area. Any owner of such lots or parcels of land to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the street commissioner, showing, in case of streets and alleys, that his lot or lots or parcels of ground will not be benefited to the extent of the expense apportioned to such lot or parcel of ground, and that such assessment in his case would be unequal and unjust which said petition shall be sworn to by the petitioner or someone having knowledge of the facts. The street commissioner shall thereupon require the chief of police to summon three disinterested freeholders of said city, and non-residents of the ward wherein such improvement is located, as commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper in said city at least five days before the time appointed for such commissioners to meet. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence the street commissioner shall require the chief of police to forthwith summon others to supply the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them and shall view and examine the premises in question and shall have the power to hear the parties, and administer oaths and examine witnesses. It shall be their duty, as early as practicable, and within ten days from the time they entered upon their duties to report to the street commissioner their decision in writing, accompanied by any testimony or proof or the substance thereof, taken before them, and shall in each case determine whether such assessment (in case of grading, paving, graveling or macadamizing streets and alleys) would be unequal and unjust, and whether, and how much, the same will exceed the benefit, and (in case of sewers) whether the lot or lots in question will be drained or benefited by the sewer, and thereupon what

abatement or exemption, if any should be allowed. The street commissioner shall thereon complete his assessment for such improvement making the necessary abatement or exemptions, in accordance with the report of the commissioners, and the amount deducted for such abatement shall be assessed upon the other lots or parcels of land chargeable with the expense aforesaid in the manner before prescribed. Such assessment, when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for the confirmation thereof, of which notice shall be given in the official paper of the city. Upon the confirmation thereof, such assessment shall become a lien upon said premises and shall be levied and collected as other taxes and assessments. Also amend by adding to the end of said chapter 12, of said chapter 197, the following, viz.:

Section 8. Upon receipt of a petition, signed by at least twenty freeholders of the city of Hudson, the common council shall forthwith cause a survey to be made with the view of establishing a general sewerage system for said city. They shall cause a plat of the same to be made and deposited with the city clerk, whereupon the city clerk shall give notice of the filing of said plat by publishing such notice in the official paper of the city once in each week for three successive weeks; the notice shall specify that any objections to the system, as determined upon, or any part thereof, may be filed with the city clerk at any time within thirty days from the date of the notice. The city clerk shall, at the end of the time specified, place before the common council all objections that shall have been filed, and the common council shall then consider the same. The common council may make any change deemed advisable by them, and if any changes are made, the plat shall be corrected accordingly, or a new plat be made if necessary. The common council shall attach thereto a certificate that the said plat exhibits the plans of sewerage as finally agreed upon by them. For the purpose of this work, the common council may, at the expense of the city, employ a competent engineer to assist the city surveyor for not exceeding thirty days. A diagram of the system agreed upon shall be made

Amends chapter 197, laws of 1885.

Establishment of general sewerage system.

in duplicate and certified by the city surveyor, one copy of which shall be recorded in the office of the register of deeds for St. Croix county, and one copy filed with the city clerk. Either of said originals or said record, shall be conclusive evidence of the legality of the establishment of said plan.

Cost of construction of main sewers to be paid out of general sewerage fund.

Section 9. The cost of construction of all main sewers in excess of the cost of the construction of a minor sewer, eight inches in diameter, shall be paid out of the general sewerage fund. The cost of the construction of minor sewers of eight inches in diameter or under, and such portions of the cost of construction of the main sewers, as shall be equal to the cost of construction of a minor sewer eight inches in diameter shall be chargeable to the property abutting on the street along which any such sewer shall be constructed in proportion to the frontage of such lots or lands upon such streets; the intention being that the property abutting upon any sewer shall be taxed to the extent of the cost of a sewer not exceeding eight inches in diameter, the balance of such cost to be borne by the city.

May be constructed under contract.

Section 10. Any portion of such sewerage system may be constructed under contract with the city, which contract may be made in such manner as the common council may determine.

Form of notice of meeting to determine amount chargeable to lot for construction of sewer; publication of same.

Section 11. Whenever the cost of construction of any portion of such sewerage system shall have been determined, the city clerk shall give notice to the owners of all lands fronting on the street where said sewers shall have been constructed, of the time when the common council meet to determine the amount of such cost chargeable to the lots of parcels of land fronting on the street, by publishing in the official paper of the city, a notice substantially in the following form:

City of Hudson:

To the owners or persons interested in the lots or parcels of land fronting on street, from street to street: Take notice, that on the day of, at o'clock of that day, the common council will meet at the office of the city clerk, to determine the amount chargeable to the lots or parcels of land fronting on street, between the points

above mentioned, for the construction of the sewer constructed on said street.

Dated

.....,
City Clerk.

Said notice shall be published at least two weeks prior to the date of said meeting. At the time specified in said notice, the common council shall hear all parties interested, that may desire to be heard, and shall then make an award fixing the amount that they shall deem properly chargeable to each such lot or parcel of land, for the construction of said sewer, according to the provisions of this chapter, and the award, when so made, shall be recorded by the city clerk, and said award or said record shall be conclusive evidence of the legality of all proceedings, up to and the making of such award.

Section 12. The cost of construction of said sewer not awarded to the lots or parcels of land fronting upon the street shall be paid out of the general sewerage fund, and the amount chargeable to the lots or parcels of land shall be assessed against such lots in the same manner as is provided for in section 3 for the improvement and repairing of streets and for other purposes.

Cost of construction, how paid.

Section 13. No private drain or sewer shall be connected with any public sewer without the common council issuing an order or permit for such connection, and all such connections shall be made under the supervision of the common council or some one authorized by them in their behalf; the expense for such connection to be paid by the person for whom such connection is made. Any person who shall break open or make connection with any public sewer, except by the written order or permit, or under the direction of the common council or willfully injure any of the material employed or used or intended to be employed or used in the construction of any sewer or for sewerage purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or imprisonment in the county jail not to exceed sixty days

Construction of private drains or sewers.

Section 14. For the purpose of providing a general sewerage fund the common council are hereby authorized, whenever in their judgment a

Levy of tax to provide general sewerage fund.

system of sewerage is deemed necessary for said city, to levy a tax of not exceeding three mills on the dollar on all the taxable property of said city, for the commencement of such work and annually thereafter may levy, not exceeding three mills on the dollar, upon all the taxable property of said city, for the purpose of extending said system of sewerage, which shall be placed upon the tax roll by the city clerk for collection, and said sewerage tax shall be collected the same as other taxes are collected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved April 23, 1891.

No. 492, A.]

[Published May 29, 1891.

CHAPTER 420.

AN ACT to revise the charter of the city of
Fort Howard.

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

CHAPTER I.

CITY BOUNDARIES.

Corporation
created.

SECTION 1. All that district of country in the county of Brown, hereinafter described, shall be a city by the name of Fort Howard, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation, by the name of the city of Fort Howard, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts