

No. 243, S.]

[Published May 16, 1903.]

CHAPTER 241.

AN ACT to authorize the repairing by resurfacing of streets and repairing of gutters and curbing of any sidewalk in cities of the first class.

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

Repair of streets by resurfacing. SECTION 1. In any city of this state of the first class whether organized under the general law or under special charter the common council may, when petitioned so to do, order the paving or repaving of streets or the repairing of streets by resurfacing with crushed stone or crushed stone and gravel and repairing of gutters and the curbing of sidewalks in said city.

Petition, contents thereof; by whom signed. SECTION 2. Said petition must be signed, before being presented to the common council, by residents of said city owning a two-thirds majority of the feet in front of all the lots fronting upon such proposed improvements, owned by residents of such city, and for that purpose, every person in the actual possession of any lot or parcel of land fronting upon such improvements, under a contract in force for the purchase thereof from the owner, shall be held to be a freeholder within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Every person signing such petition as a resident, or as an owner of property, shall be required to write after his signature thereto a brief description of the property so owned by him, and of the place of his residence in said city, and to annex thereto an affidavit that he is such resident and owner, and thereupon he shall be taken to be such resident and owner, and such petition shall be as valid and have the same effect as if such person were the owner of such property, and a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident. Said petition shall describe the kind of pavement to be constructed or the kind of crushed stone or crushed stone and gravel to be used in the making of said improvements, and

no other material shall be used than that described in said petition, and the manner of doing said work and the making of said improvements.

Expense charged to lot owner. SECTION 3. The expense of such repairing to the center of any street and the repairing of any gutter and the curbing of any sidewalk shall be chargeable to and payable by the owner or owners of the lot or lots or parcels of land in front of which said work shall be ordered, to the amount which said work shall be adjudged by the board of public works to benefit such lots. And the expense of all such improvements or work across streets at their intersection with streets and alleys, excepting curbing, and the expense of all such improvements or work across public grounds, and to the middle of streets adjacent to public grounds, and the repairing of all cross-walks and all expense in excess of the benefits, shall be paid out of the general city fund. Provided, however, that in streets where there is a plot or park in the center, the owners of the abutting property opposite such plot or park shall pay and be liable for the costs of said repairing, and the curbing up to the curb line of said plot or park, to the amount which such work shall be adjudged by the board of public works to benefit such lots.

Duty of board of public works. SECTION 4. Upon the presentation of said petition, the common council may order the board of public works to make the improvement petitioned for. Thereupon the board of public works of such city, shall cause to be made an estimate of the cost of such work, and shall put the same on file in its office; and such estimate shall be open to the inspection of any party interested. And the board of public works shall then proceed to cause such improvement to be made in the manner provided by law for other public work in such city; and the contract entered into for the doing of the same shall require the contractor to receive certificates upon or against the several lots, parts of lots or parcels of land which may be assessed, in front of which said work shall be ordered, to apply in payment of the contract price. As soon as said work shall have been done and accepted by the board of public works said board shall determine the proportionate expense properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same. And the said board shall give notice to all parties interested by advertisement for not less than four (4) days in the official papers of the 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 its office for not less than four (4) days after the first publication of such notice, during certain hours, not less than two (2) hours of each lay day; and that all persons interested will be heard by such 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 other notice or publication of such assessment shall be necessary. During the time mentioned in such notice the said board shall hear objections and evidence, and they shall have power to review, modify and correct such assessment at any time during such review and for three (3) days thereafter; and thereupon said board shall endorse such corrected and complete assessment or annex the same to the estimate of the cost of such improvement. And after such assessment has been made as aforesaid, the board of public works shall issue to the contractor or contractors a certificate or certificates stating the amount assessed and chargeable to each lot or parcel of land, and the said amount shall be entered against such lot or parcel of land in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes.

Lot owner may appeal. SECTION 5. The owner of any lot or tract of land who feels himself aggrieved by such assessment as to the amount of benefits thereby adjudged to accrue to him by reason of any such improvements charged against his lot or parcel of land may, within twenty days after such corrected and completed assessment shall have been endorsed or annexed to the estimate of cost of such improvement, appeal therefrom to the circuit court of the county in which said city is located; and all provisions of law now or hereafter in force in such city in reference to appeals from local assessments, shall be applicable to the taking, trial and determination of such appeal. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken, and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of the benefit finally adjudged shall be paid by the city out of the general city fund to the appellant, but not until he shall have paid the certificate issued for doing the same.

Property exempt from assessments, when. SECTION 6. No property fronting on any street or avenue shall be exempt from any assessment of benefits on account of the paving or repaving or repairing of such street or avenue under the provisions of this law until such property shall have paid in the aggregate in assessments for street pavement in front thereof the sum of three dollars (\$3.00) per square yard for all that part of the roadway directly in front of or abutting such property, and lying between the curb line and the center of the roadway of such street, and where any property has paid less than said amount it shall be liable for any difference up to the amount of three dollars (\$3.00).

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 271, S.]

[Published May 16, 1903.

CHAPTER 242.

AN ACT to aid in the building of good roads.

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

One-fourth mill tax authorized. SECTION 1. The several counties in the state may, at the next meeting of the county board, levy a one-fourth mill tax on all the taxable property of the county, for the purpose of building county roads.

Road fund. SECTION 2. The money so levied shall be kept in a separate fund, and used for the construction of roads in the county.

County board to have supervision. SECTION 3. The county board shall have power to determine how and when the money so raised shall be expended, and they shall have complete supervision to regulate and establish the construction of roads to be built out of said fund.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.