

No. 481, S.]

[Published June 18, 1909.

**CHAPTER 448.**

AN ACT to create sections 925m—301 to 925m—318, inclusive, of the statutes, relating to the organization and government of cities of the second, third, and fourth classes under a commission form of government.

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

**SECTION 1.** There are added to the statutes eighteen new sections to read: Section 925m—301. Any city of the second, third, and fourth classes may reorganize under the provisions of these sections by proceeding as hereinafter provided.

Section 925m—302. 1. Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election, the mayor shall by proclamation submit the question of reorganization as a city under these sections at a special election to be held at a time specified therein, and within two months after such petition is filed. At such election the question to be submitted shall be, "Shall the plan to reorganize the city of .....under sections 925m—301 to 925m—318, inclusive, of the statutes, be adopted?", and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law for other city elections.

2. If a majority of the votes cast shall be in favor thereof, the plan shall be adopted, and the city clerk shall certify the same to the secretary of state, and thereupon a patent shall be issued substantially as provided in section 925—5 of the statutes, and the city shall hold an election of a mayor and councilmen as hereinafter provided.

3. The submission of such question to a vote of the people shall not be made oftener than once a year.

**Section 925m—303** 1. Any law applicable to any city before its reorganization and not inconsistent with the provisions these sections shall apply to and govern such reorganized city.

2. Any by-law, ordinance, or resolution lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of these sections.

3. The territorial limits of such city shall remain the same as under its former organization.

4. All rights and property of every description which were vested in such city under its former organization shall remain the same under the reorganization herein contemplated.

5. No right or liability either in favor of or against such reorganized city and no suit or prosecution of any kind shall be affected by such change of government unless otherwise provided in these sections.

Section 925m—304. 1. On the first Tuesday in April next succeeding the adoption of such plan, a mayor and two councilmen shall be elected at large. The term of the mayor shall be six years.

2. The councilmen first elected shall be chosen for two and four years respectively, and after they are elected shall draw lots to determine who shall hold the long and who the short term. The terms of their successors shall be four years.

3. If a vacancy occur in any of these offices and the unexpired term exceed six months, a special election shall be ordered and held: in any other case the remaining members of the council shall fill such vacancy.

4. No person shall be eligible to any of these offices who holds a license for the sale of intoxicating liquors.

5. A candidate for mayor or councilman shall possess the qualifications of an elector, local residence not being a requirement, but after his election, either of said officers shall reside, during his term, in the city so electing him, and devote his entire time to the duties of his office.

Section 925m—305. 1. Candidates for mayor and councilmen shall be nominated at large by a primary election two weeks before the general election. Every candidate shall be supported by a petition of qualified voters as hereinafter provided.

2. Any person desiring to become a candidate shall, at least twenty days before such primary election, file with the city clerk a statement of such candidacy in substantially the following form:

State of Wisconsin,                    )  
  ) ss.  
County of ..... )

I, ....., being first duly sworn, say that I reside at ..... street, city of ..... county of ..... state of ..... and that I am a candidate for nomination to the office of

(mayor or councilman), to be voted upon at the primary election to be held on the .....Tuesday of..... 19....

(Signed) .....

Subscribed and sworn to (or affirmed) before me by.....  
.....on this .....day of ....., 19....

(Signed) .....

3. Such person shall at the time file therewith a petition signed by at least twenty-five qualified voters, requesting that his name be placed on the official ballot at the primary election. Such petition shall be verified by one or more persons as to the qualifications, residence and number of signers, and shall be in substantially the following form:

We, the undersigned, duly qualified electors of the city of .....and residing at the places set opposite our respective names hereto, do hereby request that the name of (name candidate) of (state residence) be placed on the official ballot as candidate for nomination for (mayor or councilman) at the primary election to be held in such city on the .....Tuesday of ....., 19.... We further state that we know him to be a man of good moral character and qualified in our judgment for the duties of such office, and that residence not being required, he is otherwise a qualified elector.

Name of signer.	Age.	Date.	Address.	Length of Residence.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

4. Any such petition shall be open to the inspection of the public, and shall be verified by the city clerk on order of the council or on petition of five per centum of the entire vote cast for all candidates for mayor at the last municipal election, and to this end the council shall allow the clerk extra assistance if necessary.

5. Immediately upon the expiration of the time for filing such statements and petitions for candidacies, the city clerk of such city shall cause to be published for three successive days in all the daily newspapers published in the city, or if there be no daily newspaper, in two issues of any other newspaper, in proper form, the names of the persons as they are to appear upon the primary ballots; and the clerks shall thereupon cause the primary ballots to be printed. over his signature.

6. The names of the candidates for mayor arranged alpha-

betically shall be placed first on the official ballot, with a square at the right for the voter's cross (x) and immediately following the word "Mayor" at the top the words "(Vote for one)". Following these names likewise arranged, shall appear the names of the candidates for councilmen and immediately following the word "Councilmen" the words "(Vote for ....)" (stating the number to be elected). The ballots shall be printed upon plain white paper, and shall have no party designation or mark whatever, but shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT.

Primary Election.

To vote for a candidate mark a cross (x) in the square at the right of the name of the person for whom you desire to vote.

FOR MAYOR (Vote for one.)	
A .....	
B .....	
C .....	

FOR COUNCILMAN (Vote for _____ (Stating correct number.))	
A .....	
B .....	
C .....	
D .....	
E .....	

Official Ballot attest:

(Signature) .....

City Clerk.

7. Full and accurate returns of votes cast for each candidate shall be made as provided by law.

8. The two candidates for mayor receiving the highest number of votes shall be deemed nominated.

9. At the first election the four candidates receiving the highest number of votes for councilman shall be deemed nominated.

10. At any subsequent election the names of twice the number of councilmen to be elected shall appear on the ballot.

Section 925m—306. 1. The candidates so nominated for mayor and for councilmen at the primary election shall be the only candidates for those offices whose names shall be placed in the official ballot at the succeeding general election.

2. The ballots used at each succeeding general election shall have no party designation or mark whatever but shall be in substantially the following form:

**OFFICIAL BALLOT.**

**General Election.**

To vote for a candidate place a cross (x) in the square at the right of the name of the person for whom you desire to vote:

<b>FOR MAYOR (Vote for one.)</b>	
A .....	
B .....	
<b>FOR COUNCILMAN (Vote for _____ (State number to be elected.))</b>	
A.....	
B.....	
C.....	
D .....	
Etc.....	

Official Ballot attest:

(Signature) .....

City Clerk.

Section 925m—307. 1. All provisions of the statutes relating to city primary and general elections not inconsistent with the provisions of these sections shall apply to such elections for cities reorganized under these sections, the same as to cities organized under general law.

2. The terms of office for officers so elected shall begin on the third Tuesday in April next succeeding their election, at which time the term of office of any mayor or alderman of such city theretofore elected shall end.

Section 925m—308. 1. A city so reorganized shall be governed by its council, consisting of the mayor and councilmen elected as hereinbefore provided, and such council shall have all the powers and perform the duties had and exercised by the mayor and council and the several administrative and executive officers, boards, and commissions of such city, whether its former organization existed under general or special law.

2. The mayor shall be president of the council and have a vote, but no veto power.

3. A majority of the members of the council shall constitute a quorum, and the affirmative vote of such quorum shall be necessary to adopt any motion, resolution, or ordinance.

4. Upon every vote, the ayes and nays shall be called and recorded, and every motion shall be reduced to writing and read before the vote is taken.

Section 925m—309. 1. The council may create any general department of city affairs, such as (a) public finance and accounts; (b) public health, safety, and sanitation; (c) streets and public improvements; (d) parks, recreation grounds, and public property; (e) public charities and corrections; and designate one of its members as the head thereof; but such head may be changed whenever it appears that the public service would be benefited thereby.

2. At its first meeting, or as soon thereafter as practicable, the council shall elect, by majority vote, a city clerk, corporation counsel, comptroller, treasurer, superintendent of streets, and such other officers and assistants as are necessary to the efficient conduct of the affairs of the city, and shall fix the terms of service and salaries of all such officers.

3. Any officers or assistants appointed or elected by the council may be removed by vote of the majority of the members of the council.

Section 925m—310. The annual salaries of mayor and councilmen, respectively, in cities classified according to population shall not be less than the sums respectively following:

1. Forty thousand and over; mayor \$5,000, councilmen \$4,500.

2. Under forty and over thirty thousand; mayor \$4,500, councilmen \$4,000.

3. Under thirty and over twenty thousand; mayor \$4,000, councilmen \$3,500.

4. Under twenty and over fifteen thousand; mayor \$3,500, councilmen \$3,000.

5. Under fifteen and over ten thousand; mayor \$3,000; councilmen \$2,500.

6. Under ten thousand and over seven thousand five hundred; mayor \$2,500, councilmen \$2,000.

7. Under seven thousand five hundred and over five thousand; mayor \$2,000, councilmen \$1,500.

8. Under five thousand and over thirty-five hundred; mayor \$1,500, councilmen \$1,200.

9. Under thirty-five hundred and over twenty-five hundred; mayor \$1,200, councilmen \$1,000.

10. Under twenty-five hundred; mayor \$1,000, councilmen \$700.

11. The above classification as to population shall be determined by the last United States Census next preceding the reorganization of any city.

12. No salary shall be increased except by a vote of the people at a general election.

Section 925m—311. The council shall have power from time to time to create and fill offices and fix the term of service and salaries other than those described in the preceding section and to discontinue any office according to their judgment of the needs of the city.

Section 925m—312. 1. The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called by the mayor or by two councilmen.

2. The meetings of the council or of any committee thereof, whether regular or special, to which any person not a city officer is admitted shall be open to the public.

Section 925m—313. 1. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials or the purchase thereof, or service to be furnished or performed for such city, or any contract or job for work, materials, or service to be furnished or performed by any person, firm or corporation, street railway, gas works, water works, electric light or power plants, heating plants, telegraphs, telephones,

or other public utilities within the property limits of such city.

2. No such officer or employee shall accept or receive from any person, firm or corporation, operating under a public franchise or city license and frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation, any service upon terms more favorable than those granted to the public generally, but nothing in this section contained shall be construed as prohibiting policemen or firemen from accepting free transportation when on duty in uniform.

Section 925m—314. 1. The city comptroller shall each month prepare and present to the council a summary statement of the revenues and expenses of the city for the preceding month, detailed as to appropriations and funds, and arranged in standard form, together with a balance sheet statement of the current assets and current liabilities of such city at the close of such month. These summaries shall be accompanied by such detailed schedules as the council may by ordinance require. All such schedules together with a summary of the acts and proceedings of the council for such month shall be published in pamphlet form by the council who shall furnish copies thereof to all the newspapers of the city and to all persons who shall apply therefor.

2. At the end of each year the council shall cause a full and complete examination of all of the books and accounts of the city to be made by competent public accountants, who shall report in full thereon to the council. Copies of such reports shall be furnished by the council to all newspapers of the city and to all persons who shall apply therefor.

Section 925m—315. If, at the beginning of the term of office of the first council elected under these sections, the appropriation for the expenditures of the city government for the current fiscal year have been made, the council shall have power by ordinance to revise, repeal, or change such appropriations and to make additional appropriations.

Section 925m—316. 1. No ordinance passed by the council of any such re-organized city, except an ordinance for the immediate preservation of public peace, health, or safety which contains a statement of its urgency, and is passed by an affirmative vote of the council, shall go into effect within ten days from the time of its final passage, and if during such ten days a petition is signed by the voters of such city equal in number to at least twenty per cent. of the entire vote cast for

all candidates for mayor at the last preceding general election, protesting against the passage of such ordinance, be presented to the council such ordinance shall thereupon be suspended; and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed the council shall submit the ordinance to the voters of the city either at a general election or at a special election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified voters who vote on the same shall vote in favor thereof.

2. This section shall not be construed to change the existing laws as to the granting of franchises for public utilities or as to the issuing of municipal bonds.

Section 925m—317. The board of education shall continue to be elected or appointed as provided by law, and any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law prior to the passage of these sections.

Section 925m—318. Any city which shall have operated for six or more years under the provisions of these sections may abandon such reorganization and adopt the provisions of the general law of the state then applicable to cities of its class by proceeding in the manner prescribed for effecting reorganization under the provisions of these sections, and such change shall in no way affect the property, right, or liabilities of any nature of such city, but shall merely extend to such change in its form of government.

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

Approved June 15, 1909.

No. 539, S.]

[Published June 18, 1909.

## CHAPTER 449.

AN ACT to create subsection 5 of section 1947o of the statutes, relating to the issue of participating and non-participating policies.

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

SECTION 1. There is added to section 1947o of the statutes a new subsection to read: 5. This section shall not apply to any company which keeps and transacts its participating and non-participating business in separate departments, and keeps separate accounts and maintains a complete separation between