

No. 199, A.]

[Published May 27, 1943.]

**CHAPTER 193.**

AN ACT to repeal 66.05 (8) ; to amend 27.08 (4), 61.41 (2), (3), 62.14 (1), 62.17 (3) (a), 66.11 (2), 70.45, 70.46 (6), 98.04 (1) ; to create 61.325 of the statutes, relating to city and village government, so as to clarify existing statutes, eliminate inconsistencies and obsolete material, and to improve municipal administration.

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

SECTION 1. 27.08 (4) of the statutes is amended to read :

27.08 (4) In every city having no \* \* \* city plan \* \* \* commission under \* \* \* section 62.23 \* \* \* (1), the common council may provide that the board of park commissioners, if there be such board in such city, shall be vested with the powers enumerated in section 62.23 \* \* \* (2), \* \* \* (12) and (17). \* \* \* The territory over which the city is given platting jurisdiction by section 236.06 shall for street, park, parkway, boulevard, pleasure drive and platting purposes be extended to 3 miles beyond the city limits. For the purpose of carrying out the provisions of section 62.23 \* \* \* (2) \* \* \* in said extended zone the common council may appropriate out of any available fund \* \* \* a sufficient sum to be used by said board for hiring engineers, surveyors and draftsmen, and other necessary help and assistants in making a comprehensive map of the said city and zone so as to put in concrete form the ideas of the said board as to how future dedications, openings and plattings of streets, highways, boulevards, pleasure ways and parks, or other public improvements or thoroughfares, shall be made; which said map, when adopted by the common council, shall serve as an advisory guide to the said board of park commissioners in making recommendations to the common council in the future as to approving plats, and shall not be departed from except in cases of necessity or discovered error therein.

Note: To correct references made obsolete by subsequent enactments.

SECTION 2. 61.325 of the statutes is created to read :

61.325 A village trustee shall be eligible for appointment as village president to fill an unexpired term.

Note: To enact a provision for villages like 62.09 (2) (b) for cities, to fill an existing void.

SECTION 3. 61.41 (2) and (3) of the statutes are amended to read:

61.41 (2) When the village board shall have reviewed said assessment the village clerk shall deliver to the \* \* \* *village treasurer* a copy of said assessment, together with a warrant for the collection of said tax and \* \* \* shall *within 30 days after such delivery* notify the owners of the property described by publishing a notice \* \* \* in some newspaper published in said village, if there be one; if there be none, by posting up notices in 3 public places in such village, and shall specify in such notice a time or times, not less than 20 days nor more than 30 days from the date thereof, when the owners of said real estate shall pay their taxes and the owners charged with such tax shall \* \* \* pay the same \* \* \*. *The treasurer* shall keep an accurate account of \* \* \* the amounts received, the name of the person from whom received, and the lot, tract, or parcel of land upon which each payment is made. The book containing the account so kept shall, at all times when required, be \* \* \* *open* for the inspection of the board of trustees, and \* \* \* the taxpayers.

(3) At the expiration of 30 days from the date of said notice *the village treasurer* \* \* \* shall \* \* \* deliver to the clerk of the village a certified list of the lots, pieces or tracts of land in said village upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land, and if such list be returned to said village clerk before the completion of the tax roll of said village for the same year the said clerk shall add the said delinquent taxes, including a penalty of 6 per cent interest on the amounts due from the expiration of the said 30 days until said tax roll is delivered to the village treasurer on the third Monday in December, to said tax roll opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent taxes shall be collected with and in the same manner as the village taxes. If such list shall be returned to the village clerk after the completion of the tax roll and before the village treasurer's return of delinquent taxes he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add

what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his county; provided, however, that said 6 per cent interest penalty shall not be added to such delinquent taxes in any case where certificates or special improvement bonds are issued covering such assessment pursuant to subsection (4).

Note: Village funds should be paid only to the village treasurer.

SECTION 4. 62.14 (1) of the statutes is amended to read:

62.14 (1) There shall be a department known as the "Board of Public Works" to consist of 3 commissioners. In cities of the second class the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices, 1, 2 and 3 years, respectively, and thereafter for 3 years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer \* \* \*. The council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officers or boards as the council shall designate. The words "board of public works" wherever used in this chapter shall include such officers or boards as shall be designated to discharge its duties.

Note: This amendment is intended to clarify the meaning of this provision.

SECTION 5. 62.17 (3) (a) of the statutes is amended to read:

62.17 (3) (a) The council may from time to time by ordinance or resolution establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the

standard so fixed may be different for different streets, and may order by ordinance or resolution sidewalks to be laid in the manner provided in this subsection.

Note: To correct an inconsistency.

SECTION 6. 66.05 (8) of the statutes is repealed.

Note: This enumeration is surplusage because such authority is granted elsewhere in the statutes.

SECTION 7. 66.11 (2) of the statutes is amended to read:

66.11 (2) *Except as expressly authorized by statute*, no member of a town, village, or county board, or city council shall, during the term for which he is elected, be eligible for any office or position which during such term has been created by, or the selection to which is vested in, such board or council, provided that the governing body may be represented on city or village boards and commissions where no additional remuneration is paid such representatives.

Note: To eliminate a conflict with the statutes, such as 62.09 (2) (b).

SECTION 8. 70.45 of the statutes is amended to read:

70.45 When the assessment roll or rolls shall have been completed in cities of the first class the same shall be delivered to the tax commissioner, and in all other cities to the city clerk, who shall thereupon give notice by publication in the official paper of the city \* \* \* that on a certain day or days therein named said assessment roll or rolls will be open for examination by the taxable inhabitants, which said notice may assign a day or days certain for each ward, where there are separate assessment rolls for such wards, for the inspection of such rolls. On such examination the tax commissioner, assessor or assessors may make such changes as may be necessary to perfect the assessment roll or rolls, and after the corrections are made the said roll or rolls shall be submitted by the tax commissioner or city clerk to the board of review.

Note: The present 10-day provision conflicts with the time schedule in 70.10 and 70.46.

SECTION 9. 70.46 (6) of the statutes is amended to read:

70.46 (6) After the assessors shall have laid before the board of review their assessment roll of real estate with the sworn statements and valuations of personal property as provided by section

70.47, the board of review shall remain in session one day from 10 a. m. until 4 p. m., *except for a one hour recess for lunch*, for taxpayers to appear and examine such assessment roll, sworn statements, and valuations and be heard in relation thereto; and upon reasonable cause being shown therefor, shall hold at least one adjourned session upon a subsequent day, and said board shall be presumed to be in session each day until final adjournment is made unless adjournment is made to a particular date.

Note: To make definite that members of the board of review are not required to dispense with lunch.

Approved May 25, 1943.

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#### CHAPTER 194.

AN ACT to amend 59.21 (8) (a) of the statutes, relating to the appointment of deputy sheriffs for the duration of the present war.

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

59.21 (8) (a) of the statutes is amended to read:

59.21 (8) (a) In counties having a population of less than 500,000, the county board may by ordinance fix the number of deputy sheriffs to be appointed in said county which number shall not be less than that required by \* \* \* subsection (1) (a) and (b) \* \* \*, and fix the salary of such deputies; and may further provide by ordinance, that deputy sheriff positions shall be filled by appointment by the sheriff from a list of 3 persons for each position, such list to consist of the 3 candidates who shall receive the highest rating in a competitive examination of persons residing in such county for at least one full year prior to the date of such examination. Such competitive examinations may be by a county civil service commission or by the state bureau of personnel at the option of the county board and it shall so provide by ordinance. The director of the state bureau of personnel shall upon request of the county board conduct such examination according to the methods used in examinations for the state civil service and shall certify an eligible list of 3 names for each position to the sheriff of such county who shall there-