

[No. 74, S.]

[Published April 17, 1883.]

CHAPTER 217.

AN ACT to amend the charter of the city of La Crosse and to confer certain additional powers upon the common council of said city.

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

SECTION 1. The common council of the city of La Crosse, shall have power to lay out, extend and enlarge public parks and artificial lakes, adjoining and designed to be used with and form part of any park or parks, hereafter to be laid out and established, or which may have been heretofore acquired by said city, and to condemn and take land for such purposes, but no lands shall be taken for the purpose of an artificial lake except low-lying lands, subject to overflow by the rise of water in the La Crosse, Black or Mississippi rivers. Proceedings for the condemnation and taking of lands for sites of school houses, public markets, engine houses and other public buildings and grounds, required for use in connection therewith, and for laying out, establishing, widening or extending public squares, parks, and artificial lakes, and for all other public purposes except the laying out, opening, widening and extending of streets and alleys, shall only be commenced by the adoption of a resolution as provided in section 2, of sub-chapter 5, of chapter 135, of the laws of 1876, as amended, and shall be thereafter conducted in all respects as provided in said sub-chapter 5, for the condemnation of land for streets, except that the jury shall deduct from the damages awarded to any owner of land taken, any special benefit, if any, to be enjoyed by such owner from the improvement, and the excess of the damages over the amount of such special benefit shall alone be paid to the owner. No part of such damages, or excess of damages, or of the costs and expenses of the proceedings shall, in such cases, be assessed as benefit upon property, no part of which has been taken, but the same shall be paid by the city out of its general fund.

May extend and lay out public parks.

SECTION 2. The common council of said city of La Crosse shall have power to compel railroad companies and all other corporations and persons to do all needful and proper grading, draining and

May compel railroad companies to do needful grading.

filling, upon lands owned or occupied by them, within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place and maintain flagmen at such street crossings in said city, and during such hours of the day as the common council may designate, and prescribe and to maintain lights and other conveniences at such street crossings of their tracks as such common council may require; to prevent the obstruction of streets, lanes and highways by the engines or cars of such companies, and to require the putting up of signs to beware of cars at railroad and street crossings. In any ordinance, resolution or by-law passed pursuant to this section, said common council may provide for the punishment, by fine and imprisonment, as in other cases, of any officer, agent, or servant of any such railroad company, found guilty of a violation of such ordinance, resolution, or by-law, and provide for penalties, or forfeitures, or both, against any such railroad company neglecting or refusing to comply therewith, such penalties, or forfeitures, to be sued for and recovered by action, as for debt, either in the court of the justice of the peace for the city at large, for said city, or in the circuit court of La Crosse county.

Amended.

SECTION 3. Section 9, of chapter 173, of the laws of 1882, the same being an act to amend the charter of said city of La Crosse, is hereby amended by striking out all thereof after the words "section 9," in the first line, down to and including the word "notice," in the tenth line of said section, and inserting in lieu thereof the following: Section 4, of chapter 5, of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 4. On or before the time appointed in said notice, there shall be filed with the judge, or justice named therein, a copy, or copies, of the resolution, or resolutions, or of the petition, or petitions, with a copy, or copies, of the bond or bonds annexed, referred to therein, on which the city clerk shall have endorsed, or have annexed thereto, his certificate that the same is, or are, a true copy or copies, of the original petition, or petitions, and bond, or bonds, or resolution, or resolutions referred to in the notice.

Repealed.

SECTION 4. Section 5, of chapter 183, of the laws

of 1881, the same being an act to amend the charter of the said city of La Crosse, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1883.

[No. 481. A.]

[Published April 17, 1883.]

CHAPTER 246.

AN ACT to empower the common council of the city of Racine to grant franchises to private water companies, and contract for the use of water therefrom, and amendatory of chapter 313, of the laws of 1876, and the several acts amendatory thereof.

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

SECTION 1. Title 11, of chapter 313, of the laws of 1876, is hereby amended by adding at the end of said title a new section which shall read as follows: Section 10. The common council shall have power to authorize and empower any person, company or corporation to establish water works for supplying water to said city and the inhabitants thereof, and to lay pipes in the streets of said city, and erect and construct stand pipes, reservoirs, fire plugs, hydrants and fountains for the distribution of water, and to maintain the same for such length of time and under such restrictions and regulations as to the manner of laying pipes, size and kind of pipes and prices to be charged to consumers, as the council may, by ordinance or contract prescribe. Said council shall have power to contract with such person, company or corporation for a term not exceeding twenty-five years, for the erection of fire plugs or hydrants in said city, and the furnishing of water therefrom for extinguishing fires, but the annual expense of such supply shall not exceed fifteen thousand dollars (\$15,000), and such sum may be raised by general tax as a part of the fire fund, and in addition to the amount authorized to be raised for a fire fund, by title 13, of said chapter 313. It is, however, hereby expressly provided, that prior to the granting of any franchises or rights under this act, and prior to the making of any contract hereunder, the common council shall ascertain the best and most favorable offer for the

Authorized to grant franchises.