

twenty-five per cent. of the cost thereof, shall be payable out of the general fund of said city, and in case a sewer shall be laid along the center of a street, the property on each side of said street shall bear its portion, or one-half of the expense so chargeable to abutting lots. Such work or improvement shall be ordered and contracts therefor let, and the cost thereof paid, and notices given the same and in the same manner as is provided in this chapter for the paving and repaving, building and rebuilding of the streets and sidewalks, and shall be under the supervision of the street superintendent, but the expense of repairs on sewers shall be paid out of the general fund. In estimating the amount chargeable to abutting lots as herein provided, the average cost per lineal foot of said sewer for its entire length, built under the order of the said common council, shall be the basis.

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

Approved April 4, 1885.

[No. 502, A.]

[Published April 16, 1885.]

## CHAPTER 299.

AN ACT to amend chapter 152, of the laws of 1883, entitled, "An act to revise, consolidate and amend the city charter of the city of Fond du Lac."

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

Section 1, chapter 4, amended.

SECTION 1. Section 1, of chapter 4, of said chapter 152, of the laws of 1883, is hereby amended by inserting after the word, "ward," in the third line of said section, the word, "offices," and inserting in the tenth line of said section after the word, "shall" the following; "cease to be a freeholder of or," and by adding at the end of said section 1, the following: "And no salary or fees shall be paid or allowed such officer thereafter, except such as may be due at the date he so vacates his office," so that said section, when so

amended, shall read as follows: Section 1. No person shall be eligible to any office of said city unless he shall be a resident elector of said city, nor to any of the ward offices unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed; and whenever any person elected to any city office shall remove from the city, or any ward officer shall cease to be a freeholder of, or remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office; and no salary or fees shall be paid or allowed such officer thereafter, except such as may be due at the date he so vacates his office.

SECTION 2. Subdivision 21, of section 8, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding, at the end of said subdivision 21, the following: "And to compel the removal and prevent, regulate and control the erection and location of telegraph, telephone and electric light posts and poles, and regulate and control the laying, use and management of the telegraph, telephone and electric light and power wires within the limits of said city."

Subdivision 21,  
of section 8,  
amended.

SECTION 3. Subdivision 27, of said section 8, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended so as to read as follows: 27th. To license, regulate and restrain hawkers and peddlers endeavoring to procure the sale of or exposing for sale, any goods, merchandise, fruits, notions or wares of whatever description (farmers' produce excepted), either on foot or in vehicles, or other conveyances, or in booths, stalls, or stands erected for that purpose, in the streets, alleys, public grounds, or vacant lots within the limits of the city.

Subdivision 27  
amended.

SECTION 4. Chapter 7, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said chapter 7, the following: "Section 17. All written contracts to be made under the provisions of this charter, shall be executed in the name of the city of Fond du Lac, and signed by the mayor and city clerk of the one part, and by the contractor of the other part. And all bonds required by the charter, or by the common

Chapter 7  
amended.

council for any purpose shall be made and executed to the city of Fond du Lac.”

Chapter 18  
amended.

SECTION 5. Chapter 18, of said chapter 152, of the laws of 1883, is hereby amended, by inserting at the end of section 6, of said chapter 18, the following: “Section 6a. No action shall be maintained against the city of Fond du Lac on account of any injuries received or damages sustained by means of any defect in the condition of any bridge, street, sidewalk, or thoroughfare, unless such action shall be commenced within one year from the happening of the injury, nor unless notice in writing, signed by the party injured or claiming damages, shall have first been given to the sidewalk superintendent of the city, or one of the aldermen of the ward in which such injury shall have occurred, within five days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and the nature of the same, and that the person injured will claim damages therefor.

Subdivision 7,  
of section 10,  
amended.

SECTION 6. Subdivision 7, of section 10, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended, by adding at the end of said subdivision 7, the following: “And also to regulate and control, by proper ordinance, or otherwise, the flow and discharge of water from all fountains, drilled or artesian wells in the city, and to prevent the unnecessary waste of water therefrom.

Section 11, of  
chapter 6,  
amended.

SECTION 7. Section 11, of chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding thereto, another subdivision as follows: “6th to regulate or prevent the building or construction, without permission of the common council, of barb wire fences upon, along or within two feet of the line of any street or sidewalk; and to require the removal or remove any such fence, built or constructed in the street or within two feet of the lines thereof.

Subdivision 1,  
of section 5, of  
chapter 11,  
amended.

SECTION 8. Subdivision 1, of section 5, of chapter 11, of said chapter 152, of the laws of 1883, is hereby amended by striking out the words, “one-third” when they occur in the twenty-fourth and twenty-sixth lines, and inserting in lieu thereof, the words, “two-thirds;” and striking out all of said subdivision after the words, “per foot,” in the twenty-seventh line, and in-

serting in lieu thereof the following: " Provided, however, that the provisions of this subdivision shall not apply to a second or subsequent repaving, macadamizing or graveling of any street which has been heretofore or shall be hereafter paved, macadamized or graveled; and the whole or any portion of the expense on such improvement shall have been borne directly by the lots or parcels of land fronting or abutting on the portion of the street so improved; and provided further, that the original improvement of a street by graveling the same shall have been or shall be the placing thereon of at least one foot in depth by sixteen feet in width of gravel to entitle such improvement to be a permanent one within the meaning and provisions of the foregoing proviso; so that said subdivision when so amended shall read as follows: "1st. In case the work shall be the paving, macadamizing or graveling any street, highway, lane or valley or any part thereof the common council shall appoint some competent person to ascertain the front length of each lot or parcel of land on both sides thereof, throughout its whole extent, with a correct description thereof, and the name of the owner, if known; and also the aggregate front length of all the lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising, ascertaining the value of existing improvements of the same or a similar kind and character, if any, and preparing the assessment lists; and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley, throughout its whole extent, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land on both sides of such street, highway, lane or alley throughout its whole extent, shall be assessed with its proportion of two-thirds of the whole expense; to be ascertained by multiplying its number of feet front by the average of said two-thirds of the whole expense per foot; provided, however, that the provisions of this subdivision shall not apply to a second or subsequent repaving, macadamizing or graveling of any street which has heretofore, or shall be hereafter

paved, macadamized or graveled; and the whole of any portion of the expense of such improvement shall have been borne directly by the lots or parcels of land fronting or abutting on the portion of the street so improved; and provided, further, that the original improvement of a street by graveling the same, shall have been, or shall be, the placing thereon of at least one foot in depth, by sixteen feet in width, of gravel, to entitle such improvement to be a permanent one within the meaning and provisions of the foregoing proviso.

Section 8, of chapter 11, amended.

SECTION 9. Section 8, of said chapter 11, of chapter 152, laws of 1883, is hereby amended by striking out the words, "one-third," in the third line, and inserting in lieu thereof the words, "two-thirds;" and by striking out the words, "two-thirds," in the thirteenth line, and substituting therefor the words, "one-third." So that, when amended, the first clause of said section 8, shall read as follows: Section 8. In case the work provided in this chapter to be done shall be such as is mentioned in subdivision 1, of section 5, thereof, two-thirds of the whole expense thereof, including all costs of proceedings in courts, publication, surveying, appraisements, assessments, collection of special tax certificates, material and labor shall be assessed and taxed to, and be a lien upon the lots, parts of lots, or parcels of land fronting or abutting on such street, alley, lane, or highway, or such part thereof, upon which such paving, macadamizing or graveling shall be done; and the other one-third shall be paid by the city out of money raised for that purpose.

Section 9, chapter 7, amended.

SECTION 10. Section 9, chapter 7, of said chapter 152, laws of 1883, is hereby amended by adding thereto as follows: And such assessors shall complete their assessments of the property of the city within thirty days, and their compensation shall not exceed two dollars and fifty cents per day, each.

Chapter 10 amended.

SECTION 11. Chapter 10, of said chapter 152, laws of 1883, is hereby amended by adding at the end of said chapter 10, a further section as follows: Section 23. The board of review of said city of Fond du Lac, shall consist of the mayor, the city clerk and three members of the common council, to be chosen by the common council; and each member of said board of review shall

receive for his services, while sitting on said board not exceeding two dollars per day; and said board shall not remain in session to exceed six days in each year.

SECTION 12. Section 4, of chapter 7, of said chapter 152, laws of 1885, is hereby amended by inserting therein after the word, "towns," in line thirteen, the words following: "Excepting that the treasurer shall place or cause to be placed in the hands of the chief of police of said city (instead of the sheriff or constable), all process and writs for the collection of delinquent taxes or personal property in the city; and the chief of police shall execute and return said process and writs as provided by law."

Section 4, of chapter 7, amended.

SECTION 13. Section 2, of chapter 16, of said chapter 152, laws of 1883, is amended by adding thereto the words as follows: "It shall be the duty of the chief of police to receive, execute and return all process or writs for the collection of taxes on personal property within the city, that may be placed in his hands by, or by direction of, the city treasurer. And also to collect license fees for the sale of liquors, and to summarily close all and every saloon or place of business of any person or persons selling or giving away liquors without license therefor or in any way violating the provisions of the excise laws of the state, on or after the first day of May in each and every year."

Section 2, of chapter 16, amended.

SECTION 14. Section 4, of chapter 7, of said chapter 152, laws of 1883, is hereby further amended by adding to said section as follows: "Provided, that the city treasurer, before entering upon the duties of his office, shall give bonds to the city of Fond du Lac in such form and amount and with such surety or sureties and conditions as the common council may prescribe."

Section 4, of chapter 7, amended.

SECTION 15. Section 7, of chapter 18, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said section 7, the following: "Provided, however, that this section shall not apply to that part of the old Sheboygan and Fond du Lac plank road lying within the limits of said city."

Section 7, of chapter 18, amended.

SECTION 16. Chapter 6, of said chapter 152, of the laws of 1883, is hereby amended by adding at the end of said chapter 6, additional sections as

Chapter 6 amended.

follows: "Section 19. The common council of the city of Fond du Lac may, by ordinance, adopt by a vote of a majority of all the members elect, empower, authorize and permit any corporation, association or individual, to erect, construct, complete, maintain and operate water-works in the city of Fond du Lac, and to grant to such individual, association or corporation, subject to such restrictions and limitations, and in such manner as may be fixed by such ordinance, the privilege to run through and lay water pipes under any street or alley, or above ground, and erect hydrants, sink artesian wells and fountains, and use such machinery as may be necessary to construct and operate such water-works for the purpose of supplying the city, and the inhabitants thereof, with water; and the common council of said city may contract with such individual, association or corporation to supply said city with water, and rent or purchase hydrants for such purpose; and such corporation, association or individual shall supply the city and the inhabitants thereof, with water, at not to exceed such maximum price in such manner, and under such limitations as may be fixed in such ordinance and contract. Section 20. All costs and expense for the rental and purchase of hydrants or for water used for city purposes, shall be paid from the city treasury out of the general fund. Section 21. It shall be the duty of the common council, and it is hereby empowered to pass such ordinances from time to time, as may be deemed necessary or expedient for the management and protection of said water-works, and regulating and controlling the supply and use of water therefrom, and fix a penalty for the violation thereof. Section 22. Nothing contained in this act or in the city charter requiring contracts to be let by proposals to the lowest bidders, shall be construed to require contracts authorized by section 16, of this act to be let in such manner.

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

Approved April 4, 1885.