

[No. 4, S.]

[Published April 12, 1889.]

CHAPTER 326.

AN ACT dividing cities into classes and providing for their incorporation and government.

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

CHAPTER I.

DIVISION IN CLASSES.

SECTION 1. For the exercise of the corporate powers herein mentioned, the cities of the state of Wisconsin, now existing, or that may be created under the provisions of this act, shall be divided into classes as follows: Those containing a population of forty thousand or over shall constitute the first class. Those containing a population of ten thousand or over and under forty thousand shall constitute the second class. Those containing a population of two thousand or over and under ten thousand shall constitute the third class. The population as affecting the class to which any city shall belong under this act, shall be determined by the last national or state census, unless a census is taken under the direction of the trustees of the village seeking to be incorporated as a city under the provisions of this act, or of the common council of any city, now incorporated, seeking to adopt the provisions of this act for its government.

Cities divided into classes.
First class.
Second class.
Third class.

Population, how determined.

CHAPTER II.

ADOPTION OF THIS ACT BY EXISTING CITIES.

SECTION 2. No city now incorporated under the laws of this state shall be affected by the provisions of this act, unless such city shall adopt the same for its government, in the manner hereinafter provided.

Not to affect cities now incorporated.

SECTION 3. When the common council of any city now incorporated, by a three-fourths vote of all the members thereof, shall have adopted this act for its government and a patent shall have

How this act adopted by.

been issued as hereinafter provided, such city shall cease to exist as a corporation under the charter and laws creating such corporation or adopted for its government, and shall constitute a municipal corporation under this act and shall be governed by its provisions.

Ordinance for adoption to be laid over.

To be published.

Census to be taken, when.

Action on, only at regular council meeting.

If adopted, result to be certified by clerk to secretary of state, with copy of all proceedings thereon.

Governor to issue patent—what to recite.

SECTION 4. Whenever an ordinance is offered for the purpose of adopting this act in place of an existing charter, such ordinance shall lie over at least thirty days before final action shall be taken thereon; in the meantime the proposed ordinance shall be published at least once in the official paper of the city if there be one, otherwise in some newspaper to be designated by the council, together with a notice of the time when said proposed ordinance will be considered; said ordinance shall also provide for a census to be taken, unless it is proposed to have the city classified according to the last census taken under the laws of the United States, or of the state of Wisconsin. Said census shall be taken as nearly as practicable as provided by law for taking the census in cases of the incorporation of villages under the laws of this state. Final action on the ordinance heretofore mentioned, shall not be taken except at a regular meeting of the common council; and in case such ordinance is defeated it shall not be lawful for the said council to consider an ordinance for the same purpose for the space of one year thereafter.

SECTION 5. If said ordinance be adopted the result shall be certified under the corporate seal of the city to the secretary of state, together with a copy of all the proceedings relating thereto; also together with the result of the census taken under the direction of the common council for the purpose of determining the classification of said city, thereupon, the governor shall issue letters patent under the great seal of the state, reciting the facts, defining the boundaries of the city, and constituting the same a body corporate and politic, by the name of the city of — (specifying the name of such city) and specifying that the same shall be governed by the provisions of this act, applicable to the cities of the — class (specifying the class); provided, that nothing herein contained shall be construed to prevent any city now incorporated and existing from adopting the pro-

visions of this act, regardless of its present population.

SECTION 6. Whenever this act shall be adopted by a city now incorporated, the officers of such city shall continue in office, with all the powers herein conferred, until the first Tuesday of May following, and until their successors are elected and qualified.

Officers to continue in office.

CHAPTER III.

INCORPORATION OF CITIES UNDER THIS ACT.

SECTION 7. Any district containing a population of two thousand or over, and not heretofore incorporated as a city, may become incorporated under this act in the manner hereinafter specified.

Cities, how incorporated under.

SECTION 8. One hundred or more electors and tax-payers of any village incorporated under the laws of this state, may apply, by petition, to the trustees of such village, to have the question of incorporating said village or the same and adjacent territory as a city, submitted to a vote of the electors of the territory described in such petition; provided, that in case it is proposed to include territory adjacent to such village, the consent, in writing, of a majority of the electors residing therein and the owners of at least one-third of the taxable property in such territory according to the last assessment roll shall be presented with said petition.

Petition of electors and tax payers, number required, vote on, to be had.

SECTION 9. At any regular meeting after the filing of said petition, the trustees of said village may by resolution, provide for submitting the question of having a city incorporated in accordance with such petition submitted to a vote of the electors residing within the limits of said proposed city. Such resolution shall determine the number and boundaries of wards into which said proposed city shall be divided, shall fix the time for voting on the proposition for incorporation, which time shall not be earlier than six weeks from the adoption of such resolution; and shall specify where the electors residing outside the limits of said village shall vote. Said resolution shall also provide for a census to be taken, unless it is proposed to have the city classified according to the last census taken under the laws of the United

Trustees may provide for submitting.

Resolution, what to determine.

Census.

How taken. States or the state of Wisconsin. Said census shall be taken as provided by law for taking the census in cases of the incorporation of villages under the laws of this state.

Notice to be given, how. SECTION 10. Notice of the election on the proposition for incorporation shall be given by publication of a copy of such resolution in some newspaper published in said village, if there be one; otherwise in some newspaper designated in the resolution, once each week for four successive weeks immediately preceeding the date for holding such election.

Election, how conducted—ballot, form of. SECTION 11. The election shall be conducted the same as the elections for village trustees under the laws of this state; and the form of the ballot shall be "For a city charter," or "Against a city charter."

Result to be canvassed and returned to village clerk, to certify facts to secretary of state—patent to issue. SECTION 12. The result of the election as canvassed by the inspectors, shall be returned to the village clerk. If a majority of the votes are cast in favor of a city charter, the village clerk shall certify the fact to the secretary of state, together with the result of the census taken under the authority of the trustees, if any such is taken, and thereupon a patent shall be issued under the great seal of the state of Wisconsin, the same as in cases of the adoption of this act, by existing cities, except that the same shall specify the number and boundaries of the wards.

To be recorded in office of secretary—city when to be body corporate, etc. SECTION 13. Any patent issued under the provisions of this act shall be recorded in the office of the secretary of state, in a book to be kept for that purpose. Thereupon the city mentioned in such patent shall be a body corporate and politic, with perpetual succession, possessing the powers and privileges of a municipal corporation at common law in addition to those conferred by this act; and shall have authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase or otherwise acquire real and personal property and to dispose of the same as the welfare and convenience of its inhabitants may require; and shall have a common seal and may alter the same at pleasure. Any patent issued and recorded in the manner herein provided, the record thereof or a certified copy of such record, shall be conclusive evidence in all courts and places of the due incorporation of the city

Certified copy to be evidence of.

mentioned in said patent, and of all the facts therein recited.

SECTION 14. The number and boundaries of wards of any city organized under the provisions of this act may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by any ordinance the number of wards in the city and boundaries thereof, or of any of said wards shall not be again changed for a period of two years except by adding thereto such territory as may at any time be added to the city limits, and, provided further, that the territory of the wards shall be contiguous and compact, and that no ward having a population of less than two thousand shall be created in cities of the first class, or less than fifteen hundred in cities of the second class, or less than one thousand in cities of the third class.

Wards and boundaries, how changed.

Territory to be contiguous—population required in wards.

SECTION 15. The village board and other officers, of any village, having been incorporated under this act, shall continue to exercise the powers and perform the duties of such officers, as defined by the general statutes relating to villages, until the first meeting of the common council whereat a quorum is present. Until a city clerk shall have been appointed and confirmed, and have qualified, all oaths of office shall be filed with the village clerk. When the city clerk shall have qualified, such village clerk shall deliver to the city clerk, all records, papers and files in his office, and the city clerk shall thereupon become the legal custodian of the same.

Village board and officers to act until first meeting of council.

Village clerk, duties—to deliver records, etc., to city clerk.

SECTION 16. Within ten days after the incorporation of any city under this act, the village board of the village having thus become incorporated, shall fix a time for the first municipal election, and designate the place whereat the same shall be held in each ward, and appoint three inspectors of election for each ward. The polls of such election shall be open at six o'clock A. M., and close at five o'clock P. M.; ten days' previous

Village board to fix time for first municipal election.

Polls to be open.

Notice of election.

notice of the time and place of election, and of the officers to be elected, shall be given by the village clerk by publication in some newspaper of such city, and by posting three written or printed notices in public places therein; in all other respects, such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate said election. At the close of such election, the inspectors shall count the ballots and make returns thereof, stating therein the number of votes for each and every office, and shall deliver such returns to the village clerk, who shall lay the same before the village board. The village board shall meet within one week after such election, and canvass said returns, and declare the result, as it appears from the same, and the village clerk shall notify, by a certificate, the persons elected to the respective offices. All officers chosen at such election, or appointed by the mayor elected thereat, except justices of the peace and aldermen, shall hold for a term ending on the thirtieth day of April next following, and until their successors are elected and qualified; provided however, that in case the first Tuesday in April shall be fixed as the time of the first election, the term of office of the several officers chosen, shall commence on the first day of May, succeeding, and continue as otherwise provided for in this act.

Ballots to be counted and return made.

Result to be canvassed.

Officers, how long to hold.

CHAPTER IV.

ANNEXATION OF ADJACENT TERRITORY.

Adjacent territory, how annexed.

SECTION 17. Territory lying adjacent to any city organized under the provisions of this act may be annexed to such city in the manner hereinafter set forth.

Petition to be presented, signers required.

SECTION 18. Three fourths of the electors and the owners of at least one third of the taxable property, according to the last tax roll, in territory adjacent to such city, may present a petition to the common council of such city asking for annexation thereto; provided, that if no electors reside therein, such petition must be signed by the owners of at least three-fourths of the taxable

property desired to be annexed, before the common council shall have power to act thereon.

SECTION 19. At any regular meeting of the common council after the filing of said petition with the city clerk, an ordinance may be introduced providing for the annexation of such adjacent territory. Final action on said ordinance shall not be taken except at a regular meeting of the council, and not earlier than thirty days after same is introduced; and in the meantime the same shall be published at least once in each week for four successive weeks in some newspaper printed and published in said city, if there be one, otherwise, in some newspaper to be designated by the council.

Ordinance for, what to provide, when to be voted on.

SECTION 20. A vote of three-fourths of all the members of said council in favor of said ordinance, taken by ayes and noes, and recorded, shall be necessary for its adoption.

Votes required for adoption.

SECTION 21. The adoption of said ordinance shall operate to annex such territory to said city, and to the ward or wards designated therein. The validity of the proceedings annexing such territory shall not be called in question collaterally in any of the courts of this state; nor shall the validity of any such proceeding be called into question in any other manner, in the courts of this state, unless the action or proceeding therefor, be commenced within ninety days after such ordinance is adopted.

Adoption of, to operate as annexation.

CHAPTER V.

OFFICERS—THEIR ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, VACANCIES.

SECTION 22. Officers of cities of the first class, shall be a mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city comptroller, a city attorney, a city clerk, a city engineer, a tax commissioner and assessor, for each ward, a board of public works, a school board, a board of commissioners, of the public debt, a board of health, one or more city physicians, a chief of police, a chief engineer of the fire department, one or more harbor masters in cities where required, one or more assessors, a justice of the peace and one constable for each ward, police-

Officers of cities of first class list.

men, bridge tenders, firemen, street commissioners and such other officers as the common council shall from time to time deem necessary.

Second class officers.

SECTION 23. The officers of cities of the second and third classes shall be a mayor, two aldermen from each ward, a city treasurer, city clerk, comptroller, city attorney, city assessor or assessors, city surveyor, city marshal, one justice of the peace and one constable from each ward, one or more city physicians, a street commissioner, a harbor master in cities where required, a sealer of weights and measures, a chief of the fire department, a board of public works, a board of school commissioners, one or more policemen and such other officers as the common council may deem necessary.

Annual municipal election, when held, how conducted.

SECTION 24. The annual municipal election in all cities shall be held on the first Tuesday in April of each year at such place or places in each election precinct as the common council shall designate. The polls of such election shall be opened at six o'clock A. M. and close at five o'clock P. M.; ten days' previous notice of the time and place of such election and of the officers to be elected, shall be given by the city clerk by publication in the official newspaper of such city, and by posting three written or printed notices in public places; in all other respects such election shall be conducted as is prescribed by the general law of the state; provided, however, that the failure to give such notice shall in no way invalidate such election.

Mayor, treasurer, comptroller, assessors, aldermen, justices of the peace and constables to be elected by people, others appointed.

SECTION 25. The mayor, city treasurer, comptroller, assessor or assessors, aldermen, justices of the peace and constables shall be elected by the people. The other officers shall be appointed by the mayor and confirmed by a majority of the members of the common council voting in favor of such confirmation.

Terms of office, in cities of first and second class.

SECTION 26. In cities of the first class, the mayor, treasurer, comptroller, attorney and aldermen, shall hold their offices respectively for the term of two years and until their successors are elected and qualified, constables shall be elected annually in each ward for the term of one year. In cities of the second and third classes, all of the officers above named, except aldermen and justices of the peace, shall be elected or appointed for one

year; aldermen and justices of the peace shall be elected for a term of two years; provided, that at the first election of city officers under the provisions of this act, there shall be elected in each ward one alderman for a term ending on the thirtieth day of April following, and one alderman for a term ending one year from the thirtieth day of April following. At each annual municipal election thereafter there shall be elected in each ward one alderman for the term of two years.

Election of aldermen.

SECTION 27. No person shall be eligible to an office created by the provisions of this act, who is not at the time of his election a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists.

Who eligible to office.

SECTION 28. The term of office of the mayor and aldermen shall commence upon their election and qualification. The terms of all other officers shall commence on the first day of May, succeeding their election or appointment, and shall hold one, two or three years, respectively, as herein provided, and until their respective successors are elected or appointed and qualified.

Mayor and aldermen, terms when to commence—other officers.

SECTION 29. All elections shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as such common council shall direct.

Elections by ballot, plurality elects.

SECTION 30. The mayor and city treasurer, except in cities of the second and third classes, the clerk, comptroller, attorney and all other city officers except aldermen, school commissioners, commissioners of public debt, fire and police commissioners, justices of the peace and constables, shall be paid a salary to be fixed as herein provided. The common council at their first regular meeting in February, shall fix the amount of salary which shall be received by every city officer entitled to a salary who may be elected or appointed in the city during the ensuing year, which salary shall not be increased or diminished during the term of office, for which

Salaries, when paid.

Common council, when to fix.

such officer may be elected or appointed; the salary shall be paid out of the city treasury monthly at the end of each month. All salaries, the amount whereof have heretofore been fixed by the common council, or heretofore established by law, shall be and remain the salaries of such officers until the common council shall fix the amounts thereof in accordance with the provisions of this section; and when so fixed, they shall so remain until changed as herein provided; provided, however, that where any new city shall have been incorporated and officers thereof elected or appointed, the common council shall have power at any regular meeting of such common council during the term of office of such officer so elected or appointed, to declare and fix the amount of compensation that such officer shall receive.

When office deemed vacant.

SECTION 31. When any officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city, shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office to be filled by an election by the people, more than thirty days prior to the general municipal election, the common council may order a special election, upon a public notice to be given five days, in like manner as notice is given of a general municipal election, for the election of a person to fill such vacancy; and whenever a vacancy shall occur in any office to be filled by appointment, the same proceedings shall be had to fill such vacancy as are provided for in case of an appointment in the first instance.

How filled.

Special elections to fill.

SECTION 32. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner as of the general municipal elections, and within such time as prescribed by law.

Person to hold for unexpired term.

SECTION 33. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term.

SECTION 34. Every person elected or appointed to any office, shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election; and in case of his failure to file the same within the time indicated, the office shall be deemed vacant.

To subscribe oath of office and file with clerk.

SECTION 35. The city treasurer, comptroller, justices of the peace, constables and such other officers as the common council may direct, shall before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the common council may determine, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the common council may prescribe. The common council may at any time require new and additional bonds of any city officer. All bonds must be approved by the mayor and when so approved, they shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election; and when so approved and filed shall be recorded by the city clerk in a book to be kept for that purpose; such clerk shall annex to each record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond; and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace and constables shall also give a bond as required by statute.

What officers required to give bond, condition of, etc., new and additional.

To be approved by mayor and filed with clerk.

SECTION 36. Every officer elected or appointed to any office, may be removed from such office by a vote of three-fourths of all the members of the common council; but no such officer shall be removed except for cause, nor unless charges are preferred against him, and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof. The mayor may suspend any officer against

Removal of officers.

Attendance of witnesses may be compelled.

whom charges have been preferred, until the disposition of the same.

CHAPTER VI.

OFFICERS — THEIR POWERS AND DUTIES.

Mayor chief executive, powers and duties in cities of first class.

SECTION 37. In cities of the first class the mayor shall be the chief executive officer, the head of the fire department and of the police of the city. He shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. Except as otherwise provided, he shall appoint all policemen, and may, in case of a riot or other disturbance, appoint as many special policemen as he may deem necessary. He shall have power to sign or veto any ordinance passed by the common council. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money and creating a debt or liability, he shall communicate his objections in writing to the common council within three days (Sundays and legal holidays excepted) after such law, ordinance, rule, regulation or resolution is submitted to him for his approval. If upon the return of such veto message, three-fourths of the common council elect should vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

Veto.

Mayor, chief executive, powers and duties in cities of second and third class.

SECTION 38. In cities of the second and third classes the mayor shall be the chief executive officer, the head of the fire department, and chief of police of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, he shall sign all agreements, contracts, licenses and permits

granted by such common council, and approve or otherwise act upon all claims allowed by such council; he shall appoint all policemen, and may, in case of a riot or other disturbance, appoint as many special policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objections in writing to the common council within three days (Sundays and legal holidays excepted) after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. If, upon the return of such veto message three-fourths of all the members of the common council vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed notwithstanding the objections of the mayor.

Veto.

SECTION 39. In cities of the first class, the common council at its first meeting after its organization in each year, shall choose from their number a president who shall preside over their meetings during the ensuing year. In case of a vacancy in the office of mayor or during the absence or inability of the mayor from any cause to perform the duties of his office, the president of the common council shall have and exercise all the powers and discharge all the duties of mayor until such mayor shall resume his office or the vacancy shall be filled by an election. When so acting he shall be styled, "acting mayor;" but the president of the common council as acting mayor, shall not have authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatever, which the mayor has refused to sign and communicated his refusal to the common council.

Council to choose president to act as mayor when cities of first class.

SECTION 40. In cities of the second and third classes the common council at its first meeting after organization in each year, shall choose from its number a president, and in the absence of the mayor the said president shall preside at all the meetings of such common council; and during the absence or inability of the mayor to discharge the duties of his office the president shall exercise all the power and discharge all the duties of the mayor. The president, while presiding at meet-

Council to choose president in cities of second and third class, to act as mayor; powers and duties.

ings of the common council or performing the duties of the mayor, shall be styled "acting mayor;" and any act performed by him in such capacity, shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor, shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant, or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the common council.

City clerk, how appointed; duties.

SECTION 41. The city clerk shall be appointed by the mayor and confirmed by the common council, and shall hold his office for a term of one year. He shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; to carefully preserve all receipts filed with him except as otherwise herein provided; and to draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that purpose. He shall have and possess the powers and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer, and charge him with all tax lists presented to him for collection, and all sums of money paid into the treasury. In cities of the second and third classes, he shall be ex officio secretary of the board of public works and board of school commissioners. Within thirty days after the close of each fiscal year, he shall make and cause to be published in the official papers of the city, a financial statement showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office and transcripts from the records

of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state; and shall perform such other duties as may be required of him by the common council. Every such clerk shall appoint a deputy, in writing, under his hand, and shall file such appointment in his office; and such deputy clerk shall aid in the performance of the duties of such clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such clerk during such absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be liable upon his official bond for the acts of his deputy.

May appoint deputy; powers of.

SECTION 42. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall, when requested, furnish written opinions upon subjects submitted to him by the mayor or common council or any of its committees or any other department of the municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, which shall at all reasonable hours be open to inspection by any of the officers or electors of such city. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city; to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall have authority to appoint an assistant who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for nor have any

City attorney, duties of.

May appoint assistant; duties.

authority to pay compensation to such assistant.

City treasurer,
duties and li-
abilities.

SECTION 43. The city treasurer shall collect all city, county and state taxes; and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him in such manner as the common council shall direct; his books shall at all reasonable times be open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office; and ten days preceding every annual election, he shall make out and file in the city clerk's office, a full and minute report of all the moneys received and disbursed by him; of all tax certificates, vouchers, and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the city; which report shall embrace all the transactions of his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. In cities of the first class he shall receive no fees or per diem or other compensation for his services except the salary fixed by the common council prior to his election; provided, that in all cities the common council may prior to his election fix a salary for the city treasurer, which shall be in lieu of all fees. Except as herein and otherwise provided, he shall have and possess the powers and authority and perform such duties as treasurers in villages and towns are required to perform under the general laws of the state.

In cities of first
class to receive
no fees or per
diem, etc.; sal-
ary.

Comptroller,
duties, cities of
first class.

SECTION 44 In cities of the first class the comptroller shall, on or before the first day of November each year, make to the common council a detailed statement of the expenses of the city and the several wards thereof, during the last fiscal year, and such report shall also contain a statement of the estimated expenses of the current fiscal year as the same have been prepared by the common council, and an estimate of the probable income of the city for that year from sources

other than taxation. He shall examine all estimates of public work to be done, made by the board of public works, and all contracts made by them, and shall countersign the same if they are legal, and if the necessary funds shall have been provided for the proposed work, and no such contract shall be valid until so countersigned. He shall keep a list of all certificates, for the payment of which special taxes are to be levied and shall make out and file with the city clerk a list of all the special taxes to be levied each year in time for its insertion in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same; and such certified schedule shall be prima facie evidence of the legality and regularity of the special taxes levied in pursuance thereof. He shall report monthly to the common council the condition of the several funds of the city, and a statement of all outstanding contracts and claims which will be payable out of each fund. All claims and demands against the city founded on contract, shall be audited and adjusted by the comptroller, and he shall make a monthly statement to the common council of such claims so audited and adjusted by him, and no such claim shall be allowed by the council until it shall have been so certified. He shall examine and countersign all city orders before the same shall be valid. He shall have power to administer oaths and to take testimony as to any questions which it may be his duty to decide. He shall keep a record of all his acts and doings which shall be open to the inspection of all parties. He may appoint a deputy for whose acts he shall be responsible, and such deputy may act for his principal during his sickness or absence.

Report
monthly to
council.

SECTION 45. In all other cities the comptroller shall, at the same time, file with the city clerk, a detailed statement of the expenses of the city and of the wards thereof, during the last fiscal year, and such statement shall also contain a statement of the estimated expenses of the fiscal year, as provided in section 7, of chapter 16, of this act, entitled, "assessment and collection of taxes," and the income of the city for that year from sources other than taxation. He shall countersign all contracts made with the city, if the necessary funds shall have been pro-

Duties of, in
cities of first
class.

vided to pay the liability that may be incurred against the city under such contracts, and no such contract shall be valid until so countersigned. He shall make a list of all certificates for the payment of which special taxes are to be levied in each year, in time for the same to be inserted in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same, and such certified schedule shall be prima facie evidence of the legality and regularity of the special taxes levied in pursuance thereof; but no irregularity in the making of such list, shall invalidate such special tax. He shall report monthly to the common council in writing, the condition of the several funds of the city, and of the condition of all outstanding contracts and claims which may be payable out of each fund. He shall examine and countersign all city orders before the same shall be valid but shall not countersign such orders before the money is in the treasury to pay the same. He shall examine all claims presented against the city, whether founded on contract or otherwise, and determine as to each claim whether the same is properly itemized and sworn to, if on contract, whether the items charged are correct, whether such claim was incurred by proper authority, and generally determine the correctness of such claim. For the above purposes he shall have power to swear witnesses and take testimony. If he does not find any objection to the claim, he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall report his reasons therefor, and in all cases he shall report the evidence taken by him. No claim shall be considered by the council or reported to a committee till it shall have been thus examined and reported on by the comptroller. He shall examine each month the treasurer's accounts as reported by him and kept by such treasurer, and report as to the correctness of the same and also any violation of the treasurer of his duties in the manner of keeping his accounts or disbursing the moneys of the city. The comptroller shall procure a claim book at the expense of the city, in which all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an

To examine
treasurer's ac-
count.

index, and shall be in such form as to provide for the entry of the name of the claimant, number of claim, when filed, amount claimed, date of report of the comptroller, whether approved and for how much, date of allowance or disallowance by the council, amount allowed, date of the order issued to pay the same, number of such order and date of cancellation of the same. The comptroller shall also perform the duties of a member of the board of public works, such other duties as are required of him under the provisions of this act, and shall make such examinations as to the official conduct of the officers of the city not herein specifically provided for as may be from time to time required of him by the common council.

SECTION 46. The common council at its first meeting, or as soon thereafter as may be, shall designate one or more newspapers printed in the city, in which shall be published, all ordinances, notices and other proceedings required by law to be published, and said common council shall have power and authority to establish by ordinance such rates for such printing and publishing as to them may seem just and proper; provided, that the price for such printing shall not exceed the legal rate for like work as the same now is or hereafter may be established by law.

Official newspaper to be designated by council.

SECTION 47. When any ordinance, notice, resolution or other proceeding shall have been published, a copy of such publication together with the affidavit of the printer or his foreman stating the length of time the same has been published shall be filed with the city clerk, and such affidavit shall be conclusive evidence of the publication of such ordinance, notice, resolution or other proceeding and the bill for such publication shall not be audited until such affidavit is so filed.

Proof of publication of ordinance, etc.

SECTION 48. All other officers elected or appointed under and by virtue of the authority of this act, shall perform such duties as are required to be performed by like officers under the general laws of the state, and also such as are prescribed by the common council.

Other officers to perform duties required by law.

CHAPTER VII.

THE COMMON COUNCIL—ITS POWERS.

Common council, who to constitute; style of ordinances.

SECTION 49. In cities of the first class, the mayor and aldermen, and in cities of the second and third classes the mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of — do ordain as follows:"

First meeting, regular and special, when held.

SECTION 50. The common council shall hold its first meeting in each year on the third Tuesday of April, and shall thereafter hold a regular meeting on the first Tuesday of each month, and at such other times as the council may direct. The mayor may call a special meeting by a written notice to each of the members, to be served personally or left at their several places of abode at least six hours prior to the time for such meeting.

Rules, quorum, ayes and noes, may be required.

SECTION 51. The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and the qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior, may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such member or for unnecessary absence from sessions of the council. At all confirmations by the city council the vote shall be taken by viva voce and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the

To be taken on appropriations, etc., and entered on journal.

To be judge of qualification, etc., of members.

Confirmations, vote viva voce.

members of the council shall be necessary to a confirmation.

SECTION 52. The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws, and regulations for the government and good order of the city; for the benefit of the trade, and commerce of the city and health of the inhabitants thereof, for the prevention of crime, and for carrying into effect the powers vested in said council as they shall deem expedient, such council shall have power to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws or regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinance, resolution, by-laws or regulations:

First. To license, regulate or prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, keepers of ordinaries, saloons, victualling house or other houses or places for the selling or giving away of spirituous, vinous or fermented liquors; provided, that in case an application for a license is denied the council shall not have authority till after the succeeding first day of May to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place; provided, further, that the council may establish saloon limits by ordinance which said limit shall not be extended, except by a vote in favor of the same of three-fourths of all the members of the common council;

Powers of, manage and control finances, adopt rules for government of city, impose penalties, etc.

License, regulate or prohibit showmen, etc.

and provided, further, that no such licenses shall be granted except by a majority vote of all the members of the common council; and the person to whom such license is granted shall give a bond in such form, in such sum, and with such conditions as the common council may determine, with two or more sureties, and no person shall sign more than one bond as principal or two bonds as surety.

Prohibit gambling.

Second. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

License and regulate concerts and exhibitions.

Third. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, and all other exhibitions and amusements.

Suppress riots, disturbances, disorderly houses.

Fourth. To prevent and suppress riots, noise, disturbance or disorderly assemblages; and to suppress and restrain disorderly houses and houses of ill fame.

Compel cleansing of nauseous places.

Fifth. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or other unwholesome or nauseous house or place, to cleanse the same from time to time, or remove or abate the same, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Direct management, control and location of breweries, tanneries and packing houses, etc.

Sixth. To regulate the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city and within a distance of four miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; provided, that the Milwaukee, Menominee and Kinnickinic rivers with their branches to the outer limits of the county of Milwaukee and all canals connecting with said rivers, together with the land adjacent to said rivers and canals or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city of Milwaukee.

- Seventh.** To direct the location and management of public markets. Location of public markets.
- Eighth.** To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit and other provisions within the city, and to appoint an inspector or inspectors of food and to describe their duties and compensation, and to cause the seizure and destruction, or other disposition, of the tainted or unwholesome meat, butter, vegetables, fruit or provisions. Regulate butchers, and sale of game, meat, fish and provisions, and appoint inspectors.
- Ninth.** To direct or prohibit the location and management of houses for the storing of gunpowder and other dangerous and combustible materials. Prohibit storing of gunpowder, etc.
- Tenth.** To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses. Regulate keeping and conveying same.
- Eleventh.** To prohibit the shooting of fire arms and crackers, and the exhibition or use of any fire-works, at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein or annoying to the citizens thereof. Prohibit shooting of fire arms crackers or exhibition of fire-works.
- Twelfth.** To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, fire-wood, timber, posts, signs, awnings or any substance or material, or in any manner whatsoever. Prohibit encumbering of streets, sidewalks, public grounds, docks, etc.
- Thirteenth.** To prohibit horse racing and immoderate riding or driving in the streets. Prohibit horse racing, immoderate riding or driving.
- Fourteenth.** To prohibit and punish the abuse of animals. Punish abuse of animals.
- Fifteenth.** To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public grounds. Compel persons to fasten horses, etc.
- Sixteenth.** To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors, or other waters in and adjoining the city, and to prevent any obscene or indecent exposure or conduct. Regulating bathing.
- Seventeenth.** To restrain and punish vagrants, mendicants, street beggars, and prostitutes; and to restrain drunkards, immoderate drinking or

Punish and regulate vagrants and the like,; restrain drunkards and obscenity.

obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Prohibit dogs running at large.

Eighteenth. To prohibit the running at large of dogs and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Licensing dogs, rate.

Nineteenth. To provide for licensing the keeping of dogs; at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of such licensed dogs.

License and regulate hackmen and the like.

Twentieth. To license and regulate hackmen, draymen, cartmen, porters, omnibus drivers, cabmen and carmen, whether in the permanent employment of any corporation or otherwise who may pursue like occupations, with or without vehicles, and to prescribe their compensation and to establish and change from time to time stands for hacks and other public vehicles.

Prohibit rolling hoops of other amusements in streets.

Twenty-first. To prohibit and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Regulate landing of persons from boats.

Twenty-second. To regulate, control and prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the inhabitants of said city; and also to make regulations to prevent the introduction of contagious diseases into the city, or the spread of the same therein; to make quarantine laws or regulations, and to enforce the same within the city, and not to exceed five miles beyond the city limits.

Establish hospitals.

Twenty-third. To establish hospitals, and to provide for their regulation and support.

Provide for preservation of health.

Twenty-fourth. To do all acts and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Regulate burial of dead and registration of births and deaths, cemeteries, bills of mortality.

Twenty-fifth. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold ground for cemeteries within or without the city limits and to exercise jurisdic-

tion and control thereof; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Twenty-sixth. To regulate and restrain or prohibit the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances.

Prohibit running at large of cattle, horses, mules, swine and other animals.

Twenty-seventh. To regulate the holding of public auctions.

Regulate holding auctions.

Twenty-eighth. To prescribe and regulate the construction of sewers within the city.

Construction of sewers.

Twenty-ninth. To locate, purchase sites and let contracts for the erection and construction of public buildings. To acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks, and any other public purposes, and to sell, dispose of and convey the same.

Public buildings, locate and purchase sites for.

Thirtieth. To lay out, make, open, and keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Lay out, make, when, discontinue streets, etc.

Thirty-first. To establish and alter the grade of streets and to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon.

Establish grades of.

Thirty-second. To name or change the name of any street.

Naming streets

Thirty-third. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water-works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water-works, said city may by contract or ordinance, grant to any person, persons, company or corporation, the full right and privilege to build and own such water-works, and to maintain, operate and regulate the same; and in doing so, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be pre-

Public pounds, pumps, wells, reservoirs, etc.

scribed by such ordinance or contract; and may also, by contract or ordinance, provide for supplying from such water-works, the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance.

Lighting streets, public grounds and buildings with gas or otherwise, contract of.

Thirty-fourth. To provide for lighting the streets, public grounds and buildings with gas or otherwise; and for such purpose to contract by ordinance or otherwise, with any person, persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms, and subject to such limitations as may be prescribed by such ordinance or contract.

Board of health.

Thirty-fifth. To establish and regulate boards of health.

Abate and removal of nuisances.

Thirty-six. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fine or imprisonment; and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment or otherwise.

Prohibit depositing or having within limits unwholesome substance.

Thirty-seventh. To prohibit any person from bringing, depositing or having within the limits of the city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances, or any putrid or unsound beef, pork, fish, or hides, and, on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Prohibit ringing bells, blowing horns and noises, collection of persons.

Thirty-eighth. To prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Steam whistles.

Thirty-ninth. To regulate or prohibit the use of steam whistles within the limits of the city.

Fortieth. To provide for sprinkling the streets at the cost of the city or of the lots or parts of lots fronting thereon.

Sprinkling streets.

Forty-first. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants.

To compel removal of snow, dirt, etc., from sidewalks, streets or alley.

Forty-second. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks.

Driving on or doing damage to sidewalks.

Forty-third. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf, and the quality of the same, and to provide for the seizure and forfeiture of bread baked contrary to such regulations.

Regulate sale of bread, size and weight of loaf.

Forty-fourth. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Regulate weights and measures.

Forty-fifth. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime and the places and manner thereof.

Weight, measure and sale of hay, wood and coal.

Forty-sixth. To license and regulate auctioneers, distillers, brewers and pawn-brokers and keepers or proprietors of junk shops and places for the sale and purchase of second hand goods, wares and merchandise.

Regulate auctioneers, distillers, brewers and pawn brokers, etc.

Forty-seventh. To license, regulate and restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other run-

License, regulate and restrain hawkers, peddlers and runners.

ners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises; to fix and regulate the amount for licenses under this subdivision, to prescribe the time for which such licenses shall be granted, to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license; and to regulate the manner in which they shall be carried on; provided, that no such license shall be granted for a less term than three months, nor for a longer term than one year.

Lumber yards
in fire limits.

Forty-eighth. To regulate or prohibit the keeping of any lumber yard and the placing, piling, or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Inspection of
stationary
engines and
boilers.

Forty-ninth. To provide for the inspection and regulation of stationary steam engines and boilers.

Appointment
of inspectors.

Fiftieth. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and to prescribe their fees.

Regulate loco-
motive engi-
nes in city.

Fifty-first. To regulate and prohibit the use of locomotive engines within the city; to direct and control the location of railroad tracks in the streets, to regulate the speed of railway trains within the city and to require railway companies to construct and maintain at their own expense, such bridges, viaducts, tunnels, or other conveniences at public railroad crossings as the common council may deem necessary; also to regulate the running of street railway cars, the laying down of tracks for the same, the transportation of passengers thereon and the kind of rail to be used.

Watchmen and
policemen.

Fifty-second. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties.

Numbering
houses, stores,
etc.

Fifty-third. To compel the owners and occupants of all houses, stores and other buildings to number the same in such manner as the common council may from time to time prescribe.

Abatement of
noxious weeds.

Fifty-fourth. To declare the weed commonly called the Canada thistle, and other noxious plants and weeds in the city a public nuisance,

and provide for the abatement of the same, as the city is authorized by law to abate other nuisances.

Fifth-fifth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. Planting trees.

Fifty-sixth. Exclusively to erect and construct, or to permit, cause or procure to be erected and constructed, float, pivot or draw bridges over the navigable or other waters within the jurisdiction of the city, and keep the same in repair and regulate the use thereof; said bridges to have draws of suitable width, when necessary, for the purposes of navigation; provided, that if the village of Superior shall organize as a city under the provisions of this act, the common council thereof shall have no authority or power, to erect, construct, or permit or procure to be constructed, any bridge or bridges over the bay of Superior, the bay of St. Louis or any part of the St. Louis river which constitutes the boundary between the state of Wisconsin and the state of Minnesota. Bridges, erection and construction of

Fifty-seventh. To provide for the preservation of any harbor within or of the city; to prevent any use of the same, or of such part of any lake, river, stream, spring or pond as is within the city, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the water of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prohibit and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or filth, logs or floating matter; to prohibit and remove all obstruction therein, and punish the authors thereof; to regulate and prescribe the mode and speed of vessels entering and leaving the harbor, of passing the bridges and of coming to and departing from the wharves and streets of the city by steamboats, canal boats and other crafts and vessels; and the disposition of the sails, yards, anchors and appurtenances thereto, while entering, leaving or abiding in the harbor, and to regulate and prescribe, by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steamboat or other craft afloat, and such changes of situation in and use of the harbor as may be City of Superior no authority to construct over bays of Superior or St. Louis.

Preservation of harbors establish rules and regulations.

necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such vessels, boats, crafts and floats; and to impose penalties, not exceeding one thousand dollars, for any offense against such ordinance; and by such ordinance to charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat or other vessel, craft or float.

Establish dock lines, construct piers, etc.

Fifty-eighth. To establish dock lines, regulate the construction of piers and wharves extending into any lake, or navigable waters; and to prescribe and control the prices to be charged for pierage or wharfage thereon; and to regulate, prescribe and control the prices to be charged for dockage and storage within the city.

Wharfing privileges, may be leased.

Fifty-ninth. To lease the wharfing privileges of the rivers and navigable waters at the ends of streets, upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rent as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such case as are given by law in other cases; but no buildings shall be erected thereon. The owner or owners of the adjoining lot or lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

Owners of adjoining lots to have preference.

Education of destitute children.

Sixtieth. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.

Authorize the arrest, fine and imprisonment of vagrants—who deemed.

Sixty-first. To authorize the arrest, fine and imprisonment of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering, or rambling about or staying in groceries, drinking saloons, houses of ill fame, houses of bad repute, gambling houses, railroad depots, fire engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming house, house of fortune telling, or

place of cock fighting, and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Sixty-second. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons

Carrying concealed weapons.

Sixty-third. To control and regulate the construction of buildings, chimneys and smokestacks; and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement.

Control and regulate construction of buildings, chimneys.

Sixty-fourth. To regulate or prohibit the use of any hall, theater, opera-house, church, school-house or building of any kind whatsoever to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Regulate and prohibit use of hall, theatre, opera-house, etc., not having fire escape.

Sixty-fifth. To improve such portions of any lake or river as is within the city and to establish the shore lines thereof so far as existing shores are marsh.

Improving lakes and rivers.

Sixty-sixth. No common council shall have power to permit the running at large upon the streets or public grounds of the city, of any cattle, horses, mules, asses, hogs, sheep, goats, geese, or poultry.

Not to permit cattle, etc., to run at large.

Sixty-seventh. Laws, ordinances, regulations and by-laws, shall be adopted by an affirmative vote of a majority of all the members of the common council, and shall within fifteen days after their passage, be published in the official paper or papers of said city before the same shall be in force.

Laws, ordinance, etc., how adopted and published.

SECTION 53. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller.

To adjust accounts of clerk, treasurer and other officers.

SECTION 54. The corporate authority of the city shall be vested in the mayor and common council.

Corporate authority, where vested.

CHAPTER VIII.

ACTIONS, APPEALS, BONDS, SURETIES.

Actions to
recover pen-
alties, how
brought.

SECTION 55. All actions brought to recover any penalty or forfeiture or for the punishment of any offender for the violation of the ordinances or by-laws, made by the city, shall be brought in the corporate name of the city.

Judgment how
entered.

SECTION 56. In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture together with the costs of prosecution against the defendant; and shall also enter a judgment that such defendant be imprisoned in the county jail or house of correction until such judgment be paid, not exceeding, however, the term of six months; and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of prosecution, and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

May appeal to
circuit court.

SECTION 57. Any person aggrieved by the judgment of the court, imposing a fine, penalty or forfeiture or a term of imprisonment, may appeal from such judgment to the circuit court of the proper county in the same manner in which offenders may under the general law appeal from the judgments of the justices of the peace, in actions where the state is a party plaintiff; provided, that this section shall not apply to appeals from the municipal courts where by law an appeal may be taken directly to the supreme court.

Action on
claim or de-
mand against
city, when may
be had.

SECTION 58. No action shall be maintained by any person against any city organized under the provisions of this act, upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in

whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

SECTION 59. The determination of the common council disallowing in whole or in part any claims shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Determination of council final.

SECTION 60. Whenever any claim against a city organized under the provisions of this act shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such common council disallowing said claim to the circuit court of the county in which such city is situated, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim; and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of the proper county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

Appeal from decision of council, how taken.

When appellant to pay costs

CHAPTER IX.

THE POLICE COURT.

Police justice,
when to be
re-elected.

SECTION 61. In every city which shall adopt this act for its government, and which shall at the time of such adoption have a court or judge, by what name or title soever, such court or judge shall be called, having the jurisdiction herein conferred upon police courts, or wherein justices of the peace shall have such jurisdiction, the jurisdiction and procedure of such court, judge or justices of the peace shall continue unaffected by this act until such court, or the office of such judge or such jurisdiction of such justices shall be abolished by law, and in the meantime no police justice shall be elected and no police court established in such city, under this chapter. In every other city governed by this act a police justice shall be elected every fourth year the same as other city officers are elected, whose term of office shall commence the first day of May succeeding his election and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

Council may
fix judge's
salary.

SECTION 62. In cities of the first class the common council shall fix the salary of the police justice. In cities of the second and third classes the common council may at its option, fix a salary for the police justice which shall be in lieu of all fees and costs. In every city of the first class the police justice may appoint a clerk who shall keep the docket, records and papers of the court, and shall be paid such salary as the common council may from time to time allow; but no change in the salary of the clerk shall take effect during the term of office of the judge in which it was made.

In cities of first
class, justice
may appoint
clerk, council
to fix salary.

No fees to be
paid by court
officers in cities
of first class.

SECTION 63. In cities of the first class the police judge, the clerk of the police court and the police officers attending such court and serving its process, shall receive no fees, and all costs collected in said court shall be paid into the city treasury and credited to the general fund.

Court, how
designated,
when to be
open.

SECTION 64. The court held by the police justice shall be called the police court. It shall be open daily, Sundays and legal holidays excepted.

SECTION 65. In cities of the first class the police

court shall have jurisdiction to try and sentence all offenders against the ordinances of the city. The police court shall also have jurisdiction to try all misdemeanors triable before a justice of the peace and to issue warrants for the apprehension of persons charged with the commission of offenses not triable before a justice of the peace, and to examine such alleged offenders, and commit or hold them to bail, the same as a justice of the peace of the city might do but for this chapter. In cities of the second and third classes the police court shall have the civil and criminal jurisdiction of a justice of the peace, within the limits of such city, and exclusive jurisdiction of offenses against the ordinances of the city.

Jurisdiction in cities of first class.

Same in cities of second and third classes.

SECTION 66. No justice of the peace in any city wherein there shall be a police court under this chapter, shall have any criminal jurisdiction of offenses committed in such city, nor any authority to issue warrants for the apprehension of any alleged offender for an offense committed therein, nor to examine or commit or hold to bail any such offender charged with any crime or misdemeanor committed in said city. In case of the absence, sickness or disability of said police justice, he may, by an order in writing, to be filed in said court appoint a justice of the peace or a court commissioner of said city, to discharge the duties of said police justice during such absence, sickness or disability, who shall have all the powers of said police justice while administering such office.

Justices of the peace not to have criminal jurisdiction, when.

When justice of the peace or court commissioner may act for police justice.

SECTION 67. The police court may sentence any person convicted of the violation of any ordinance punishable by fine or imprisonment, either or both, and any person convicted of any misdemeanor triable in said court, to pay the fine and the costs of the prosecution, or be imprisoned in the county jail or house of correction, in the alternative and when proper facilities for that purpose shall exist in the jail or house of correction, the court may order the prisoner to be kept at hard labor during the term of his imprisonment, if he shall have the ability to labor.

Sentences may be imposed by.

SECTION 68. There shall be kept in every police court a docket wherein shall be entered the substance of every complaint, the date of the issuance of the warrant and the date and substance

Docket to be kept, entries, how made in.

of the return thereof, the plea of the accused, the names of the witnesses, the names and verdict of the jury, if any, and the judgment of the court.

Forms used by court in prosecutions for violation of ordinances.

SECTION 69. The following shall be substantially the forms to be used in said court in cases of prosecutions for the violation of ordinances:

COMPLAINT.

State of Wisconsin, }
City of ———. } ss. In the police court of
said city.

Complaint for violation of ordinance.

A. B. complains on oath to the police court of the city of ——— that C. D. did, as the deponent verily believes, on or about the ——— day of ———, A. D. 18—, at said city, violate an ordinance of said city, to wit: [here insert the title and date of the ordinance or the chapter and section of the general ordinance] in that he did then and there contrary to said ordinance [here insert the act or omission complained of], wherefore the complainant prays that said C. D. be arrested and dealt with according to law.

A. B.,
Complainant.

Subscribed and sworn to before me the ——— day ———, A. D. 18—.

E. F.,
Judge [or clerk].

WARRANT.

State of Wisconsin, }
City of ———. } ss. In the police court of
said city.

Warrant.

The state of Wisconsin, to the chief of police or any police officer of the said city, or the sheriff or any constable of the county of ———. You are hereby commanded to arrest and bring before said court as soon as may be, and safely keep subject to the order of said court, the body of C. D., charged with violating one of the ordinances of the city of ———.

Dated ———.

E. F.,
Judge [or clerk].

Commitment, what to constitute.

A certified copy of the judgment of the court shall constitute the commitment of any person sentenced to imprisonment by said court. In cases wherein the offender shall be sentenced to

pay a fine and costs or be imprisoned, in the alternative, the clerk shall endorse upon the commitment a statement of the amount remaining unpaid of such fine and costs.

SECTION 70. In cities of the first class whenever any accused person shall demand a trial by jury in said court the judge shall direct the officer in attendance or some other suitable person to prepare a list of twenty-four qualified jurors, and the prosecuting officer, or some person designated by the court for that purpose on one part and the accused or his counsel on the other shall each strike off six names, the prosecution striking off the first name and the defense the second, and so on alternately, and the remaining twelve shall thereupon be summoned and shall serve as jurors in the case. In cities of the second and third classes, the jury shall be selected in the same manner as in justice courts in criminal cases. The venire may be in the following form:

Trial by jury may be had; how drawn.

State of Wisconsin, } ss. In the police court of
 City of ——— } said city.

The state of Wisconsin to [here insert the names of jurors].

Venire, form of.

You are hereby summoned and required to attend said court forthwith to serve as jurors therein in an action there pending, wherein the ——— is plaintiff and C. D. defendant. Hereof fail not at your peril.

Dated ———.

E. F.,

Judge [or clerk].

If any juror or jurors named in the venire shall not be found, or shall be unable to serve, a talesman or talesmen shall be called, and if qualified shall take the place on the jury of such juror or jurors not found or unable to serve; provided, that either party shall have a right to challenge such talesman for cause, and at least two talesmen peremptorily.

Talesmen may be chosen.

SECTION 71. The costs taxable in the police courts shall be the same as in justice courts for similar services, and in cities of the second and third classes such costs shall be paid to the judge and the officers earning them respectively, unless such judge or officer shall be paid a salary, in which case such costs shall be paid into the city treasury.

Costs taxable same as in justice's courts.

CHAPTER X.

FIRE DEPARTMENT.

Fire department may be organized.

SECTION 72. In every city governed by this act, not having a paid fire department, it shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general fund such sums as shall be deemed requisite for the aid of such companies in procuring apparatus and outfit, and maintaining and housing the same, and to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Fire limits may be designated.

SECTION 73. In every city governed by this act, it shall be competent for the common council to fix and designate fire limits within which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond a percentage to be fixed in the ordinance, and the council may, by ordinance, prescribe special fire limits, within the general fire limits within which special fire limits they may require such building material to be used; and such additional precautions to be observed, both in the construction of new buildings and the repairing and maintenance of existing buildings as they may from time to time designate, for the prevention of fires and the spread and communication thereof; and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office and provide for his compensation.

Paid fire department may be established or continued.

SECTION 74. It shall be competent for the common council of every city to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and maintained at the sole expense of the city; to provide for the appointment of a chief engineer of the fire depart-

ment, and as many assistants as may be deemed necessary, and fix their salaries; and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

SECTION 75. In every city governed by this act in which a paid fire department shall have been established, either under this act or before its adoption, it shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines and apparatus for the extinction or prevention of fires, for the construction and maintenance of all necessary engine houses and fire stations, fire alarms, fire signals, telegraphs or telephones, and for the use of all known means of extinguishing or preventing fires. And the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

Necessary fire engines and apparatus may be procured

SECTION 76. In every city having a paid fire department, the city treasurer shall keep a separate account with the general fund, to be called the fire account, in which shall be entered all disbursements for or on account of the fire department, and all appropriations made, and all taxes collected for its use.

Fire account to be kept.

SECTION 77. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two per cent. of their wages to said fund.

Firemen's relief fund may be established.

CHAPTER XI.

THE BOARD OF PUBLIC WORKS.

SECTION 78. There shall be a department known as the board of public works, to consist of three commissioners. In cities of the first 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; and the members of the first board shall hold their

Board of public works, how constituted in cities of first class.

offices one, two and three years respectively, and thereafter they shall hold their offices for three years, or until their successors are appointed and qualified; in all other cities, the board shall consist of the city attorney, the city comptroller and city engineer or surveyor.

In cities of other classes.

Board to choose president and secretary, when.

In cities of second and third classes city clerk acts as secretary.

Mayor to appoint city engineer; duties; powers.

SECTION 79. The members of the board of public works shall, on the first Tuesday in May of each year, choose a president of the board from their number; and in cities of the first class, a secretary; in cities of the second and third classes, the city clerk shall be the secretary of the board by virtue of his office.

SECTION 80. In cities of the first class the mayor with the approval of the common council, shall appoint some competent person as city engineer, whose term of office shall continue for one year and until his successor is appointed, unless he shall be sooner removed by the council for cause. The city engineer shall keep his office in some convenient place to be designated by the common council, and it shall be his duty to do all engineering work required by said council or the board of public works. The city engineer shall possess the same power to make surveys and plats within the city that are given by law to county surveyors; and like validity and effect shall be given to his acts, and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors.

To keep record of acts and doings.

SECTION 81. In cities of the first class, the engineer shall keep on file in his office, and in all other cities in the office of the city clerk, a record of all his official acts and doings; and shall also keep a copy of all plats of lots, blocks and sewers embraced within the city limits; also all profiles of streets, alleys and sewers, and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any public buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer at the expiration of his term of office to his successor or to the board of public works. In cities of the

first class, on the last Tuesday in March of each year, and in all other cities whenever requested, the city engineer shall make a report of all doings of his department to the board of public works.

To report to board of public works.

SECTION 82. The commissioners of public works in cities of the first class shall be each paid an annual salary to be fixed by the council before the appointment of such commissioners, and at the time other salaries are fixed under this act; in all other cities the salaries of the city attorney, city comptroller and city engineer respectively shall be in full for their services as members of the board of public works.

Composition of board; how fixed in cities of first class.

How in other cities.

SECTION 83. In cities of the first class each member of the board of public works shall, before entering upon the duties of his office, take and file in the office of the city clerk, an oath of office, and shall give a bond to the city, with sufficient sureties, in such form and sum as the council may direct for the faithful performance of his duties.

Members to take oath of office.

SECTION 84. The common council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this act, for the government of the board of public works and the manner in which the business of said board shall be conducted.

Council to make rules for government of.

SECTION 85. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city. They shall make a report to the council on or before the first day of March in each year, and oftener if required.

Quorum; record of proceedings to be kept; report.

SECTION 86. It shall be the duty of the board, under the direction of the common council, to superintend all public works; and to keep the streets, alleys, sewers and public works and places in repair.

To superintend public works.

SECTION 87. All repairs, and alterations of school buildings and premises shall be under the charge of the board of public works; but such repairs or alterations, except ordinary repairs costing not more than fifty dollars, shall first be directed to be made by the common council.

Repairs and alterations of school buildings.

SECTION 88. No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the

Permits for moving buildings through streets may be granted by.

board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles. Provided, however, that the decision of said board in this regard may be appealed from to the council.

Repair and restoring streets.

SECTION 89. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley, or sidewalk, excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

Public work, when to be let by contract.

SECTION 90. All public works, the estimated cost of which shall exceed two hundred dollars, shall be let by contract to the lowest responsible bidder; and all other public work shall be let as the common council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in some newspaper printed and published in the city, at least once in each week, for at least six successive weeks. Before such proposals are advertised for, a profile of the work to be done, together with the specifications, shall be placed on file for the inspection of bidders, and a form of contract with sureties, as the same will be required to be executed by bidders, shall be prepared, and a copy of the same furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a contract with sureties, executed on the part of the bidder and such sureties, which sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property situated within the state of Wisconsin, not by law exempt from execution.

To advertise for proposals, specifications and profile of work.

Contract, how executed.

When bidder unreliable, duty of board.

SECTION 91. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council of the city a schedule of all the bids for such work, together with the recom-

mendation to accept the bid of the lowest responsible bidder for such work, with their reasons for such recommendation; and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such competent and reliable bidder, or to re-advertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

May re-advertise.

SECTION 92. All contractors doing any work which shall in any manner obstruct the streets or sidewalks, shall put up and maintain barriers and lights to prevent accidents, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability; and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any carelessness of such contractor in the prosecution of such work.

Duty of contractors, to put up barriers and lights, liability.

SECTION 93. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance. Provided, however, that no contract shall be executed on the part of the city until the city comptroller shall have countersigned the same and made an indorsement thereon, showing that sufficient funds are in the city treasury, or that provision has been made to pay the liability that will accrue under such contract.

Contracts signed by to be mayor and countersigned by comptroller.

SECTION 94. All contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties.

Contracts to contain proviso authorizing completion of work by board of public works on failure of contractor so to do.

CHAPTER XII.

WATER-WORKS.

SECTION 95. In cities where the water works are owned by the city, the same shall be operated under the direction of the board of public works.

Water-works to be operated under direction of board of public works.

SECTION 96. The common council shall have power to legislate on all matters with reference to the construction, operation, management and

Powers of council.

protection of water-works for the city not contravening the provisions of this act or the constitution or laws of the state; provided, however, that all provisions relating to water-works not herein otherwise provided, shall be adopted by a vote of not less than a majority of all the members of the council.

City may acquire lands for water-works, how, when owned by private persons or corporations.

SECTION 97. The city may acquire by purchase or otherwise, as specified in this act for acquiring real estate for the public use, such lands as may be necessary for the construction and operation of water-works to supply the city and the inhabitants thereof with water; provided, that in cases where the water-works are owned by private persons, or corporations the expenses of acquiring such real estate shall be paid by such persons or corporations on a proper conveyance being made to such persons or corporations of said real estate.

Water-rates may be collected by cities.

SECTION 98. When cities own the water-works the water-rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the construction thereof.

Board of public works to furnish list of lots or parcels of real estate to which water furnished.

SECTION 99. On the first day of January and July, in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If the amount due is not paid within ten days thereafter a penalty of ten per cent. shall be added and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent. thereon for his fees. He shall have all the authority in collecting said tax vested in him in the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums not paid by the first day of November in any year that have accrued during the preceding year, shall be reported by the treasurer to the city clerk who shall insert the same in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and

Penalty for non-payment, treasurer to collect.

To be a lien, and inserted as delinquent.

sale of property for delinquent city taxes shall apply to said tax.

SECTION 100. The board of public works before laying any water pipe along any street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front on or abut on the proposed line of water pipes, or which may be contiguous to and used in connection with any such lot or parcel of land such sum as such lot or parcel of land will be in the judgment of said board, specially benefited by reason of laying such water pipes, not to exceed, however, the amount prescribed in the next section; provided, that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

Subject to only one assessment.

SECTION 101. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost as estimated by the said board of public works, of furnishing and laying a regular minor water pipe of approved materials and manufacture with the required openings for connections with private service water pipes along the front of said lot. Such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land or lot which shall be contiguous to any parcel of land or lot or part of lot so fronting or abutting, and which in the judgment of said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipes the amount which in the judgment of said board shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of the said water pipe.

Lots, how assessed.

Size of pipe.

SECTION 102. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot or parcel of land shall be as nearly as may be in just proportion to the amount assessed for regu-

Corner lots and those fronting on more than one street, assessment of.

lar lots, as compared with the special benefits derived by them respectively from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty, and may assess subdivisions separately, and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot or other lot or land contiguous thereto, and most advantageously used in connection therewith.

Subdivisions.

To make equitable proportions.

SECTION 103. Whenever any lot or parcel of land shall be subdivided by sale or contract, or by use or occupation in severalty, whether such subdivision shall occur before or after the assessment of special benefits as herein provided, the said board of public works may, after ascertaining such facts, at any time before the special assessment shall have been inserted in the tax roll, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

To file reports of assessment with comptroller.

SECTION 104. The said board of public works shall file reports of such assessments with the comptroller in cities of the first class and with the city clerk in other cities, who shall record the same in a book to be kept for that purpose, and give notice thereof, to the parties interested by publishing the same once in each week for three successive weeks in the official papers. Any person feeling himself aggrieved by the report of said board may, within twenty days after the completion of the publication of notice by the comptroller appeal from such report to the circuit court of the county. Such appeal shall be entered and conducted in like manner and like security for costs shall be required as provided by law in cases of appeals from the decisions of the common council of said city to said court on the return of assessment of benefits for street improvements. In the making and signing of all reports or returns under this chapter, by said board of public works to the comptroller or any other officer of said city, the official signature of the president and secretary of said board shall be sufficient.

Appeal from.

Official signature to reports sufficient.

SECTION 105. The said board of public works

shall, from time to time, make and file a report with the comptroller in cities of the first class and with the city clerk in all other cities, of all work done for which assessments shall have been made as heretofore provided, and shall make such report of all assessments for work so reported to have been done to the board of public works, shall, if practicable, make certified returns to the city clerk in time to have the same included in the tax levy for the current year; and the same shall be entered on the tax roll in a separate column, under the head of "water pipe assessments," and the same shall be collected, and the payment thereof shall be enforced by sale, deed and other proceedings, in like manner as is now provided by law in cases of assessments for streets and improvements, except that no certificates shall be issued, but all such assessments and proceeds thereof when collected shall belong to the water-works fund.

Report of work done for which assessments have been made, to be filed.

SECTION 106. The preceding provisions relating to the construction of water mains in whole or in part at the expense of abutting owners, shall not apply except in cases where the city owns the works.

When provisions hereof not to apply.

CHAPTER XIII.

THE HEALTH COMMISSIONER.

SECTION 107. In every city governed by this act it shall be the duty of the mayor, once in three years, to nominate a regularly licensed physician as commissioner of public health, who shall be confirmed by the common council, and who shall hold his office for the term of three years, and until his successor shall be appointed and qualified.

Mayor to appoint health commissioner, to be confirmed.

SECTION 108. It shall be the duty of the commissioner of public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided.

Duties.

SECTION 109. All rules and regulations prepared

To report rules and regulations to council.

by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

May recommend sanitary measures.

SECTION 110. The commissioner of public health shall also, from time to time recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

Council to provide office for, and fix salary.

SECTION 111. It shall be the duty of the common council to provide an office for the commissioner of public health and to fix his salary which shall be paid out of the city treasury, as the salaries of other city officers are fixed and paid, and to provide for him such assistants as may be necessary, and to fix their salaries.

Assistants to be provided, salary.

Council may impose additional duties on.

SECTION 112. The commissioner of public health shall also discharge such duties not herein enumerated as may, from time to time be imposed upon him by the common council by ordinance or resolution; and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

CHAPTER XIV.

SCHOOLS.

Not to affect school government already in force, council may change.

SECTION 113. In every city which shall adopt this act for its government, if there shall be at the time of such adoption a board of education or school board, elected by the people under the provisions of its charter, or where the school district system is in force, the election and organization, powers and duties of such board shall not be affected by this chapter, but such system shall continue as the law of such place until changed by a vote of three-fourths of the common council. In all other cities governed by this act the board of education shall consist of one commissioner from each ward and three from the city at large, to be appointed by the

Board of education, how constituted.

mayor and confirmed by the common council. The mayor in appointing the first board under this act shall divide the members into three classes as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have been appointed and qualified. After that all commissioners shall be appointed and shall hold their offices for the term of three years, and until their successors shall have been appointed and qualified.

Terms of office.

SECTION 114. The first meeting of the board each year shall be held on the first Monday in May, or as soon thereafter as may be. At its first meeting each year the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time require of him. It shall be the duty of the vice-president to discharge the duties of the president in his absence.

Meetings of board officers.

Duties.

SECTION 115. In cities of the first class the board of education shall annually at its first meeting, or as soon thereafter as may be, elect a secretary who shall not be a member of the board. In cities of the second and third classes, the city clerk shall be ex-officio secretary of the board. In cities not under the supervision of a county superintendent, the board shall, in like manner, annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year and until their successors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members.

Secretary election of.

When city clerk to act as.

Terms of office.

SECTION 116. The board of education shall have authority:

First. To establish and organize such high schools and so many district schools and branches

Powers of board.

Establish and organize schools.

Establish or change districts.

of the same, primary schools, night schools and kindergartens as they shall deem expedient.

Second. To establish and change, from time to time, such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require; provided, that in cities adopting this act, or being newly organized under it, the school districts already established shall remain until otherwise ordered by the board.

Apparatus.

Third. To purchase and preserve such school apparatus as may from time to time be required.

Grade schools.

Fourth. To grade the schools and prescribe the course of study to be pursued therein, and to prescribe the text books to be used; provided, that such text books shall not be changed oftener than once in five years.

Employ teachers.

Fifth. To employ teachers of all grades and fix their salaries.

Prescribe rules of order, etc.

Sixth. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they shall see proper.

Committees.

Seventh. To appoint all necessary standing and special committees.

Enact, amend or repeal rules for government of schools.

Eighth. To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

Fix salaries, prescribe duties of superintendent, when.

Ninth. To fix the salaries and prescribe the duties of the superintendent of schools in cities not under the supervision of a county superintendent, to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and to fix the salaries of such assistant superintendents; to fix the salary of the secretary of the board and his assistants, and prescribe the duties of the secretary whether he be the city clerk, or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

Contract for purchase of fuel, etc.

Tenth. To contract for and purchase all necessary fuel for the schools and school offices, and to provide for lighting the same, and to appoint janitors for the school buildings and school offices, and to fix their salaries.

Eleventh. To estimate the expenses of the public schools of the city as hereinafter provided. Make estimate of expenses.

Twelfth. To exercise all the powers necessarily incident to the powers herein conferred. Exercise necessary powers.

SECTION 117. It shall be the duty of the board of education to hold monthly meetings at such times as the board shall from time to time prescribe, and special meetings of the board may be held under such rules and regulations as such board may prescribe. Meetings of board, when held.

SECTION 118. It shall be the duty of the board of public works, under the direction of the common council to erect and keep in repair all school buildings and to provide suitable offices for the board of education, the secretary of the board of education, if there be one, other than the city clerk, and the city superintendent of schools, if any. In the absence of permanent school buildings, or proper offices for the transaction of school business, the board of public works may rent suitable rooms, temporarily, for schools or officers, or either. Board of public works to erect and keep in repair school buildings and provide suitable offices for board of education.

SECTION 119. The board of education shall, as early as the first day of November each year, make an estimate of the expense of the public schools in the city for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk, who shall lay the same before the common council, who shall include the same, or so much thereof as they shall approve in the annual budget, to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his hands, in a separate fund, to be called the school fund, and to pay out the same upon the orders of the board of education, signed by the president and certified by the secretary of that board; provided, that in any city adopting this act, if at the time of such adoption the board of education or school board shall have power to levy the city school tax, or the district school taxes, such power shall continue unaffected by this chapter and this section shall not apply to such city, nor be in force. Make estimates of annual expense of schools, and certify same to city clerk.

Duty of clerk thereon.

School tax.

therein, until specially adopted by a vote of three-fourths of the members of the council; provided, that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll, to be signed by the president and certified by the secretary of the board of education.

CHAPTER XV.

FINANCE AND EXPENDITURES.

Fiscal year. SECTION 120. The fiscal year shall commence on the first day of October in each year and close on the thirtieth day of September next succeeding.

Funds, council to control, how drawn out. SECTION 121. All funds in the city treasury except school funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the comptroller and authorized by a vote of the common council. All orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable out of any funds in city treasury not otherwise appropriated. All orders shall be payable to the persons in whose favor they may be drawn or to the bearer thereof.

Orders what to specify. SECTION 122. The city treasurer shall not pay out any of the funds in his hands which shall be appropriated by law for any special purpose, except for the purpose for which such funds are specially appropriated, any direction of the city council to the contrary, notwithstanding.

Treasurer to pay out special funds only as appropriated. SECTION 123. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasurer unless the same shall have been authorized by a vote of a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Debts against city not to be contracted without authority, etc. SECTION 124. The common council shall not authorize the issue of orders upon the city treasurer unless the money to pay the same is in the hands of the treasurer to the credit of the fund upon which the orders are drawn.

Orders on treasurer not to issue unless money on hand to pay.

SECTION 125. The treasurer shall, on the first day of each month, deliver to the city clerk a statement showing the condition of the treasury at the close of the preceding month, and a statement of all disbursements since the last report. The comptroller shall examine said report and the vouchers for the disbursements referred to and shall attach thereto a report of his examination thereof and the city clerk shall place the same before the common council for its consideration at its next meeting. When said report shall have been approved the city clerk shall preserve the same with the vouchers referred to therein in his office.

To deliver monthly statement to city clerk.

Comptroller to examine and report to clerk.

When to be filed.

SECTION 126. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty per cent. of the tax levy for the same purpose the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding the legal rate per annum, and payable not later than the fifteenth day of January after the same are issued; provided, however, that no such loan shall be made unless authorized by a vote of at least three-fourths of all the members of the common council at a regular meeting thereof.

May borrow money—limit—certificates of indebtedness, may issue.

SECTION 127. The city council may designate by resolution the bank or banks where the money belonging to the city shall be deposited and the security, to be approved by the mayor and comptroller, to be given by such bank or banks, and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss of such money by reason of the failure of such bank or banks.

May designate depository.

Treasurer not liable, when.

SECTION 128. The common council may contract with a bank receiving the city deposits for the payment of interest thereon.

May contract for interest on deposits.

SECTION 129. The council may so provide that all the money in the hands of the treasurer at the end of each month, not exceeding the sum to be specified, shall be deposited in the bank or banks selected for that purpose in a special account, and no money shall be drawn from said account except on a check or order signed by the treasurer and countersigned by the comptroller. Whenever the balance in the general account falls below such specified sum the comptroller

Council may provide for deposit by treasurer.

Money how drawn.

When comp-
troller to
countersign
check to in-
crease balance.

shall have authority to countersign a check for a sufficient amount to increase the balance in such general account to such specified sum. No change in this regard shall be made in any year after the treasurer shall have filed his bond which will increase the liability of the bondsmen.

Temporary
loans how paid.

SECTION 130. All temporary loans shall be paid out of the taxes levied for the ensuing year unless sooner provided for.

Money may be
borrowed by
cities of first
class.

SECTION 131. In cities of the first class the common council may by resolution adopted by a vote in favor of the same, at a regular meeting, of three-fourths of all the members of the council, borrow money to such amount as in the opinion of the council the safety or interest of the city may require, and may issue certificates of indebtedness therefor in the manner herein specified; provided, however, that no money shall be borrowed or paid out except for strictly municipal purposes.

License moneys
to be applied
on payment of
bonded indebt-
edness, separ-
ate fund.

SECTION 132. A sufficient portion of the moneys received for licenses of all kinds to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year and five per cent. of the principal of such bonded indebtedness, shall be set aside for that purpose and placed in a special fund on the first day of June in each year. If any of said bonds are due and there is money available to pay the same, the treasurer shall call in such bonds in their order. If no bonds are then due, the treasurer may advertise for proposals to sell bonds to the city in such manner as the council may direct, and shall take up of the lowest offers, sufficient to exhaust the money available for such purpose.

Bonds may be
paid, and pro-
posals for,
advertised.

May issue
bonds.

SECTION 133. The common council shall have authority to issue bonds for the following purposes only:

Building school
houses.

First. Building school-houses.

Bridges.

Second. Building bridges.

Public build-
ings for city.

Third. Building public buildings for the use of the city.

Apparatus for
fire protection.

Fourth. Purchase of apparatus for fire protection.

Sewers.

Fifth. Construction of main sewers.

Water works.

Sixth. Water-works.

Public parks.

Seventh. Public parks.

Provided, that no such bonds shall be issued un-

less authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city; and, provided, further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five per cent. of the assessed valuation of such city at the assessment preceding the issue of such bonds; and, provided, further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six per cent. per annum payable semi-annually.

When to favor ordinance for, procedure.

Indebtedness.

Not to exceed 5 per cent. of assessed valuation.

How payable and when.

SECTION 134. All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf, and filed with the city clerk, who shall deliver the same to the comptroller for examination, who shall within thirty days thereafter examine such claim or demand and return the same to the city clerk with his report thereon in writing, who shall place the same before the common council for its action at the next meeting. When the council shall have taken final action, if the person making such claim or demand feels aggrieved by such action he may appeal from such action in the manner provided in this act.

Claims against city to be itemized, verified, filed with clerk, comptroller to examine and report on.

Appeal may be had by person aggrieved.

SECTION 135. The common council may provide for the payment of persons employed by the board of public works on monthly pay rolls and shall prescribe the form of the same; provided, that said pay rolls shall be verified by the board of public works, examined and countersigned by the comptroller, and be passed upon by the council the same as other claims.

May provide for payment of persons employed by board of public works monthly.

CHAPTER XVI.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 136. All property in the city, subject to taxation under the laws of this state, shall be subject to taxation for all purposes, authorized by this act.

All property subject to tax.

Assessors to make assessment.

SECTION 137. The assessor or assessors elected or appointed under this act shall within the time and in the manner prescribed by law for making the assessment of property for taxation under the revised statutes of this state, make an accurate assessment of all property in the city subject to taxation. Provided, that in cities of the first class the tax commissioner shall perform such duties in relation to the assessment of property for taxation in such cities as may be prescribed by the common council by ordinance in addition to the other duties of such commissioner prescribed in the chapter relating to the duties of officers; and provided further, that the assessment roll for the entire city or the roll for each ward of the city shall be made as the council may direct.

In cities of first class, tax commissioner to perform duties.

When to be delivered to.

SECTION 138. 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 papers of the city for ten days, 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 assessment 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.

In other cities.

May make necessary changes.

Board of review, cities of first class.

SECTION 139. In cities of the first class, the mayor, city clerk, tax commissioner and ward assessors shall constitute the board of review, and in all other cities the mayor, city clerk, and assessor or assessors shall constitute such board; provided, that the common council may by ordinance provide for an increase of the membership of said board, by adding thereto not exceeding four members of the common council.

In other cities.

When to meet.

SECTION 140. The board of review shall meet on the first Monday of July of each year, and proceed as such board as prescribed by the laws of this state.

SECTION 141. When the roll or rolls shall have

been examined and completed by the board of review, the assessor or assessors shall deliver the same as completed and verified as required by the statutes of this state, together with all statements of valuations to the city clerk, who shall preserve the same in his office.

Rolls to be delivered to city clerk.

SECTION 142. On or before the first day of November in each year the board of public works and the board of education shall each file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments. And the city comptroller shall likewise file a statement of the amount required by the police department, fire department, the general fund and for the purpose of paying interest for the ensuing year on the public debt, and five per cent. of the principal thereof. The city clerk shall place such estimates before the city council for their consideration; and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the limit provided by law, and in making such levy they shall take into consideration, the estimated amount that will be received by the city during the fiscal year from licenses.

Boards of public works and education to file estimates.

Comptroller to make statement.

Duty of clerk.

Council to make levy.

SECTION 143. It shall be the duty of the city clerk to make out a complete tax roll in the manner and form provided by law, and as soon as practicable after the levy shall have been made by the common council as prescribed in the preceding section, and the certificate of the county clerk showing the amount of state and county taxes apportioned to the city shall have been received, to cause the same to be extended upon such tax roll upon a uniform percentage, by setting opposite the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums of taxes so levied as may be chargeable upon such lot, tract or parcel of land or against such person, and also enter and extend upon such tax roll all special assessments required to be entered therein. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

Clerk to make out tax roll, what to show.

Warrant to be signed by mayor and clerk.

Form of war-
rant.

“To — —, city treasurer of the city of — :
“You are hereby required to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named, of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of —, for state taxes, you are to retain and pay out as city treasurer, according to law, the sum of —, and the balance of said moneys you are required to pay to said treasurer for county purposes on or before the day above specified; by which day you are further required to make return to said treasurer of this warrant, with said roll annexed, together with your doings thereon as required by law.

“Dated the — day of —, 18—.

— —, Mayor.

— —, Clerk.

To be prima
facie evidence.

SECTION 144. The tax roll and warrant thereto attached shall be prima facie evidence in all courts that the land and persons therein named were subject to taxation and to the special assessments therein entered, and that the assessment was just and equal, and the same shall be delivered to the city treasurer on or before the fifteenth day of December in each year.

Taxes not to be
remitted by
council after
delivery of roll,
except

SECTION 145. After the tax roll shall have been delivered to the treasurer, as provided in the preceding section, it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases.

For clerical er-
rors in descrip-
tion.

First. When a clerical error has been made in the description of the property or in the extension of the tax.

Improvements
not made when
lots assessed.

Second. When improvements on lots were considered in making the assessment roll, where the

improvements did not exist at the time fixed by law for making the assessment.

Third. When the property is exempt by law from taxation. Exempt.

Fourth. When a person has been assessed the same year for the same property in more than one ward or place. When person assessed more than once.

SECTION 146. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax. Special assessments, how carried out on roll.

SECTION 147. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official papers; such notice shall specify that the taxes must be paid before the tenth day of January following. Notice to be given by treasurer.

SECTION 148. On the expiration of the time specified, the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, however, that in cities of the first class the treasurer shall issue his warrant directed to the chief of police of the city, requiring him, within a time specified in such warrant, to collect the taxes on personal property as shall then remain unpaid, and the chief of police receiving such warrant shall possess all the powers given by law to town treasurers for collection of such taxes, and be subject to the liabilities of town treasurers and entitled to same fees as town treasurers in such cases. May enforce collection, how.

SECTION 149. Before the treasurer shall sign his warrant to the chief of police, as provided in the preceding section, such chief of police shall give a bond to the city, in such sum and with such sureties as the council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant. Of personal property in cities of first class—chief police to collect fees.

SECTION 150. Within the time required by the statutes of this state in the case of town treasurers for the return to the county treasurers of the delinquent taxes on personal and real property, the said chief of police in cities of the first class, shall return his warrant for the collection of taxes of personal property to the treasurer. To give bond to city before delivery of warrant.

SECTION 151. Out of the taxes collected the treasurer shall first pay the state tax to the When to return warrant.

City may take possession, when.

Order of payment by treasurer.

county treasurer and shall then set aside all sums of money levied for school taxes, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then taxes for bridge purposes, then for fire purposes then for streets then other public improvements and lastly county taxes. Delinquent returns shall be made to the county treasurer, the same in all respects as required by the general laws of this state, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned to the county treasurer as are provided for in case of delinquent returns from towns.

Delinquent returns.

Fees of treasurer.

SECTION 152. The city treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all sums collected prior to the tenth day of January in each year, and three per cent. upon all sums collected by him thereafter; and in case of a distress and sale made by him of goods or chattels for the payment of any taxes, he shall receive such fees as are allowed to constables for similar services. The city treasurer shall keep in a book to be provided for that purpose true accounts of all fees by him received as city treasurer, from any source, and such book shall be kept open for inspection at all reasonable times and such treasurer shall have on file and make return to the common council, duly certified on oath, of all fees or other moneys received and paid out by him as treasurer, and shall receive no further compensation for his services as treasurer than as hereinbefore specified; provided, however, that in cities where the treasurer receives a salary, the fees collected shall belong to and be paid into the city treasury.

In case of distress and sale of property.

To keep account of all fees received and make return.

Where treasurer is paid a salary fees to belong to city.

Directions given deemed directory only. Errors or informality not to invalidate.

SECTION 153. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax shall vitiate or in anywise affect the validity of such tax or assessment.

CHAPTER XVII.

EMINENT DOMAIN.

SECTION 154. All cities of the first class governed by this act shall have the power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes, not here enumerated, by the following proceedings.

May exercise right of eminent domain.

SECTION 155. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening, widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition. Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purposes of such petition a person in possession of land under a contract of purchase and sale, or a bond for a deed, shall be deemed a freeholder.

Streets, how opened, etc., petition required, who may sign.

SECTION 156. When such petition shall be presented to the common council it shall prior to the adoption of any resolution thereon be referred to the board of public works, and said board shall make a report to the common council, stating whether or not such petition is sufficiently signed; and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken and a plat of the proposed street, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by a vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prose-

To be presented to council and referred to board of public works. Report.

Resolution on.

cute the proper proceedings for the condemnation and acquisition of said land.

Alleys, opening, widening, changing.

Petition required, how signed.

Duty of board of public works—report.

Resolution on.

Insufficient petition not to vitiate.

When council may act without petition and condemn property.

SECTION 157. As to alleys, a petition for the opening, widening, extension or change of an alley, may be made to the common council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bond for a deed shall, for the purpose of such petition, be deemed to be owned by the person so holding it, and infants and others under guardianship may petition by their guardians. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make and report to the common council, stating whether or not the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley, as the same will be when laid out, widened, extended, or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear, either in the case of a street or an alley, that such petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition on the subsequent proceedings thereon.

SECTION 158. The common council may without a petition, by a vote of four fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for the opening, widening, extension or changing of any street or alley and directing city attorney to commence and prosecute the proper proceedings therefor, and in the case of the opening or extension of public grounds, or acquiring land as a site for a school building or other public building, or lands for purposes of drainage or water distribution, or the taking of lands for any public municipal purposes not herein enumerated, the common coun-

cil may without a petition therefor, and by a vote of a majority of its members, adopt a resolution declaring it to be necessary to condemn lands for such purpose, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted, it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain, or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

Board of public works to act on resolution.

SECTION 159. Whenever, by any resolution adopted under any of the preceding sections of this chapter, it shall be declared necessary to condemn any lands and the city attorney directed to commence and prosecute the proper proceedings therefor, it shall be the duty of the city attorney to prepare and present as soon as may be a petition to the circuit court of the county in which the land proposed to be taken, or some of it, shall lie, for the condemnation of the land mentioned in the resolution for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him or can with reasonable diligence be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, the resolution of the common council and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

When city attorney to prepare and present petition to circuit court.

STATE OF WISCONSIN, }
 In the matter of (here insert } In the circuit court
 the object of the proceed- } of the county of
 ings) in the city of _____. } _____.

To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to said court in the above entitled matter, by the

Notice of hearing on petition, form.

city of ———, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice exclusive of the day of service.

Dated ———.

A. B, city attorney.

How served on owners.

Filing of petition deemed commencement of action.

Answer to be served on city attorney.

When city attorney to call matter up.

Jury to be empanelled.

To view premises.

If no answer served, city attorney how to proceed. Issue, how tried when answer served.

Such notice shall be served upon the owners of land which is proposed to be condemned and all persons interested therein in all respects like a summons in a civil action except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper or papers of the city, and except that service within the state may be made by the chief of police of the city named in the notice or his subordinates, instead of the sheriff of the proper county, and the return or returns of such chief of police by himself or by his subordinates upon such notice or copies thereof, shall have the same force and effect as the return of a sheriff of the proper county by himself or by his deputies. The filing of said petition shall be deemed the commencement of a suit. Within twenty days after the service of such notice upon any party, owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney, and file the same as in cases of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired, the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service and excluding Sunday and legal holidays, and without notice to parties who have not answered, and such proceeding shall have precedence over all other matters not on trial; and the circuit court shall thereupon empanel a jury, as in civil cases triable by jury, to determine whether or not it is necessary to take the land proposed to be condemned for the public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court, at the expense of the city, and shall return into court as in such cases; and if no answer shall have been served, the city attorney shall produce such evidence as he deems material as to the

necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition and such answer or answers shall be tried by the court and jury, the same as other issues of fact, and in either case, the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either, "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding, for the public use," or, "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding, for the public use." Upon the coming in of the verdict judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree, a new jury shall be immediately empanelled and like proceedings shall thereupon be had as before. If two juries shall disagree, the matter shall be continued to the next term of the court, when it may be again called up and like proceedings had thereon. If three juries shall disagree, the proceedings shall be dismissed. No appeal from a judgment of condemnation shall be allowed, but the supreme court may review such judgment upon a writ of certiorari sued out within thirty days after the entry of judgment and not thereafter.

Verdict of jury

Judgment, how entered.

If jury disagree, new jury empanelled.

If two juries, proceedings continued to next term. If three, dismissed

Supreme court may review judgment.

SECTION 160. The costs of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceeding shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred and taxable attorney's fees not to exceed twenty-five dollars.

Costs, who to pay.

SECTION 161. If the city shall not within one year after the entry of a judgment of condemnation cause the benefits and damages by reason of such condemnation to be assessed, as provided in this chapter, and shall not have, in the proper fund available for that purpose, a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to

When proceedings deemed abandoned.

have been abandoned. At the expiration of one year after the entry of such judgment the comptroller shall, upon demand, furnish to the mayor or to any person who shall require it, a certificate showing whether or not there was at the end of such year, in any fund of the city available for that purpose, a sum sufficient to pay such excess of damage over benefits, and such certificate shall be prima facie evidence of the facts therein certified. If it shall appear that there is in any fund of said city a sufficient sum available for that purpose at the expiration of such year, or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of the land condemned, an order on the city treasurer shall be issued, as in other cases, in favor of the person in whose favor any excess of damages over benefits shall have been assessed, upon the certificate of the city attorney that such is entitled to receive the same. If the city attorney shall refuse to give any such certificate the party or parties claiming the same may apply to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney, the court shall proceed in a summary manner to inquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in a proper case, and shall make and file a decision, in writing, as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision with the city clerk an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sum, or if the city attorney shall be in doubt as to whom such sum should be paid, he may, in like manner apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect to such sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from

Comptroller to furnish certificate showing whether funds were available.

On refusal to furnish certificate, party may apply to circuit court.

Notice of proceedings, how had on.

Where two or more claiming award.

any such decision may be taken to the supreme court by any party interested therein, including the city, within thirty days after the filing of the same, and such sum shall not be paid while such appeal is pending, nor until the matter shall be finally determined. Such appeal shall be taken upon like notice and undertaken as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

Appeal to supreme court.

How taken, undertaken required.

SECTION 162. If any person, not the owner of the land condemned, shall have a lien thereon or a leasehold or other interest therein, such person shall receive a portion of the excess of damages over benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned, to be ascertained upon the principles of equity; and if the parties cannot agree the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party or the city attorney as provided in section 8. The term, "excess of damages over benefits" shall, when used in this act, be construed to include any sum which shall be assessed as damages and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

Liens or leasehold interests entitled to portion of award.

Term "excess of damages over benefits," how construed.

SECTION 163. When any land shall be condemned under this chapter for public grounds or sites for school or other buildings, the city shall take a fee-simple title to the land so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

When city to take fee simple title.

SECTION 164. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation of the same premises or any part thereof for the same or a different purpose; and the same land may be condemned more than once for different purposes, each consistent with the other.

Not to bar subsequent proceedings for same or different purposes.

SECTION 165. When a street or alley shall be changed by proceedings under this chapter, so

Part of street or alley vacated to be taken into account in assessing benefits.

much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

Council to direct board of public works to make assessment of damages and benefits.

SECTION 166. It shall be the duty of the common council, within three months after any judgment of condemnation shall have been entered, to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnations for opening, widening, extending or changing streets or alleys and for opening public grounds, parks and cemeteries, the common council may also direct the board of public works to make an assessment of benefits. Such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council, that body may, by resolution, confirm the same, or refer the matter back to the board of public works for a new assessment, or may, by resolution, abandon the condemnation proceeding.

To be reported to council.

If the common council shall for more than three months after the entry of a judgment of condemnation neglect to order an assessment of damages, or benefits and damages, as the case may be, the condemnation proceeding shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of condemnation, confirm an assessment of damages, or of benefits and damages, and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

When proceedings deemed abandoned.

When and how board to proceed to assess damages or benefits.

SECTION 167. When the city clerk shall have certified to the board of public works a resolution of the common council requiring an assessment of damages, or benefits and damages, to be made under this chapter, the said board shall immediately proceed to assess the damages by reason of the condemnation mentioned in such resolution, as follows: Opposite each description of the land condemned, the board shall set down in separate columns the damages sustained

by the owner by reason of the taking of the land, the damages, if any, to the adjoining property of the same owner, the total damages, and in cases wherein benefits may be assessed, the benefits which will, in their judgment, accrue to lands in the vicinity of the condemned land by reason of the condemnation in question, the excess of damages over benefits, and the excess of benefits over damages, each such sum being set opposite the proper description. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five per cent. of the assessed value thereof according to the last assessment roll, shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceeding, and no benefit exceeding three per cent. of the assessed value thereof, according to said assessment roll, shall be assessed against any lot, parcel or subdivision, the whole of which is more than five hundred feet distant from the nearest land condemned by reason of any one condemnation. In assessing such damage or damages and benefits the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notices and like opportunities for correction, and reporting the assessment to the common council in like manner.

Benefits, how assessed.

Notices, etc., how given.

SECTION 163. When such assessment shall be confirmed by the common council the city clerk shall transmit the same to the comptroller, who shall thereupon report to the city clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages, or an excess of benefits over damages, shall have been assessed, the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes.

Proceedings on confirmation of assessment. Comptroller to report list of special taxes to clerk. •

SECTION 169. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnations for streets and alleys, and public grounds less than five acres in extent which shall be paid out of the ward fund or funds, of the proper ward or wards, and the cost of con-

Cost of condemnation, how paid.

demnations for other purposes, as to which there are special funds, such as the water fund or sewerage fund, if any, shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

Cities of second and third class may condemn lands.

SECTION 170. Cities of the second and third classes may, at their option, condemn lands for any of the purposes mentioned in the first section of this chapter either under the provisions of section 927 and sections 895 to 904 inclusive, of the revised statutes of 1878, and the acts amendatory thereof, under the foregoing provisions of this chapter.

Appeal may be had by party aggrieved.

SECTION 171. Any party aggrieved by any assessment of benefits or damages, or both, may appeal to the circuit court therefrom, within the time, in the manner, and upon the security prescribed in appeals from assessments of benefits and damages on account of public improvements, and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the amount recovered by the appellant properly applicable in reduction of such assessment and the costs, if any, shall be paid out of the proper fund; also the amount recovered by way of increasing any damages assessed or for damages when none have been assessed, with the costs, if any.

CHAPTER XVIII.

CITY IMPROVEMENTS.

Grades of streets and alleys.

SECTION 172. The city council shall have authority to establish the grade of all the streets and alleys of the city, and to change and re-establish the same as it may deem expedient; provided, that wherever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street by such change or alteration of grade, shall have a right to recover such damages in the manner set forth in this chapter.

To be recorded.

SECTION 173. The grade of all streets shall be

established and described, and the adoption of such grades and all alterations thereof, shall be recorded by the city clerk. No street shall be worked until the grade thereof, is established and recorded in the manner herein set forth.

SECTION 174. The streets shall be divided into a carriage way and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein. .

Streets, how divided.

Sidewalks.

SECTION 175. The city may cause streets and alleys to be opened, leveled, graded, regraded, graveled, regraveled, macadamized, paved and repaved with wood, stone or other materials or improved in any other manner; and may cause such streets and alleys to be swept and cleaned; provided, that no street shall be graded, graveled, macadamized or paved where the expense would exceed five hundred dollars except upon the vote of two-thirds of all the members of the council.

Streets and alleys.

Grading, paving, etc.

SECTION 176. In the first instance the grading, graveling, paving, planking, macadamizing or improvement of any street or alley and the construction of crosswalks where there is no intersection of streets shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley, in proportion to the benefits accruing to such lots or parcels of real estate by reason of such improvement; provided, however, that the total amount so assessed to the abutting real estate as benefits shall not exceed the entire cost of such improvement; and provided, further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvement except in case of sidewalks.

Improvement of, chargeable to lots, when.

SECTION 177. The expense of all crosswalks at the intersection of streets or alleys, and across public grounds, shall be paid by the city at large or the proper ward. The expense of maintenance, relaying, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the common council, shall be paid out of the gen-

Crosswalks.

Cleaning and repair of streets.

eral fund of the city or the ward fund of the proper ward.

Board of public works to view premises.

SECTION 178. Before the council shall change or alter any established grade, or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of abutting real estate by such change or alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of abutting real estate by such work or improvement, and the amount that should be assessed under the provisions of this chapter to each parcel of such abutting real estate, as benefits accruing thereto by such contemplated work or improvement.

To make reports.

SECTION 179. Said board shall make and file in their office a report showing their determination on the questions required to be considered by them under the provisions of the preceding section.

Notice of, to be given.

SECTION 180. Notice shall be given by the board of public works, by publication in the official newspaper of the city, at least once in each week for two successive weeks that such report is open for review at their office and will be so continued for a space of twenty days after the date of such notice; and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such report. No irregularity in the form of such report nor of said notice, shall affect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made, and all evidence that may be offered to sustain the same, and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board, with the city clerk, together with all objections and evidence taken before them to sustain the

Objections to report.

Final report to be filed.

same, together with proof of publication of said notice, but no irregularity in the form of said report or manner of conducting the proceedings by said board, shall affect the legality of said report.

SECTION 181. The city clerk at the next regular meeting of the council after the filing of said report, shall place the same before the council for its consideration, and said council may confirm or correct the same or refer the report back to the board for further consideration.

Clerk to place report before council.

SECTION 182. Subject to the limitations hereinbefore mentioned, the common council may determine the amount to be paid by the abutting real estate as benefits on account of the improvement of a street, and the amount that shall be paid by the city at large or the ward fund of the ward in which said improvement is made.

Abutting real estate, amount to be paid as benefits.

SECTION 183. When a final determination shall have been reached by the council, and the report of the board of public works as made by them, or as changed or modified by the common council, shall have been confirmed, the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate abutting on the street; in case of the change of an established grade; or the benefits to be assessed to the abutting real estate in the case of a proposed improvement.

Clerk to give notice.

SECTION 184. If the owner of any parcel of land abutting on the street mentioned in said notice, feels himself aggrieved by reason of the determination made by the common council he may within twenty days after the date of such determination appeal therefrom to the circuit court, and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements said appeal shall not affect said contract; but a certificate against the lot in question for the amount of benefits assessed to such lot shall be issued, notwithstanding such appeal; and in case the appellant shall succeed, the difference between the amount charged in the certificate so issued, and the

Appeal may be taken from determination to circuit court.

Certificate to issue.

City, when to pay difference.

amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate, shall be paid by the city at large or out of the ward fund as the council may direct.

Appeal only remedy of owner.

SECTION 185. The appeal given by the last section from the report of the board of public works as confirmed by the common council shall be the only remedy of the owner of any parcel of land, or of any person interested therein, affected by said improvement, for the redress of any grievance he may have by reason of the making of such improvements or by reason of the change of any established grade covered by said report.

Plans to be filed with clerk, bid to be let.

SECTION 186. When any of the works before mentioned shall have been ordered to be done, and the plans for the same containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as the board may think the interests of the city demand, not less, however, than once a week for four successive weeks. The board shall prepare, or cause to be prepared a printed form for the contract with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the forms so furnished, completed, with the exception of the signatures, on the part of the city. The notice published shall inform bidders fully of this requirement.

Board to prepare form of contract.

Notice, what to state.

Bids may be rejected.

SECTION 187. The board of public works shall have power to reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition, otherwise the contract shall be let as prescribed in the chapter entitled "Board of public works."

When contract or entitled to certificate.

SECTION 188. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed, for the amount chargeable to said lot. Said cer-

tificate shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide. Form of.

SECTION 189. After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and may be transferred by endorsement; provided, however, that this shall not affect any appeal from the report of the board of public works as confirmed by the common council. If said certificates are not paid before the making out of the next tax roll, the same may be filed with the comptroller in cities of the first class and with the city clerk in all other cities, and when so filed the comptroller's statement of special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates with interest thereon at the legal rate, from the date of such certificate to the time when the city treasurer is required to make return of delinquent taxes; and thereafter the same proceedings shall be had as in case of other taxes except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand. When to be conclusive evidence of legality.

SECTION 190. When a contract is let for doing any work specified, herein chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid with certificates against the lots or in improvement bonds, or that payment may be partly made in certificates and part in cash or improvement bonds, or both. Payments, how made.

SECTION 191. As soon as the amount chargeable to the abutting real estate is finally determined the council may cause a notice to be published in the official paper, substantially in the following form: To give improvement notice.

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been [or is about to be] let for [— describe the work Form.

and street], and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments on their property, describing the same on presentation of the certificates.

Improvement
bonds, when
and how issued.

SECTION 192. After the expiration of said thirty days the council may issue improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with corporate seal of the city and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds.

When payable.

SECTION 193. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six per cent. per annum.

To prepare
statement of
special assess-
ments.

SECTION 194. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same together with a copy of said bonds in his office.

Treasurer to
pay interest.

SECTION 195. The city treasurer shall pay the interest on and principal of said bonds as the same become due and charge the amount to the proper fund.

One-fifth of
special assess-
ment to be ex-
tended on roll.

SECTION 196. In each year after the issuing of said bonds; when the tax-roll for the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, with six per cent. interest on the amount of said special assessment, the unpaid shall be extended on the tax-roll as a special tax on said property, and thereafter the tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the fund against which payments on said bonds are charged.

SECTION 197. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

No action to avoid after bonds issued.

SECTION 198. The council shall have authority to establish a board of park commissioners, to prescribe their powers and fix their compensation.

Board of park commissioners.

SECTION 199. Until such time as the council shall provide for a board of park commissioners, the public parks of the city shall be under the charge of the board of public works.

Board of public works to act as.

SECTION 200. The council shall have full power to legislate with reference to public parks; provided, however, that no park shall be established at the expense of the city without the same is first submitted to a vote of the electors at an annual city election, and there is a majority vote in favor of the same.

Public parks, how establish'd

CHAPTER XIX.

SIDEWALKS.

SECTION 201. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Grade of sidewalks.

SECTION 202. The common council may, from time to time, by 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.

Council to establish.

SECTION 203. Whenever a street shall be improved for the first time, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land, or at their expense as hereinafter provided.

Contract to be let—expense.

Owners to lay.

SECTION 204. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street, or a street ordered to be improved, whereon the sidewalk has been graded for ten days or more, to lay at his own expense a standard sidewalk in front of the same, or one as good as the standard, to be approved by the board of public works.

Board of public works to cause same to be laid.

SECTION 205. Whenever the owner of any lot or parcel of land so abutting upon any improved street whereon the space for the sidewalk shall have been graded for ten days or more shall neglect to lay a standard sidewalk, or one as good as the standard fixed by the common council, approved by the board of public works, it shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lot or parcel of land. Such work shall be let by

Contract.

contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair for more than ten days, it shall be the duty of the board of public works to repair the same. The board of public works

Account of expense to be kept.

shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot, subdivision or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the city comptroller, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

To be kept clear of snow, etc.

SECTION 206. It shall be the duty of the board of public works to keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of the abutting lots fail to do so, and the expense of clearing the sidewalk in front of any lot or parcel of land, shall be included in the statement to the comptroller required by the last section, and in the statement of the comp-

When owner neglects.

troller to the city clerk therein required, and in the special tax to be levied, as therein provided.

SECTION 207. The common council may from time to time make all needful rules and regulations, by ordinance for carrying the aforesaid provisions into effect and for regulating the use of the sidewalks of the city and preventing their obstruction.

Rules and regulations.

CHAPTER XX.

SEWERS.

SECTION 208. All cities shall have full power to construct systems of sewerage, but no city shall enter upon such construction until it shall have been divided into sewerage districts and a plan shall have been adopted in the manner herein-after specified; provided, that it shall not be necessary before any part of the system is constructed that the plan shall be determined upon in all its details, but it shall be settled so far as relates to that portion of the system upon which the construction is commenced; and provided, further, that this shall not apply to cities that have been heretofore divided into sewerage districts and adopted a system of sewerage.

Sewers may be constructed.

SECTION 209. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared, showing the lots and parcels of land, the main sewers, minor sewers, man holes, catch basins, and all other matters pertaining to the system.

Diagrams to be made.

SECTION 210. On the completion of such diagram, notice shall be given in the official paper of the city, substantially in the following form:

Notice to be given.

Notice is hereby given that a plan for sewerage for the district bounded as follows: — has been prepared and is now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this notice, and file objections to said plan. On the — day of —, 18—, this board will be in session to consider any objections that may have been filed, and all

Form of notice.

persons desiring to be heard before the board can then be heard.

Dated —.

— —,
 — —,
 — —,

Board of Public Works.

The day for the hearing specified shall be within thirty days after the last publication of said notice. Said notice shall be published at least once in each week for four successive weeks.

Objections to be considered.

SECTION 211. On the day specified for said hearing before the board, they shall take up and consider all objections made to the plan as proposed, and shall take down in writing any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing they shall report the proposed plan with all objections overruled and the evidence taken thereon to the common council. The common council shall then examine the same and may approve the plan as proposed or change it in such manner as they may think proper and approve as changed or modified by them, or may reject the plan and direct the board to propose a new plan, in which case the same proceedings shall be had as before.

Filing of diagrams.

SECTION 212. When the plan for any sewerage district is finally determined, complete diagrams of the same shall be prepared in duplicate and certified to be correct by the board of public works. One of which diagrams shall be filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

Report to be made.

SECTION 213. On or before the first Monday of March in each year the board shall present to the council a report of the sewers necessary or advisable to be constructed during the ensuing year. The council shall, as soon as practicable, consider said report; they may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year except such as shall have been determined upon in the manner aforesaid, except by a vote of three-fourths of all the members of the common council. The board shall proceed to

construct the sewers determined upon when and as ordered to do so by the common council.

SECTION 214. After the common council shall have ordered the construction of any sewer, the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file, in the office of the board for the examination and guidance of bidders, plans and specifications describing the particular work to be done and the kinds and qualities of materials to be used as directed by the common council, and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible, or if they believe any agreement has been entered into between bidders to prevent competition; and provided further, that the contract shall not be binding till the same shall have been approved by the common council and countersigned by the comptroller.

Advertise for proposals.

SECTION 215. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for so much of the work as has been assessed against the lots opposite to the front of which any such sewer shall extend, certificates against such lots respectively or improvement bonds, and the residue of such contract shall be paid out of the proceeds of the general sewerage tax, to be levied on the real estate and personal property within the sewerage districts by the common council on the recommendation of the board of public works.

Certificates may be given in payment.

SECTION 216. After any contract for work under this act to be paid for in whole or in part by such assessment shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land, fronting or abutting on the work so contracted to be done on each side of the same for its whole length, and which have not been before so assessed for sewerage purposes, at the rate of one dollar per lineal foot of the whole frontage of each lot, part of lot or lots, or parcel of land fronting or abutting on either side of said sewer, except corner lots which shall be assessed therefor as follows: Corner lots not subdivided

Assessment to be made against lots. How.

in ownership, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership, shall be entitled to a deduction in making sub-assessment, of one-third from the aggregate of the street lines of such corner lot or corner subdivisions thereof on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than two dollars per lineal foot, then and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof, to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Subdivision
sale of lots.
Equitable ap-
portionment of
benefits to be
made.

SECTION 217. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case or when the said board shall, in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; but if by neglect of the owners of the lot so divided, no such apportionment shall be made, then the entire lots shall be liable for the entire tax.

Cost of, in
street and alley
crossings—see
sec. 10.

SECTION 218. The costs of all sewers in street and alley crossings, and of all sewers in excess of two dollars per lineal foot chargeable to lots and lands as provided in section 10, of this chapter, of all catch basins for receiving the water from the gutters, and of the overflow pipes connecting

them with the sewers, of all temporary catch basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all cost for constructing sewers not provided for by special assessment shall be paid out of the fund of the proper sewerage district, and all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated, shall be done by the authority of the board of public works as may be necessary.

SECTION 219. The board of public works shall report to the common council on or before the first day of November of each year, as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of two and one-half mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected, and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

To report amount necessary in addition to special assessments.

SECTION 220. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots or parcels of land so as heretofore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract, and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district; and it shall be the duty of the board of public works, after the completion of any contract, and acceptance of the work, to issue such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify the same to the common council, which may direct an order to be drawn on the proper fund for the payment

Certificates to be taken in payment.

When board to certify payment to contractor.

Certificates,
how signed.

of the same. All certificates of special assessments for building sewers, shall be signed by the mayor and clerk of said city and countersigned by the comptroller and delivered to the persons entitled to receive the same.

Contracts, how
executed; city
attorney to
approve.

SECTION 221. All contracts entered into by the board of public works under this chapter shall be with sureties approved as to form and execution by the city attorney, and before taking effect, shall be signed by the mayor and clerk and countersigned by the comptroller.

Board to have
superinten-
dence of work.

SECTION 222. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by the said board; provided, that the said board may from time to time, as the work progresses, at their discretion, grant to any contractor for a sewer an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five per cent. of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five per cent. from the proper fund.

May grant
estimates to
contractor.

Water, gas,
service pipes
and house
drains to be
laid.

SECTION 223. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street to the curb line on either side of the street at intervals not less than twenty feet along the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official papers, requiring them to do such work opposite their respective lots according to a plan and specification to be before prepared and on file in the office of said board, showing the location and size and the kind and quality of material of such lat-

Notice to
occupants.

eral sewers or drains, and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice the said board may procure the same to be done, and charge and assess the expense thereof, to the lots or parts of lots fronting upon such work in the manner provided in and by section 19, of chapter 7, of this act; and the same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or repaved by order of the common council, unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Expense, how charged—see sec. 19.

SECTION 224. It shall be the duty of the said board to see that proper drains and sewers are constructed from every lot in said city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Drains and sewers to be constructed.

SECTION 225. The said board shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Construction of.

SECTION 226. The said board shall have at their office, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which

Specifications to be kept by board.

the work shall be completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates, against such lot or lots which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots.

May enter on premises.

SECTION 227. Any person who has taken such contract from said board to construct a private drain or sewer from any lot shall be authorized to enter upon such lot and construct thereon such drain or sewer and shall have free ingress and egress upon the same with men for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Permit required to connect private drains.

SECTION 228. No private drain shall be connected with any public sewer without the said board first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain, but not less than two and one-half and not more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and collected as the other special assessments, and shall be collected as other taxes on real estate are collected; provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Amount to be fixed.

Lien.

Connections—
with public
sewer—permit.

SECTION 229. No person is required to make connection until building, and no person shall break open or make connections with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five thousand dollars, or imprisoned in the county jail not to exceed three months.

SECTION 230. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets of said city and through any break-water into any lake, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and highways and to restore the same to the former condition upon the completion of such sewers.

May lay sewer through alleys, streets, etc., when.

SECTION 231. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage, shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage, shall not thereafter be called in question in any court.

Diagrams, when conclusive proof.

SECTION 232. When a plan of sewerage has been finally determined upon, it shall not be changed, except by a vote of three-fourths of all the members of the common council, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week for two successive weeks in the official paper of the city.

Plan not to be changed except by vote of council. Ordinance for—publication of.

SECTION 233. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; any change rendering useless any existing sewer the expense of change shall be paid by the general fund.

Diagrams of, to be filed.

SECTION 234. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting

Notice of letting of contract.

on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks substantially in the following form:

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Form of.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (Describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its per cent. semi-annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated; that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated the — day of —, 18—.

— —, City clerk of the city of —.

Sewerage
bonds.

SECTION 235. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six per cent. per annum, shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk and be sealed by the official seal of the city.

SECTION 236. Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value, with accrued interest. May be sold.

SECTION 237. The city shall pay the principal and interest on said bonds as they fall due and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner: Payment of.

SECTION 238. The city clerk shall in each year for five years succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds, one-fifth of the special assessment as to each said parcel of land with six per cent. interest on the whole amount of said special assessment on such parcel of land then unpaid. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of said city. Tax to be levied to pay.

SECTION 239. After the issue of said bonds no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section. No action brought to avoid tax.

CHAPTER XXI.

HARBORS AND BRIDGES.

SECTION 240. In every city governed by this act, where there shall be any occasion for harbors or bridges, or either, the board of public works, under the direction of the common council, shall have charge of the construction, repair and maintenance of such harbors and bridges, or either. Harbors and bridges.

SECTION 241. The common council shall have power to determine, by ordinance or resolution, the location of all harbors or bridges, and the manner of their construction, and by ordinance to adopt, fix and change, from time to time, dock lines along the water fronts within the boundaries of such city, conforming as near as practicable to the original meander lines and survey thereof, and to require the riparian owners to build and maintain docks for the protection of the banks of such stream; and upon the failure of such own- Location and construction.

ers to perform such work as directed, the board of public works may cause such work to be done, and the expense therefor charged to the abutting lot or lots. The mode of proceeding shall be similar to proceedings as in the case of building sidewalks.

Construction and repair of harbor, dock, wharf, bridge, etc.

SECTION 242. Whenever the common council shall, by resolution, declare it to be necessary to construct or repair any harbor, dock, wharf, breakwater, channel or bridge, it shall be the duty of the board of public works to prepare an estimate of the cost of such work and file it with the city clerk, who shall submit the same to the common council; thereupon the common council may, by resolution, direct the work to be done. It shall then be the duty of the board of public works to advertise for bids for doing the work and furnishing the material, the same as in the case of work to be done and materials furnished in the construction of streets, and they may receive bids and award contracts to the lowest bidder or bidders in the same manner as in the construction of streets. The work contracted to be done when finished, shall be accepted by the board of public works before final payment shall be made to the contractor or contractors. The contract may provide for the payment of not more than eighty per cent. of the cost of the work, upon estimates of the city engineer or city surveyor, as the work proceeds, and at least twenty per cent. of the cost of the work shall be retained until the work shall have been accepted by the board of public works.

Board of public works to have charge of.

Separate account to be kept; bridge account; harbor account.

SECTION 243. In all cities where harbors or bridges, or either, shall be or shall have been constructed, or where any contract for the construction, repair or maintenance of such harbors or bridges, or either, shall have been made, it shall be the duty of the city treasurer to open and keep a separate account of the receipts and disbursements on account of bridges, and another if need be, on account of harbors, docks, wharfs and the like, to be called respectively, "bridge account" and "harbor account;" and where such bridges or harbors, or either, are required, it shall be the duty of the common council to make annual estimates of the money necessary to be raised for such work and the maintenance and repair of

the same, and to provide, by taxation or loan, the necessary funds for the same as in the case of other public works. The bridge account and the harbor account shall each be one of the accounts of the general fund, but moneys raised on account of either shall not be applied, nor be deemed applicable to the payment of any other expense or expenses, nor shall the same or any portion thereof be credited to any other account, unless a resolution for that purpose shall be passed by the common council by a majority of two-thirds of all the members thereof, and approved by the comptroller and commissioners of the public debt, if any, or a majority of said commissioners.

What to specify.

SECTION 244. No special assessments for benefits shall be made on account of any bridge, harbor, dock or wharf, or any such like improvement, except as herein otherwise provided, unless the owners of property benefited thereby shall consent, in advance, to the levying of such assessments to the amount thereof as provided in the next section.

Assessments for benefits, when made.

SECTION 245. Whenever the owners of land benefited by any proposed bridge, harbor, dock or wharf, shall by petition to the common council, pray for the construction thereof and shall, in and by the terms of such petition, consent that their land, describing it, shall be assessed for benefits by reason of such improvement (the percentage on the assessed valuation of such land, to be so assessed, being designated in said petition) if the improvement prayed for be made and accepted within the time designated in such petition, it shall then be the duty of the city comptroller to prepare a statement of assessments made pursuant to the consent obtained in such petition, and report the same to the city clerk, and the city clerk shall thereupon levy said assessments as special taxes, upon the lands designated in said statement, in a separate column in the city tax roll for the current year, and such taxes shall be collected and paid into the city treasury and credited to the account of the proper fund the same as other taxes.

Petition for construction of bridge, harbor, etc.

Assessments, etc.

SECTION 246. In cases where it should be urgently necessary, for the preservation of property, to make any repairs upon any bridge, dock or wharf, not to exceed two hundred dollars in ex-

Repairs may be made.

pense, it shall be the duty of the board of public works, with the consent of the mayor and comptroller, to make such repairs without the intervention of a contract, and report the same as soon as may be to the common council, whereupon it shall be the duty of the common council to make provision, by taxation or loan or by appropriation of funds available for that purpose to meet the expense of such repairs.

Improvement
of harbor.

SECTION 247. Whenever it shall be necessary for the construction or maintenance of a harbor, that any lake, bay, slough, pond, river or creek shall be dredged or otherwise deepened, the board of public works, by direction of the common council, may let contracts for such dredging to the lowest bidder, the same as in the case of other public works, or the city may purchase and maintain for its use the necessary dredges and other apparatus for such work, and may provide funds for the purchase, use and maintenance of such dredges and other apparatus by appropriations made from the general fund, to be charged to the harbor account; the money for that purpose to be raised by taxation or loan, as other moneys in the general fund are raised, and the board of public works, under the direction of the common council, shall have the control and management of such dredges and other apparatus, and shall employ such men and purchase such supplies as may be necessary in the management thereof, and the men so employed shall be paid, and the supplies so procured shall be paid for, upon certificates of the board of public works countersigned by the comptroller, out of the general fund and charged to the harbor account.

Certificates
to be issued by
board.

Wall or dock
break water
may be con-
structed to
protect lands.

SECTION 248. In case it shall be necessary to protect any land from being washed away by any lake, river or other water, the common council may, by ordinance, provide for the protection of such land by a wall or dock breakwater, to be constructed as the common council may prescribe, and the council may in such case direct the board of public works to make an assessment of the benefits accruing to the land so protected, and other lands benefited thereby. The boundaries of assessment districts shall be fixed and determined by the common council. The cost of such protec-

tions shall be raised as follows: One-half thereof, or such lesser proportion as the common council shall direct and order, shall be paid out of the contingent fund or out of a special fund to be raised for the purpose, and the balance shall be levied and raised by the assessment of special benefits upon the real estate within the boundaries of the proper assessment district. The entire cost of protecting public grounds and the ends of streets shall be borne by the city. Such assessments shall be made, corrected, reported to the common council and confirmed by the common council the same as assessments for other public works, and certificates or improvement bonds may be issued thereon in the same manner and with like effect as in the case of other public works. An appeal to the circuit court may be taken from any such assessment upon like notice and security within the same time and with like effect as in the case of other public works, and like proceedings shall be had thereon.

Cost, how borne.

Appeal.

CHAPTER XXII.

MISCELLANEOUS.

SECTION 249. No member of the common council shall, during the term for which he is elected, be eligible to any other municipal office, except the office of mayor, existing at the time of his election, or created by the common council.

Eligibility to office.

SECTION 250. The adoption of this act by any city now organized, shall repeal the existing charter provisions of such city, except as to the special charter provisions relating to time, manner, sale and place of sale of intoxicating liquors, or the amount of license fee now exacted; and except such acts or parts of acts as are specially retained by the provisions of this act.

To repeal existing charter, except special provisions relating to license.

SECTION 251. The adoption of this act by any city, shall not be deemed to repeal or modify chapter 350, of the laws of 1887, entitled, "an act to amend chapter 5, of the revised statutes of Wisconsin, in the year A. D. 1887, entitled, "of electors and general elections," and relating to elections in cities having a population of fifty thousand and over; nor chapter 378 of the laws of 1885, entitled

Not to repeal or modify certain acts relating to elections, etc.

“an act in relation to the police force and fire department of the city of Milwaukee,” nor any act or part of an act limiting the amount of the public debt of any city or its proportion to the taxable property thereof; or the amount or rate of taxation in any city; but said act and such provisions shall remain in force in the cities to which they relate and to which they are applicable the same as if this act had not been passed or had not been adopted by such city or cities.

Inhabitants not disqualified to act as judge, etc.

SECTION 252. No person shall be incompetent to act as judge, justice of the peace, witness or juror, by reason of his being an inhabitant of any city, in any action or proceeding in which the city shall be a party in interest.

General laws to be in force.

SECTION 253. The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be in force in all cities organized under the provisions of this act, except as otherwise herein provided.

Bribery, misdemeanors and corruption in office.

SECTION 254. The general laws of the state of Wisconsin, for the punishment of bribery, misdemeanors and corruption in office, shall be in force and shall apply to all officers elected or appointed under the provisions of this act.

City officials not to be interested in contracts of city or accepted as surety.

SECTION 255. No city official shall be interested, directly or indirectly, in any contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void and the city incur no liability thereon whatever. No city officers shall be accepted as surety on any bond, contract or other obligation made to the city.

Property not liable to sale on execution, etc., in city, nor any person or corporation held liable as garnishee.

SECTION 256. No real or personal property of any inhabitant of a city, or of any corporation thereof, shall be levied on or sold by virtue of an attachment or execution issued to satisfy any contract debt or obligation of said city, or for any judgment against said city; nor shall any person or corporation be held liable as garnishee of said city.

Forms prescribed by revised statutes to be used.

SECTION 257. The use of any forms prescribed by the revised statutes of the state, and acts amendatory thereof, as far as the same are ap-

plicable, shall be as legal and of the same force and effect, as the use of the forms prescribed by this act.

SECTION 258. In case any person shall present his claim or demand against any city organized under the provisions of this act, and the common council of such city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

Claim disallowed not to be reconsidered.

SECTION 259. The city marshal shall be known as such, or as captain or chief of police, in the discretion of the common council; and he shall have command of the police force of the city under the direction of the mayor.

City marshals, how designated, powers.

SECTION 260. The opinions of the city attorney shall be filed with the city clerk and recorded in a book to be kept for that purpose.

Opinions of city attorney to be filed with clerk.

SECTION 261. The city clerk shall keep a book to be known as an "ordinance book," in which he shall enter at length, in a plain and distinct handwriting, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage, and page of the journal containing the record of the final vote upon its passage, and also the name of the newspaper in which said ordinance was published, and the date of such publication, together with proof of publication; the ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of their adoption.

Clerk to keep ordinance book.

SECTION 262. No compensation or salary shall be paid to the mayor except in cities of the first class, or to any alderman or school commissioner of any cities organized under this act.

Salary of mayor.

SECTION 263. Whenever a city or village shall be incorporated under the provisions of this act, the ordinances in force in such city or village at the time of such incorporation shall continue to be in force and be the ordinances of such new incorporation, so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

Ordinances not affected.

SECTION 264. In case of the failure to prescribe the duties of any officer elected or appointed un-

Revised statutes relative to duty of officers, when to apply.

der the provisions of this act, the provisions of the revised statutes and acts amendatory thereof as far as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

Rewards may be offered.

SECTION 265. When any heinous offense or crime has been committed against life or property within any such city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

All property liable for improvements except that of U. S. and state.

SECTION 266. No lot or parcel of land in any city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of lands may border, excepting only property belonging to the United States or the state of Wisconsin.

To apply to all cities issuing bonds for special assessments.

SECTION 267. All cities heretofore organized and now existing under any special law of this state, shall have authority to exercise all the powers contained in this act relating to the issuing of improvement bonds, to pay for special assessments made on account of the construction of sewers or improvements to streets.

Meeting of council.

SECTION 268. The common council of each city shall meet on or before the second Tuesday of April in each year and proceed to canvass and declare the result of the annual municipal election.

SECTION 269. This act shall take effect and be in force from and after the passage and publication.
Approved April 8, 1889.

[No 519, A.]

[Published April 11, 1889.]

CHAPTER 327.

AN ACT to amend the charter of the city of Port Washington.

(See Vol. 2.)