

issue shall have been submitted to the people of said city and adopted by a majority vote of all the electors voting thereon, at a general election or special election called for that purpose. Section 102. The common council shall have power to provide for the abatement or removal of all nuisances, under the ordinances, any law of this state 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 to declare what shall be deemed nuisances, but nothing in this section 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.

Abatement  
and removal  
of nuisances.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved April 15, 1891.

No. 509, A.]

[Published April 24, 1891.

## CHAPTER 255.

AN ACT to amend the charter of the city of Kenosha.

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

SECTION 1. Chapter 8, of the charter of the city of Kenosha, Wisconsin, being chapter 8 of the private and local laws of the state of Wisconsin for the year 1857, and the several acts amendatory thereof are hereby amended so as to read as follows:

### CHAPTER VIII.

#### OF STREET IMPROVEMENTS AND SEWERS.

SECTION 1. The common council of the city of Kenosha shall have full power and authority to

Amends  
chapter 8,  
laws of 1857.

Building and  
repairing of  
sidewalks;  
expense of  
same, how  
paid.

determine the advisability and necessity of building, re-building and repairing sidewalks within the corporate limits of the city of Kenosha, and shall by ordinance prescribe the streets upon which the same shall be built, rebuilt or repaired, and shall prescribe the width, manner and style of building, re-building and maintaining the same, and shall cause written notice of their determination to be served upon the owner or owners of lot or lots adjoining thereto or abutting thereon, and shall in said notice require the said owner or owners to build, rebuild or repair said walks within such time and in such manner as they shall designate in such notice. The expense of building, re-building and repairing of sidewalks, shall be charged to the property where such improvements are made, and in case the owner or occupant of such lot or parcel of land, after such due notice in writing, shall neglect or refuse to build, rebuild or repair any such sidewalk, the street commissioner shall, in pursuance of the order of the common council, cause the same to be done at the expense of said lots or parcels of land adjoining thereto or abutting thereon; and the street commissioner shall, prior to the first Monday in November, in each year, make a report in detail to the city clerk, duly verified, of the amount of tax properly chargeable against such lot or parcel of land for all work done and unpaid for under the provisions of this section, and such amount shall be a lien on such lot or parcel of land, and with other like special taxes authorized by this act, shall be levied thereon by the common council, at the next succeeding annual levy of taxes in said city, as a special tax, with all the legal consequences both as to the collection of taxes and the sale of such lot or parcel of land for unpaid taxes prescribed by the charter of the city of Kenosha, or the general laws of the state of Wisconsin for special taxes. If at any time the street commissioner shall be absent or such office be vacant the common council may order that the duties devolved by this act upon such street commissioner shall be performed by the chief of police of said city of Kenosha, or by such other person as may be designated by said common council, which said chief of police or other person designated as aforesaid

shall proceed in all respects as the street commissioner, and shall make full report of his doings to the city clerk, under oath, and the acts or doings of the chief of police or other person designated as aforesaid shall have the same force, effect and validity as the acts of the street commissioner. The common council shall have full and complete authority to adopt all necessary and proper ordinances and general regulations relative to the cleaning of streets, alleys, lanes, avenues, highways, bridges, sewers, sidewalks and cross walks and public grounds; and shall have full and complete power and authority to compel the occupants of real estate adjoining or abutting upon any sidewalk to keep said sidewalk free from snow and ice and all other obstructions, and to pass such ordinance as may be necessary and proper to carry such power and authority into effect and with such penalty as may be necessary and lawful.

SECTION 2. The common council of the city of Kenosha shall have full power and authority, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving of streets and parts of streets and alleys, and for cleaning streets and alleys and public grounds, and to order and contract for the making and construction of sewers, reservoirs and gutters in the manner hereinafter mentioned, and the said common council shall direct and control the persons employed on such works.

SECTION 3. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable and payable by the city of Kenosha at large. The costs and expenses of opening, grading, graveling, planking, paving or repairing of streets and alleys, shall be chargeable to and payable by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, and all corner lots shall be chargeable with and shall pay for the same to the center of the street on the side or sides of such corner lot. Sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots

Grading,  
paving and  
cleaning of  
streets.

Costs and expenses of surveying of streets, alleys and sewers, how paid.

benefited thereby and fronting upon the street along which said sewer or gutter shall be constructed; provided, however, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the streets, alleys or public grounds.

Plan of sewerage and drainage to be filed in office of city clerk.

SECTION 4. Whenever it may become necessary, in the opinion of the common council, to provide sewerage and drainage for the city of Kenosha, or any part thereof, it shall be their duty to devise or cause a plan to be devised for the whole city, and plats, diagrams and profiles of such plan, when adopted, shall be filed in the office of the city clerk, and they shall cause such plat, diagram and profile to be recorded in a book to be kept for that purpose by the city clerk.

Estimate of expense of public improvements shall be made and filed in office of city clerk. Contracts may be let to lowest bidder.

SECTION 5. Whenever the common council shall determine to make any public improvements, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, to be assessed and charged to each lot and parcel of land, and the proportion thereof across each street, alley or public ground, for which the city shall be liable as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, and notice thereof shall be given by publication of such estimate in one or more newspapers published in said city for such time as the common council may by resolution determine, before such work shall be ordered to be done. The common council may let such work by contract to the lowest bidder, at the expense of the lots or lands upon which said work is chargeable as aforesaid, all bids for doing the same to be made to the common council; and the said common council shall have power to reject any and all bids, and may require the contractor or contractors to perform such contracts within such time and under such conditions, and to give such security for the performance of such works as they shall direct; such contract when approved by the common council, to be executed on the part of the city

by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in one or more newspapers of said city.

**SECTION 6.** All work provided for in this chapter shall be done under the immediate supervision of the mayor and the committee on streets and alleys, and shall be approved by them before it shall be accepted by the common council.

Mayor and committee on streets and alleys shall have supervision of work.

**SECTION 7.** Whenever any work has been done under contract, as provided in this chapter, and the work shall have been approved by the mayor and committee on streets and alleys, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lots or parcels of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed and levied upon the said lots or parcels of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of the state of Wisconsin, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the collection of the pay thereof.

Contractors entitled to certificates when work approved by mayor and committee on streets; collection of same.

**SECTION 8.** The costs and expenses of keeping all public streets, alleys, public grounds and sewers in repair shall be paid by the city at large.

Cost of repair of streets, alleys, etc., to be paid by city at large.

**SECTION 9.** The owner or occupants of lots or premises shall have the right to connect the same at their own expense by means of private drains or sewers with the public sewers and drains under such rules and regulations as the common council shall from time to time prescribe; but no such

Owners or occupants of lots shall have right to make sewer connections.

connection shall be made without a special permit therefor being first had, issued and obtained under the authority of the common council. The common council may by ordinance prescribe a fine or penalty to be imposed on and collected from any person making such connection with such permit. Any party authorizing or doing any injury to a public sewer or drain, whether or not such party had a permit to connect with such drain or sewer, shall be liable to said city for all damages sustained by said city, by reason of such injury.

Public act and shall be liberally construed.

SECTION 10. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Amends chapter 3, laws of 1857.

SECTION 11. Section 4, of chapter 2, of the charter of the city of Kenosha, Wisconsin, being section 4, of chapter 2, of the private and local laws of the state of Wisconsin for the year 1857, is hereby amended so as to read as follows: Section 4. None but electors of said city shall be eligible to or qualified to hold any elective office created by this act, and no person shall be eligible to or hold the office of mayor, alderman, or school commissioner unless he be a freeholder of said city of Kenosha.

Qualifications of city officers.

SECTION 12. Section 6, of chapter 4, of the charter of the city of Kenosha, Wisconsin, being section 6 of chapter 4, of the private and local laws of the state of Wisconsin, for the year 1857, is hereby amended so as to read as follows: Section 6. The mayor shall preside at all meetings of the common council when present; he shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the common council such measures as he may deem expedient, and for the best interests of the city. He shall sign all commissions, licenses, orders, and permits which shall be granted by the common council. He shall maintain peace and good order, and see that the laws of the state and the ordinances of the city are observed and executed; he shall be entitled to vote upon all questions before the common council when present, and he shall have the power to administer oaths and affirmations; and in case of riot or other public disturbance, he may appoint

Amends chapter 4, laws of 1857.

The mayor; his powers and duties.

as many special or temporary policemen as he may deem proper; and he may whenever he deems it for the interests of the peace and quiet of said city appoint such number of special police as he may deem necessary. The mayor shall have power to veto any ordinance, or resolution, or estimate or order for public improvements passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance, or resolution, or estimate or order for public improvements. In case no session of the common council shall be held on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections, and in case the common council shall not within seven days after the receipt or filing of such objections as aforesaid, re-enact such ordinance or pass such resolution, or estimate or order for public improvements by the votes of three-fourths of the aldermen-elect, the same shall be null and void. No ordinance, or resolution, or estimate, or order for public improvements shall take effect until seven days after the passage of the same, unless sooner approved in writing, by the mayor, or acting mayor for the time being.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1891.