

CHAPTER 245

AN ACT to repeal 66.04 (2), (3) and (6) and 66.046; to renumber and amend 66.04 (1), (3a) and (5); and to amend 6.34, 17.23 (1) (a), 19.07 (1) (b), 61.41 (4), 62.09 (5) (b) and (7) (d), 62.18 (9) (b) 1, 75.56 (3) and 330.24 of the statutes, relating to city and village government so as to eliminate inconsistencies and surplusage and clarify existing statutes.

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

SECTION 1. 6.34 of the statutes is amended to read:

6.34 The inspectors of election shall constitute the board of canvassers of their respective * * * *precincts*, wards or election districts. Previous to receiving any ballot the inspectors, clerks of election and ballot clerks shall severally take an oath or affirmation to support the constitution of the United States, the constitution of the state of Wisconsin, and to perform the duties of inspectors (clerks or ballot clerks, as the case may be) of election according to law, and to studiously endeavor to prevent all fraud, deceit or abuse in conducting the same. Said oath or affirmation shall be in writing, be subscribed by the person taking the same, and annexed to, and returned with, the poll list to the county clerk.

SECTION 2. 17.23 (1) (a) of the statutes is amended to read:

17.23 (1) (a) In the office of mayor, except as provided in s. 10.44, by appointment by the common council. In the office of alderman in cities of the first class, by the mayor, and in cities of second, third and fourth class, by the common council, except in both cases as provided in s. 10.44. A person so appointed shall hold office until his successor is elected and qualified. His successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens * * * 90 days or more before such day, but if such vacancy happens within * * * 90 days before such first Tuesday of April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

SECTION 3. 19.07 (1) (b) of the statutes is amended to read:

19.07 (1) (b) Any number of officers, department heads or employes, may be combined in a schedule or *blanket* bond, where such bond is to be filed in the same place, and in the event such bond is executed by a corporate surety company, payment of the premium therefor is to be made from the same fund or appropriation prescribed in s. 19.01.

SECTION 4. 61.41 (4) of the statutes is amended to read:

61.41 (4) Whenever a contract is let for the construction or improvement of streets, sidewalks, gutters, ornamental lighting systems or alleys, or the construction, laying or improvement of watermains, sanitary, surface or storm water sewers or drains in any incorporated village, and the work covered by such contract is to be paid wholly or in part by special assessment upon the property to be benefited by the improvement, such contract may provide that the part of the total cost of the improvement to be defrayed by such special assessment may be paid with special assessment certificates or bonds issued for such improvement or with the proceeds of the sale of such bonds, or both, in similar manner and subject to the provisions of * * * s. 66.54 * * *. In villages where there is no official paper the notice prescribed * * * shall be published in some newspaper published in said village, or, if there be no such newspaper, by posting said notice in 3 public places in said village.

SECTION 5. 62.09 (5) (b) of the statutes is amended to read:

62.09 (5) (b) Except as otherwise specially provided the regular term of elective officers shall be 2 years. A different * * * *tenure* for such officers or any of them may be provided by charter ordinance.

SECTION 6. 62.09 (7) (d) of the statutes is amended to read:

62.09 (7) (d) No city officer shall be interested, directly or indirectly, in any improvement or 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 shall incur no liability * * * thereon. No city officers shall be accepted as surety on any bond, contract or other obligation made to the city. The provisions of this section shall not apply to the designation of public depositories for public funds, nor to temporary loans made to any county, town, school district, school board, city or village pursuant to s. 37.12, nor to the publication of legal notices required to be published by any city, school district or school board, or by any city, school district or school board officer, at a rate not

higher than that prescribed by law, nor to *any* contract * * * not exceeding \$1,000 in any one year, nor to health officers or hospitals in which they have an interest in cities of the third and fourth classes in furnishing hospitalization or medical services, or both, to persons receiving poor relief or medical aid from such cities. The term "temporary loan" as used in this paragraph means and includes any loan which matures not more than one year from the date of such loan. The provisions of this paragraph shall not apply to any city officer who is a member of a firm, or an officer or stockholder of a corporation purchasing any bond or security of the city, provided the sale of such bond or security is made to the highest bidder and such city officer has no duty to vote upon the issuance thereof.

SECTION 7. 62.18 (9) (b) 1 of the statutes is amended to read:

62.18 (9) (b) 1. The cost of sewers in streets and alley crossings, the excess of the cost of sewers above the assessment made pursuant to par. (a) *or (ab)*, the cost of manholes, lampholes, flush tanks, and of temporary work in connection with the construction of the sewers in the district shall be assessed justly and equitably upon the lots and parcels of land intended to be benefited thereby in proportion to the benefits which will accrue to each lot or parcel of real estate.

SECTION 8. 66.04 (1), (3a) and (5) of the statutes are renumbered 60.80 (1), (2) and (3), respectively, and amended to read:

60.80 (1) (a) Money for the observance of Memorial Day may be appropriated by any town meeting or any town * * *, not to exceed in any one year, the sum of \$1,000.

(b) The board * * * shall direct the manner of disbursement, unless there be in the town * * * a Grand Army post or other organization having in charge Memorial Day exercises, in which event such organization may direct the manner of disbursement. Two or more such organizations may by concurrent action direct what part of the fund shall be apportioned to each.

(c) The money shall be paid to the chairman, * * * and he shall account by receipted vouchers to be audited by the board * * *. Order of the proper officer of the organization having charge of the exercises, for the payment of expenses of such exercises, shall be a sufficient voucher.

(d) Any town * * * board, upon submission of an itemized statement of expenses incurred for Memorial Day exercises by a Grand Army post or other organization, may appropriate not to exceed \$25 toward such expenses.

(2) The electors of any town at the annual town meeting * * * may appropriate in any year a sum not to exceed one-tenth of one per cent of the assessed valuation of the property of such town * * * for the purpose of advertising the advantages, attractions and natural resources of such town * * * and to develop and improve the same. The * * * town making the appropriation or any authorized agent thereof may co-operate with any private agency or organization in such work.

(3) Any town * * * may, by a two-thirds vote of the board * * *, appropriate in any one year a sum not to exceed \$1,000 to aid any organized agricultural society or any incorporated poultry association, but no such society or association shall receive any such aid unless it also receives aid from the state, or make no charge to the public for admittance to its exhibitions.

SECTION 9. 66.04 (2), (3) and (6) of the statutes are repealed.

SECTION 10. 66.046 of the statutes is repealed.

SECTION 11. 75.56 (3) of the statutes is amended to read:

75.56 (3) And when under such original assessment special improvement bonds have been, or might be issued, and as soon as the amount chargeable to the property benefited is finally determined by such new assessment, notice shall be given as provided for in * * * s. 66.54 (7) (e), and when so given and 30 days have elapsed after the giving of such notice, the common council may issue new special improvement bonds in lieu of such original bonds, to the holder thereof upon surrender of the same, or where such original bonds have not been issued or delivered then to the person, who would have been entitled to such original bonds, if such invalid assessment, contract and proceeding had been regular and valid, for the amount of such new assessment remaining unpaid, such new bonds to bear interest at the same rate as the original bonds and to be redeemed, enforced and collected in the same manner as provided for in ch. 62, and the excess in the amount of such invalid special improvement bonds, if any, over such new bonds shall be paid to such holder or person out of the proper fund, and when new certificates are issued, the same shall be carried into the annual tax roll of city taxes levied against such property, collected as a tax and paid to the holder of such new certificate in the manner provided by law for the payment of special assessment certificates.

SECTION 12. 330.24 of the statutes is amended to read:

330.24 Every action or proceeding to avoid any special assessment * * *, or taxes levied pursuant to the same, or to restrain the levy of such taxes or the sale of lands for the nonpayment of such taxes, shall be brought within 9 months from the * * * notice thereof * * *, and not thereafter. This limitation shall cure all defects in the proceedings, and defects of power on the part of the officers making the assessment, except in cases where the lands are not liable to the assessment, or the city has no power to make any such assessment, or the amount of the assessment has been paid or a redemption made.

Approved June 3, 1953.
