

[No. 262, S.]

[Published April 20, 1887.]

## CHAPTER 459.

AN ACT to amend the charter of the city of Milwaukee, and to provide for an inspector of buildings in said city.

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

Mayor may appoint inspectors of buildings; term of office four years; to give bond; salary of inspectors.

SECTION 1. The mayor of the city of Milwaukee shall, at the time of the first meeting of the common council of said city in the month of May, once in every four years, commencing with the year 1887, appoint an inspector of buildings, who shall reside in the city of Milwaukee, and who shall be an experienced architect or builder. Such appointment shall be made by sending the name of the person so appointed by the mayor, either for a full term or to fill any vacancy in any unexpired term, to the common council of said city, and no appointment shall be valid until confirmed by the said common council. In case the said council shall neglect or refuse to confirm any such appointment, the mayor shall make another appointment, until the same shall have been so confirmed. The said inspector of buildings shall hold office, unless sooner removed, for the term of four years from the first day of June in the year in which he shall have been appointed, except when appointed to fill a vacancy in said term; in which latter case, he shall hold office for the unexpired term of his predecessor. In all cases the inspector of buildings shall hold office until the appointment, confirmation and qualification of his successor. Before entering upon the duties of his office, the person appointed inspector, whether for a full term or to fill a vacancy in any unexpired term, shall file with the city clerk of said city, within ten days after receiving notice of the confirmation of his appointment by the common council, a bond in the sum of five thousand dollars, with at least two sureties, conditioned for the faithful performance of the duties of his office. Such bond shall be approved by the comptroller of the

city of Milwaukee as to the sufficiency of the surties therein, and by the city attorney of the city of Milwaukee as to the form and execution thereof; and the said person so appointed shall at the time of the filing of said bond, file also with the clerk of said city his oath in writing, to be executed in the form and manner as are the oaths of other public officers of said city. The mayor of the city of Milwaukee shall have power to remove such inspector at any time, in case he shall neglect to perform the duties of his office, or shall for any reason be incompetent to perform the same. The inspector of buildings so appointed shall receive an annual salary of fifteen hundred dollars, which shall be paid to him out of the treasury of the city of Milwaukee in monthly installments, the same as the salaries of the other officers of the said city are now paid. In case of the failure or neglect of the city of Milwaukee or the common council thereof to provide said inspector of buildings with a suitable office, then and in such case he shall receive the sum of three hundred dollars per annum, to be paid to him monthly, at the time when his salary is herein directed to be paid to him, and he shall continue to receive said sum so long as said common council shall fail or neglect to provide him with such office. His office shall be held at all times in the city of Milwaukee, and shall be open during the business hours of each day for public business. The said inspector of buildings shall have authority to incur liability on the part of and against the city of Milwaukee not to exceed the sum of five hundred dollars in any one year. From the liability so incurred he may hold inquests, employ clerks and stenographers, and defray other incidental expenses necessary to carry into effect the purposes of this act; and the bills for expenses within said amount shall be audited by the city comptroller of said city, and paid by the city treasurer, as are other claims against the city of Milwaukee.

Mayor may remove.

SECTION 2. The duties of the inspector of buildings shall be to inspect all buildings within the city of Milwaukee, and especially those now being built or repaired and such as may hereafter be built or repaired, and to ascertain, by or without the aid of a jury, whether said buildings have

Duties of inspector.

been built or repaired or are being built or repaired as required by law and, the ordinances of the city of Milwaukee. It shall also be the duty of such inspector, when he shall deem it necessary, to examine into and ascertain, by or without the aid of a jury, the cause of all fires happening to any building in said city, and of all accidents caused by the breaking or falling down of any building in said city, and also to ascertain, by or without the aid of a jury, what buildings in said city are unsafe and dangerous to be occupied, arising either from the condition of the building or the manner in which it is used. It shall also be the duty of said inspector, by or without the aid of a jury, to find out all cases of the violation of any of the laws of the state, or any ordinance of the city of Milwaukee, relating to the construction, repairing or moving of any building in said city.

May hold inquests; to keep a record of all proceedings held by him; may administer oaths to witnesses.

SECTION 3. Such inspectors of buildings shall have authority and power to hold inquests, either with or without the aid of a jury, to be summoned by such inspector in the manner now provided by law for coroner's juries. Whenever such inspector shall think the interests of the public require an inquest to be held, he shall proceed to hold the same, and shall have the authority to administer oaths, summon juries, if such inquest is before a jury, in the same form and manner as is now provided by law for the coroners of the several counties within this state. The expenses of said inquests shall be paid from the said sum of five hundred dollars hereinbefore provided for. The said inspector of buildings shall keep a record of all proceedings had in any inquest held under the provisions of this act; and it shall be the duty of the chief of police of said city to cause to be served all subpoenas, demands and warrants issued by said inspector, and attend or cause a policeman to attend any inquest held by said inspector when notified so to do. Such inspectors shall have all the power and authority of a court commissioner of the circuit court for the purpose of administering oaths, compelling witnesses to answer questions, issuing subpoenas and enforcing obedience to the same, preserving order during the holding of an inquest, and punishing for contempt any violation of such order, or refusal to answer

any question pertinent to the subject matter of the inquest. No one shall be excused from answering any question pertinent to the subject matter of the inquest on the ground that his answer may tend to criminate himself; but no such answer shall be used against such witness in any matter or proceeding whatever.

SECTION 4. Such inspector of buildings may demand and shall have admission to any building within the city of Milwaukee at any time, except any building used exclusively as a place of residence of not exceeding two private families, for the purpose of inspecting the same, and in the performance of the duties of his office; and if such admission be refused and he be unable to obtain such admission for any reason, after properly demanding the same at a reasonable time, he may apply to the judge of the circuit court of Milwaukee county for a writ of assistance, and if the judge of said court shall be satisfied that it is proper and necessary for such inspector to gain admission to such building and is unable to do so, he may issue a writ of assistance to the sheriff of Milwaukee county, commanding said sheriff to enter in and upon said building with said inspector, with such force as may be necessary to enable such inspector to perform his duties. The board of public works of the city of Milwaukee shall issue no permit to any one to use any street for the deposit of material for the construction or repair of any building in said city, unless such person shall first file with said board his written consent, authorizing said inspector of buildings, upon reasonable notice and demand, to enter into and upon and inspect said buildings and repairs.

May demand and have admission to buildings for purpose of inspection, when admission refused may apply to judge of circuit court of Milwaukee county for writ of assistance.

SECTION 5. When in the opinion of the inspector of buildings the erection or construction of any building within the city limits of said city, or the making of alterations or repairs upon any buildings within the limits of said city, are being done in a reckless, careless or unsafe manner, or in violation of the provisions of any law or of any ordinances of the city relating thereto, he may make application upon his verified complaint to any court of record of civil jurisdiction in the county of Milwaukee for an order restraining the person or persons constructing, erecting or repairing such building or buildings, and upon such

May apply for order restraining construction of building—when.

application the court may issue such order restraining such person or persons from erecting constructing or repairing such building or buildings until sufficient cause shall be shown for the dissolution of such restraining order. Such restraining order may be dissolved upon sufficient cause being shown, or upon the certificate in writing of the said inspector of buildings that the person or persons restrained therein and thereby have agreed to construct or erect such buildings or make such alterations or repairs according to law and in conformity with the directions of the said inspector of buildings. No costs shall be taxed against the city of Milwaukee in any event upon the dissolution of any such restraining order.

"Inquest" defined.

SECTION 6. The word "inquest," as used in this act, shall be construed to mean an examination and inquiry by said inspector into those matters into which he is required by law to inquire, in order to perform the duties imposed upon him by this act.

Amendatory of charter.

SECTION 7. This act is amendatory of the charter of the city of Milwaukee, being chapter 184, of the laws of 1874, and the various laws amendatory thereof; and any of the provisions thereof which are inconsistent with the provisions of this act or not in harmony with its provisions are declared to be modified, amended, superseded or repealed by this act, as the intention herein may require.

SECTION 8. This act shall be in full force and effect from and after its passage and publication.  
Approved April 12, 1887.