

such special tax shall be collected at the time and in the manner provided for the collection of taxes for general city purposes.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.  
Approved March 14, 1889.

[No. 338, A.]

[Published March 16, 1889.]

## CHAPTER 102.

AN ACT to amend chapter 221 of the laws of 1882, entitled, "An act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof into one act and to amend the same," and the several acts amendatory thereof.

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

SECTION 1. The first subdivision of section 1, of chapter 6, of chapter 221, of the laws of 1882, as amended, is hereby amended by striking out the words, "seven thousand five hundred" in the second line thereof and inserting in lieu thereof, the words, ten thousand, so that said subdivision will read when amended as follows: Amendment to chapter 221, laws of 1882.

"First. To annually levy and collect taxes not exceeding ten thousand dollars on the assessed value of the real and personal property in the said city, made taxable by the laws of this state, to defray the current expenses of the city, and such other expenses thereof as are not otherwise especially provided for by law, which taxes shall constitute the general fund of said city." Levying taxes.

Second. The fourth subdivision of section 1, of chapter 6, of chapter 221, of the laws of 1882, is hereby amended by striking out the words, "three thousand five hundred" in the second line thereof and inserting in lieu thereof, the words, "five" Amended.

thousand," so that said subdivision shall read when amended as follows:

"Fourth. To annually levy and collect taxes not exceeding five thousand dollars, on all real and personal property in said city, for the erection of lamp posts and the lighting of the streets and public grounds and buildings in said city with gas or other light, which shall constitute the gas fund."

Health officer.

SECTION 2. The thirty-third subdivision of section 3, of chapter 4, of chapter 221, of the laws of 1852, is hereby amended so as to read as follows:

Salary of health officer.

"Thirty-third. To elect a health officer and to provide measures, make rules, ordinances and regulations for the preservation of the health of the inhabitants of said city and to prevent the spread of infectious and pestilential diseases therein. Such health officer shall be a practicing physician and shall be elected by the common council by ballot and shall hold his office during the pleasure of the council. Such health officer shall have such powers and duties in addition to those herein specified as the common council by ordinance or otherwise shall direct. The common council shall fix the salary or compensation of such health officer. The health officer, with the approval of the city attorney, shall have power and it shall be his duty to make, provide and enforce such rules and regulations as he shall deem requisite and advisable for the preservation of the health of the people of the city, and to prevent the spread of contagious diseases, not inconsistent with any law of the state, or any ordinance of said city. Such health officer shall have the right to enter in the day time, any building in said city, or to go upon any lot or parcel of land therein for the purpose of examining such premises or any part thereof, with reference to its cleanliness or sanitary condition, or for the purpose of removing, destroying or abating any nuisance, source of filth, or cause or probable cause of disease, and shall have power, and it shall be his duty, to remove, destroy or abate, or cause to be removed, destroyed or abated, any and all nuisances, or cause or probable cause, or source of disease. He shall have power to employ all assistance or labor, and to purchase any and all supplies or materials neces-

sary for the fulfillment of his duties under this chapter or for the carrying out and enforcement of any rules, regulations or ordinances, made and adopted in reference to the health of the inhabitants of said city; provided he shall first obtain the written consent of the city attorney thereto, such health officer shall present an itemized bill of any and all expenses incurred by him, or his order, for labor, supplies or materials provided, purchased or ordered by him, pursuant to the provisions of this chapter, to the common council. Such bill shall be duly certified by such health officer and shall show what premises such labor, supplies or materials have been expended or used upon, or are properly chargeable to and such bill or bills may be allowed by the common council and paid out of the general fund in the same manner as other bills against said city unless the amount of the bill or bills, allowed for expenditure on premises, with interest at the rate of eight per cent. per annum from the date of the allowance thereof by the common council, on demand therefor shall be paid into the city treasury by, or on behalf of, the owner of such premises whereon expended before the time for making up the annual tax roll, the city clerk shall enter the amount of such bill or bills in the tax roll as a special tax against the several lots or parcels of land to which the items of said bill or bills are charged, and the same shall be collected in all respects as other city taxes upon real estate. Whenever said health officer shall present any such bill to the common council he shall file with the city clerk an affidavit as to the necessity and cost or the work done and charged to any lot, and after the allowance of such bill by the common council, such affidavit shall be prima facie evidence in all courts and places of the necessity of such work and the expense thereof.

**SECTION 3.** The fourth subdivision of section 23, of chapter 7, of chapter 221, of the laws of 1882, as amended, is hereby amended so as so read as follows:

Fourth. 1. In all cases where the grades of Sidewalks. sidewalks shall not have been fixed by the city, all sidewalks shall be laid level with and conform to the center line of the established grade of the streets.

Relating to  
sidewalks.

2. The common council may, from time to time, by resolution or ordinance, establish, alter or change the width, determine the material and prescribe the method of construction of sidewalks on any street or part of a street, and the standard so fixed may be different for different streets or parts of streets.

Duty of street  
commissioner.

3. Whenever any 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, or otherwise, with the other work of improving such street, and the expense thereof shall be provided for and borne in the same manner as the expense of improving the street, but all sidewalks shall be constructed, or laid, by the owner or owners of abutting lots or parcels of land, or at his or their expense as hereinafter provided.

4. It shall be the duty of the owner or owners of each lot or parcel of land abutting upon any street within the city to lay, and keep in repair, at his or their own expense, a standard sidewalk in front of said lot or parcel of land, and if no standard sidewalk shall have been fixed for said street, or that part thereof, where the land of such owner or owners is situated, then such a good and sufficient sidewalk as shall be approved by the street commissioner.

Notice to lay  
or repair  
sidewalk.

5. Whenever the owner or owners of any lot or parcel of land abutting upon any street, shall fail or neglect to lay or re-lay a standard sidewalk, or where no standard has been fixed, a suitable and proper sidewalk approved by the street commissioner, or shall fail or neglect to keep such sidewalk in good and proper repair, the common council may order the street commissioner to notify such owner or owners, in writing, if known to him and residing in said city, to build or re-lay or repair such sidewalk forthwith, and if said sidewalk be not fully completed, or placed in good repair within twenty days after the service of such notice, to build or lay or repair the same forthwith. The said street commissioner shall forthwith, when so ordered by the common council, serve notice upon such owner or owners, if known to him and residing in said city, by delivering to such owners, or one of

them, if such premises be owned jointly, and leaving with him a true copy thereof, or by delivering to and leaving with some member of the family of such owner, of suitable age, at the residence of such owner, a true copy of such notice. And if such owner or owners are not known to said street commissioner, or be non-residents of said city, by publishing such notice in some daily newspaper published in said city, for three days successively, and if said sidewalk be not fully completed or placed in good repair within twenty days after such service, said street commissioner shall forthwith lay or repair said sidewalk. Provided, however, if any sidewalk, in the opinion of the street commissioner, shall need immediate repair by reason of defects therein, and the cost of such repair, to make it reasonably safe, will not exceed the cost of five dollars, said street commissioner, without the order of said common council, shall require the owner, if a resident of the city, to forthwith repair the same, and if such owner is a non-resident of said city, or his residence is unknown to said street commissioner, he shall request the occupant of said premises to forthwith repair the same, and in case such owner or occupant shall fail to repair such sidewalk within twenty-four hours after such request, Sundays excepted, said street commissioner shall thereupon immediately repair or cause the same to be so repaired; said street commissioner shall report, with an itemized bill thereof, the expense of such work on or in front of each lot or parcel of land separately, to the common council, and said council may allow such bill or bills, and order the same to be paid out of the proper ward fund, or out of the general fund as it shall deem proper, in the same way that other bills against the city are allowed and paid, and when so allowed and ordered paid the city clerk shall, unless such bill or bills, with interest from the date of the allowance thereof, at the rate of eight per cent. per annum, be paid into the city treasury, by or behalf of the owner or owners of the lot or lots, or parcel or parcels of land affected thereby, before the time for making up the annual tax-roll, enter the amount of such bill or bills in the tax-roll as a special tax against such lot or

parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

6. It shall be the duty of the street commissioner to see that the sidewalks in said city are kept free from snow, ice and rubbish of all kinds, in all cases where the owners or occupants of abutting lots or parcels of land shall fail so to do, and the expense of clearing the sidewalk in front of any lot or parcel of land may be paid by the city and collected as a special tax against such lot or parcel of land in the same manner as is provided in the preceding subdivision (number 5), and may be included in the sidewalk tax therein referred to. The notice referred to in subdivision 5, above, to lay, re-lay or repair a sidewalk ordered by the common council, when ordered by the council, may be substantially in the following form:

To the owner of lot — in block —, addition to the city of Janesville, Rock county, Wisconsin:

You are hereby notified to build (or repair) a standard sidewalk (or a good and substantial sidewalk, to be approved by the street commissioner) in front of your said lot, and upon — street, forthwith, and that if you fail to complete the same within twenty days after the service upon you of this notice, the work will be done by the city, and the expense thereof charged to and levied upon such lot as a special tax.

Dated —, 18—.

By order of the common council of the city of Janesville, Rock county, Wisconsin.

— —, Street Commissioner.

7. Whenever the street commissioner shall build, repair or clean, any sidewalk under or by virtue of the provisions of this chapter, he shall make and file with the city clerk his affidavit stating whether such work was necessary and the amount of the cost of the same and after the allowance of the bill therefor, by the common council, such affidavit shall be conclusive evidence in all courts and places of the necessity for such work and of the cost thereof.

Appointment,  
how made.

SECTION 4. The second subdivision of section 2, of chapter 10, of chapter 221, of the laws of 1882, is hereby amended by adding thereto the following: "Such appointments shall be made upon the recommendation of the chief engineer."

SECTION 5. Section 3, of said chapter 10, is

hereby amended so as to read as follows: Section 3. The teams, engines, hose carts, trucks, patrol wagons or other vehicles, or apparatus, or any of them belonging to, or operated by the fire department, or by any officer or member thereof, shall, at all times when responding to any fire alarm, have the right of way upon any street, highway or alley within the city, and the common council shall have the power by ordinance to impose a penalty, or penalties upon any person, or persons who shall in any way hinder or delay any member of, or apparatus belonging to, said fire department when such department or any part thereof is responding to any fire alarm.

Fire apparatus  
to have right  
of way.

SECTION 6. Section 4, of said chapter 10, is hereby amended so as to read as follows: Section 4. The chief engineer of the fire department shall be appointed by the mayor; such appointment to be approved by the common council, and may, at any time, be removed by the mayor with the approval of the council. The chief engineer shall have power to appoint, from the members of the fire department, subject to the approval of the common council, one or more assistant engineers, and may remove any or all of them at any time, and if necessary to do so the chief engineer may, with the consent of the council, appoint an assistant engineer from outside the fire department. The common council may fix the salary of the chief engineer and of his assistants. The chief and assistant engineers shall each be, and they are hereby made, ex-officio special police in and for said city, and each of them shall cease to be such policeman when he shall cease to be such officer of the fire department. Said chief and assistant engineers shall each before entering upon the duties of his office, execute to the city of Janesville, and deliver to the city clerk, a bond in such sum and with such sureties as the common council shall approve, conditioned that he shall faithfully perform the duties of his office, and account for all property received by him as such officer, which bond with the approval of the common council endorsed thereon by the city clerk, shall be filed by said city clerk.

Amendment to  
chapter 10.

May employ  
assistants.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.  
Approved March 15, 1889.