

school district, in the schools and school meetings of said district number one, of the city of Tomah, and the general laws relating to joint school districts between towns and regulating the levy and collection of school taxes upon the territory so attached and the inhabitants thereof and the payment thereof to the treasurer of said school district number one of the city of Tomah, shall apply to and govern the towns of La Grange and Tomah, in their relations to said school district number one of the city of Tomah.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1891.

No. 98, A.]

[Published March 25, 1891.

## CHAPTER 58.

AN ACT to incorporate the city of Tomahawk.

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

### CHAPTER I.

City incor-  
porated.

SECTION 1. All that territory in section two, of this chapter described, situate in the county of Lincoln, shall be a city by the name of Tomahawk, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of Tomahawk, and shall have the general powers hereafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries.

SECTION 2. All that district of country included in sections number two, three and four, in town-

ship number thirty-four north, of range number six east, and sections number twenty-six, twenty-seven, twenty-eight, thirty three, thirty-four and thirty-five, in township number thirty-five north, of range number six east, of the fourth principal meridian.

CHAPTER II.

SECTION 1. The city of Tomahawk shall be divided into four wards as follows:

First Ward. The First ward shall comprise First ward. all that territory within the corporate limits lying north of the center line of Wisconsin avenue and west of the center line of Second street.

Second Ward. The Second ward shall comprise Second ward. all that territory within the corporate limits lying south of the center line of Wisconsin avenue and west of the center line of Second street.

Third Ward. The Third ward shall comprise Third ward. all that territory within the corporate limits lying south of the center line of Somo avenue and east of the center line of Second street.

Fourth Ward. The Fourth ward shall comprise Fourth ward. all that territory within the corporate limits lying north of the center line of Somo avenue and east of the center line of Second street.

CHAPTER III.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, an assessor, a city superintendent of schools, three justices of the peace and three constables to be elected by the city at large. Each ward of said city shall elect one alderman, who shall represent such ward on the city council and be a member thereof, also one supervisor, who shall represent said city on the county board of supervisors of Lincoln county and be a member thereof, and one school commissioner who shall be a member of the school board of said city. Justices of the peace, aldermen and school commissioners shall each hold their offices for the term of two years, and until their successors are elected and qualified; every City officers; election and qualification of.

other elective officer, unless otherwise provided by law, shall hold his office one year, and until his successor is elected and qualified. Provided, that at the first election after the passage of this act, there shall be elected from each ward in said city, one alderman for the term of one year and one alderman for the term of two years, and provided, also, that the odd numbered wards shall elect a school commissioner at said first election for the term of one year, and the even numbered wards shall elect a school commissioner for the term of two years, who shall hold such office until their successors are elected and qualified.

First municipal election, when and where to be held; count of votes and canvass of returns.

SECTION 2. The first election for said city of Tomahawk for the election of city and ward officers shall be held in the respective wards of said city, on the second Tuesday in April, A. D. 1891, as follows: Ten days previous notice of such election shall be given by the chairman of the town board of the town of Rock Falls, stating the time and places of holding such election, and the officers to be elected, which said notice shall be published in the Tomahawk Blade and in the Tomahawk, two weekly newspapers published in the said city of Tomahawk, and said notice shall be posted up in at least three public places in said city. The polling places for said first election shall be as follows: First ward, in that building known as McBride's hall on Railway street. The polls of the Second ward shall be at that certain store building known as Hiram Dunfield's on Tomahawk avenue. The polls of election for the Third ward shall be held in that certain building on Wisconsin avenue known as Fitzgerald's hall. The polls of election for the Fourth ward shall be held in that certain school building on the southeast corner of Fourth street and Washington avenue. The polls shall be opened at nine o'clock in the forenoon and kept open continuously without adjournment until five o'clock in the afternoon. The electors present at the opening of the various polls, shall choose from the qualified electors, *viva voce*, three inspectors of election, and two clerks of election, and the persons so chosen to act as inspectors and clerks of election shall, before entering upon the duties of their office, take and subscribe the oath required of inspectors

and clerks of general elections, which said oath shall be administered by some person duly qualified to administer oaths in the county of Lincoln. At the closing of the polls the inspectors shall then and there count the votes, and ascertain the number of votes for each candidate or person voted for, and shall forthwith make a certified return thereof, duly signed, stating therein the number of votes cast for each person and the office designated, and the whole number of votes cast, and shall forthwith deliver or cause to be delivered such return, together with the poll lists kept by the clerks, to the county clerk of Lincoln county. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, the same penalty or fine shall be imposed and collected in the same manner as is provided for like neglect or failure on the part of inspectors or clerks in the annual city elections under this act. On Thursday morning next after said election at ten o'clock, the county clerk, together with two justices of the peace of Lincoln county, to be named by said county clerk, shall meet at the office of said county clerk and canvass said returns and declare the result of said election as it appears from the same, and shall thereupon forthwith give notice in writing to each person elected, of his election. The county clerk shall retain in his possession such returns, poll lists and the record of their doings thereon until the city clerk of Tomahawk, elect, shall have qualified and entered upon the discharge of the duties of his office, when he shall thereupon forthwith deliver to such city clerk said returns and poll lists and the records of the action of said canvassing board, together with his certificate that the returns, poll lists and records so delivered by him to said city clerk are the identical returns and poll lists received by him from said inspectors of election and election clerks, and of the whole thereof; that the same nor any part thereof has not been out of his possession since they were received by him, and that they have not been changed or altered or tampered with in any respect, and that the records so delivered by him are the records kept of the proceedings of said canvassing board, and the whole thereof. Such city clerk shall thereupon file said returns,

poll lists and records in his office and record the same in such manner and in such book as the common council shall provide. If in the first election two or more persons shall receive the same number of votes for the same office the election shall be determined by the casting of lots in the presence of the county clerk and the two justices of the peace composing said canvassing board, at such time and place and in such manner as such board may direct, but not to exceed three days after such returns and poll lists shall have been delivered to them. The county clerk and justices of the peace aforesaid shall receive the same compensation for their services as is allowed by law to county canvassing boards on canvassing the returns from general elections in this state.

Elective officers to be electors and freeholders in said city.

SECTION 3. All the elective officers from the city at large shall be qualified voters, electors and freeholders in said city, and the supervisor and alderman and school commissioner from each ward shall be qualified voters and electors, and shall be freeholders in the ward where elected. All other necessary officers not hereinbefore named as elective officers shall be elected by the common council.

Vacancies, how filled.

SECTION 4. Whenever a vacancy shall occur in the office of mayor, supervisor, alderman or justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Removal of officers for misconduct in office.

SECTION 5. Every officer or agent may be summarily removed, by a vote of two-thirds of all the members of the common council elect and the office declared vacant. No officer shall be removed from office except for good cause, nor unless furnished with charges, and an opportunity given such officer to be heard in his defense. And the common council shall have the power to compel any and all persons in said city to appear before it and testify in any hearing or proceeding

instituted to remove from office any officer mentioned in this act, according to the provisions of the general laws of the state of Wisconsin. The common council shall proceed to said hearing within ten days from the service of the charges upon the officer so charged and may adjourn from time to time, as may be deemed necessary, and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the common council may, by a two-thirds vote of the whole council, remove such officer and declare such office vacant.

**ELIGIBILITY TO OFFICE AND QUALIFICATIONS OF OFFICERS.**

**SECTION 6.** No person shall be eligible to any office of said city, unless he shall be a resident elector of said city, nor to any of the ward offices unless he be a resident elector and freeholder of the ward for which such officer is to be chosen, and otherwise qualified to perform the duties of the office to which he may be elected or appointed; and whenever any person elected to any city office shall remove from the city, or any ward officer shall remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office.

Officer to be elector and freeholder.

**SECTION 7.** Every person elected or appointed to any office of said city, except justice of the peace, or the wards thereof, shall, before he enters upon the duties thereof, take and subscribe the oath of office prescribed by the constitution of the state, before some proper officer, and file the same with the city clerk within ten days after notification of election.

Officer to take oath to support constitution, etc.

**SECTION 8.** The city clerk, city treasurer, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Tomahawk a bond, with at least two sufficient sureties, which bond shall contain such penal sum and such conditions as the common council shall prescribe. Such bonds, together with the affidavits of the sureties hereinafter provided, shall be filed with the city clerk and recorded in books in his office for that purpose.

Official bonds.

Justification of sureties on official bonds.

**SECTION 9.** The sufficiency of the sureties upon bonds provided for in the next preceding section, may be determined by the affidavits of the sureties, severally taken, in which affidavits it shall appear that said sureties in the aggregate are worth in property, over and above all debts, exemptions and liabilities, the penal amount of such bond, or the common council may, in any other manner, aside from the affidavits of such sureties, determine their responsibility and sufficiency, and either accept or reject such sureties, or require other or additional sureties.

Additional bonds may be required from time to time.

**SECTION 10.** The common council shall, at any and all times, have the power to require other or additional bonds, and other or additional sureties thereon, at any time during the official term of any officer of said city.

Office deemed vacant, when.

**SECTION 11.** Every person elected or appointed to any office in said city, who shall neglect to take and file with the city clerk his oath of office, as herein required, or neglect to file his official bond as provided by this act or as may be required by the common council, within ten days after notification of election or appointment, such office shall be deemed vacant, and the vacancy shall be filled as provided by this act.

Member of council not to be surety on bond to city.

**SECTION 12.** No member of the common council shall be accepted as surety upon any bond, note or obligation to the city.

Member of council during incumbency of office, ineligible to other office with compensation.

**SECTION 13.** No alderman or member of the common council, while holding such office, shall be appointed to, or be competent to hold any office of which the compensation is paid by the city.

## CHAPTER IV.

### GENERAL ELECTIONS.

Annual municipal election, where and when held; notices.

**SECTION 1.** The annual municipal election of said city shall be held on the first Tuesday of March in each year, for which purpose one place in each ward shall be procured and designated as election polls, by the common council, and notice thereof shall be given by the city clerk, for at least ten days prior to said election by publication in one newspaper, and by posting the same in three conspicuous places in each ward, which

notices shall be signed by the mayor and city clerk, and shall state the time and place where the polls will be opened, but a failure to give the notice as above specified shall not invalidate the election.

SECTION 2. All male inhabitants of said city, who shall have resided therein for thirty days next preceding any election therein, and who are otherwise qualified to vote under the general laws of the state, shall be entitled to vote at such election, in the ward in which they live.

Qualified electors, who are.

SECTION 3. The inspectors and clerks of all general charter and special elections, held in the city of Tomahawk, shall be appointed by the mayor as provided in section 26, chapter 5, of the revised statutes of 1878, and shall have the same powers and the same qualifications as therein named.

Inspectors and clerks of election.

SECTION 4. All general and special elections held in said city shall be held and conducted, and the votes canvassed, sealed and returned in all respects under and in accordance with the general laws of the state. And the inspectors and clerks of said elections shall possess the same powers and authority as are prescribed by the general laws of the state in regard to elections.

Election, how held; canvass and return of votes.

SECTION 5. The polls of election in each ward shall be kept open from nine o'clock in the morning until five o'clock in the evening, without intermission or adjournment, and when the polls shall have been closed, the inspectors without adjourning, shall canvass the votes received at such polls and make returns thereof in writing, duly signed stating therein the number of votes received for each person for a designated office, and the whole number of votes received, and such returns, in cases of municipal elections, shall by them be delivered, together with the oaths of inspectors and clerks and the poll lists kept by them, to the city clerk to be filed in his office within twenty-four hours after closing the polls.

Opening and closing of polls. Canvass and return of votes.

SECTION 6. All elections shall be by ballot; a plurality of votes shall constitute an election, and the names of all officers voted for shall be upon one ballot.

Election to be by ballot.

SECTION 7. Except as herein otherwise provided, so far as the same are applicable, all of the laws relating to general elections, as to qualifica-

General election laws shall apply to elections held under this chapter.

tions of electors, the manner in which elections shall be conducted, the making of poll lists and returns, and the punishment of illegal or fraudulent voting, or attempting to vote, and for fraudulent or illegal returns or any other fraud or wrong designated under the general election laws, shall apply to all elections provided by this act.

Canvass of returns by common council.

SECTION 8. On Thursday, next after the annual municipal election herein provided for in each year, at 7:30 o'clock in the evening, the common council shall meet at the council rooms in said city, and the returns of the inspectors of the various wards shall be produced by the city clerk, whereupon the common council shall forthwith canvass said returns and determine and declare by the greater number of votes appearing by the said returns to have been cast at said election, who are elected for each of the city and ward offices as were voted for, or any or either of them, and the council shall thereupon cause a report of such determination to be made and entered upon the minutes of said council within twenty four hours after such determination; the city clerk shall cause certificates of election to be served upon the persons so declared to be elected, personally, or by depositing the same in an envelope with postage paid and properly directed, provided that the city clerk shall at the same time certify to the clerk of the circuit court, the names of the persons so elected justices of the peace, and all persons authorized to administer oaths and take acknowledgments of instruments in writing, and the terms for which they are respectively elected when they have qualified.

In case of tie vote election to be decided by casting of lots.

SECTION 9. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as said common council may direct.

Official oath and bond of justices of the peace.

SECTION 10. Every justice of the peace elected or appointed by virtue of this act, shall file such oath of office and bond necessary to qualify, before entering upon the discharge of the duties of such office, as is prescribed by the general statutes for such officers of the several towns.

SECTION 11. In addition to the amount of taxes for general city purposes, special taxes may be

levied for the purchase of fire-engines, cemetery grounds, public squares and lands for railway purposes, including depots, switch yards, side tracks and such other purposes as are of public utility; but no such tax shall be levied, unless the same shall first be recommended by the common council, and afterward submitted to a vote of the people, and approved by them. Whenever the common council shall recommend such a tax it shall specify the amount to be raised and the object thereof, and cause notice of such election to be published in the same manner as in the case of the annual city election.

Levy of special taxes for purchase of fire-engines, cemetery grounds, etc. Submission of question to vote at special election.

**SECTION 12.** At such special election so called, no such special tax shall be raised or levied, unless the whole number of votes cast for said special tax shall be a majority of the whole number of votes cast at said special election.

Special tax to be levied only on a majority vote of electors at special election.

## CHAPTER V.

### POWERS AND DUTIES OF THE COMMON COUNCIL.

**SECTION 1.** The municipal government shall consist of a common council composed of the mayor and two aldermen from each ward. The common council shall annually meet on the first Monday after the annual municipal election at 7 o'clock in the evening, and at such other times, not less than once in each month, as it shall, by resolution appoint. The mayor, or in his absence or inability to act, the president of the council, for any good reason, may call special meetings by notice to each of the members to be served personally, or left at their usual place of abode by the city clerk. The common council at any regular or special meeting shall have power to adjourn the same to such time as it may deem proper.

Common council how composed; when meeting to be held.

**SECTION 2.** It shall be the duty of the common council to elect one of its members president of the council.

Election of president of council.

**SECTION 3.** In the absence of the mayor and president of the common council, the members present, if there be a quorum, shall elect one of its members as president *pro tempore* of the common council, who shall have and possess all the powers of mayor while so presiding.

President pro tem.; his powers and duties.

Appropriations and appointments require majority vote of members-elect.

**SECTION 4.** In the proceedings of the common council, each member present shall be entitled to one vote, but no appropriations or appointments to office shall be made except by a majority of all the members-elect.

Quorum, etc.

**SECTION 5.** The common council shall determine the rules of its proceedings, not inconsistent with any of the provisions of this act. A majority of the members-elect shall constitute a quorum for the transaction of business, and may compel the attendance of absent members, and in case of the refusal of absent members to attend for three successive meetings the common council may declare the office of the member so refusing vacant.

Vote by yeas and nays when taken.

**SECTION 6.** If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution or question, pending before such meeting, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such vote shall be entered at large in the minutes of the common council.

Additional duties may be imposed upon city officers.

**SECTION 7.** The common council shall have the power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to prescribe the duties of such other officers as may be appointed, whose duties are not herein prescribed.

Council to have control of city property.

**SECTION 8.** The common council shall have the general control of all the property both real and personal belonging to the city.

Organization of board of health.

**SECTION 9.** The common council shall organize a board of health, consisting of three members, and to provide measures for the preservation of the health of the inhabitants of said city and to prevent the spread of infectious or pestilential diseases therein. Each member of the board of health shall have such powers and perform such duties as the common council, by ordinance or otherwise shall direct.

Enforcement of rule and regulations of board of health.

**SECTION 10.** The common council may, by ordinance, authorize the board of health, or any member thereof, to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preserva-

tion of the public health; but no order, rule or regulation of said board, imposing a penalty, shall take effect and be in force until the same shall have been published in a newspaper published in said city, as required for the publication of ordinances

**SECTION 11.** The common council shall have the power to make, modify and repeal such ordinances, resolutions, regulations or by-laws, as may be necessary to carry into full effect all the powers conferred upon it by this act. In every such ordinance, resolution, regulation or by-law passed by said common council, it may impose such penalty for the violation thereof, or any part thereof, by fine not exceeding two hundred dollars, and if not paid, with the costs, by imprisonment in the county jail of Lincoln county, not exceeding six months, or by imprisonment in any other place provided by the common council for the detention or imprisonment and punishment of persons committing offenses, not exceeding three months; and shall have the power by such ordinances, resolutions, regulations or by-laws and with such penalties aforesaid:

Common council may make, modify or repeal ordinances, resolutions, etc.

**First.** To preserve peace and good order, and to restrain and prevent vice, immorality and every kind of fraudulent device and practice.

To preserve good order, etc.

**Second.** To restrain, prevent and suppress houses of ill fame, and all places of prostitution, and disorderly and gaming houses, billiard tables, and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming and to punish the occupants and frequenters of such houses and places, and to prohibit the occupation of any room, building or any part thereof, within the said city for that purpose.

To restrain houses of ill-fame and gambling houses, etc.

**Third.** To restrain and punish vagrants, mendicants, street beggars, drunkards, and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds, and disorderly persons, and to prevent drunkenness and disorderly and immoral conduct and obscenity in public places and streets and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Tramps, drunkards, etc.

Riots and disturbances.

Fourth. To prevent any riots, noises or public disturbances, and all disorderly assemblies.

Licence of saloons.

Fifth. To license, prevent or regulate the sale and giving away of ardent, spirituous wines, malt, fermented and intoxicating liquors and drinks within the city, under the provisions of this act.

Slaughter houses.

Sixth. To prohibit or regulate the erection or continuance of slaughter-houses in said city, and to cause the removal thereof.

Cleaning of meat markets, stables, etc.

Seventh. To compel the owner or occupant of any grocery, meat market, tallow chandler's shop, soap factory, tannery, stable, privy, sewer, drain or other unwholesome or nauseous house or place to cleanse, remove or abate the same as often as, and whenever the common council or board of health shall deem it necessary for the health, comfort or convenience of the inhabitants of the city, and for the prevention of disease.

Removal of unwholesome meat or other decaying substances.

Eighth. To require the removal of any putrid or unwholesome meat, fish, hides or skins or any decaying substance of any kind by any person owning or occupying the premises, on which the same may be found, and in case of his default to do so within such time as may be prescribed by the council, to cause the removal thereof, and the expense thereof shall be a lien upon the lot or premises upon which the same were found, to be enforced as hereinafter provided.

Abatement and removal of nuisances.

Ninth. To prevent, restrain, remove and abate nuisances.

Digging holes, etc., where stagnant water may remain.

Tenth. To prevent the digging, excavating or making of holes or places below the natural surface of the ground, wherein stagnant water or other noxious or unwholesome matter may accumulate, and to cause the filling up, cleansing or purifying of any such holes or places, by any person who may have caused, made or in any way assisted in making the same, and in case of the default in the filling up, cleansing or purifying thereof, within such time as may be prescribed by the common council to cause the same to be filled up, cleansed or purified, and the expense thereof shall be a lien upon the lot or premises upon which the same existed, to be enforced as herein after provided.

Depositing of dead carcasses within city.

Eleventh. To prohibit any person from bringing or depositing within the limits of said city the

dead carcass of any horse or dog, or the putrid carcasses of any animal, filth or rubbish or any unwholesome thing.

Twelfth. To prevent and prohibit the manufacture, keeping or storing of nitroglycerine, and to regulate the keeping and storing of gun-powder, gun-cotton, burning fluids, coal oil and other dangerous explosive materials in said city, and to provide for the inspection of illuminating oils and fluids

Storing or manufacture of explosive materials within city.

Thirteenth. To prohibit, restrain or regulate the discharge of fire-arms and the explosion of gun-powder and gun-cotton and the firing of fire-crackers and fire-works of any kind within the city.

Shooting of firearms, etc.

Fourteenth. To regulate the use of candles and lights in barns, stables, shops and out-buildings.

Candles and lights in barns, etc.

Fifteenth. To compel all persons to remove the dirt, snow and ice from the sidewalks in front of the premises occupied or owned by them and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks, with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets or the raising or lowering of the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council, and to prohibit injury to sidewalks.

Removal of snow, etc., from sidewalks.

Sixteenth. To prohibit the leaving of any horse, mule or team on any street without being securely fastened or hitched.

Hitching of horses on streets.

Seventeenth. To regulate and control the erection of awnings and awning posts; to prevent the erection of signs and sign posts in the streets or over the sidewalks; and to provide for and compel the erection and maintenance of safe and convenient hitching posts and places for fastening teams, at such point or points as the council may deem necessary.

Awning and awning posts, signs, etc.

Eighteenth. To prevent and regulate the run-

Running at large and taxing of dogs.

ning at large of dogs, and to destroy them, and to impose a tax upon the owners or possessors of dogs.

Removal of persons afflicted with contagious diseases.

Nineteenth. To require and cause the removal from thickly inhabited parts of the city, of all persons having contagious diseases.

Regulating exhibitions of natural and artificial curiosities, etc.

Twentieth. To prohibit restrain and regulate all exhibitions of natural and artificial curiosities, caravans of animals, theatrical shows or performances, circuses and all other public exhibitions or performances for money, and to require, fix the amount and provide for the collection of license fees for any and all such public exhibitions or performances.

Ringling of bells, blowing of whistles, etc.

Twenty first. To regulate, restrain and prohibit the ringling of bells and blowing of whistles and the crying of goods, wares and merchandise or other commodities in the streets of said city.

Licensing of auctioneers.

Twenty second. To impose and collect license fees of each auctioneer, and commissions on the sale of goods, wares, merchandise or other personal property by auction, and to punish any person acting as auctioneer without a license, or refusing to report sales by auction.

Hawkers and peddlers.

Twenty-third. To regulate and restrain hawking and peddling in the streets.

City market, etc.

Twenty fourth. To establish and regulate a market or markets in said city; to restrain and regulate the sale of fresh meats, fish and vegetables, and to select places for the sale of hay, wood, straw, grain, lumber, lime and all other articles offered for sale from wagons, sleighs or vehicles, and cause the same to be weighed, measured or inspected, and to establish and collect fees for such weighing, measuring or inspecting, and to prohibit, under penalty, the sale of all such articles at any other place or places.

Public pounds.

Twenty fifth. To establish and regulate public pounds.

Running at large of cattle, etc.

Twenty-sixth. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine, geese and fowls, in said city, and to cause such as may be found running at large to be impounded, and to have a lien thereon, for all fines, penalties, costs, poundage and damage done thereby, and to cause the same to be sold to discharge the said

liens, and to punish the owners of such animals and fowls running at large.

Twenty seventh. To prevent and punish horse racing and immoderate driving or riding in the streets or highways; to require all persons driving horses with sleighs or cutters in the streets of said city to carry bells either upon the horses or other animals to warn other persons using said streets, and prevent and punish persons playing any game or doing any act having a tendency to frighten horses or annoy persons passing in or along the streets or highways or endanger property.

Horse racing and fast driving on streets.

Twenty eighth. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling up the lands owned or occupied by them, within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings in said city as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said company, and to regulate the putting up of all necessary signs to "beware of the cars," at railroad and street crossings.

Railroad and other corporations to fill up and drain lands, to construct suitable crossings, etc.

Twenty ninth. To prevent the use of false weights and measures.

False weights and measures.

Thirtieth. To direct and require the keeping of records of mortality by physicians, sextons and others.

Records of mortality, etc.

Thirty first. To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees in the streets and public grounds in said city.

Shade and ornamental trees.

SECTION 12. The common council shall have authority by ordinances, resolutions or by-laws:

First. To manage and regulate the finances and to regulate, preserve and dispose of the property, real and personal, belonging to the city.

Regulation of finances.

Second. To purchase all real estate, all other property, as may be required for the use of such city, for public uses; provided the cost thereof shall not exceed the amounts previously limited therefor.

Purchase of real and other property for use of city.

Levy of taxes  
and assess-  
ments.

Third. To adopt all legal and requisite measures for levying taxes and assessments, general and special.

Public parks,  
etc.

Fourth. To purchase and lay out public parks, squares or grounds, and improve the same.

Public reser-  
voirs, wells,  
etc., water  
works.

Fifth. To establish, make, regulate, preserve and protect public reservoirs, pumps, wells, hydrants and fountains in said city, supply them with water and construct all necessary water works for such purposes, and for the general supply of the inhabitants, and to pay for the same, and to prevent the unnecessary waste of water therefrom and regulate and control the use thereof. And when authorized by vote of the electors of the city may grant a franchise or franchises to any person or persons, or corporation, to construct, maintain, and operate water works, electric lights and street railways in said city.

Drains, sewers  
and gutters.

Sixth. To establish, construct, and to build all necessary drains, sewers and gutters and maintain the same.

Draining of  
sloughs, etc.

Seventh. To fix up, widen, straighten, deepen, drain, dress or otherwise improve or abate any and all sloughs, ravines, water courses and wet places in the limits of said city.

Scuttles in  
roofs of  
houses, fire  
escapes.

Eighth. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same, and suitable fire escapes therefrom.

Deposit of,  
ashes, etc.

Ninth. To prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures, as may be in a dangerous state, to be put in a safe condition.

Construction  
of chimneys.

Tenth. To regulate and prevent the improper construction and unsafe condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus now in and about any buildings or manufactories, and to cause the same to be removed or put in a safe condition.

Prevent fires.

Eleventh. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

Suspected per-  
sons at fires.

Twelfth. To authorize the mayor, aldermen, police, firemen, and other officers of the city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires

and in the protection and preservation of property thereat.

Thirteenth. To authorize and require any person appointed for that purpose to enter all buildings and enclosures at proper times to ascertain whether the arrangements for fire, or the preservation of ashes are dangerous and to cause such as are dangerous to be put in a safe condition.

Inspections of buildings.

SECTION 13. The common counsel shall let by proposal to the lowest responsible bidder and not otherwise, all contracts for services or work, and materials or supplies, and order payment for the same except as is specifically otherwise provided by this act, and may, from time to time, require any officer to furnish reports, information or estimates and to perform other and further duties than herein prescribed, if the council shall deem that the interests of the city so require.

Contracts for work, supplies etc., to be let.

SECTION 14. The common council may cause all streets, highways, alleys, lanes, side and cross walks, culverts, drains, sewers and public places in the said city, to be surveyed and described, and the established heights of all grades of streets or sidewalks, to be recorded in books to be kept by the city clerk for that purpose, and to cause maps to be made and be filed with the city clerk. Such records and maps, when so filed shall be *prima facie* evidence of the facts therein described and portrayed, in all actions and places between the city and other persons touching their location and the facts therein or thereon represented.

Establishment of grades, etc. surveys.

SECTION 15. The common council of said city shall, by proper resolutions, levy all taxes to be raised in said city, itemizing the amount so as to show the amount raised for general and special purposes.

Levy of taxes.

SECTION 16. The common council shall at its last regular meeting before the annual municipal election, by resolution, fix the salaries and compensation to be paid to such of the city officers and employes, to be elected or appointed under the provisions of this act, as are entitled thereto; provided that no salary or compensation having been once fixed, shall be increased to any officer or employe during his term of office or employment, unless by the unanimous consent of all the members of the common council-elect; provided,

Salaries of city officers, how fixed.

that the salaries for the year 1891, shall be fixed at the first meeting of the council.

Poll tax.

SECTION 17. The common council of said city shall have and is hereby granted power to tax annually each male inhabitant within the corporate limits of said city between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax.

Official oath and bond of chief of police.

SECTION 18. The chief of police of said city shall, before he enters upon the discharge of the duties of his office, take the constitutional oath of office and give a bond to said city, and to each and every person entitled thereto, for all moneys that may come into his hands by virtue of his office.

Salaries of certain officers.

SECTION 19. The city clerk, city attorney, chief of police and assessor shall be paid a salary to cover all services rendered by them.

Council to make provision for payment of city orders.

SECTION 20. It shall be the duty of the common council always to provide for the prompt payment of all orders drawn on the city treasury, and it shall have the power to negotiate temporary loans at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury; provided, that the common council shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year, except as hereinafter provided. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council, and thereupon the council shall direct the finance committee to examine the accounts of the treasurer and if all funds in his hands have been paid out then the common council shall take such action as will enable the city to preserve its credit.

## CHAPTER VI.

The mayor, his powers and duties.

SECTION 1. The mayor, when present, shall preside over the meetings of the common council and shall take care that the laws of the state and ordinances of said city are duly observed and enforced, and that all the executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of

the police of the city; and in case of riot or other disturbances or apparent necessity, he may appoint as many special temporary policemen as he may deem necessary. The mayor shall, in all cases, have a seat in the common council, and he shall have a vote in the common council only in case of a tie vote. He shall give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council in writing of his objections thereto, at any time within seven days after the passage of such ordinance. In case of no session of the common council 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, at the next regular meeting, re-enact such ordinance by a vote of two-thirds of all members-elect of the council, and cause the same to be published, the same shall be null and void; provided, however, that in case the mayor shall refuse or neglect to sign said ordinance and shall not file his objections thereto as hereinbefore provided, within the said seven days, said ordinance shall be valid and in force after the publication thereof. He shall immediately after his election and qualification, and whenever from any cause a vacancy shall occur in the office of chief of police, appoint a chief of police, which appointment shall be approved by the common council before the same shall go in effect. He shall have power to administer oaths required in the discharge of the duties of his office. He may call special meetings of the common council, by order in writing, specifying therein the object for which such meeting is called, to be filed with the city clerk, and when such order is filed it shall be the duty of the city clerk to serve or cause to be served on all the members of the common council a copy thereof, personally or by leaving the same at the place of residence or business of each member to be served. And at such special meetings of the common council so called, the common council shall not transact any other bus-

iness than that so specified in the call. He shall possess all such other powers, and perform all such other duties as are incident to and are necessary for the faithful discharge of his duties under this act.

The president of the council, his powers and duties.

SECTION 2. The president of the common council shall possess all the powers and perform all of the duties of the mayor, in his absence or inability to act.

The city clerk, his powers and duties.

SECTION 3. The city clerk shall attend all the meetings of the common council, and keep a correct record of its proceedings. He shall have custody of the corporate seal, and of all the papers and records of the city, that by provisions of law, or by direction of the common council, are required to be kept in his office, or filed by him. He shall see that all ordinances, orders, resolutions, notices, proceedings of the common council and other matters requiring publication, are published within two weeks in such paper or papers as the common council may direct, and that due proof thereof be made and recorded, as in this chapter provided; and it shall be the duty of the city clerk to furnish such paper or papers a certified copy of said proceedings, ordinances, orders, resolutions, notices and other matters requiring publication. He shall record all papers and proceedings required by any of the provisions of this act, to be recorded in his office. He shall serve in the capacity of clerk of all such boards or committees as the common council may direct and shall also be clerk of the school board of said city. He shall attest all orders drawn upon the treasury, and sign all licenses granted by the common council, and keep correct records thereof in books provided for that purpose, in such manner as may be designated by the common council. He shall keep a detailed account of the financial condition of the city; of the amounts expended through orders drawn upon the treasury, of all balances remaining unexpended, of the condition of any fund or separate appropriation for particular purposes, of the amounts received into the city treasury, as appears by the reports of the treasurer, and all other facts desired by the common council, at any regular meeting or at any other time. He shall do and perform any other or further act

or service in relation to any details in the matter of keeping books of accounts, records of proceedings, which the common council may, by ordinance or resolution require. He shall make copies of the assessment roll of the city, and a list of the persons liable to poll tax, as may be required by the law of the state or common council. He shall keep a record in detail of the bonded indebtedness of the city, in such manner as will show the amounts required to be paid each year for interest and principal or to invest in the sinking fund. He shall before the levy of any annual tax by the council, make report of all amounts in detail, which the city will be required to pay towards any indebtedness, and such facts and statements of past expenditures, as will enable the council to make proper estimates for tax levies. He shall keep a record of all the proceedings in matters relating to the condemnation of private property for public use, all proceedings in any improvements by which the expense or any portion thereof shall be chargeable to any real estate. He shall, at the regular meeting each month, make a report to the common council of the amount of money belonging to the general fund in the city treasury at the last meeting, the amount of orders drawn on said fund since the last meeting, and the balance on hand at the date of meeting. He shall have power to administer oaths and affirmations in the discharge of the duties of his office, and shall appoint a deputy city clerk, who when so appointed and confirmed by the common council, shall possess all the powers and authority of the city clerk. The city clerk may in addition to his salary receive such fees as the law prescribes for filing chattel mortgages and making certified copies of the same or any service in connection with his office not in this act specified or herein-after required by the common council.

SECTION 4. The city treasurer shall receive and safely keep until lawfully paid out, all moneys belonging to the city and keep accurate and detailed accounts of all disbursements in such manner as the common council shall direct. He shall collect all licenses, duties, commissions and moneys due the city, all general and special taxes and assessments, except as otherwise provided,

The city treasurer, his powers and duties.

which may be lawfully charged, levied or assessed upon the real and personal property in this city, and chargeable therewith, and exercise the same powers and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. He shall pay all orders drawn upon the treasury by authority of the common council, or as may be required under any special provision of this act. He shall report to the common council at the end of each month, the actual amount of money in the treasury together with the amount of money received and paid out, which said account shall be delivered over to the city clerk, and filed in his office, after the same shall have been examined by the common council. He shall at the end of his official term or oftener, as may be required by the common council, make a detailed report of all the transactions of his office, and at the end of his term of office shall thereupon deliver over to his successor in office, all moneys or property belonging to the city, as well as all books, records, papers or documents in any way pertaining or belonging to the office. The treasurer shall in addition to the duties herein enumerated, do and perform all the duties provided to be done and performed by him in any portion of this act. The fees of the city treasurer shall be as follows: For all taxes in the general tax roll collected on or before the first day of February each year, he shall receive two *per cent.* on the amount collected; for all taxes collected after the first day of February in each year he shall receive five *per cent.* on the amount so collected. He shall have two *per cent.* on all the moneys received except moneys turned over to him by his predecessor.

The chief of police, his powers and duties.

SECTION 5. The chief of police shall perform such duties as shall be prescribed by the common council for the preservation of the peace. He shall possess all the power and authority of constable of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinances of said city, may pursue and serve the same in any part of the state. It shall be his duty to

suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and forthwith bring such person before a justice of the peace for examination or trial, and for such service he shall receive such fees as are allowed by law to constables for like services in this state; provided, that if said chief of police perform any labor by direction of the common council or required by law, for which no fees are allowed, he shall receive such compensation as the common council shall determine.

SECTION 6. The assessor elected under this act shall, in all things pertaining to his office, be governed by the same laws as assessors under the general laws of this state, and his compensation shall be established by the common council.

The assessors;  
their powers  
and duties.

SECTION 7. The board of review shall consist of the mayor, clerk, assessor and two members of the common council, to be chosen by the council. They shall meet on the day fixed by law for that purpose, and in all things be governed by the general laws of this state. The members of the board of review shall receive such compensation as shall be allowed by the common council, not to exceed three dollars per day.

SECTION 8. Each of the justices of the peace provided for in this act shall hold a court for the trial and determination of such actions, civil and criminal, as they have jurisdiction of as justices of the peace under the general laws of the state or the provisions of this act. All the general laws of the state of Wisconsin relative to the proceedings in justice courts in civil or criminal proceedings, shall apply to the courts of such justices except as otherwise provided in this act.

Board of review,  
how composed.

SECTION 9. The justices of the peace of said city shall have exclusive original jurisdiction of all criminal cases arising in said city, to try and determine, or commit for trial, as may be, and of all cases, civil or criminal, arising under the ordinances, rules or regulations of said city, all the general provisions of law concerning the trial of criminal offenses and the conducting of criminal

Justices of the  
peace; their  
jurisdiction.

prosecutions, appeals from the judgment of justices, the fees of officers, and the proceedings in which upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act. When an act or omission, declared to be an offense by the general laws of the state is also made an offense by the provisions of this act or the ordinances of the city passed pursuant thereto, a conviction or acquittal in a prosecution under the general law shall be a bar to a prosecution under this act, or such ordinances. The persons accused shall have the same right to a removal of the case for prejudice as provided by the general laws of the state. All fines collected on conviction for such acts or omissions shall be paid into the city treasury, and become a part of the general fund thereof.

The city attorney; his duties.

SECTION 10. The city attorney shall be an attorney of a court of record of this state. He shall perform such services as by ordinance directed by the common council. He shall, when directed by the common council, conduct all legal proceedings for said city, whenever said city may be a party to the same, and shall upon all matters furnish to the common council his opinion in writing involving the rights of said city.

## CHAPTER VII.

### ORDINANCES

Ordinances, how passed.

SECTION 1. Every ordinance of the common council shall before it takes effect, be duly signed by the mayor and attested by the city clerk; provided, however, that no ordinance shall be in force until it shall have received at least one publication in a newspaper published in the city of Tomahawk, and proof of such publication by the affidavit of the publisher, printer or foreman of such newspaper, to be filed with the city clerk; and the ordinance and proof of publication thereof shall be recorded in a book kept for that purpose.

Style of ordinances.

SECTION 2. The style of all ordinances shall be "The common council of the city of Tomahawk do ordain as follows," etc.

SECTION 3. A printed copy of an ordinance passed by the common council and published in a newspaper, or in a pamphlet, or book form, purporting to be published by authority of the common council of said city, as certified by the clerk of said city to have been published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in the state.

Ordinance,  
how proved.

CHAPTER VIII.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, LAWS,  
ETC.

SECTION 1. The city of Tomahawk may sue for and recover any and all penalties or forfeitures, under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof in the corporate name of said city of Tomahawk, any general law of the state, to the contrary notwithstanding, and such actions shall be commenced by complaint, substantially in the following form:

Suits for recovery of penalties and forfeitures.

State of Wisconsin, }  
City of Tomahawk, and } ss.  
County of Lincoln. }

Form of complaint.

....., being duly sworn, complains on oath to ..... a justice of the peace in said city, that ..... did, on the ..... day of ....., 18.., violate the ..... section of an ordinance, by-law or resolution (describing it by its title and number of section), which said ..... is now in force, as this deponent verily believes, and prays that said ..... may be arrested and held to answer to the city of Tomahawk therefor.

Sworn and subscribed to before me this ..... of ....., 18...

.....  
It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by-law, regulation or resolution, or of the law violated in such complaint, with the number of the section or sections. Upon the filing of said complaint with the justice having jurisdiction

tion, a warrant shall issue thereon substantially as follows:

Form of war-  
rant.

State of Wisconsin,  
City of Tomahawk, and } ss.  
County of Lincoln.

The state of Wisconsin, to the chief of police of said city of Tomahawk, or the sheriff or any constable of said county, greeting:

Whereas, ..... has this day complained to me in writing, on oath, that ... did, on the ... day of ....., A. D. 18.., violate the .... section or sections of an ordinance, by law, regulation or law (describing it by its chapter or number), which said .... is now in force and effect, as said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ....., and him forthwith bring before..... to answer to said city of Tomahawk on the complaint aforesaid.

Given under my hand this .... day of ....., 18..

Witnesses and jurors may be compelled to attend without payment of fees in advance, when.

SECTION 2. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon process of the court, duly served, and in default thereof their attendance may be forced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Judgments in city prosecutions; executions.

SECTION 3. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture, as he shall deem best, within the provisions of such ordinance, by law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. If not guilty the costs as in actions in justices' courts, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of

the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be imposed and collected by levy and sale on execution of the property of the defendant as provided by law in civil actions before a justice of the peace.

SECTION 4. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendants shall be taken and imprisoned in the jail of Lincoln county, for a term not exceeding six months, or in the police station, not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Lincoln county, or in the police station, according to the terms of the execution. Such execution may be in the following form:

Defendant's body may be taken on execution, when.

State of Wisconsin, }  
 City of Tomahawk, } ss.  
 County of Lincoln. }

Form of execution.

The state of Wisconsin, to the sheriff or constable of said county of Lincoln, the chief of police of said city, the keeper of the common jail of said county, or the keeper of the police station:

Whereas, the said city of Tomahawk, on the .. day of ....., 18.., recovered a judgment before the ..... of said ....., against ....., for the sum of ..... dollars, together with ..... dollars, costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint).

These are, therefore, in the name of the state of Wisconsin to command you to levy distress on the goods and chattles of said ....., (excepting such as the law exempts) and make sale thereof according to law in such case made and provided, to the amount of said sum, together with your fees and twenty-five cents for the execution; and the same return to

me within thirty days, to be rendered to the said . . . . ., for said judgment and costs and for want of said goods and chattels whereon to levy, to take the body of said . . . . ., and him convey and deliver unto the keeper of the common jail of said county, or to the keeper of the police station of the city of Tomahawk, who is hereby commanded to receive and keep the . . . . ., in safe custody in said . . . . ., and at hard labor, for the term of . . . . ., unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by the due course of law.

Given under my hand this .. day of . . . . ., 18...

Disposition of  
fines and penal-  
ties, when col-  
lected.

SECTION 5. All penalties, forfeitures and fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer within one month after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city against the officer and his sureties for the default.

Appeals in city  
prosecutions.

SECTION 6. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Lincoln county by filing an affidavit and bond and complying with the requirements of appeals in civil cases before justices of the peace; provided, however, that such appeals shall be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged and the judge or justice shall transmit the papers in the case so appealed, with a transcript of his docket, to the circuit court, within the time and in the

manner prescribed in cases of appeals from justices of the peace.

SECTION 7. The jail fees and officer's fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may by resolution, direct the judge or justice to discharge from the jail or police station any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody and make an entry of such discharge in his docket; an execution may issue or may be renewed by endorsement from time to time, before or after the return day thereof; and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

Jail and officers fees shall be audited by the common council; how prisoner may be discharged.

## CHAPTER IX.

### FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of Tomahawk shall commence the second Tuesday of March.

Fiscal year.

SECTION 2. All moneys, credits and the demands belonging to the city of Tomahawk, shall be kept by and deposited with the city treasurer, and be under control of the common council, and shall only be drawn upon orders signed by the mayor and city clerk, duly authorized by a vote of the common council and in no other manner; and all resolutions adopted by the common council authorizing the expenditure of moneys shall explicitly specify the amount to be expended, and no extra or additional compensation shall be allowed or paid on any contract or on account of any contract, or to any officer, contractor, person or persons, for any service or work done, or material furnished to or for the city.

Funds of city, how kept and how disbursed.

Majority vote of the common council required to charge city with debt.

**SECTION 3.** No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members-elect of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the common council; provided, that the common council shall not in any case, or under any pretext or for any purpose whatever, contract debts or liabilities of any kind, name or nature, exceeding the amounts which it is authorized by the provisions of this act to levy for the current year.

Fines, penalties, etc., to be credited to general fund.

**SECTION 4.** All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by laws, rules and regulations of the city passed thereunder, or for any act of omission or commission forbidden or made punishable by or under the general laws of the state, which act of omission or commission is also forbidden or made punishable by any ordinance, by-law or regulation of said city, and all moneys received for licenses, except insurance percentage, and from all other sources for the city, shall be paid into the city treasury and become a part of the general fund.

City orders; how drawn and how may be transferred.

**SECTION 5.** All orders drawn upon the treasury of the city shall be made payable to the order of the person in whose favor they may be drawn, and shall be transferred only by endorsement. Each order shall specify upon its face the purpose for which it was drawn, and from which fund the same is to be drawn, and the same shall be payable out of the proper fund, and all such orders shall be received in payment of any municipal tax levied and assessed.

Fire insurance companies to pay two per cent. of premiums to city treasurer.

**SECTION 6.** All corporations, companies and associations, by their respective underwriters or agents engaged in said city in effecting fire insurance, shall account and pay to the city treasurer two *per cent.* upon the amount of all premiums, which shall have been received or agreed to be paid for insurance, at the time and in the manner and form prescribed or provided for by section 1926, revised statutes.

Real estate exempt by general laws shall be subject to special assessments.

**SECTION 7.** Real estate exempt by the laws of this state from general taxation, shall be subject to special taxes for the building of streets,

sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax.

SECTION 8. The common council shall at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived and a detailed itemized statement of all accounts allowed during the fiscal year stating the nature and purpose of each account, and by whom presented, and to whom paid, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Statement of receipts and expenditures to be published once in each year.

## CHAPTER X.

### STREETS AND HIGHWAYS.

SECTION 1. The common council of the city of Tomahawk shall have the same power and authority to lay out, alter, widen and discontinue any street or highway within the limits of said city, that is now or may hereafter be conferred on the supervisors of towns in this state, and all streets, highways or alleys within the limits of said city, hereafter laid out, altered or discontinued shall be laid out, altered or discontinued by the common council of said city under the provisions of chapter 52, of the revised statutes, and in all respects in the same manner as is provided in said chapter 52, for the laying out, altering or discontinuing highways in the towns of this state.

Council may alter, widen or discontinue any street or highway.

SECTION 2. The common council shall have power to lay out and open alleys within the limits of said city, in the same manner as highways,

Laying out and opening of alleys.

upon petition of a majority of the property holders abutting the proposed alley; provided, that any damages awarded to any property holder abutting said alley shall be assessed on all property abutting said alley in equal proportions, according to the number of feet fronting on said alley.

## CHAPTER XI.

### FIRE DEPARTMENT.

#### Fire limits.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other material that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed, shall be made and constructed of fire proof material, to prohibit the repairing of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damages and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

#### May prevent dangerous construction of chimneys, fire places, etc.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as it shall prescribe, and to regulate the use of them in case of fire; to regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of

fires, and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

**SECTION 3.** The common council shall have full power to purchase fire-engines, and other fire apparatus as provided for in this act, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed forty able bodied men, between the ages of eighteen and fifty years, and may elect its own officers and form their own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by volunteer enlistment. Every member of said companies hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in cases of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of seven years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Purchase of fire-engines and apparatus; organization of hook and ladder and hose companies

**SECTION 4.** The mayor shall appoint a fire warden for said city, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and he may at any time, enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Fire warden.

**SECTION 5.** When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, or the mayor or chief of police, at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such

Person refusing to obey lawful order of officer at fire may be arrested.

officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any such person, who shall refuse to arrest or aid in arresting any person, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Organization of  
sack com-  
panies.

SECTION 6. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief of the fire department. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Tomahawk, and are hereby vested with all the power and authority which now is, or may hereafter be, vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires it shall take charge of all property which may be exposed or endangered, and shall, as far as may be in its power, preserve the same from injury or destruction. Such company may, from time to time, adopt such laws as it deems necessary not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Treasurer of  
fire depart-  
ment.

SECTION 7. The treasurer of the fire department shall receive and pay out all moneys belonging to said department and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief or acting chief and countersigned by the clerk of said department.

**SECTION 8.** There shall be elected by the members of such company aforesaid annually at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Election of clerk and treasurer of fire department.

**SECTION 9.** The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless his name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note the fact on the list thereof and shall return to the clerk of the board of supervisors of the county of Lincoln, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Record to be kept of names of members of fire companies.

**SECTION 10.** The officers of the fire department shall be a chief, an assistant chief, a secretary and treasurer. The several fire companies shall hold at least one annual meeting for the purpose of electing department officers; the first meeting to be called by the mayor. Each member of the several companies, in good standing, shall be entitled to a vote in the election of department officers, and a majority of the votes cast shall elect. The officers so elected shall be subject to confirmation by the common council.

Officers and meetings of fire companies.

## CHAPTER XII.

### CONSTRUCTION, REPAIR AND RE-CONSTRUCTION OF SIDEWALKS.

**SECTION 1.** The common council shall have the power to order the building, construction, re-

Resolution for building or repair of sidewalks; copy to be served on owners of lots along which sidewalk is to be built.

construction or repair of sidewalks in the city of Tomahawk in such manner as it may deem proper; provided, however, that when any member of the common council shall offer a resolution for the construction of any sidewalk in the city, the resolution shall be referred to the proper committee and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and the block along side of which it is proposed to construct such sidewalk. The city clerk shall, within five days after such resolution is introduced and referred, serve a copy of such resolution on each and all of the residents and occupants of lots on the street or streets along which it is proposed to build such sidewalk.

Action of common council on resolution; order requiring sidewalk to be built.

SECTION 2. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by the common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street or part of street or lands described in said resolution. The common council in such order, shall designate and determine the street or part of street along which such sidewalk shall be so constructed, and the time within which the owner or owners of the property along such street or streets shall build the same. If the owner or owners of any such lot or lots, or of such lands, shall fail to so construct such sidewalk opposite the lot or lots, or lands so owned by him or them within the time limited in said order the city shall construct such part thereof as such owner or owners have so failed to construct and charge the cost thereof to the lot or lots or lands along side of which the city shall have so constructed such sidewalk.

Service of order on lot owners; same on non-resident lot owners.

SECTION 3. Within three days after this order shall have been entered as aforesaid, the chief of police of said city shall serve a copy of such order upon the residents and occupants of the lots or lands along side of which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners or occupants in said city. In case any owner or owners of any such lot or lots, or of such lands shall not reside thereon or in the city of Tomahawk, or his or their name or names shall

be unknown to the chief of police, then such order shall be served on such non-resident or unknown owner or owners, by publishing the same in some newspaper published in said city at least once, and at least ten days before the expiration of the time limited in said order for the construction of such sidewalk. As soon as the chief of police shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof; and in case the order shall have been published as hereinbefore provided, he shall attach to his return and file therewith, the affidavit of the publication thereof, and in the usual form, subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

SECTION 4. At any time after such order shall have been so entered by the common council as hereinbefore provided and within the time therein limited therefor, the owner or owners of the lots or land along side of which such sidewalk is to be constructed, may at his or their own expense, and in the manner and of the width and material designated in such order, construct such sidewalk along side of the said lot or lots, or lands owned by them respectively.

Lot owner may build sidewalk, when.

SECTION 5. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the committee on streets shall examine the street, part of street or block along which said sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing, signed by him, as to the construction of the same. They shall state in such report what part of said sidewalk, if any, has been, and what part, if any, has not been constructed in conformity with such order, and shall describe the lots or parts of lots or lands, if any, along side of which such sidewalk has been so constructed, as well as the lots, parts of lots or lands, if any, along which said sidewalk has not been so constructed.

Report of committee on streets; what to contain.

SECTION 6. If it shall appear by such report of the committee on streets that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council

If sidewalk not constructed as in order required, council to direct committee on streets to build same.

shall, at the next regular or special meeting after such report shall have been made and filed, direct the committee on streets to proceed at once to construct in conformity with said order, such parts of said sidewalk as said report shows has not been so constructed, and the said committee on streets shall thereupon proceed at once so to construct such part of such sidewalk.

Further report  
of committee  
on streets.

SECTION 7. Immediately upon completing their work the committee on streets shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which they shall state the total expense actually incurred by them in so constructing that part of such sidewalk in front of each lot, or part of lot, or land along side of which it appears by their report the owner or owners of such lot, or part of lot, or land had failed as aforesaid to construct sidewalk.

Levy of  
special tax to  
pay for build-  
ing of side-  
walks; amount  
of special tax  
to be inserted  
in tax list.

SECTION 8. At its next regular or special meeting after such statement shall have been so filed, the common council shall, by resolution, levy and assess upon each lot or part of lot or lands, along side of which any sidewalk or part of sidewalk, shall have been so constructed by said committee on streets, as appears by their said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same, as appears by said statement, and said resolution shall describe each of such lots or parts of lots, or lands, state the names of the owners thereof, when known, and give the amount of such tax so levied and assessed upon each lot or parts of lots, or lands. On or before the first day of December of each year, the city clerk of said city shall insert in a separate column in the tax list of this city, next thereafter to be delivered to the city treasurer of said city for collection, and opposite to the description therein of each of said lots or parts of lots, or lands, the amount of such special tax properly chargeable thereto, as appears by aforesaid resolution adopted by the common council and the said special taxes shall be collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots or parts of lots, or lands upon which such special taxes may be so

levied and assessed, may be sold and conveyed for the non-payment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

SECTION 9. Whenever it shall be necessary, in the opinion of the common council to repair or reconstruct any sidewalk the common council may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk shall be in an immediately dangerous condition, and the cost of repairing the same along side of any lot or piece of land shall not exceed three dollars, the committee on streets shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city to repair such sidewalk; and if such owners shall not at once proceed to repair the same, the committee on streets shall at once repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the costs of constructing new sidewalks are levied and collected from the lots and lands abutting thereon.

Repair and reconstruction of sidewalks.

## CHAPTER XIII

### MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract, and the council shall have the right to reject any bid when it is deemed for the interest of the city to do so.

Work for city to be let by contract.

SECTION 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a majority of the aldermen-elect.

Judgments in favor of city not to be remitted except by majority vote of council.

SECTION 3. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue

Property of inhabitants of city, etc., not liable for debts of city.

of an execution issued to satisfy or collect any debt, obligation or contract of said city.

Form of deeds and leases from city of Tomahawk.

SECTION 4. When the city of Tomahawk deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Tomahawk, and the person or persons, authorized to execute such deed or lease, need not be named in the bond thereof.

Deeds or leases of city how to be executed.

SECTION 5. The mayor of said city is hereby authorized when the common council shall, by ordinance or resolution, for that purpose (describing the real estate and interest to be conveyed), order and direct him so to do, to execute a deed or lease of such real estate or interest therein, belonging to said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

Copy of ordinance or resolution directing execution of deed to be attached to deed.

SECTION 6. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and an attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and recorded, shall be, in all the courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

When defendant's body taken in execution in favor of city, subsequent costs to be added to judgment.

SECTION 7. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non-payment thereof, and subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay in case of payment of said judgment.

City to have use of Lincoln county jail.

SECTION 8. The keeper of the common jail of the county of Lincoln is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty.

Member of council ineligible to office provided herein, during incumbency of seat in council.

SECTION 9. No member of the common council shall be eligible to any other office provided for by this act, during the term for which he shall have been elected or appointed, except as provided in this act. No member of the common

council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

SECTION 10. No member of the common council shall be a party to, or interested in any job or contract with the city or any department thereof; and any contract in which any such member may be so interested shall be null and void. No member of the common council shall sign any bond as surety for the performance of any contract or agreement with such city or official bond to such city during his term of office.

Member of council not to be interested in sale or contract with city

SECTION 11. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk, until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount to be paid therefor.

Form of licenses.

SECTION 12. Every member of the common council of the city of Tomahawk who shall directly or indirectly vote to himself or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter, or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of election, members of the board of registry and as members of the board of review; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office and may be prosecuted by complaint before any justice of the peace in the city, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

Penalty for malfeasance in office.

SECTION 13. No action in tort shall lie or be maintained against the city of Tomahawk, unless

Claim against city for injuries to be filed within ninety days after happening of event.

a statement in writing, signed by the person injured or claiming to be injured of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

Reward for perpetrator of heinous crime, may be offered.

SECTION 14. Whenever any grave or heinous crime shall have been committed in said city against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense.

Mayor and members of council to receive no compensation.

SECTION 15. The mayor and members of the city council shall receive no compensation or salary for any services rendered under this act, except as otherwise provided in this act.

City officers to deliver books, papers, etc., to successor in office.

SECTION 16. All city or ward officers at the expiration of their term of office, or upon their resignation, removal or vacation from office, shall immediately deliver to their successor in office all property, moneys, books, papers and effects of every description in their possession belonging to the office they may have held. Any person who may have held an office, neglecting or refusing so to do, for twenty-four hours after the presentation by his successor, of the city clerk's certificate of his successor's election or appointment, and qualification to the office, shall forfeit and pay for the use of said city for every twenty-four hours' refusal, the sum of one hundred dollars and all damages and costs incurred, either by the said city or his successor by reason of such neglect or refusal.

Common council may issue bonds to liquidate indebtedness.

SECTION 17. It shall be the duty of the common council as soon as practicable after their election and qualification, to ascertain the true amount of the outstanding indebtedness of the city of Tomahawk contracted prior to the passage of this act, including outstanding orders and the other evidence of indebtedness lawfully contracted and to provide for the prompt payment or settlement of the same, and it shall have power to issue bonds at a reasonable rate of interest not exceeding seven *per cent.* to liquidate said indebtedness, and to provide a sinking fund for the payment of said bonds. And the proportional amount to be raised for said purpose shall be

annually levied and put into the tax roll of said city and collected as a fund to liquidate said indebtedness in excess of the amount of tax herein limited to be raised for general purposes, and such fund shall be collected and set apart as a special fund for the payment of such indebtedness.

SECTION 18. When a final judgment shall be recovered against the city of Tomahawk, or against any city officer in an action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assigns, or attorney, may file with the city clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit showing the amount due thereon and all payments made, if any, and that the judgment has not been appealed from or removed to another court or if so appealed from or removed, has been affirmed, and thereupon the city clerk shall assess on the next tax roll the amount thereof, with interest thereon from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said city, and the same shall be collected and returned as other city taxes, and when collected shall be paid to the party entitled thereto.

Judgment  
against city  
how paid.

SECTION 19. The common council of said city shall have authority to issue bonds of said city for such public improvements as shall be duly authorized by said common council by ordinance adopted by a vote in favor of same, of at least three-fourths of all the members of the common council-elect, which said vote shall be taken at a regular meeting not less than one week after the proposed ordinance shall have been published in a newspaper of said city, which said notice shall designate the amount of such bonds to be so issued and the purpose for which they are to be issued. Provided, that no such bonds shall be issued in amount that will make the total indebtedness of said city exceed five *per cent.* of the assessed valuation of all the taxable property of said city, at the last assessment next preceding the issue of such bonds. Provided, further, that no such bonds shall be issued for any purpose without first submitting the proposition to a vote of the people

Council may  
issue bonds for  
public im-  
provement.  
Limit of muni-  
cipal indebted-  
ness.

of said city and the same being approved by them.

Apportionment of indebtedness, assets, etc., of town of Rock Falls.

SECTION 20. At the first meeting of the common council of said city the mayor shall appoint from the common council a committee of three who shall have a meeting with the town board of supervisors of the town of Rock Falls within one week after such appointment, to be called by notice to each of said town board and each of said committee, for the purpose of apportioning the indebtedness, liabilities and assets of said town, which said committee and town board shall make in duplicate, certificates of their findings, one to be filed with the city clerk of Tomahawk, and one to be filed with the town clerk of the town of Rock Falls.

## RELATING TO PUBLIC SCHOOLS.

### BOARD OF EDUCATION.

City shall constitute one school district.

SECTION 1. The territory within the corporate limits of the city of Tomahawk, as defined by this act, shall constitute one district for the better regulation and management of the public schools of said city.

City superintendent ex-officio president of board of education.

SECTION 2. The city superintendent of schools shall be *ex-officio* president of the board of education, and shall have a casting vote in said board in all cases of a tie, and shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the same liabilities as provided in this act.

Appointments to fill vacancies in board of education.

SECTION 3. The city council of said city may make appointments of commissioners of common schools to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election.

Removal of school commissioner for misconduct in office.

SECTION 4. Any commissioner of common schools in said city may be removed from office for official misconduct, by the city council thereof, by a vote of two-thirds of the members there-

of, but said commissioners shall be granted a full and fair hearing before removal.

SECTION 5. The commissioners of common schools in said city shall constitute a board to be styled the "Board of Education of the city of Tomahawk," which shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act. A majority of the board shall form a quorum. At their first meeting after each annual charter election, said board shall elect one of their members president, who shall in the absence of the superintendent, preside at the meetings of said board and perform his duties. In the absence of both superintendent and president, a president *pro tem.* may be appointed.

The board of education how composed.

#### CLERK.

SECTION 6. The clerk of said board shall keep a record of the proceedings thereof and perform such other duties as the board may prescribe, which record or transcript thereof, certified by president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all the books and accounts of the said board shall, at all times, be subject to the inspection of the city council and of any committee thereof.

The clerk; his powers and duties.

#### SUPERINTENDENT.

SECTION 7. The superintendent shall have and exercise complete supervision over the several school houses, premises and appurtenances, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them and the making of all repairs and improvements on and around the same, and shall faithfully perform such duties connected with the free school system as are or shall be required of him by law or by authority of the board.

The superintendent; his powers and duties.

SECTION 8. He shall visit the schools as often as is consistent with the duties of his office, and

Same; visiting schools.

make himself acquainted with the condition and management of the schools, and with the qualifications and methods of the teachers.

Same; examinations.

SECTION 9. He shall conduct the examination of classes, or see that they are properly conducted and be assured that the pupils are prepared to pass from one grade to another, and give certificates to all who in his opinion are entitled to pass.

Same; as to unruly pupils.

SECTION 10. He shall give prompt attention to every case of misconduct duly reported to him by the principal teacher of any of the departments or grades, and, if it cannot be otherwise redressed, he shall report the same to the board, and have authority to suspend the offenders until the decision of the board can be obtained.

Same; examination of teachers.

SECTION 11. He shall, as provided by law, direct and conduct the examination of teachers; and no teacher shall be employed in the public schools, who shall not have been licensed by the superintendent and approved by the board.

Same; teachers meetings.

SECTION 12. He shall see that the teachers meet together regularly for mutual improvement and interchange of views upon the different modes of instruction and discipline in order to promote harmony of action, and to establish, as far as possible, a uniform standard of excellence in all the schools.

Same; signing of contracts with teachers.

SECTION 13. The superintendent shall sign all contracts with teachers, and all orders on the treasurer, and no order or contract shall be valid without his signature with that of the clerk.

Same; annual report.

SECTION 14. He shall annually prepare a general report in which shall be exhibited in detail the operations of the public schools during the year, their condition and prospects, and the state of education in the city generally, to which shall be added such statistical and other information as may be deemed important, and such report shall be presented to the board at or before the regular meeting thereof in September in each year, and this report shall be published in at least one newspaper in the city.

## APPROPRIATIONS OF MONEY.

SECTION 15. Recommendations to the city council for raising school money, shall be made at a regular meeting, and it shall require a majority of all the members of the board in the affirmative.

Recommendations of appropriations.

SECTION 16. All bills against the board for any other object than teachers' wages or officers' salaries shall be verified by at least one member of the board; otherwise it shall be referred to the finance committee, and lay over until the next meeting, unless otherwise directed by the board.

Bills against school board how verified.

## STANDING COMMITTEES.

SECTION 17. On the evening of the first regular meeting after the charter election, the superintendent shall appoint the following standing committees, each to consist of three members:

Appointment of standing committees.

1. Finance,
2. Employment of teachers,
3. Library and apparatus,
4. Text books,
5. By-laws and ordinances,
6. Building, repairs, etc.,
7. Printing,
8. Organization.

## FINANCE COMMITTEE.

SECTION 18. The committee on finance shall audit all accounts referred to them by the board and report thereon. They shall make all necessary estimates for money to be raised by the city council for the support of the poor.

Finance.

## MEETINGS OF THE BOARD.

SECTION 19. The regular meetings of the board shall be held on the first Thursday evening of each month, at such place as may be designated for the purpose. The hour of meeting, unless other-

Regular monthly meetings.

wise ordered, shall be seven o'clock from the first of October to the first of April, and for the rest of the year half past seven. Special meetings of the board may be called by the superintendent at his discretion, or at the request of any two members. Four commissioners present shall constitute a quorum.

#### ORDER OF BUSINESS.

Order of business.

##### SECTION 20.

1. Calling the roll by the clerk,
2. Reading the minutes of the previous meeting.
3. Auditing bills,
4. Presentation of communications and petitions.
5. Reports of standing and special committees.
6. Communications from the superintendent.
7. Unfinished business.
8. Miscellaneous business.

Secret meetings.

SECTION 21. All discussions with regard to the employment of teachers, shall be with closed doors, and no remarks made there shall be repeated elsewhere.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.  
Approved March 20, 1891.