

No. 313, A.]

[Published March 31, 1891.

CHAPTER 94.

AN ACT to incorporate the city of Chetek, Barron county, Wisconsin.

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

CHAPTER I.

INCORPORATION.

Corporate boundaries, name and powers.

SECTION 1. All that district of country known and described as south half of section nineteen, section thirty, west half of section twenty-nine, of township thirty-three, range ten west, and the southeast quarter of section twenty-four, and east half of section twenty-five, of township thirty-three, range eleven west, in the town of Chetek, county of Barron and state of Wisconsin, is hereby set off from said town, and the said district of country shall be a city by the name of Chetek and the people now inhabiting and who shall hereafter inhabit the said district of country shall be a municipal corporation by the name of the city of Chetek, have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted and the powers and authority thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts of law and equity, shall be capable of purchasing, receiving, holding, occupying and covering real and personal property; shall have a common seal and may change the same at pleasure.

CHAPTER II.

WARD BOUNDARIES.

Ward boundaries.

SECTION 1. The said city is hereby divided into two wards to be called and known as the First

and Second wards, which are limited and bounded as follows: All that portion of said territory lying south of a line running east and west through and along the center of Moore street, in addition to village of Chetek, produced to the east and west boundaries of said city, shall be known as the First ward. All that portion of said territory lying north of said line running east and west through and along the center of Moore street, produced shall be known as the Second ward.

CHAPTER III.

CORPORATE AUTHORITY.

SECTION 1. The corporate authority of said city, and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in one principal officer, styled the mayor, and one board of aldermen, consisting of two aldermen from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER IV.

ELECTIONS.

SECTION 1. Said city shall constitute a single election district for all elections, both general and special, but the common council of said city may, for any general [or special election, divide or be required to divide, said city into two or more election districts, according to the provisions of section 27, of the revised statutes, and the acts amendatory thereof.

SECTION 2. Inspectors and clerks of election in said city shall be appointed from the city at large, and in accordance with the provisions of section 25, of the revised statutes, but the city clerk and members of the common council may be so appointed, and the fact that such clerk or member of the common council is a candidate

for re-election to his office, shall not preclude such officer from serving as such clerk or inspector.

Annual election, when held. Qualification of voters, canvass of votes and returns.

SECTION 3. The annual election for ward and city officers shall be held on the first Tuesday of April in each year at such place as the common council shall direct. The city clerk shall give at least ten days' notice of such annual election or other city elections, stating the time and place of holding the same, the officers to be elected thereat and also of any special action to be taken or asked at such meeting, by posting copies of such notice in at least five different places in said city; provided, however, that a failure to give such notice shall not invalidate any election held in said city on the first Tuesday in April in any year. All persons qualified to vote at general elections for state officers shall be legal voters in said city. Such annual election and other city elections held in said city, except as in this act provided, shall be conducted and the result canvassed and certified as in case of general elections for cities; and except as modified by this act every statute relating to holding general elections for cities, canvassing and certifying the result thereof, and relating or applicable to the duties of inspectors and clerks, the challenging of votes and to voting thereat, and every statute prescribing or punishing offenses for illegal voting, bribery, fraud, deceit, corruption, official delinquency or other offense, at or concerning elections, which is applicable to general elections for cities, is hereby extended and applied to such annual and other city elections held in said city.

Council to provide ballot boxes.

SECTION 4. The common council of said city shall provide two ballot boxes, numbered one and two, to correspond with the two wards aforesaid, to be used at elections under this act, whereat aldermen and supervisors are to be elected.

Elective officers; term of.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk and one justice of the peace, elected by the city at large, and two aldermen and one supervisor from each ward. All elective officers except justice of the peace shall, unless elected to fill vacancy, hold their respective offices for one year and until their successors are elected and qualified; provided, however, the council shall

have power, for due cause satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justice of the peace, due notice and an opportunity for hearing being first given to the officer proposed to be removed. The justice of the peace shall hold his office for two years and until his successor is elected and qualified. The term of every officer elected under this act shall commence on the second Tuesday of April, of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

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 ward office 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.

Eligibility to office.

SECTION 7. At the annual election for ward and city officers, in said city of Chetek, there shall be elected in the manner in which aldermen are elected in said city, one supervisor from each ward, who shall represent his ward in the county board of supervisors, and in his absence or inability to attend any session of the county board, the common council shall have power to appoint some suitable and qualified person from his ward to serve in that capacity.

Election of supervisors.

SECTION 8. The elective officers shall be elected at the annual election to be held on the first Tuesday in April of each year. At such election, each elector, in addition to voting for mayor, treasurer, assessor, city clerk and justice of the peace to be elected by and for the city at large, shall vote only for the two aldermen and one supervisor to be elected by and for the ward in which the elector voting resides; and no elector shall vote for more than two aldermen and one supervisor, and the aldermen and supervisor voted for must be residents of the same ward with the elector. All elections held in said city after the first or charter election to be held the first Tuesday of April, 1891, shall be held and conducted as is provided by the general law of the state, relating to general city elections. The mayor, treasurer,

Officers, when and how elected; elections to be conducted same as general elections.

er, assessor, city clerk and justice of the peace to be chosen from the city at large, and the aldermen and supervisor from the several wards as aforesaid, wherein they reside, and if any ballot has more than two persons named thereon for aldermen and one for supervisor, it shall not be counted as a ballot for alderman or supervisor, but shall for the other persons properly named thereon. The ballot for each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box otherwise than the one corresponding in number to the ward wherein the person named in such ballot for aldermen and supervisor resides, shall be counted. Immediately after closing the polls, the ballots in each box shall be counted separately by the inspectors and clerks, and persons named on the ballots in any box for aldermen and supervisor, who shall have received the largest number or plurality of all the votes cast by the electors of the ward corresponding in number with box, shall be declared elected aldermen and supervisor of such ward, and the candidates for mayor, treasurer, assessor, city clerk and justice of the peace, who shall receive the largest number of all the votes cast for such offices shall be declared elected thereto respectively. If any alderman or supervisor shall change his residence from the ward for which he shall have been elected his office shall become vacant, and the common council of said city shall by resolution so declare and appoint a suitable person to fill the vacancy. For the purpose of carrying out this act, a person's residence shall be deemed to be in that ward where his family resides, and where he has his lodgings and sleeps at night.

**Vacancies,
how occasion-
ed and filled.**

**Ward poll list.
General law
penalties for
illegal voting
to apply.**

SECTION 9. At each annual election the inspectors of election shall cause two poll lists to be made and numbered one and two, to correspond with the two wards hereinbefore provided for, and every person when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerks of election shall enter his name on the list numbered so as to correspond with the ward in which he resides. If any person is not a qualified voter in the ward in which he gives his name and will-

fully and knowingly gives his name as belonging to a ward in which he does not reside, under the provisions of this act, or shall willfully and knowingly allow his ballot to be deposited in a box not corresponding in number to the number of the ward in which he resides, he shall incur all pains and penalties provided by any general law of this state for illegal or fraudulent voting.

SECTION 10. Immediately after counting the ballots at any election under this act, the inspectors and clerks of election shall, under their hands and the seal of such city, make a written statement of the results of such election, and attach thereto the oaths of the inspectors and the clerks and the two poll lists kept at such election, and shall cause the same to be filed in the city clerk's office, and the said statement to be recorded in the records of said city; and the said statement or record shall be *prima facie* evidence, in all courts and before all tribunals of the statements therein contained. Immediately after filing such statement the city clerk shall make out and deliver to each person who appears by such statement to have been elected to any office, a certificate of his election, under his hand and the seal of said city.

Statement of result to be filed. Same to be *prima facie* evidence.

SECTION 11. The first city election of said city of Chetek, for the election of city officers, shall be held on the first Tuesday of April, 1891, in Odd Fellows hall in said city, and at said election, at the time of opening the polls, the electors present shall choose *viva voce*, from all qualified electors present, three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Three days previous notice of said first election shall be given, signed by the sheriff of Barron county, Wisconsin, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city; provided, however, that a failure to give such notice shall not invalidate said election. The first or charter election for said city shall be held and conducted, and the result certified as at annual town meetings for the elec-

First city election; time and place of.

tion of town officers except as otherwise provided in this act.

Appointive officers; how and when chosen.

SECTION 12. All other officers necessary for the management of said city, shall be appointed by the common council thereof, and the said common council shall at its first regular meeting in each year, appoint one marshal, one street commissioner, and such other officers as the council shall deem necessary to appoint at the time. In case the council shall, for any reason fail or neglect to appoint a marshal, or street commissioner, or either of them, at its first regular meeting in each year, the mayor shall call a special meeting of the common council to be held within fifteen days after such regular meeting, at which special meeting, the common council shall appoint such of said officers as it neglected or failed to appoint at its first regular meeting.

Officers elected, clerk to transmit statement of to the county clerk.

SECTION 13. Immediately, after any corporation officer shall be elected or appointed and qualified, the clerk of said city, shall, under his signature and corporate seal of the city, make out a certified statement containing the names of the persons elected or appointed and qualified, and the office to which each shall have been selected or appointed and qualified, and he shall transmit said statement to the county clerk of Barron county, and he shall transmit to the clerk of the circuit court of said county, such report as to the election or appointment of justices of the peace and marshal in said city, as is provided for in subdivision 4, of section 832, of the revised statutes of 1878.

Surety; members of council not to be accepted.

SECTION 14. No member of the common council shall be accepted as surety upon any bond, note or obligation, made to the city.

Office with compensation; members of council barred from accepting

SECTION 15. 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, excepting inspector of election.

Report of fiscal affairs.

SECTION 16. The mayor and the city clerk shall attend the annual election in said city at one o'clock in the afternoon and submit to the electors present a verified report of the fiscal affairs of the city for the year last past, and the electors present may thereupon, by *viva voce* vote, authorize such

appropriations as by the terms of this act are required to be authorized by them.

CHAPTER V.

SECTION 1. The death, neglect to qualify, refusal to serve, or removal from said city of any officer elected or appointed under this act, or his inability for any cause to discharge the duties of his office, or his removal by the common council as hereinafter provided shall create a vacancy in such office, and the removal of any alderman and supervisor from the ward for which he shall have been elected, shall create a vacancy in the office held by him. Vacancies, how created.

SECTION 2. For good cause shown the common council may remove any officer elected or appointed under this act, except mayor; but before any officer shall be so removed, written charges shall be made against him and filed in the city clerk's office, and a copy of such charges, together with a written notice of the time and place when and where the council will hear testimony to prove and disprove the same, shall be served upon such officer at least ten days before time appointed for such hearing, and the officer against whom charges shall be filed shall have the right to appear in person or by attorney, or both, at such hearing, and to examine witnesses and present other pertinent evidence in his own behalf, and to cross-examine any witness that may be produced against him. Removals, how made.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, the common council shall call and cause to be held a special election to fill such vacancy. Every special election shall be held in the same manner as annual elections and the same notice shall be given as is required to be given of annual elections. Whenever a vacancy shall occur in any other office than that of mayor, the common council shall fill such vacancy by appointment at its next regular meeting called for that purpose; every person elected or appointed to fill a vacancy, shall hold the office to which he shall have been elected or appointed for the unexpired term of his predecessor and until Vacancies, how filled.

his successor shall be elected or appointed and qualified.

CHAPTER VI.

Oath of office to be filed with city clerk; bonds to be approved.

SECTION 1. Every person elected or appointed to fill any office under this act, before he enters upon the discharge of the duties of his office, shall take and subscribe an oath of office, to the effect that he will faithfully discharge the duties of his office and will support the constitution of the United States and the constitution of the state of Wisconsin and the laws thereof, which oath shall be duly certified by the officer administering the same, and filed with the city clerk; and the treasurer, justice of the peace, marshal and such other officers as the common council may direct shall severally before they enter upon their respective offices, execute to the city of Chetek, a bond to be approved by the common council, in such sum and with such sureties and conditions as the common council may direct, and the common council may, from time to time require new and additional bonds, and remove from office any officer refusing to give the same.

Mayor, his powers and duties.

SECTION 2. The mayor when present shall preside over all meetings of the common council, sign all orders upon the treasurer for the payment of moneys, all ordinances passed, and all commissions, licenses and permits granted by the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city, discharge their respective duties. He shall from time to time, communicate to the common council such information and recommend such measures as he may deem advantageous to the city, and at all times give such information respecting city officers as the common council may require; in case of a riot or other disturbance or apparent necessity he may appoint as many temporary policemen as he may deem necessary. He shall have power to administer oaths or affirmation, and when presiding over any meeting of the common council shall have a vote only in case of a tie.

SECTION 3. At the first regular meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot one of its members president, who, in absence of the mayor, shall preside over the meetings of the common council and during the absence of the mayor from the city, or his temporary inability from any cause to discharge the duties of his office, the president shall execute all the duties of the mayor. The common council, in case the mayor and the president shall both be absent from any meeting thereof, shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of the mayor. The president or temporary presiding officer while presiding over the council or performing the duties of the mayor, shall be styled "Acting Mayor," and acts performed by him as acting mayor shall have the same force and validity as if performed by the mayor.

President of council, his powers and duties.

SECTION 4. The city clerk shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep in a book to be provided for the purpose, a correct record of the proceedings of the common council and of the doings and votes of the inhabitants of said city at their annual and other elections; he shall keep a full and accurate account of all orders drawn on the treasury, in a book to be provided for that purpose, shall keep all accounts of the city with individuals and shall also keep an accurate account with the treasurer, and charge him with the amounts of all tax lists delivered to him for collection and all sums of money paid into the treasury. He shall within fifteen days after its publication record in a book to be provided for that purpose, each ordinance passed by the common council and the proof of publication of such ordinance. The records so kept by him, and the papers filed in his office, and copies of said records and papers, duly certified by said clerk under the corporate seal, shall be received in evidence of the statements therein contained in all courts and tribunals. He shall likewise draw and countersign all orders on the treasury, in pursuance of an order or resolution of the common council and keep a full and accurate account thereof in books provided for that

City clerk, his powers and duties.

purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed shall be as valid and have the same effect as if filed in the town clerk's office of any town. It shall be his duty to do and perform every act required to be done by the clerks of towns not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a compensation to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council, to act in the absence or disability of the clerk.

Treasurer, his powers and duties.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances or resolutions of said city or by the laws of this state. All moneys received, raised, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, shall be paid to and received by him, and he shall pay the same out only upon a written or printed order, signed by the mayor and countersigned by the clerk, by order of the common council. Such order shall specify the amount of money to be paid thereon, the name of the person to whom, and the purpose for which it is to be paid. He shall keep a just and accurate account of all his receipts and disbursements in a book to be provided by the common council for that purpose, which book shall remain the property of the city and in which he shall note the several sums received by him, the time when, the person from whom, and the source from which each sum was received, and the said book shall at all reasonable times be open to the inspection of the electors of said city. He shall annually, and as often as the common council shall require, render to the common council a minute account of his receipts and disbursements, and at the expiration of his term of office, pay over and deliver to his successor all moneys, books, papers and vouchers in his possession belonging to said city.

Assessor, his powers and duties.

SECTION 6. The assessor shall assess all taxable property of the city of Chetek as required by law,

without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine.

SECTION 7. The marshal of said city shall attend the meetings of the common council, and in addition to the duties herein specifically named, shall perform such other duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license moneys, fines, penalties and forfeitures; he shall possess all the powers of constables of towns, and be subject to the same liabilities; he may serve any process directed to him or to the sheriff or any constable of Barron county. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets and alleys of said city, to abate all nuisances in said city, and to arrest with or without process, any person whom he shall find in any public place of said city in a state of intoxication, or making loud and boisterous noise, or guilty of any act of lewdness or obscenity, or whom he may find in any place in said city engaged in any affray or fight, or violating any ordinance, rule, regulation or resolution of said city made for the preservation of the peace and the good order thereof, or violating any law of this state, and having so arrested any such person, he shall, within reasonable time thereafter, take him before competent authority, to be dealt with according to law; it shall also be his duty to obey all written orders of the common council, and for all such services as are usually rendered by constables he shall receive the same fees as constables, and for other services rendered to said city he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

Marshal, his powers and duties.

SECTION 8. 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, not by law exempt from such labor, 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, and to be ap-

Poll tax; council may impose.

propriated to the improvement of streets, roads, alleys and crosswalks in said city.

When and how made.

SECTION 9. On or before the twentieth day of May in each year, the street commissioner shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay such poll tax, with the amount thereof set opposite each person's name, and submit to the common council for correction. When such list is correctly made out on or before the first day of June in each year, the board shall by order (to be signed by the mayor and clerk, and annexed thereto) direct the same to be delivered forthwith to the street commissioner for collection.

Poll tax; street commissioner to notify when same shall be worked; may be paid in money. Penalty for default.

SECTION 10. The street commissioner shall notify each male inhabitant to whom a poll tax shall be so assessed, to appear at a certain time and place in his ward, with such tools as the street commissioner shall direct, such notice to be not less than three nor more than five days; if the person notified shall appear and work for one day agreeable to the order of such street commissioner, he shall, if he demands, receive a receipt for the poll tax so assessed; provided, however, that the person so assessed may, at his option, pay such poll tax in money, and if any person neglects to pay the same for two days thereafter, the street commissioner shall, in the name of the city, sue for and collect such tax with fifty *per centum* damages for the same, with costs of suit, before the justice of the peace of such city, and in default of payment of such judgment, execution shall issue against the defendant as in case of tort, and the first process in such action shall be by civil warrant; and the street commissioner shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax as may have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list.

Street commissioner, his duties and compensation.

SECTION 11. It shall be the duty of the street commissioner of said city to build, construct, maintain and repair all such sidewalks, cross-

walks, streets and alleys, highways and bridges of said city, as the common council shall direct him to build, construct, maintain and repair; and for all services rendered by him, by direction of the common council, he shall receive such compensation as the common council shall fix by order, ordinance or otherwise.

SECTION 12. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city, and used upon the streets of said city; he shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed, and what materials used and where used, and the price to be paid for help, teams and material; and no bills for services or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct relative to streets, highways and bridges.

Additional
duties.

SECTION 13. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used; it shall also be the duty of the said commissioner to make to the common council an annual report of his doings, or oftener, if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who performed work, furnished teams, materials, tools and implements, together with such other information as the said council may direct or demand. Said respective reports shall have annexed thereto an affidavit, signed and sworn to by said street commissioner before some one authorized to administer oaths, stating

Street work;
council to fix
maximum
price of; street
commissioner
to report to
council.

that said reports are in substance and detail, true, and for any false swearing in connection with said reports by said commissioner, he shall be deemed guilty of perjury, and be subject to be punished as any one guilty of perjury under the laws of this state.

Penalty for failure of outgoing officer to deliver books, etc., to successor.

SECTION 14. If any person having been an officer in said city, shall not, within ten days after demand thereof, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, or under his control belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the city, one hundred dollars, to be disposed of according to law, besides all damages caused by his neglect or refusal so to deliver and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state.

Officers of the peace.

SECTION 15. The mayor, sheriff of Barron county, each and every alderman, justice of the peace and marshal, shall be officers of the peace and shall suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens; and if any person or bystander, shall refuse to aid in maintaining the peace when so called, he shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Additional duties may be required of officers.

SECTION 16. The common council shall have power, from time to time, to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers or assistants as they may deem proper or necessary to carry into effect the provisions of this act or to protect the rights of the city, and to prescribe the duties and fix the compensation of all such other officers; but the mayor and said common council shall receive no compensation for services rendered the city, except as inspectors of election.

CHAPTER VII.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Chetek do ordain." A majority of the aldermen shall constitute a quorum.

Common council; how constituted.

SECTION 2. The common council shall hold stated meetings at such times and places as it shall by resolution direct; provided, however, that its first regular meeting shall be held the third Tuesday in April in each year; and the mayor may call, and upon the written request of not less than three aldermen, it shall be his duty to call special meetings by notice to each of the aldermen, to be served personally or left at their usual place of abode, and all their meetings shall be open to the public. The common council shall determine the rules of its own proceedings, and keep a journal thereof, and be the judge of the qualification and election of its own members, and shall have power to preserve order and propriety in its proceedings, and to compel the attendance of its members, and may adopt such by-laws, rules and regulations for its government as are not inconsistent with this act.

First annual and stated meetings of; special meetings, how called.

SECTION 3. The common council shall have the management and control of the finances, and of all the property, concerns and effects of the city; and shall in addition to the powers herein specially invested in it, have full power to make, enact, ordain, establish, punish, enforce, alter, modify, change, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection against fires, and for the benefit of trade and commerce and the public health as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, orders or by laws; and such ordinances, rules, resolutions, orders and by-laws are hereby

Control of finances; general powers.

declared to be and have the force of law; provided, that they be not repugnant to the constitution or laws of the United States or the constitution of this state.

Power to make necessary provisions for safety against fire.

SECTION 4. The common council shall have power to organize, support and maintain fire companies, to regulate their government and the time and manner of their exercise; to provide all necessary engines, hose and hose carts, hooks and ladders and trucks and other necessary apparatus for the extinguishment of fires; to provide the necessary buildings for the safe and proper keeping of all such engines, hose and carts, hooks and ladders and trucks and other apparatus; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenance to the real estate, exempt from seizure, distress or sale, in any manner for debt, separate from the real estate, and if the owner shall neglect, after ten days' notice, to provide suitable ladders or fire buckets, the common council may procure and deliver the same to him, and in default of payment thereof, the city may recover of such owner the cost of such ladders or fire buckets, or both together, with the cost of procuring and delivering them to him, and the costs of suit, and the amount of such money shall be a lien on such real estate; to regulate the sale and storage of gunpowder and other dangerous substances; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens, to enter at all reasonable times and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; to regulate the manner of putting up stoves and stovepipe; to prevent fires and the use of any fire works and firearms in said city, or such part thereof as it may think proper; to compel the inhabitants of such city and all others who may be therein at the time a fire occurs, to aid in the extinguishment of fires; to pull, break down and raze such buildings and structures, and to remove such goods or materials in the vicinity of a fire as it shall deem necessary for the purpose of preventing its communication to other

Gunpowder; sale and storage of.

Fire wardens.

Fireworks.

buildings; to construct, maintain and preserve reservoirs, pumps, cisterns, wells and other water works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention and extinguishment of fires as it may deem proper.

Reservoirs.

SECTION 5. The common council shall have power by order, ordinance, rule, resolution, regulation or by law:

Powers of common council enumerated.

First. To adopt all requisite measures for levying and collecting taxes and assessments, in manner hereinafter provided, and pursuant to the laws of this state

Taxes.

Second. To license and regulate the exhibition of common showman, caravans, circuses, theatrical performances, or shows of any kind; to restrain, license or prohibit the keeping of or playing upon billiard tables, pigeon-hole tables or other tables for gaming.

Licenses.

Third. To prevent any riots, noises, disturbances, disorderly conduct or disorderly assemblages, suppress and restrain disorderly houses and houses of ill-fame, and to provide for the abatement of all nuisances under the ordinances or laws of this state, or at common law.

Riots.

Fourth. To compel the owners or occupants of any grocery, cellar, slaughter-house, tallow-chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, or the inhabitants of any part thereof.

Nuisances.

Fifth. To direct the location and management of slaughter-houses, and to prevent the erection, use and occupation of the same within the limits of said city, and to regulate the keeping and storing of gunpowder and other combustible materials.

Slaughter houses.

Sixth. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, wagons, boxes, lumber, fire wood, or any other materials or substances whatever.

Prevent incumbering of streets.

Seventh. To prevent horse-racing, fast or immoderate riding or driving on the streets.

Horse racing.

Eighth. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and

Cattle running at large.

geese, and to authorize the distraining, impounding and sale of the same.

Dogs. Ninth. To license the keeping and prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinances.

Pound. Tenth. To make and establish a pound, purchase the necessary grounds and materials for the same and appoint a pound master.

Putrid carcasses and unwholesome substances. Eleventh. To prevent any person from bringing, depositing or leaving within said city any putrid carcass or other unwholesome substances and to require the removal of the same by any person who shall have upon his premises any such substances, and in default of such person removing the same, to authorize the removal thereof by some competent officer, at the expense of such person.

Stagnant water. Twelfth. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of the city, or any part thereof, to fill up such lots, so as to prevent water from standing thereon, and in case any owner shall neglect so to fill up said lot or lots after thirty days' notice being served on him personally, or posted at some public place in the vicinity of said lot or lots, or at the postoffice in said city, the common council may cause the same to be done, and may levy and collect a tax on said lot or lots sufficient to pay the expense of so filling such lot or lots and the cost of giving such notice, in like manner as other corporation taxes are levied and collected.

Contagious and infectious diseases. Thirteenth. To regulate, control and prevent the landing of persons from railroad cars wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Removal of snow, etc., from sidewalks. Fourteenth. To compel the owners or occupants of lots or parts of lots or land, to remove snow, ice, dirt or rubbish from sidewalks, streets or alleys opposite to such lots or parts of lots or lands, and in default of such owners or occupants removing the same, to authorize the removal thereof by some officer of the city at the expense of such owner or occupant, and to levy and collect a tax upon such lots or parts of lots or lands to

pay such expense, in like manner as other corporation taxes are levied and collected.

Fifteenth. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of bills of mortality. Boards of health.

Sixteenth. To make, lay out, open, keep in repair, grade, improve, alter, widen, vacate, or discontinue streets, lanes, alleys, public grounds, sewers, gutters and sidewalks, to keep them free from incumbrances, and to protect, maintain and regulate the setting out of shade or ornamental trees on the public grounds or in the streets of said city. Streets.

Seventeenth. To prevent any person from riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city or in any way doing damage to such sidewalks. Damage to sidewalks.

Eighteenth. To regulate the police of the city; to appoint watchmen and firemen, prescribe their duties, fix their compensation and punish their delinquencies. Police.

Nineteenth. To provide for the exemption from highway and poll taxes of all persons belonging to any fire company, hose company, or hook and ladder company organized in said city or under this act Exemption from highway and poll taxes.

Twentieth. To call regular and special meetings of the voters of said city, prescribe the compensation of the clerk and other officers whose compensation is not herein fixed; to examine, audit and adjust the accounts of all persons; but the members of the common council shall receive no compensation whatever for their services as officers of said city except as inspectors of election. Meetings of voters.

Twenty-first. To prohibit the erection or construction of wooden buildings on such streets, alleys or blocks, as the public safety may, in its judgment, seem to require. Wooden buildings.

Twenty-second. To insure the public property of said city. Insurance.

Twenty-third. To direct the prosecution and defense of actions in which said city may be a party, or otherwise interested, and to employ counsel for that purpose. Actions at law.

Twenty-fourth. To procure the necessary blank books for records, accounts, orders, etc., Stationery.

and such stationery as may be required for city purposes.

Speed of trains.

Twenty-fifth. To regulate and control the running of engines and cars through said city, and the rate and speed of the same, and to prevent the incumbering of streets, lanes, alleys, highways, sidewalks and crosswalks with railway cars or engines, or any other substance or material pertaining to railways.

Drunkenness.

Twenty-sixth. To restrain drunkenness, immoderate drinking or obscenity in the streets or public places in said city, and to provide for the arresting, removing and punishing of any person who may be guilty of the same.

Fire-arms.

Twenty-seventh. To prevent the shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any citizen thereof.

Pest-house.

Twenty-eighth. To establish and maintain a pest-house whenever necessity or the public health may require.

Street lighting.

Twenty-ninth. To erect and maintain lamp posts along any of the streets or on the public grounds of said city, and to protect the same from injury, and to prevent interference therewith, and to light the streets, public grounds and buildings of said city.

Cemetery grounds.

Thirtieth. To provide and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same; to provide by ordinance or resolution for the punishment by fine or imprisonment of any person or persons for injuring in any manner the fences, ornaments, trees, shrubbery, plants, gravestones, monuments, railings, buildings or fixtures or improvements on the same, or by violating any ordinances or regulations of the common council enacted for the protection of such cemeteries against trespassers; and for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within the jurisdiction of the same; to regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on

physicians, sextons and others for any default in the premises.

Thirty-first. To license, regulate, restrain or suppress hawkers, auctioneers, so-called cheap Johns, transient dealers and persons who travel from place to place to sell goods, wares or merchandise; and sales by hawkers, auctioneers, so-called cheap Johns and transient dealers and persons who travel from place to place to sell goods, wares or merchandise within the limits of said city, and when licensed, to fix the amount to be paid for such license, and no hawkers, auctioneers, so-called cheap Johns, transient dealers or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery or greenhouse products, without having first obtained a license therefor according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this subdivision or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the license therein named or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale, shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance, passed pursuant thereto.

Hawkers and
auctioneers.

Thirty-second. To provide by ordinances for the measuring or weighing of wood, coal, lime, and other articles sold in said city.

Wood, coal,
etc.

Thirty-third. To let by contract to the lowest bidder, all work to be done for said city.

Public work.

Thirty-fourth. To remove, for good cause shown, any officer of said city, except mayor.

Removals.

Thirty-fifth. To grant licenses and permits to sell liquors in said city, under the conditions and restrictions of the general laws of this state.

Liquor licenses.

Penalties for violation of ordinances.

SECTION 6. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, resolutions, or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinances, resolutions or by-laws not exceeding fifty dollars for any one offense, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the persons charged shall be imprisoned in the city jail for such time as the council may by such ordinance direct, not exceeding six months for any one offense.

Ordinances; how passed; mayor to sign; when to take effect.

SECTION 7. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper, published in the city of Chetek, before taking effect, and within fifteen days thereafter, they shall be recorded by the city clerk, in books provided for that purpose; but before any of such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the same time, shall be proven by the affidavit of the foreman or publisher of the newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

CHAPTER VIII.

FINANCE AND EXPENDITURES.

City funds; how kept; how drawn upon.

SECTION 1. All moneys, credits and demands, belonging to said city, shall be kept by and deposited with the city treasurer, and be under the control of the common council, and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of said council, as herein provided, and in no other manner.

Fines and penalties made a part of general fund.

SECTION 2. All fines, forfeitures and penalties accruing to said city, for the violation of any ordinance, by-law, rule or regulations of said city, and all moneys received from licenses, shall be paid into the city treasury for the use of the city, and shall become a part of the general fund.

SECTION 3. All accounts and demands against the city, before the same shall be acted upon, shall be verified by affidavit to the effect that the said account or demand is just, correct and true, and that the same has not been paid nor any part thereof. Before the final disposition of any such account or claim, the same shall be endorsed as follows: If allowed in part or in whole, the word "allowed" and the amount allowed shall be endorsed thereon, and if disallowed the word "disallowed" shall be endorsed thereon, which endorsement shall be made and signed by the clerk. A memorandum of each and every account and claim allowed by said common council, shall be entered upon the minutes of the proceedings thereof, setting forth to whom the account or claim has been allowed, for what purpose, and the amount; and no account or claim against said city shall be paid until it shall have been presented to and allowed by the common council as provided by this act, and every account or claim duly allowed in any amount, shall be filed in the clerk's office, together with the affidavit thereto attached, and every account or claim presented in any year shall be numbered from one upward, and filed by the clerk in the order in which they were received.

Accounts to be verified; disposition of by council; clerk to keep a list of.

SECTION 4. No action shall hereafter be maintained by any person against the city of Chetek upon any claim or demand other than a city bond or order, unless such person shall first have presented his claims or demand to the common council of said city.

Claims to be presented to council before action can be brought against city.

SECTION 5. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court of Barron county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision.

Claimant may appeal.

SECTION 6. The city clerk upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, and shall take such measures as by the ordinances or resolutions of said council, he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with

Upon appeal clerk to notify council and file statement with clerk of circuit court.

its decisions thereon, and shall file the same together with all papers in the case in his possession, with the clerk of the circuit court, for the county of Barron, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest, upon such allowance, the appellant shall pay costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered judgment shall be rendered against the appellant for the amount of such excess.

Disallowance of claim, when final and a bar to action.

SECTION 7. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal be taken as hereinbefore provided, or the common council shall consent to the institution and maintenance of the action; provided, however, that when the council shall refuse or neglect to act upon a claim duly presented to it, this chapter shall not be construed to prevent the institution and maintenance of action by said claimant against said city.

Orders upon treasury, how drawn; receivable for taxes.

SECTION 8. All orders drawn upon the treasury shall specify the purpose for which they are drawn, and shall be payable generally out of any fund in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax assessment levied by authority of the city.

Expenditure for extraordinary purposes, how authorized.

SECTION 9. No sum of money exceeding one hundred dollars shall be expended for any special or extraordinary purposes, unless said expenditure shall have been authorized by a vote in favor thereof, of a majority of the qualified electors of said city voting, as by this act provided at the annual election or any special election called for that purpose.

Debts, how authorized.

SECTION 10. No debt shall be contracted against the city, or order drawn upon the city treasurer unless the sums shall be authorized by

a majority of all the aldermen, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

SECTION 11. No orders shall be drawn upon the treasury unless there be a tax levied or there be sufficient funds in the treasury to pay the same, and all other unpaid orders of the city.

Orders on treasury, not to be drawn, when.

CHAPTER IX.

ASSESSMENT AND TAXATION.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner herein-after provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be modified by this act; provided, however, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

What property taxable; powers and duties of assessor.

SECTION 2. The mayor, city clerk, city treasurer, and city assessor shall constitute a board of review for said city, and all the provisions of the the general statutes of this state in regard to assessments and boards of review, shall, except as modified by this act, be applicable to the assessments and board of review in said city.

Board of review, how constituted.

SECTION 3. At the annual election on the first Tuesday in April in each year, the qualified electors of said city shall by a *viva voce* vote in the manner that the electors of towns, at the annual town meetings are now by law authorized to vote to raise money for the expenses of the town, determine the amount of taxes to be levied for general and city purposes, and also the amount necessary to be levied for special purposes, and shall

Taxes for general and city purposes, voters to determine amount at annual election; special taxes.

by resolution levy the same. The clerk of the city shall keep a full and accurate record of such proceedings, in the proper book of records of the city. The common council shall have no power to incur or create any debt against said city in excess of the amount so levied, unless voted by the qualified electors of said city at a special election called and held for that purpose.

Board of supervisors to levy tax without regard to division of city into wards.

SECTION 4. The board of supervisors of Barron county may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town.

Tax roll, how made; same to be delivered to treasurer.

SECTION 5. The city clerk shall make and carry out the tax roll as provided in sections 1078 and 1079, of the revised statutes, and acts amendatory thereof, and immediately after making out the tax roll as aforesaid, a warrant shall be appended thereto, signed by the city clerk and sealed with the corporate seal of said city, substantially in the form provided for town clerks; and said clerk shall, under like restrictions as provided for town clerks, deliver the same to the city treasurer for collection, and charge the amount of the tax roll to the treasurer.

Treasurer to collect tax; subject to same restrictions as town treasurers.

SECTION 6. The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like powers and shall be subject to like requirements, liabilities and restriction as a town treasurer, except as otherwise provided in this charter. The fees of the city treasurer shall be the same as provided by law for town treasurers for similar purposes.

Return to county treasurer, when to be made, what to contain.

SECTION 7. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Barron county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer in like manner, as is now, or may hereafter be required of town treasurers; and all the taxes, general or special, so

returned as delinquent shall be held and collected as provided in chapter 49, of the revised statutes, and all the provisions of chapter 49, of the revised statutes of 1878, and acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax.

SECTION 8. The county treasurer shall sell all delinquent lands and lots returned from the city of Chetek, at the same time and in the same manner as other delinquent lands are sold in the county.

Delinquent lands, sale of by county treasurer.

SECTION 9. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making returns of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or in any wise affect the validity of the assessment or tax.

Error or informality not to affect validity of assessment or tax, when.

SECTION 10. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases when property shall be re-assessed or re-assessable as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary.

Omitted real estate to be reassessed for tax of previous years.

SECTION 11. All the general laws of this state which now or hereafter may be in force relative to the assessment and collection of taxes, shall be in force in said city except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

General laws for the assessment and collection of taxes made applicable.

CHAPTER X.

BUILDING AND RECONSTRUCTING SIDEWALKS.

SECTION 1. The common council shall have power and they are hereby authorized to compel the building, repairing, and re-construction of sidewalks in said city of Chetek, to control and regulate the material, use and construction of the same,

Sidewalks, construction and repair of; council to control.

and to levy special taxes on the adjoining property for the building, repairing or re-construction of the same in the manner hereinafter provided.

Sidewalks,
petition for
construction
of.

SECTION 2. Whenever one-half the owners of real estate or lots bordering on any one side of any street or part of street in said city not less than fifteen rods in length, and the owners of at least one-half of the street frontage on said side of street, or part of street, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out in writing and sign a petition to the common council in which shall be stated the points where they desire such sidewalk to commence and terminate, and request the common council to order that such sidewalk be built.

Proceedings
upon petition
for sidewalks;
council to de-
termine grade,
material, etc.

SECTION 3. At the next or any regular or special meeting after such petition shall have been so filed, the common council shall enter an order among its records, requiring a sidewalk to be constructed along such street, part of street or side of street as prayed for in such petition; the common council shall, in such order, designate and determine the street or side of street, along which such sidewalk shall be constructed; may prescribe the manner of its construction, the materials of which it shall be composed, the grade for the same and method of determining the grade, and the time within which the owner or owners of the lots or lands along such street or side of street, shall construct the same, and shall further declare therein that in case the owner or owners of any such lot or lots, or of any such lands, shall fail to so construct such sidewalk along the lot or lots, or part of lot or lots, or along the lands so owned by him or them within the time limited in said order, the city will construct such part thereof, as such owner or owners have so failed to construct and charge the costs thereof to the lot or lots, or part of lot or lots, or to the land along which the city shall have so constructed such sidewalks.

Notice to con-
struct side-
walks; how
given.

SECTION 4. Within ten days after said order shall have been entered as aforesaid, the street commissioner of said city shall serve the same upon all the owners of the lots or the lands on the street or parts of street or side of street along which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the

usual place of abode of such owners in said city; in case any owner or owners of such lot or lots or part of lot or lots, or of such lands, shall not reside in said city, or his or their name or names shall be unknown to the street commissioner, then such order shall be served on such non-resident or unknown owner or owners by publishing the same in such newspaper published in said city at least once, and at least ten days before the expiration of the time in said order for the construction of such sidewalks. As soon as the street commissioner 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 said order shall have been published as hereinbefore provided, he shall attach to his return and file therewith the affidavit of the publication thereof 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 5. At any time after said 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 lands on the street, part of street or side of street along which such sidewalk is to be constructed, may, at their own expense and in the manner and of the width, grade and material designated in such order, construct such sidewalk along said lot or lots, or part of lot or lots, or along the said land owned by them respectively.

Owner may
construct,
when.

SECTION 6. Within ten days after the expiration of the time limited in such order for constructing such sidewalk, the street commissioner of said city shall examine the street, part of street or side of street along which such sidewalk shall have been ordered to be so constructed, and within said ten days shall make and file with the city clerk a report in writing signed by him as to the construction of the same. He 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 lands, if any, along which the sidewalk has been so constructed as well as the

Street commis-
sioner to exam-
ine and report.

lot or lands, if any, along which it has not been so constructed.

Street commissioner to construct, when.

SECTION 7. If it shall appear by such report of the street commissioner, that any part of such sidewalk has not been constructed in conformity with order aforesaid, the common council shall direct the street commissioner to proceed at once to construct in conformity with said order such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

Expense of construction, statement of to be filed.

SECTION 8. Immediately upon completing his work the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expense actually incurred by him in so constructing that part of said sidewalk so constructed by him, and also the actual expenses incurred by him in so constructing the part of such sidewalk in front of each lot, or part of lot, or land along which it appears by his report the owner or owners of such lot, or part of lot, or land had failed as aforesaid to construct such sidewalk, and such expenses shall be paid out of the general fund of the city.

Special assessment for sidewalks on owner's default, how levied.

SECTION 9. At any regular or special meeting after such statement shall have been so filed, the common council shall, by resolution, levy and assess upon such lot or part of lots or lands in front of which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as it appears by 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 said lots or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of taxes so levied and assessed upon each such lot or part of lots or lands.

Same to be collected or returned delinquent, how.

SECTION 10. The clerk of said city shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer 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 the copy of such resolution or resolutions so delivered to him as

aforesaid 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 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 11. Whenever it shall be necessary in the opinion of the common council to repair or re-construct any sidewalk, the common council may cause such sidewalk to be repaired or re-constructed at the expense of the owners of the lots or lands abutting on such sidewalk in the same manner as it is authorized to construct new sidewalks, except that no petition of the lot or land owners or of any one else shall be necessary to authorize the council to cause such sidewalk to be repaired or re-constructed; provided, however, that when any sidewalk shall be in an immediately dangerous condition and the cost of repairing the same opposite any one lot or piece of land shall not exceed five dollars, the street commissioner 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 owner shall not at once proceed to repair the same, the street commissioner shall at once proceed to repair the such dangerous sidewalk, and the cost of such repairs shall be paid by the city, levied upon and collected from the lots and lands abutting on such dangerous sidewalk in the same manner as the cost of constructing new walks are paid, levied and collected from the lots and lands abutting thereon.

Repair and re-construction of sidewalks, council to order; street commissioner to do, when.

CHAPTER XI.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The common council shall have power to vacate or discontinue any street, alley, highway or part of the same in said city upon consent in writing of the owners of all the lands abutting upon said street, alley, highway or part

Streets and alleys, council may vacate, how.

thereof so vacated or discontinued, provided that no street, alley or highway or part thereof shall be vacated or discontinued so as to shut off any parcel of land from all public streets or highways without consent of the owner of such parcel of land.

When to take effect.

SECTION 2. When any street or alley in said city which appears on any recorded plat in the register of deeds office of Barron county, shall be so vacated or discontinued the order vacating or discontinuing the same shall be in force only from and after the date when a certified copy of said order shall be recorded in the office of the register of deeds of said Barron county.

Private property taken for street purposes, when; general laws to govern.

SECTION 3. Whenever the city council shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square, or other place, or to construct and open, alter, enlarge or extend any drain, canal or sewer, or alter, widen or straighten any water course in said city, and it shall be necessary to take private property therefor, they shall proceed in the manner prescribed by the general laws of this state for the government of village boards in such cases, and for such purposes said common council shall be vested with all the rights and powers conferred by such general laws upon village boards, and sections 895 to 903, inclusive, revised statutes of 1878, and the acts amendatory thereof, and all general laws of this state of like purpose, shall so far as applicable apply to such proceedings; provided, that in case of appeal under sections 900 and 901, of the revised statutes, and acts amendatory thereof, costs shall be awarded against appellant if the appeal be dismissed or a more favorable verdict be not obtained, otherwise against respondent.

CHAPTER XII.

JUDICIAL.

Justice of the peace, powers and duties; bonds approved, how.

SECTION 1. The justice of the peace elected under this act shall have concurrent jurisdiction with and powers and perform all the duties of justices of the peace in Barron county, and shall qualify in the same manner as provided by the

general laws of this state except that his official bond shall be approved by the mayor, and in addition thereto he shall have exclusive jurisdiction in all cases arising under the ordinances, resolutions and by-laws passed by said city council, and shall receive the same fees as a justice of the peace under the laws of this state receives for his services, but the said city shall not be liable for his fees in any case except such as shall accrue in prosecutions or actions brought for the violation of the ordinances, by-laws, rules and regulations of said city.

SECTION 2. Appeals and writs of *certiorari* may be taken from the decisions or judgments of the said justice of the peace in the same manner and with the same effect and force as from judgments of justices of peace under the laws of this state in all actions and prosecutions in said justices' court except as hereinafter provided; the practice and proceedings shall conform as far as may be to practice and proceedings in like cases in justices' courts under the laws of this state.

Appeals and writs, how taken.

SECTION 3. No action brought to recover a fine or penalty for violation of any ordinance, by-law, rule, resolution or regulation of said city, shall be removed from said justice of the peace, but whenever it shall appear by affidavit, that the said justice of the peace is a material witness in the action, or is within the forbidden degree of consanguinity, said justice of the peace shall notify some justice of the peace of said county, to hear such action, whereupon it shall be the duty of said justice of the peace so notified, to forwith appear at the office of said justice of the peace on the trial of said action, in the same manner and with like effect as said justice of the peace of said city would, if not disqualified to act, and the doings of said justice of the peace so notified, while so presiding over said justice's court, shall have and be of the same force and effect as like proceedings of said justice of the peace of said city, and when said action is concluded, a like record, as in other like cases, shall be made in said court and thereafter and thereupon execution or commitment may be issued as in other cases tried before said justice of the peace. Said justice of the peace so notified while presiding over said justice's court shall receive the same

Justice disqualified to act, how; proceedings when.

fees as are allowed by law to said justice of the peace for like service.

Vacancies, how filled.

SECTION 4. In case of a vacancy in the office of the justice of the peace of said city, or in his absence or inability to act, the justice of the peace of said county nearest by a direct line to the office of the justice of the peace of said city, or in case of vacancy, to the office of the late justice of the peace of said city, shall have all the powers and jurisdiction of such justice of the peace, and it shall be his duty to exercise the same and discharge all the duties of such justice of the peace until such vacancy is filled or absence or inability to act is removed.

CHAPTER XIII.

PROCEDURE FOR VIOLATIONS OF ORDINANCES, ETC.

Violations of ordinances; proceedings by warrant upon complaint.

SECTION 1. The city of Chetek may sue for and recover any and all penalties for forfeitures under the ordinances, by-laws, police or health regulations made in pursuance of this act, in the corporate name of Chetek, and such action shall be commenced by warrant upon a complaint substantially in the following form:

Form of complaint.

State of Wisconsin, }
 City of Chetek, } ss.
 Barron County. }

..... being duly sworn, complains on oath to, that did on the day of, A. D. 18..., violate an ordinance (by-law, regulation of said city or resolution) (describing it by its title and date), in that he did then and there contrary to said ordinance, by-law or resolution (here insert the act or omission complained of), which said is now in force, as this deponent verily believes, and prays that may be arrested and held to answer to said city of Chetek therefor.

Sworn and subscribed before me this day of, A. D. 18...

.....
 It shall be sufficient to give the number of the section or sections, and the chapter or title and date of the ordinance, by-law, regulation or resolution violated, and said complaint may

be sworn to or before any officer authorized to administer oaths in the state. Upon filing of said complaint with the justice of the peace, a warrant shall issue thereon substantially as follows:

State of Wisconsin, }
City of Chetek, } ss.
Barron County, }

Form of warrant.

The state of Wisconsin to the sheriff of said county, or to the marshal of the city of Chetek, greeting:

Whereas has this day complained to me in writing on oath that..... did on the..... day of..... 18., violate an ordinance, by law, regulation or resolution of said city, 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 said..... and him forthwith bring before the undersigned justice of the peace to answer to said city of Chetek on the complaint aforesaid.

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

The defendant in such action may be arrested upon service of the warrant or process by which action is commenced; upon the return of the warrant the court may proceed summarily with the case unless it be continued by consent or for cause as in other cases provided by law; if the case be adjourned upon the application of either party, the defendant, if required by the court so to do, shall recognize with surety for his appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Barron county. The complaint made aforesaid shall be the complaint in the action, and the plea of "not guilty" shall put in issue all material allegations of the complaint.

Return of warrant; continuance or adjournment how taken.

SECTION 2. A printed copy of an ordinance, by-law or resolution purporting to have been passed by the common council and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication,

Printed copy of ordinance to be prima facie evidence.

and that the same is in force and may be received in evidence.

Witness and juror fees; need not be paid in advance.

SECTION 3. Witnesses for the city and jurors shall attend in all city prosecutions without the payment of dues in advance upon process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury after being kept out 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.

Findings of court; penalty and costs, court to fix.

SECTION 4. In city prosecutions the finding of the court or jury shall be "guilty" or "not guilty;" if guilty, the court shall render judgment therein against the defendant for the fine, penalty or forfeiture and shall fix the amount of such fine, penalty or forfeiture, within the provisions of the ordinance, by law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the cost of suit, if not guilty, the cost, as in actions in justices court, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit; and in default of payment of such judgment, fine, penalty or forfeiture and the costs, the court shall adjudge and determine and enter upon the docket that such defendant be imprisoned in the county jail within and for the county of Barron for a term which in no case shall exceed six months, and such court may further adjudge, determine and sentence such defendant to be kept at hard labor during the term of commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment inserting therein such time of imprisonment, and every person convicted and committed may be kept at hard labor in the common jail of the county of Barron or elsewhere, under the watch, guard and supervision of whomsoever the common council shall appoint for the period of time for which such person shall have been so committed, unless said judgment, fine, penalty, forfeiture and costs are sooner paid. The commitment may be substantially in the following form:

Barron county, }
 City of Chetek, } ss

Form of com-
 mitment.

The state of Wisconsin to the sheriff of said county, or any police officer of said city, and to the keeper of the common jail of said county, greeting:

Whereas, at a justice court in and for the county of Barron, held at my office in said city, for the trial of, for the offense hereinafter stated, the said convicted of having on the day of, A. D., 18.., at said city in said county violated section ... of chapter of a general ordinance of the city of Chetek, entitled "an ordinance," which said ordinance was then in force, and upon conviction the said court did adjudge and determine that the said pay a fine of dollars together with dollars costs, that in default of the payment of said fine and costs, he be imprisoned in the county jail of said county for the term of days (at hard labor) for the benefit of the city of Chetek; therefore in the name of the state of Wisconsin, you are commanded forthwith to take the body of the and convey and deliver to the keeper of the common jail in and for Barron county, and the said keeper is hereby commanded in the name of the state of Wisconsin to receive and keep in custody in said jail the said for the term of, (at hard labor for the benefit of the city) unless the said fines and costs are sooner paid, or he be discharged by due course of law.

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

SECTION 5. If the mayor of the city, shall at any time deem it for the interest of the city, he may employ and work the prisoners, so committed, outside of the jail yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county, shall upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named or described, into the keeping and custody of such person or persons in said order directed, and re-

Employment
of prisoners,
mayor may
order.

ceive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city.

Amendment of complaint, general laws to govern.

SECTION 6. The complaint and warrant or either of them may be amended and actions adjourned in same manner and upon same conditions and restrictions as complaints and warrants are amended, and the actions are adjourned in criminal actions in justices' court under the general laws of this state, and in all cases, either party shall enjoy the right of trial by jury as in civil actions in justices' court unless the same is duly waived and a failure to demand a jury, shall in all cases be deemed a waiver.

Appeal from judgment, how taken.

SECTION 7. Any person convicted of a violation of any ordinance, by-law, regulation or resolution of said city, may appeal from the judgment of conviction, to the circuit court of Barron county, as provided by law in criminal cases.

Proceedings in circuit court, general laws to govern.

SECTION 8. All appeals taken under the provisions of this act, shall be conducted in the circuit court in the same manner as appeals from the justices' court under the general laws of this state, and the judgment of such court shall be carried into execution, as hereinbefore provided, as near as may be.

Incompetency, inhabitation not to occasion.

SECTION 9. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or resident of said city in any action or proceeding in which said city is a party or interested.

Fines and penalties, justice to report to council, when.

SECTION 10. The said justice on the Tuesday next preceding the annual election in each year and quarterly thereafter shall file with the city clerk a report showing the amount of fines and penalties received by him during the quarter covered by such report and the amount of such fines and penalties paid by him to the treasurer of said city and the dates of payment of the same, and with such report he shall file the receipts showing such payment received by him from the treasurer during the quarter covered by such report, and the clerk shall lay such report before the common council at the next regular meeting after the same shall have been filed, and all fines and penalties by whomsoever received or collected shall be paid to

the city treasurer within ten days after the same shall have been collected or received.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

SECTION 1. Every member of the common council of the city of Chetek who shall directly or indirectly vote to himself or knowingly to any other person any sum of money for any 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 and supervisors, any member of the common council who shall be directly or indirectly interested in any contract made with or in behalf of the city and any member of said council who shall directly or indirectly purchase 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, and upon conviction thereof shall be punished by a fine not exceeding two 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 voting money to self or being interested in contracts.

SECTION 2. When the city of Chetek 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 Chetek, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Property deeded or leased, how.

SECTION 3. The mayor of said city is hereby authorized when the common council shall by a two-thirds vote so direct, and shall by ordinance or resolution, describe the real estate and interest to be conveyed, 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 the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged

Duty of mayor in deeding property.

as is provided for the execution of deeds and conveyances.

Duty of clerk
in deeding
property.

SECTION 4. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached, and the record thereof, shall in all courts of this state be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease; provided, that the provisions of this section shall not apply to deeds issued by said city to lots in any cemetery belonging to said city.

Support of
poor.

SECTION 5. The said city shall from and after the said first Tuesday in April, 1891, support and maintain all poor residing within the limits thereof, heretofore supported and properly charged to said town of Chetek, and the laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city who shall perform all the duties of overseers of the poor in towns.

Bridges.

SECTION 6. The said city shall own and have charge of all bridges within said city, and the general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injury done thereto, are hereby extended to and shall include all the bridges erected or owned by said city and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever, and the common council of said city may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties.

Act not to
affect schools.

SECTION 7. This act shall not in any manner change or affect the common or high schools of said town of Chetek or city of Chetek, but the organization of school districts shall in all things remain the same as if this act had not been passed, except that school districts lying partly within the limits of said city shall become joint school districts.

SECTION 8. The plats of the village of Chetek and of the additions thereto, are hereby adopted as the plats of the city of Chetek and of the additions thereto and the real estate included in said plats may hereafter be described by giving the number of the lots and blocks as they appear on said plats, or by metes and bounds, or by describing the plats as the original plat of the village, now city of Chetek, or the plat of any addition to the village, now city of Chetek, or in any other manner that shall designate said real estate with reasonable certainty.

Village plats.

SECTION 9. If any officer or other person fails to do or to perform any of the duties which this act or any ordinance, by law, rule, regulation or resolution requires him to do at a time specified, the common council may designate another time when such officer or person may do or perform such duties and when done or performed at the time so designated by the common council, it shall be taken, held and considered the same as if such duties had been done or performed at the time specified in this act, or in the ordinance, by law, rule, regulation or resolution of said city.

Failure of officer to do duty.

SECTION 10. The town treasurer of the town of Chetek shall pay to the treasurer of the city of Chetek when elected and qualified such a part of the tax of said town levied for town purposes in the year 1890, and not expended, as the assessed valuation of the property in said city, is a part of the assessed valuation of the town of Chetek and the city of Chetek combined; the bonded indebtedness of the town of Chetek shall as it matures be paid ratably by the city and town according to the equalized assessments thereof.

Town treasurer to pay city treasurer money, when.

SECTION 11. The electors of said city may hold a special election therein, for the purpose of increasing and further determining the amount to be paid in said city license to sell intoxicating liquors to be drank on the premises under the provisions of section 1548b of the revised statutes, and the time of holding such election shall not be limited by any election held in the town of Chetek for like purposes.

City license to sell liquors.

SECTION 12. No general laws contravening the provisions of this act shall be considered as re-

General laws not to interfere

pealing, amending or modifying the same except such purpose be expressly set forth in such law.

Public act.

SECTION 13. This act is hereby declared a public act and shall be liberally construed in all courts of this state.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1891.

No. 442, A.]

[Published April 4, 1891.

CHAPTER 95.

AN ACT to revise and amend the charter of the city of Manitowoc.

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

Repealed,
certain
chapters.

SECTION 1. The following named acts of the legislature of the state of Wisconsin are hereby repealed, viz.: Chapters two hundred and seventy-five (275) and four hundred and ninety-five (495) of the private and local laws of 1870; chapters eighty-six (86) two hundred twenty-nine (229) and three hundred fifty-nine (359) of the private and local laws of 1871; chapters seventeen (17) and one hundred twenty-seven (127) of the private and local laws of 1872; chapters four (4) and two hundred nineteen (219) of the general laws of 1873; chapters one hundred and fifty-one (151) and two hundred twenty-eight (228) of the general laws of 1875; chapter one hundred thirty (130) of the general laws of 1876; chapters one hundred sixty-seven (167) and one hundred eighty-one (181) of the general laws of 1877; chapters ninety-six (96) and one hundred (100) of the general laws of 1878; chapters one hundred seventy-two (172) and one hundred eighty-six (186) of the general laws of 1879; chapter three hundred nine (309) of the general laws of 1882, chapter four hundred and one (401) of the general laws of 1885; chapters two hundred fifty-nine (259) and two hundred eighty-six (286) of the general laws of 1887. And