

[No. 151, S.]

[Published March 16, 1880.]

CHAPTER 179.

AN ACT to confer certain police powers upon agents of the Wisconsin humane society.

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

SECTION 1. Agents of the Wisconsin humane society, a corporation created under the laws of this state, who may be appointed for the purpose of aiding in the enforcing of laws for the prevention or punishment of cruelty, and whose appointment shall be approved by the governor of this state, shall possess, until such approval shall be revoked, the powers of police officers and of constables in the several cities and counties in which such agents shall reside, for the sole purpose of preventing or punishing cruelty within their respective counties: *provided*, that such agents shall not be entitled to any compensation from the state, or from any county, city, town or village.

Appointment to be approved by the governor.

Agents not entitled to compensation.

SECTION 2. A certificate of such approval, signed by the governor, under the seal of the state, shall be sufficient evidence of the authority of any such agent, until the revocation of such appointment or approval.

Evidence of authority.

SECTION 3. All magistrates, constables, and other police officers shall aid and co-operate in the prevention and punishment of acts of cruelty which are or may be punishable under the laws of this state or under any ordinance or regulation made by authority of law.

Who to assist agent.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 186, A.]

[Published March 16, 1880.]

CHAPTER 180.

AN ACT to amend an act entitled an act to revise, consolidate and amend the charter of the city of Racine, approved August 8th, 1848, and the several acts amendatory thereof, approved March 11th, 1876, and the several acts amendatory thereof.

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

SECTION 1.

SECTION 1. Title six of chapter three hundred and thirteen of the laws of Wisconsin for the year 1876, is hereby amended so that the same shall read as follows :

TITLE VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Of streets, alleys, etc.

Gutters and sidewalks.

How expenses to be met.

SECTION 1. The common council may cause any street, alley or public ground in said city to be graded, paved, macadamized or graveled, and may cause the construction of sewers, and order the expense of such improvements to be ascertained, and the costs of such work or improvement to be levied and charged against the lots or real estate fronting or abutting on such street, alley or public ground, to the amount which such improvement shall be adjudged by the common council to benefit such lots. The common council may also direct, cause and require the construction of gutters and sidewalks, and the grading thereof, and the repairing of the same, and cause the expense thereof to be charged and levied against and collected as a special tax from the particular lots or parcels of land in front of which such gutter or sidewalk shall have been graded, constructed or repaired; and may cause, direct and require the dredging of the harbor, and the building, erection and repairing of docks along the river and its tributaries and cause the same to be charged and levied against and collected from the particular lots or real estate in front of which such work shall be done, in the manner hereinafter provided. The expense of all such improvements or works across streets at their intersections with streets and alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, shall be paid out of the fund of the ward in which such improvements are made or such works are done; and the expense of maintaining, renewing, keeping in repair and clearing all streets and the pavement or other surface thereof, in all cases where such streets shall have been constructed to the grade established by the common council, and graveled, planked, macadamized or paved, as required by the common council, at the expense of the lots fronting or abutting on such streets, and of the ward fund, as hereinbefore provided, shall be paid out of the ward fund of the respective ward: *provided*, that when a street which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting and abutting upon said street, as hereinbefore provided for the first improvement of a street: *and further provided*, that when a change in the grade of any street is or-

dered, the expense of cutting or filling incurred by such change of grade shall be chargeable to and paid by special assessment on the lots or property fronting or abutting on the street of which the grade shall be so changed.

SECTION 2. The building and repairing of cross walks, and the laying and repairing of drains to carry the surface water at the intersection of streets, the construction and repair of sidewalks adjoining any public ground or squares, the cleaning of the streets, and the improvement of the streets by leveling, and putting them in proper condition, when not over two feet of filling or grading is required, the lighting of the streets, the building and maintaining of public cisterns or reservoirs, shall be chargeable to the respective ward funds: *provided*, that not over two thousand dollars (\$2,000) shall be expended by any ward in any one year for the purposes provided for in this section: *and further provided*, that the building and repairs of sidewalks around school house and engine house sites shall be a city charge.

SECTION 3. The swing bridges now crossing Root river shall be maintained at the expense of the city, out of the general bridge funds, and the common council shall have power to build and maintain additional swing bridges across Root river; and such culverts across any water course in said city as may be necessary, not exceeding two culverts in any one year: *provided*, that not more than one swing bridge shall be built in any one year: *and provided*, that the estimated costs of such bridge or culverts shall have been raised or provided for, or levied as a general tax for such purpose on the taxable property of said city.

SECTION 4. The clearing, fencing and ornamenting of public parks and grounds shall be chargeable to the city.

SECTION 5. Whenever the common council shall deem it necessary to grade or otherwise improve any street, alley or public ground, or to dredge or dock any part of the river, or to abate any nuisance caused by stagnant water in said city, and not covered by the provisions of section sixteen of this title, or lay or construct any sewer, it shall cause to be made an estimate of the costs of such work, and shall put the same on file in its office; and such estimate shall be open to inspection of any party interested. The common council may order such work to be done, provided that no such work chargeable to lots or parcels of land

fronting or abutting on the same, except repairs, and except docking and dredging and grading and building of sidewalks and gutters, shall be ordered, unless a petition therefor shall be first presented to the common council, signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvements owned by residents of such city, or unless in the absence of such petition, the resolution of the common council ordering such work, shall receive the votes of three-fourths of the aldermen elected, and shall declare why it is necessary for the public interest to proceed without such petition; but no such resolution ordering work without a petition therefor shall be passed at the same meeting in which it is first considered, but the same shall lie over until a future meeting of the common council, and the vote on its passage shall be taken by yeas and nays, and duly entered in the journal of proceedings. However, in case the majority of feet in front of all the lots in any one block fronting on the proposed improvements are owned by non-residents of such city, then such work may be ordered upon the petition of the resident owners of a majority of feet in front of any adjoining block, or of the block opposite: *provided*, such owners of lots so petitioning for such work shall have petitioned for or shall have done similar work in front of lots owned by them respectively, in such adjoining or opposite block. Every person in the actual possession of real estate in the said city under a valid contract in force for the purchase thereof from the owner, shall be held in virtue thereof to be a freeholder, within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident, or as the owner of property, shall be required to write after his signature a brief description of the property so owned by him, and of the place of his residence in said city and to annex thereto an affidavit that he is such resident or owner, or both, in the city or ward, as the case may be, and thereupon he shall be taken to be such resident or owner, or both, and such petition shall be as valid and have the same effect as if such person were the owner of such property, or a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

Providing for
cost of street
improvement.

SECTION 6. Before ordering any such work to be done by the owner of lots or lands fronting on the

same, the common council shall ascertain and consider the amount proposed to be made chargeable against said several lots or pieces of land, and the benefits which in its opinion will actually accrue to the owners of the same in consequence of such improvement, and assess against the several lots or pieces of land or parts of lots or pieces of land, which it may deem benefited by the proposed improvements, the amount of such benefit which those lots or pieces of land will severally, in the opinion of the common council, derive from such improvement when completed in the manner contemplated in the estimate of the cost of such work, made as provided by section five of this title, taking into consideration in each case any injury which, in the opinion of the council, may result to each lot or piece of land from such improvement; and in case the benefits in its opinion amount to less than the costs of the improvements, the balance shall be paid out of the ward fund of the ward or wards in which such improvement is made: *provided*, that the making of such improvement and using the ward fund therefor shall be approved by the aldermen of the ward interested, and that the sum chargeable to any ward may be raised by a ward tax in addition to the amount authorized to be raised in such ward as an annual ward tax.

SECTION 7. As soon as any assessment of benefits or damages, or of both, shall be made as in the preceding sections of this chapter provided, the common council shall give notice to all parties interested, by advertisement for not less than two weeks in the official paper of said city, that such assessment has been made and is ready for inspection in its office, and that the same will be open for review and correction by the common council, at two successive regular meetings of the common council for not less than three weeks after the first publication of such notice, that all persons interested will then be heard by the council in objection to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief what such assessment has been made for and in what locality, and no further notice or publication of such assessment shall be necessary. At the meetings mentioned in such notice the council shall hear objections and evidence, and it shall have power to review, modify and correct such assessment in such manner as it shall deem just, at any time during such review.

Assessment of
benefits, etc.

SECTION 8. Thereupon as soon as the common

Notice to own-
ers.

council shall have completed such assessment of benefits and damages, the city comptroller shall give notice for two weeks in the official city paper, to the owner or owners of any lot or parcel of land fronting upon any such improvement to be made, requiring him or them to do the work mentioned in such notice, within a reasonable time to be therein specified; and if such work shall not be done within such time, the common council shall contract for the doing of the same as hereinbefore provided. Said contract shall require the contractor to receive certificates upon or against the several lots, parts of lots or parcels of land which may be assessed with benefits on account of the same to apply in payment of the contract price, as now provided by law, and shall further require that in case the said assessments or any of them be not paid to the proper officer, before the sale of the respective lots or parcels of land for said assessment by the county treasurer, said contractor shall accept and receive in exchange for said certificates of special assessments, certificates of tax sale upon said respective lots or parcels of land, and shall receive no money from the city until the money due on said special assessments or tax sale certificates shall have been actually paid into the city treasury: *provided*, that in any case when the contract price of the work to the center of the street or alley, done opposite to any lot or parcel of ground, shall exceed the benefits assessed to such lot, the excess shall be paid out of the ward fund of the ward in which such lot, part of lot or parcel of land shall be situated. In fixing the time within which such work is by such notice required to be done, the common council shall take into consideration the amount of work to be done, and the conveniences and facilities of the parties for doing the same.

Owners of lots
may appeal.

SECTION 9. The owner of any lot or tract of land or tenement who feels himself aggrieved by such assessment as made by the common council, as to the amount of benefits thereby adjudged to accrue to him by reason of any improvement charged against his lot or parcel of land, or the amount of damages, costs and charges arising to such owner from an alteration of grade, may, within twenty days after such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded therein, in like manner as in cases of appeal to the said circuit court provided for in title

five (5) of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken; and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged shall be paid by the city out of the proper ward fund to the appellant, but not until he shall have done the work in question or have paid the certificate issued for doing the same. The amount assessed by the common council or finally adjudged on an appeal, for damages, costs and charges arising from an alteration in the grade in excess of the amount charged against property deemed benefited, shall be paid by the city out of the proper ward fund to the person or persons thereto entitled, within one year of the assessment by the common council or after final judgment therefor rendered by the court on appeal as aforesaid: *provided*, that the time during which an appeal from such judgment may be pending in the supreme court shall not be deemed part of the year so limited.

SECTION 10. The appeal given by the last preceding section from the assessment of the common council to the said circuit court, shall be the only remedy for the recovery of any damages, costs and charges arising from any alteration of grade by the said city, or sustained by reason of any proceedings or acts of the said city, or its officers, in the matter to which assessment of damages or benefits relates; and no action at law shall be maintained for such damages or injuries, whether arising from an alteration of grade, or otherwise.

An appeal the only remedy.

SECTION 11. The common council shall have power to cause sidewalks, with proper guards or handrails, if necessary, curbing of wood or stone, and gutters, to be built, rebuilt or repaired, and to assess the costs thereof against the particular lot or lots in front of which such work shall have been done; such work may be done and required to be done without any petition therefor, upon passage of an order or resolution by the common council describing the location and the lots or lands in front of which such work shall be done, and naming the owners thereof, if known, and containing a particular description of the work and naming the time (which shall not be less than ten days) in which the same shall be done; notice of such order or resolution shall be given either by the service of copies thereof

Power of common council to contract for streets, etc.

upon the owners of such lands personally, or by leaving a copy with the occupant of any building on such lot or lots, if they shall be occupied, or by publication of such order or resolution in the official paper of the city, at least ten days before such work is required to be done. The affidavit of the officer serving such order describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be *prima facie* evidence of such service. If, after the time mentioned for the performance of such work on such order, such work or any part thereof shall not have been done, the common council may cause such work to be done by contract or by men in its employ, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or contiguous to which such work shall have been done. Said contracts shall contain like provisions as to the receiving of special assessment certificates and tax certificates in payment by said contractor as are contained in section eight of this title.

Payment of
contractor.

SECTION 12. After the completion and performance of any contract entered into by the common council by virtue of any of the provisions of any of the preceding sections of this title, or of any sections of chapter three hundred and thirteen of the laws of 1876, as amended, for work chargeable to the lots or lands fronting thereon, or to other lots upon which assessments of benefits have been made therefor, by virtue of said act as amended, it shall give to the contractor or contractors a certificate, signed by the mayor and countersigned by the comptroller, stating the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all the certificates issued against lots and countersigned by him, which said certificates may be paid to the city treasurer at any time before the return of the delinquent tax list to the county treasurer of Racine county; and said city treasurer shall receive the amount paid on such certificates, and hold the same for the benefit of the owners of such certificates, and such owners shall be entitled thereto upon producing and surrendering such certificates to be canceled; and if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be

assessed upon said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificates; and if the same be not paid at the time of the return of said delinquent list, they shall be included in said delinquent list, and they shall be designated on said list as special assessments, and for whose benefit the same are to be collected; and the said lots shall be advertised for sale by the county treasurer in the annual tax sale list, and if not deemed, shall be sold by said county treasurer, and the city treasurer shall be present at said sale, and if no bids be received, shall bid off said lots and parcels in the name of and solely as agent for said contractor, and said county treasurer shall turn over the certificates upon any lots so bid in by said city treasurer, to said city treasurer, upon his receipt therefor, and the city treasurer shall thereafter hold the same, as agent for said contractors, and turn the same over to said contractors, on surrender of the special assessment certificates previously issued, and payment of the expenses of sale and collection fees; or, if the same be paid, said city treasurer shall receive the moneys due thereon and deliver the same, except said expenses of sale and collection fees, to said contractors on surrender of said special assessment certificates.

All sales for special assessments shall be made separate and distinct from any state, county, city, ward or other taxes which may be due on the same lands, and the certificates of sale on said special assessment shall be subsequent and subject to the lien of any of said state, county, city, ward or other taxes for the same year.

Special assessments.

Tax deeds may be issued on said special assessment sales with the same effect as upon other tax sales, except as herein otherwise provided. If the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this title shall be liens upon the lots or parcels of land against which the same shall be respectively chargeable, from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates of special assessment shall, after the sale of taxes by the county treasurer, bear interest at the rate of twenty-five per cent. per annum.

Tax deeds.

SECTION 13. In all cases where the common council shall have issued a certificate for work done on any street, sidewalk or alley, chargeable to lots or lands,

Certificates, how collected.

according to the provisions of this act, and the lot or tract of land described in such certificate shall have been subdivided prior to the date of such certificate, then the work certified to in such certificate shall be chargeable to that subdivision of such lot or tract of land which fronts on the street, sidewalk or alley on which such work shall have been done, according to law; and it shall be lawful for the city treasurer, in collecting the special taxes assessed by reason of the issue of such certificate, to collect the amount named in such certificate, from that subdivision of lot or tract of land which fronts on the street or alley named in such certificates, and on which said work was done according to law.

Snow to be removed from sidewalks.

SECTION 14. Whenever snow shall fall upon any of the sidewalks of the said city, so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four (24) hours after the snow shall cease falling, then the common council shall have power forthwith, without notice, to employ persons, or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city, where it shall by resolution declare it to be necessary, and assess the costs thereof against lots or parts of lots and parcels of land abutting on such sidewalk or part of sidewalk, in the manner hereinbefore directed.

Dangerous sidewalks.

SECTION 15. Whenever any sidewalk or part of any sidewalk shall, in the judgment of the common council, declared by resolution to that effect, be in dangerous condition to persons passing over it, for want of being repaired or remade, or for want of proper guards or hand rails, it shall have power to order the same to be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same, or build such guards or hand rails for a fair price, and charge the expense thereof to the lots, parts of lot or parcels of land abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots or parcels of land, without any estimate, notice, letting, or other proceeding preliminary to the doing of such work, except the resolution of said council so declaring such sidewalk to be dangerous.

Nuisances to be abated.

SECTION 16. Whenever any nuisance, source of filth or cause of sickness shall be found on private property, or in the alley or street in front or rear of such property, the common council may order the owner

or occupant thereof, at his own expense, to remove or abate the same within twenty-four (24) hours from the date of the order, or within such time as may be named in said order, and if the owner or occupant shall refuse or neglect so to do within the time named in said order then the common council shall forthwith cause said nuisance, source of filth or cause of sickness to be abated or removed, at the expense of the owner or occupant of the lot or tract of land in the front or rear of which, or upon which, such nuisance, source of filth or cause of sickness may be found.

SECTION 17. In all cases mentioned in sections fourteen, fifteen and sixteen of this title, or in either of said sections, wherein the common council is authorized to do any work, or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front, or in the rear of which such work may be done, the expense of such work may, in the first place, be defrayed out of the ward fund of the proper ward. The common council shall cause to be kept a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof for each such ward in said city, and a description of the lots, parts of lots or parcels of land in front of or rear of, or upon which work chargeable thereto under either of said sections, shall have been done by said council under authority thereof, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor, and such amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the ward fund of the ward in which the property is situated.

Expense to be
defrayed by
wards.

Strict account
to be kept of
the labor.

SECTION 18. The common council may cause the construction of breakwaters, parallel piling, sheet piling, piers, or such other protection as may be planned or devised for the purpose of protecting the shores of said city against the encroachment of Lake Michigan, and defray the costs thereof by levying city and ward taxes and special assessments upon real estate deemed to be specially benefited by such protection; no petition shall be required to authorize the construction of any such protection. Whenever it shall be deemed necessary to construct any of the protection named in this section, the common council shall first cause plans

Breakwaters,
etc.

and specifications, and an estimate of the cost thereof, to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been so ascertained, the common council shall determine the amounts, if any, intended to be charged as special assessments against any and every lot or parcel of land deemed to be benefited by such protections, and the respective amounts to be raised by special ward taxes, or to be paid out of the proper ward fund, and what amounts, if any, shall be defrayed from the general city fund or raised by a special tax on the city for such purposes: *provided*, that the general appropriation from the city fund or city tax for any one year for such purpose, shall not exceed the sum of one thousand dollars (\$1,000), and shall not be expended for any other purpose than for the protection of east ends of public streets.

Assessments,
how to be made

SECTION 19. Upon the determination of making any assessments on real estate deemed to be benefited by the protections so planned, the common council shall appoint a time and place for hearing objections, if any, to such assessments, and shall cause a statement of such assessments to be published in the official paper of the city at least ten days before such hearing, with a notice that all persons interested may appear before the common council at the time and place therein named and fixed for such hearing, and be heard on the subject of such assessment, and also cause a copy of such statement and notice to be served at least five days before said hearing upon every known owner of land so assessed, if a resident of the city; and if found, personally, or by leaving a copy thereof at his or her last place of abode in said city. At the time and place appointed the common council shall meet and hear all persons interested in such special assessment and decide upon all objections raised, and it may continue such hearing from time to time until fully disposed of. The city clerk shall record in the minutes of the council all the proceedings and decisions. Any party feeling aggrieved by such assessments may within ten days after final action thereon by the council, appeal therefrom in the circuit court of Racine county, by filing a notice of appeal and an undertaking signed by the appellant and at least one surety, to be approved by the mayor, conditional that the appellant will pay all costs, not exceeding five hundred dollars, if such assessment shall not be reduced on such appeal. Such appeal shall be the only remedy against such assessment, and

if such statement and notice shall have been duly published and served, no irregularity or defect in the proceedings shall affect the validity of the same. Such appeal shall not hinder or delay the issuance of the certificate of special assessment provided for in the next succeeding section, nor the rights of any contractor thereunder, but in case the appellant succeed, the difference between the assessment of the council and the amount finally adjudged shall be adjusted in like manner as provided in section nine of this title.

SECTION 20. After the assessment shall have been finally affirmed by the common council, the work shall be let to the lowest responsible bidder or bidders on contract, at least two weeks' notice of the receiving of such bids having been given in the official paper of the city; and the common council may reject any and all bids if found too high, or for any neglect to furnish proper bonds for the true performance of such contract. The contractor may be required to receive as payment or part payment the certificates of special assessments upon the lots or lands benefited, and may be required to make a contract in all respects similar to the provisions of the contract named in section eight (8) of this title, so far as said certificates are to be used to pay for such work; and said assessments shall be a lien on the property assessed, and the certificates issued thereon shall be similar to and possess all the qualities of the certificates named in section twelve of this title, and the mode of collection thereof, and the contractor's rights thereunder shall be the same as provided by said last named section.

Work to be let on contract to lowest bidder.

WARD EXPENDITURES.

SECTION 21. The aldermen of each ward shall have the special care of streets, alleys, sidewalks and public grounds in their respective wards, and the common council shall from time to time appropriate from the respective ward funds such sums to be expended by the aldermen of each ward for proper ward purposes as may be deemed necessary.

Aldermen to special care of ward.

SECTION 22. The aldermen of each ward may draw on the sums appropriated for their respective ward funds, by orders directed to the city treasurer and countersigned by the comptroller, and said orders shall specify the purposes for which they are drawn, and shall be drawn to the order of the person entitled to the same.

May draw on funds.

SECTION 23. No aldermen of any ward shall contract any debt against such ward in excess of the tax

May not contract debts.

levied to meet the current expenses thereof for the year, or draw or issue any orders in excess of the appropriation made by the common council from such ward fund, and all debts incurred or orders drawn in violation of this section shall be no charge against such ward nor the city, but the aldermen guilty of the violation shall be held personally liable to any person injured thereby.

Shall report in detail to council.

SECTION 24. The aldermen of each ward shall at the first meeting of the common council in each year report the liabilities incurred against their respective wards, and in detail the orders by them drawn during the year last past on the ward appropriation.

Lighting streets; building cisterns.

SECTION 25. The common council may authorize the aldermen of the respective wards to contract for the lighting of the streets, and for the building of public reservoirs or cisterns; but all such contracts, before they shall have any validity, shall be approved by the city council and countersigned by the city comptroller: *and provided*, that no liability shall be created against any ward fund in excess of the tax levied for ward purposes.

Street commissioner; duties and compensation.

SECTION 26. The common council may appoint for each ward a street commissioner to oversee and direct the repairs of streets, alleys and sidewalks, whose duty it shall be to report to the aldermen of his ward the condition of the streets, alleys and sidewalks, and to make such recommendations as he may deem proper, and to prevent and report any encroachment or unauthorized encumbering of any street, sidewalk or alley, and to report and make complaint against all persons who shall be guilty of depositing any earth, rubbish, filth, or other matter on any street, sidewalk, alley or public ground, or of injuring or digging up any street, alley, sidewalk or public ground in his ward. Such street commissioner shall receive a compensation, to be paid out of the respective ward fund, not exceeding two dollars (\$2) per day.

THE CITY SURVEYOR.

Powers of surveyor.

SECTION 27. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and shall perform the duties required of him by this act, and by the common council. All surveys, profiles, plans and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and when required by the com-

mon council he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or to the common council.

SECTION 28. It shall be his duty when required to make surveys, profiles, plans and estimates for the grading of any street, alley or ground for the building or construction of reservoirs, sewers and drains, and to make such recommendations to the common council or aldermen of any ward as he may deem proper; to examine any public work or improvement done by contract for any ward of the city, and make true report thereof to the common council.

Duties of surveyor.

SECTION 29. All surveys of streets, alleys or public grounds in said city made by the city surveyor by order of the common council, shall be *prima facie* evidence of their correctness in all courts of this state.

Surveys to be prima facie evidence.

SECTION 2.

Title seven of said chapter three hundred and thirteen of the laws of 1876, is hereby amended so as to read as follows:

TITLE VII.

THE HARBOR.

SECTION 1. The common council of the city of Racine shall have power, by ordinance, to establish dock and wharf lines upon the banks of Root river in said city, wherever the same are not established; to restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, at the expense of the city, docks or wharves along the banks of said river, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

Common council shall maintain harbor.

SECTION 2. The common council shall have power to dock and require the docking of Root river within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said river, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said river; and may, by ordinance, require the docking of the banks of said river, and the repairing of any docks and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water emptying into said river, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said river, gutter or

Docking of Root river.

water course, in such manner, and within such reasonable time as the common council shall prescribe; and if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting, by contract to the lowest responsible bidder for the same. Such contract shall have like terms and provisions as are specified in section eight of title six of this act, and when the work shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done; and a certificate shall be issued to such contractor; which certificate shall be in all respects similar to and possess the qualities of the certificate issued under section twelve (12) of title six of this act, and its payment and collection shall be enforced in like manner and with like effect.

Dredging Root
river.

SECTION 3. Said common council shall have power to provide by ordinance for dredging Root river, and to require of the owners of lots or lands abutting on said river, to dredge the same opposite such lots to the width of fifty feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said river may be deposited upon such lot or lots or be otherwise disposed of; and if the owner or owners of such lot or lots shall refuse or neglect within the time specified by said council to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; such contract shall have like terms and provisions as are specified in section eight (8) of title six of this act, but the common council may at the same time cause the river to be dredged to the same depth, in front of streets and other places in said river, where such dredging shall be chargeable against the city contiguous to the points required to be dredged by such ordinance, within the limits prescribed by such ordinance, and when the dredging in front of such lot shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots or lands in front of which such dredging has been done. And the mayor and city comptroller shall issue a certificate to such contractor, which certificate shall be

in all respects similar to and possess the same qualities of the certificate issued under section twelve (12) of title six of this act, and its payment and collection shall be enforced in like manner and with like effect.

SECTION 4. The common council shall annually appoint a harbor master on whom may be conferred the duties of bridge tender. The duties and compensation of such harbor master and bridge tender shall be prescribed by the common council, by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

SECTION 3.

Section one of title two of said chapter three hundred and thirteen is hereby amended so that the same shall read as follows:

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, who shall be *ex officio* comptroller, a city marshal, three assessors, two justices of the peace, and one supervisor from each ward, to represent such ward in the county board of supervisors of Racine county; and the appointive officers shall be: One school commissioner from each ward, constituting the board of education; three health commissioners, constituting a board of health; a city attorney, a chief of police, a fire marshal, a superintendent of the poor, a harbor master, who shall be bridge tender until otherwise ordered by the common council, a city surveyor, and as many bridge tenders, firemen, constables, policemen and such other officers and agents as may be provided for by this act, or as the common council may determine to be necessary.

SECTION 4.

Section three of title two of said chapter three hundred and thirteen of the laws of 1876 is hereby amended so as to read as follows:

SECTION 3. The mayor, city marshal, one alderman from each ward, one assessor, one justice of the peace and one supervisor from each ward, shall be elected at the annual municipal election on the first Tuesday in April in each year. Said officers so elected shall enter upon the duties of their respective offices on the third Tuesday of April in the year of their election, and shall hold their respective offices for the term of one year, and until their successors are elected

and qualified, except justices of the peace, who shall hold their offices for the term of two years, and until their successors are elected and qualified, and assessors, who shall hold their offices for the term of three years, and until their successors are elected and qualified.

Municipal elec-
tion.

At the annual municipal election, on the first Tuesday in April, 1880, there shall also be elected a city clerk who shall hold his office one year, and a city treasurer who shall hold his office two years, and until the election and qualification of their respective successors; the term of each of said last named officers shall begin on the third Tuesday in April, 1880. After said municipal election of 1880, said clerk and treasurer shall each be elected biennially at the annual municipal election in alternate years, and shall hold their respective offices for two years, and until the election and qualification of their respective successors.

SECTION 5.

Amended.

Section two of title five of said chapter three hundred and thirteen is hereby amended by inserting after the words "all persons interested who shall appear and desire to be heard in opposition thereto," where they occur in said section, the following words: "Said council shall also hear all persons who shall desire to be heard in favor of such petition, and may continue or adjourn such hearing for such time as it may deem proper, but not longer than until the next regular meeting of said council;" also by inserting after the words "Monday next succeeding the day of such hearing," where they occur in said section the words "or adjourned hearing."

SECTION 6.

Amended.

Section three of title five of said chapter three hundred and thirteen is hereby amended by inserting after the word "forthwith," in the twenty-ninth line of said section, the words "or at the hour of ten o'clock A. M. upon the succeeding day."

SECTION 7.

Amended.

Section two of title eleven of said chapter three hundred and thirteen is hereby amended by adding at the end of said section the following words: "The common council shall also have power to adopt any system or systems of fire alarm, telegraph or other inventions for the rapid transmission of fire alarms, and to regulate and control the same, and punish the wrongful use or destruction thereof, by ordinance."

SECTION 8.

Section one of title twelve of said chapter three hundred and thirteen is hereby amended by striking out the words and figures, "three hundred dollars (\$300)," immediately following the words, "to the superintendent of the poor," in said section, and inserting in place thereof, "three hundred and fifty dollars (\$350)." Said section is further amended by striking out the words and figures, "five hundred dollars (\$500)," immediately following the words, "to the city attorney," in said section, and inserting in lieu thereof the words, "six hundred dollars (\$600)." Amended.

SECTION 9.

Section one of title thirteen of said chapter three hundred and thirteen of the laws of 1876, as amended, is hereby amended so as to read as follows: Amended.

SECTION 1. The common council shall annually, on or before the first Monday of September, levy a tax upon all the taxable property of said city sufficient to pay the salaries of the officers of said city, as in this act provided, and to meet the interest on the corporate debt and to provide for the sinking fund, as provided by law, and for the purposes hereinafter named, to wit: Tax levy.

1. For school purposes, including repairs of school houses and incidental expenses, a sum not exceeding twenty-three thousand dollars (\$23,000), the sums received from the state school fund, from tuition fees and all other sources to be in addition to such fund. School purposes.

2. A sum not exceeding three thousand dollars (\$3,000) for harbor purposes. Harbor.

3. A sum not exceeding twenty-three hundred dollars (\$2,300) for the repair of bridges and building and repairing of culverts. Bridges.

4. A sum not exceeding five thousand dollars (\$5,000) for the fire department. Fire department.

5. A sum not exceeding six thousand dollars (\$6,000) for a contingent fund; all the delinquent taxes and remittances shall be charged against the contingent fund. Contingent fund.

6. A sum not exceeding three thousand dollars (\$3,000) for the support of the poor of said city. Poor fund.

7. A sum not exceeding three thousand dollars (\$3,000) for a police fund. Police fund.

8. A sum not exceeding two thousand dollars (\$2,000) may be annually levied on the taxable property of each For repair of streets.

ward for the repair of streets, lighting of streets, and other ward purposes.

Money from fines, etc., credited to poor fund.

All moneys received from fines, penalties and licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund when necessary. In addition thereto and to the special levies and assessments authorized by this act, or as may be hereafter authorized, the common council may, at such annual levy, by a vote of three-fourths of all its members, whenever it shall have been determined to be necessary to erect any new school house or other public building, or to purchase real estate for such purposes, or to make any other urgent improvement or purchase, levy an additional sum for said contingent fund not exceeding one and one-half mills on the dollar of the valuation of taxable property of the city as returned by the assessors for such year.

SECTION 10.

Amended by adding new section.

Title thirteen of said chapter is hereby amended by adding thereto a new section, to be numbered section eight, and which shall read as follows: Section 8. In addition to the tax levies and assessments provided by this act, the common council of this city is hereby authorized and empowered to make the following levies, viz: 1. Said council is authorized at the time of the annual tax levy in any year, to levy upon the taxable property of any one of the several wards of said city now existing or hereafter to be formed, a special tax not exceeding two thousand dollars (\$2,000) for any one ward, for the purpose of purchasing suitable real estate in said ward and building thereon a suitable house or building for election purposes and other ward and city uses. Said council is also hereby authorized to purchase and hold such real estate and contract for and build such building. Such special ward tax shall be levied but once in any one ward. 2. Said council is authorized at the time of the annual tax levy in any year to levy upon the taxable property of the first ward of said city a special tax, not exceeding the sum of three thousand and five hundred dollars (3,500), to be expended for the purpose of boring and constructing an artesian well in said ward and laying pipes and building reservoirs therefor. 3. Said council is authorized at the time of said annual tax levy in any one year to levy a special tax upon the taxable property of the city, not exceeding the sum of three thousand dol-

Special tax authorized.

lars (3,000), which shall be expended for the purpose of building one brick cistern in each of the wards of said city: *provided, however*, that in case of the construction of an artesian well in the first ward of said city, an equal one-sixth part of the sum raised under this sub-division may be expended in and about the construction of said well, instead of being used in building a cistern. The levies named in subdivisions two and three of this section shall be made but once. *Provided, also*, that the sum levied upon the second ward of said city under subdivision one (1) of this section, or any portion of said sum, may be used for the purchase of lands or lots containing gravel in any part of said city, the same to be reserved for the exclusive use of the said second ward for obtaining gravel for the improvement of streets and other ward purposes.

SECTION 11.

Section three of title fourteen of said chapter three hundred and thirteen is hereby amended by striking out the word "thirty," in the last line of said section, and inserting in lieu thereof the word "forty-five." Amended.

SECTION 12.

Section five of title fourteen of said chapter three hundred and thirteen is hereby amended by adding at the end of said section the following words: "Except as is otherwise provided in title six of this act." Amended.

SECTION 13.

Section three of title fifteen of said chapter three hundred and thirteen is hereby amended by striking out the word "five," where it occurs in the fourth line of said section, and inserting in place thereof the word "two." Amended.

SECTION 14.

Section twelve of title fifteen of said chapter three hundred and thirteen is hereby amended by striking out the words and figures "six hundred dollars (\$600)," where they occur in said section, and inserting in place thereof the following words and figures: "Fifteen hundred dollars (\$1,500)." Amended.

SECTION 15.

Section fourteen of title seventeen of said chapter three hundred and thirteen is hereby amended by adding thereto the following words: The common council of said city is hereby authorized to codify, revise and consolidate in a single ordinance all the existing Amended.
Common council may codify rules, etc., and print in book form.

ordinances, rules and regulations of said city, with such additions as to it may seem proper, and to cause the same to be printed in book or pamphlet form, and said council may also cause the charter of said city as now amended and existing and any other acts affecting said city, to be printed either in connection with or separate from said ordinance, all of said printing to be under supervision of some suitable person appointed for the purpose, and said printing and publication shall be sufficient printing and publication of said ordinance; and said pamphlet or book shall be admitted and may be read in evidence in all courts and legal proceedings, and shall be prima facie evidence of the contents, passage and publication of said ordinance. The city clerk of said city shall preserve and keep in his office the original codified ordinance as signed by the mayor, which shall be a sufficient recording of the same, and no further recording thereof shall be required.

SECTION 16.

Amended.

Section six (6) of title fifteen (15) of said chapter three hundred and thirteen is hereby amended by inserting at the end of the sixth line of said section the words "competent and."

SECTION 17.

All acts and parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SECTION 18.

Enforcing clause.

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

Approved March 11, 1880.

[No. 134, S.]

[Published March 19, 1880.]

CHAPTER 181.

AN ACT to amend chapter two hundred and thirty-one of the laws of 1876, entitled an act to amend and re-enact as amended chapter three hundred and thirty-three of the laws of 1875, entitled an act to amend chapter sixteen of the private and local laws of 1872, entitled an act to incorporate the city of Eau Claire, so as to authorize the construction of water works by and for said city.

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

Surplus water-power may be leased.

SECTION 1. Section three of chapter two hundred and thirty-one of the laws of 1876 is hereby amended so as read as follows: Section 3. In case the dam