

[No. 259, S.]

[Published March 25, 1880.]

CHAPTER 285.

AN ACT relating to the charter of the city of Green Bay, and amendatory of section three of chapter one of chapter two hundred and sixty-two of the laws of 1875; of section ten of chapter three of said chapter two hundred and sixty-two; of chapter six of said chapter two hundred and sixty-two; of sections nine, eleven, twelve, thirteen, fourteen and seventeen of chapter ten of said chapter two hundred and sixty-two, and of section one of chapter two of said chapter two hundred sixty-two; also, repealing sections twenty, twenty-one, twenty-two, twenty-three, twenty-seven, thirty, thirty-one and thirty-three of said chapter ten of said chapter two hundred and sixty-two; sections twelve and fifteen of chapter one hundred and seventy-nine of the laws of 1876; section two of chapter one hundred and twenty-six of the laws of 1877, and section one of chapter one hundred and sixty-one of the general laws of 1878; also re-enacting section fourteen of chapter two of chapter four hundred and sixty-two of the laws of 1875.

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

SECTION 1. Section three of chapter one of chapter two hundred and sixty-two of the laws of 1875, is hereby amended so as to read as follows: Section 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox river, and running thence south sixty-four degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city, shall be and constitute the first ward; all that part of said city bounded south by the first ward, as above described, west by the center line of the channel of Fox river, north by a line commencing in the center of the channel of said river, and running thence south sixty-four degrees east along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight and eighty-three as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lots numbered five hundred and thirty-two on said last mentioned plat; thence south sixty-four degrees east, to the western boundary lines of Eleventh street in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventh street, in the center of St. Clair street at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four degrees east to the eastern

Amended.

City and ward boundaries.

boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward; and all the remaining parts of said city not included in the first and second wards, as above described, shall be and constitute the third ward.

Amended.

Duties of treasurer.

Report of treasurer.

He shall collect taxes.

Common council to fix his salary.

SECTION 2. Section ten of chapter three of said chapter two hundred and sixty-two is hereby amended so as to read as follows: Section 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon, duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk: *provided*, that the school fund may be drawn out as provided by other provisions of this act. He shall collect all general and special taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. The common council shall at its last regular meeting in March fix the salary of the treasurer to be elected at the next ensuing election, and the salary so fixed shall be payable monthly, and shall not be increased or diminished during the term. All sums received by the treasurer as fees, shall be paid by him into the general fund of the city, and when required by the common council, he shall make report, under oath, of all fees or other moneys received by him as treasurer.

SECTION 3. Chapter six of chapter two hundred and sixty-two of the laws of 1875 is hereby amended and re-enacted so as to read as follows: Amended.

CHAPTER VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Opening, grading, working, graveling, planking, replanking, paving and repaving of streets and alleys, to the center thereof, and the construction, reconstruction and rebuilding of sidewalks, shall be chargeable to and payable by the lots fronting on such street, alley or sidewalk; but no street or alley shall be opened, graded, graveled, planked or paved, or sidewalks constructed, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon or abutting to the street along which said gutter shall be constructed: *provided*, that in all cases where improvements or work of any kind are charged, by virtue of this section, upon lots as aforesaid, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city. Special assessments for city improvements.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvement to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice by publication in the official paper to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file, within a time specified in such notice, which shall in no case be less than fifteen days. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper, not less than one week. It shall state the nature of the improvement, the time within which it Plans, etc., to be filed with city clerk.

How contracts
to be made.

must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable bidder, upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the street superintendent and committee on streets and bridges, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and street superintendent, and countersigned by the city clerk, and which shall state the amount due for work done by such contractor, the nature thereof and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by indorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and if not paid, the amount thereof shall be assessed upon the said lots of land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required, shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

Repair of
streets and
sidewalks.

SECTION 3. Whenever a sidewalk, graveled, planked or paved street, shall become so out of repair as to require rebuilding, regravelling, replanking or repairing, the common council may, by a two-thirds vote of the aldermen elect, so order, and the expense thereof shall be chargeable to the lots, and parts of lots, fronting upon that part of the street or alley where such rebuilding of sidewalk, or regravelling, replanking or repairing of street has been ordered; and the same proceedings for the doing and completion of the work and the payment therefor shall be had as provided in section two of this chapter.

Expense paid
out of general
fund.

SECTION 4. The expense of keeping streets and pavements or other surface thereof in repair shall be paid out of the general fund.

Proceedings to
abate nuisance.

SECTION 5. The common council shall cause notice to be given to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause; if resi-

dents, personally ; if non-residents, in the official paper of the city for two weeks, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified, which shall in no case be less than ten days, and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist, and to that end the same proceedings shall be had as provided in section two of this chapter, except as herein otherwise provided.

SECTION 6. It shall be the duty of the street superintendent to make frequent and careful inspections of ^{Duty of street superintendent} of the streets, sidewalks, pavements, bridges and other public ways in all parts of the city, and whenever he shall find any defect or want of repair therein, he shall note the same in a book to be kept by him for that purpose. If such defect or want of repair be found to exist in a sidewalk, and will not cost to exceed five dollars to remove or put in repair, he shall forthwith notify, in writing, the owner or occupant of the premises abutting such sidewalk of the defect or want of repair, and in such notice require such owner or occupant to repair or remove the same within twenty-four hours after the services of such notice. If such defect shall not be repaired or removed within the time specified, the street superintendent shall cause the same to be done forthwith, and upon completion thereof, shall report to the city clerk the cost of such repair or removal of such defect, and a description of the premises chargeable with such cost. If such cost shall not be paid to said clerk at the time of the making out of the annual assessment roll, it shall be assessed against the lot or part of lot chargeable therewith, and be collected as other taxes on real estate are collected. If no resident owner or occupant of premises chargeable with the cost of removal or repair of a defect, as provided in this section, can be found, the street superintendent shall make such repairs or remove such defect without service of notice, and report as aforesaid. If, in the opinion of the superintendent, the cost of repairs or removing of such defect, mentioned in this section, shall exceed five dollars, he shall forthwith report such defect or want of repair to the committee on streets and bridges, which shall be a permanent committee of three of the common council, and shall be appointed by the mayor at the first meeting for organization each year. If, in its judgment, the defect or want of repair

exists, the said committee shall forthwith cause notice to be given to the owner or occupant of the lot or part of lot chargeable with the cost of such repair, or removal of such defect to repair or remove the same within a time therein to be specified, which shall in no case be less than forty-eight hours, and if not repaired or removed within the time specified, the street superintendent shall proceed as in the case of repairs or removal of defects costing not to exceed five dollars.

Sections of sidewalks.

SECTION 7. For the purposes of this act, a continuous sidewalk, extending along two or more lots or parcels of lands shall be deemed to consist of, or be divided into, sections. A section shall be deemed to consist of that part of a sidewalk adjacent to any single lot or description of land, and the term sidewalk, as used in this chapter, shall be construed to mean such a section.

All work to be done under supervision of superintendent of streets.

SECTION 8. All work provided in this chapter shall be done under the supervision of the street superintendent, unless the common council shall otherwise direct. The street superintendent is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder, for all material which the city may use in carrying out the provisions of this chapter.

When city not responsible.

SECTION 9. Where the work is ordered to be done at the expense of any lot or parcel of land for which payment is to be made in certificates as provided in section two of this chapter, the city shall in no event be held responsible for or on account thereof, in any action or proceeding for the collection or pay therefor.

How streets to be kept clean.

SECTION 10. Streets, sidewalks, and alleys shall be kept clean at the expense of the lots or parts adjacent thereto, and the common council may, by ordinance, adopt general rules and regulations relative thereto, requiring the owners or occupants of lots to keep such streets, sidewalks, and alleys clean, and enforce the same by proper and reasonable penalties.

Owners to keep sidewalks in repair.

SECTION 11. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

Legal remedies in case of injury

SECTION 12. In case of injury or damage by reason of insufficient, defective or dangerous condition of sidewalks, drains, sewers, gutters or ditches, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or cor-

poration shall be primarily liable for all damages for such injury, in suit for the recovery thereof, by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

SECTION 13. If after having advertised for proposals to do the work as provided by said section two, no bids are received or filed as required by said section, the common council, by a two-thirds vote of the aldermen elect, may order the work to be done, and paid for out of the general fund. The amount so paid shall be assessed against the respective lots or parcels of land, as provided by said section two, in cases of unpaid certificates.

How aldermen may order work done.

SECTION 4. Section nine of chapter ten of said chapter two hundred and sixty-two is hereby amended so as to read as follows: Section 9. All property in said city, real, personal, and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law; and the same shall be assessed annually by the assessors elected under this act. In making such assessments and his return thereon, and in making re-assessments or assessing property omitted previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, except as far as they may be altered by this act: *provided, however,* that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable.

Amended.

Property subject to taxation.

Common council may prescribe form of assessment.

SECTION 5. Section eleven of said chapter ten is hereby amended so as to read as follows: Section 11. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the tenements upon which they may be assessed from the time of the final completion of the assessment roll, and on all personal property of any person or body politic assessed for personal taxes from the date of the warrant for collection thereof, until such tax shall be paid, and no transfer of such real or personal property shall affect such lien.

Amended.

Taxes to remain a lien on property till paid.

SECTION 6. Section twelve, of said chapter ten, is hereby amended so as to read as follows: Section 12.

Amended.

Duties of assessor.

The assessor shall complete and return his assessment roll to the board of equalization of said city, on or before the first Monday in August, each year. During the last week of the month of July, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Amended.

In case of re-entry of real estate.

SECTION 7. Section thirteen, of said chapter ten, is hereby amended so as to read as follows: Section 13. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where 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.

Amended.

Who to constitute board of equalization.

SECTION 8. Section fourteen of said chapter ten is hereby amended so as to read as follows: Section 14. The mayor, clerk and assessor, shall constitute a board of equalization, and shall meet at the chamber of the common council on the first Monday of August, in each year, and shall proceed in all respects as town boards are by law required to proceed.

Amended.

Of the completed tax roll.

SECTION 9. Section seventeen of said chapter ten is hereby amended so as to read as follows: Section 17. Upon completion of said roll, the clerk shall make a duplicate copy thereof, and deliver the same to the city treasurer on or before the second Monday in December, each year. To the roll so delivered shall be annexed a warrant, under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

Repealed.

SECTION 10. Sections twenty, thirty, thirty-one and thirty-three of said chapter ten are hereby repealed.

Repealed; when to take effect.

SECTION 11. Sections twenty-one, twenty-two, twenty-three and twenty-seven of said chapter ten are hereby repealed: *provided, however*, that such repeal shall not take effect until the first day of August, 1880.

Repealed.

SECTION 12. Section twelve of chapter one hundred and seventy-nine of the laws of 1876 is hereby repealed.

Amended.

SECTION 13. Section fifteen of chapter one hundred and seventy-nine of the laws of 1876 is hereby amended so as to read as follows: Section 15. Judgment.

Judgments.

ments against said city shall be collected in the same manner as judgments against towns.

SECTION 14. Section two of chapter one hundred and twenty-six of the laws of 1877 is hereby repealed. Repealed.

SECTION 15. Section one of chapter one hundred and sixty-one of the general laws of 1878 is hereby repealed, and section fourteen of chapter two, laws of 1875, is hereby re-enacted and declared to be in full force and effect: *provided*, that the term of the city treasurer now in office shall not expire until August, 1880. Repealed. Re-enacted.

SECTION 16. From and after the first day of August, 1880, no lands or real estate shall be advertised for sale or be sold by the city treasurer of said city for the nonpayment of taxes; but all such sales shall be made by the county treasurer of Brown county, as provided by the general laws of this state. If the city treasurer shall be unable to collect any taxes mentioned in the tax roll annexed to his warrant within the time prescribed by the general laws of this state, he shall make returns thereof to said county treasurer in substantially the same manner and form as town treasurers are required by law to do, and the county treasurer shall thereupon proceed in respect thereto as in the case of the return of delinquent taxes by town treasurers. County treasurer to make sales for non-payment of taxes after August 1, 1880.

SECTION 17. All tax certificates belonging to the city of Green Bay on the thirty-first day of July, 1880, shall continue and remain the property of the city and may be sold and transferred by the city treasurer in the same manner as heretofore, and nothing contained in this act shall be construed so as to limit the right now existing in such treasurer to make such sale or transfer, nor shall any repeal, amendment or alteration of the said city charter by this act in any manner change the mode or limit the right now existing in the city treasurer to receive redemption money, issue redemption certificates, cancel tax certificates, and issue tax deeds in case of all tax sales of real estate made by the said treasurer prior to the first day of August, 1880, but in respect thereto he shall have, exercise and perform all the right power and duty as fully and in the same manner as though this act had not been passed. Of tax certificates.

SECTION 18. The salaries of all city officers of said city shall be paid monthly. Salaries of city officers.

SECTION 19. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two thirds vote of the aldermen elect. Appointive officers; may be removed.

Amended.

Elective officers.

Appointive officers.

Of relief of and support of poor

SECTION 20. Section one of chapter two of said chapter two hundred and sixty-two, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor, and three justices of the peace for the city at large; one of said justices shall be elected as and called police justice. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

SECTION 21. The laws of the state for the relief and support of the poor in towns, shall apply to said city of Green Bay, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city shall have the same powers, be subject to the same liabilities and governed by the same laws as supervisors of towns.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 211, S.]

[Published March 23, 1880.]

CHAPTER 286.

AN ACT to amend chapter two of chapter seventy-two of the private and local laws of 1858, entitled an act to incorporate the city of Ripon.

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

Question of license or no license to be submitted to vote of city.

SECTION 1. Chapter two of chapter seventy-two of the private and local laws of 1858, is hereby amended by adding thereto the following sections, to-wit: Section 9. At each annual election of mayor and aldermen of the city of Ripon, the question of granting or not granting licenses for the sale of strong, spirituous, malt, ardent or intoxicating liquors to be drunk on the premises, for the next ensuing year, shall be submitted for decision to the qualified voters of said city in the manner hereinafter provided.

Separate ballot box.

SECTION 2. Section 10. At every such election the inspectors of election shall provide a separate ballot box, in which each voter may deposit one ballot, said ballot to contain either the words "For license," or the words "Against license." At the close of the election these ballots shall be canvassed and the returns made