

[No. 86, A.]

[Published April 13, 1888.]

CHAPTER 312.

AN ACT to amend chapter 271, of the laws of Wisconsin, for the year 1882, entitled "an act to incorporate the city of Neillsville."

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

SECTION 1. Section 2, of chapter 3, of chapter 271, of the laws of Wisconsin, for the year 1882, is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, two justices of the peace and one police justice, one alderman to represent each ward, one supervisor to represent each ward on the county board. The said alderman and supervisor must reside in the ward they represent and be a freeholder in the city. The mayor, treasurer, city clerk, assessor, aldermen and supervisors shall hold their offices for one year, and the justices of the peace and the police justice shall hold their offices two years and until their successors are elected and qualified. All other officers and agents necessary to the proper discharge of the duties herein conferred, and to properly and fully do the business of the corporation, shall be appointed at the first meeting of the common council in each year or soon thereafter as may be. The common council shall have power to remove any person appointed by it for due cause, upon a majority vote of all the aldermen, first giving the person seven days' notice of the reasons for his removal and a fair and just hearing and may be assisted by counsel.

SECTION 2. Section 3, of chapter 3, of chapter 271, of the laws of Wisconsin for the year 1882, is hereby amended so as to read as follows: Section 3. All elections shall be by ballot, and a plurality shall in all cases decide an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, it shall be determined by lot in the presence of the inspectors, and at such time and in such manner as the inspectors shall direct. There shall be but one voting precinct (unless otherwise ordered and determined by the common council, at least ten days before the annual election), and all votes for elective officers shall be upon one ballot, and shall be deposited in the ballot box for the ward in

which the person offering to vote resides, which box shall have printed or painted thereon the number of the ward for which such ballot box is used.

Vacancies, how filled.

SECTION 3. When a vacancy occurs in the office of police justice, it shall be filled at the next annual charter election. In case of a vacancy a temporary appointment until filled by election may be made by the common council. He shall have the same powers, authority and jurisdiction within the city as is now or may hereafter be conferred on justices of the peace, and shall have jurisdiction of all violation or offenses against the provisions of this charter and the ordinances, by-laws and police regulations of the common council or board of health of said city. In all actions and proceedings before said police justice other than those arising for violation of city ordinances or under this charter, the forms of action, modes of procedure, including process, pleadings, trials, judgments and appeals, shall, as near as may be, be the same as in justice courts are provided by law. In cases of contempt, the police justice shall have the same powers and authority as justices of the peace, except that the punishment may be by fine not exceeding one hundred dollars (\$100), or by imprisonment in the jail of Clark county or the city jail not exceeding sixty days. He shall have power and authority to issue and make all orders or process in his discretion necessary to fully carry out his authority and power, and for the enforcement of all judgments or orders made in any action or proceeding had before him, and to fully enforce the city ordinances or to prevent any violation or threatened violation thereof, or any part thereof, and to punish for any disobedience thereof, as for contempt. He shall be entitled to receive for his services the same compensation in fees as is allowed by law for similar services to other officers or persons and such further compensation as the common council may allow and prescribe. In case of his absence, inability to act, or sickness, in cases arising for violation of this charter or city ordinances, upon request of the police justice, any court commissioner of Clark county, or any justice of the peace within the city, may hold court and act for the police justice and shall have the same power and authority as is conferred

upon such police justice while so acting or holding court. In no case or proceeding for violation of this charter or any ordinances, by-laws, rules and regulations shall there be any change of venue allowed from such police justice or person acting in his stead, and the city may, in any action in which it is a party or interested, appeal to the circuit court and to the supreme court. The court of said police justice in actions wherein the city is a party or interested shall be deemed to be open for the transaction of business each day, from nine o'clock A. M. until twelve o'clock M., and from two o'clock P. M. until five o'clock P. M.

SECTION 4. The police justice and justices of the peace elected under this charter shall each, within ten days after election, qualify in the same manner as justices of the peace are required to do under the general law, except that the bonds shall be approved by the mayor of the city, and shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city.

Police justice and justices of peace, when to qualify.

SECTION 5. The justices of the peace elected under this act shall have the same and equal jurisdiction and perform all and like duties of justice of the peace as provided by the general laws of this state. In case of a vacancy a temporary appointment, until filled by election, may be made by the common council.

Duties of same.

SECTION 6. No person shall be an incompetent judge, witness, justice or juror in any proceeding or action in which the city shall be a party in interest by reason of being an inhabitant or taxpayer in said city.

Shall not work incompetency.

SECTION 7. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, resolutions, police or health regulations of said city, or to enforce the same, or to prevent any violation of the same or any action in relation thereto, shall be brought in the corporate name of the city, and the net proceeds of all fines, penalties or forfeitures recovered shall be paid into the city treasury for its use and benefit, and no witness or juror subpoenaed or summoned on the part of the city shall be entitled to demand their fees in advance, but shall attend the same as if the fees were paid or tendered in advance.

Actions to be brought in the corporate name of city.

SECTION 8. In all cases not specially provided for in this act, or any ordinance, by-law, rule or

Punishments.

regulation of said city, any person convicted under their provisions shall be punished by a fine of not more than two hundred dollars (\$200) besides costs of suit, and in default of immediate payment, be committed to the common jail of Clark county, or the city jail, not to exceed ninety days, which imprisonment shall be limited by the court.

May offer a reward.

SECTION 9. Whenever any grave or heinous crime shall have been committed in said city, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense, not to exceed in any one case five hundred dollars (\$500).

Who shall constitute the common council.

SECTION 10. Sections 2, 4, 9 and 12, of chapter 4, of chapter 271, of the laws of Wisconsin for the year 1882, are hereby amended, so that said several sections, when so amended, shall read as follows: Section 2. The mayor, aldermen and city clerk shall constitute the common council, and the style of ordinance shall be "The common council of the city of Neillsville do ordain—." The common council shall meet and organize on or before the second Tuesday in May of each year, or as soon thereafter as may be. A majority of the common council shall constitute a quorum, and in the absence of the mayor, may appoint one of the number acting mayor, and who shall have the same authority as the mayor while so acting. Section 4. The common council shall have the control and management of the finances, and of all the property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, and protection of public and private property, and the lives and persons of individuals, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of laws; provided, that they be not repugnant to the constitution of the United States or of this state, and shall have

Common council shall have control of finances.

special authority by ordinances, resolutions or by-laws:

1st. To license, regulate and prohibit the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and revoke their licenses for a violation thereof. Shows and showmen, etc.

2d. To restrain, and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other game of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council. Gambling and fraudulent devices.

3d. To prevent any riots, noise, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments, thing, contrivance or scheme used or can be used, for the purpose of gaming and lotteries, and provide for the search and seizure of such things. Riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, 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 the city. Unwholesome places.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of, or the use and occupation of the same, when the offal or filth therefrom may endanger the health of the inhabitants of the city. Slaughter houses.

6th. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material or substance whatever, and to require the removal of snow and other substances by the owners of such sidewalks. Encumbering of streets.

7th. To prevent horse racing, and regulate the rate of speed persons may ride or drive animals Horse racing, bathing, etc.

in the streets, and to regulate the places of bathing in the waters within the limits of said corporation.

Public pounds. 8th. To build and maintain a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Also, may provide a penalty for allowing the same to run at large within the city, upon the owner or keeper or person having the care or custody thereof, and it may adopt either or both modes to prevent the running of said animals, poultry and geese at large.

Dogs. 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to an ordinance.

Putrid carcasses. 10th. To prevent any person from burying, depositing, or having, within said city, or place adjacent to said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have on his premises any such substances, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Immoderate driving. 11th. To prevent all persons from riding, driving or leading any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting of firearms. 12th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation, which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards. 13th. To restrain drunkards, immoderate drinking or obscenity, or the use of profane, obscene, indecent, vulgar language in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Infectious diseases. 14th. To regulate, prevent and control the landing of persons from cars and stages, wherein any contagious or infectious diseases or disorders exist and to make such disposition of such persons as to preserve the health of said city.

15th. To provide by ordinance for a standard

of weights and measures, and to punish for the use of false weights and measures. Weights and measures.

16th. To regulate the place and manner of weighing and selling hay, measuring and selling fuel, and other materials or articles usually sold at markets or upon the streets. Hay and fuel.

17th. To license and regulate butcher shops, stalls and stands for the sale of game, poultry, butchers' meats, butter, eggs, fish, and other provisions. Butcher shops.

18th. To regulate the time and in what manner, places where intoxicating liquors are sold or kept shall be opened, and to prohibit the keeping of such places opened or having the same opened on such times, or on Sunday or election days, and at such other times as it may deem necessary, and prescribe a penalty for any violation thereof, and may provide for the revoking of any licenses granted by it for any violation in addition to such penalty, and by whom and in what manner may be revoked. Sale of intoxicating liquors.

19th. To provide for the seizure and forfeiture of any article or thing whatever, sold, or offered for sale, or kept for sale, or used in any manner whatever in violation of any ordinance, and to provide for the search for such articles and things, and how they may be proceeded against. Contraband articles.

20th. To establish and regulate boards of health, provide and maintain hospitals, pest houses and cemetery grounds, and to regulate the use thereof, and the burial of the dead and the returns of the bills of mortality, and to exempt hospitals, pest houses and burial grounds from taxation; and the city may purchase and hold, ornament and maintain and protect such grounds, within or without the limits of the city, and when located without the city limits, may punish persons for the violation of ordinances or rules in regard thereto, in the same manner as though such grounds were located within the city limits, and they may by deed sell lots to persons for burial purposes therein. Board's of health.

21st. To license and regulate or restrain runners and solicitors for cars, stages, public houses, or any other establishment whatever; also drays, carts, hacks, omnibuses or other public conveyances. Runners and solicitors.

22d. To purchase, hold, build, maintain and regulate a city jail or lock-up for the confinement City jail or lock-up.

or punishment of delinquents or offenders against any of the state laws, or ordinances, and for the detention of suspected persons and tramps, and to hold, purchase, rent or lease grounds or lands for the use of the city, and to build, maintain or repair suitable buildings thereon for the use of the city.

Public markets. 23d. Establish public markets, or places where merchandise, commodities and other articles may be sold or kept for sale, and make rules and regulations for the government of the same, and to restrain all persons from interrupting or interfering with the due observance of such rules, regulations or ordinances.

Auctions. 24th. To regulate the time, place and manner of holding public auctions or vendues.

Monuments. 25th. To protect trees and monuments, parks, sidewalks, crosswalks, streets, public buildings, cemetery grounds, and insure the same.

Public wells. 26th. To make and regulate the use of public wells, cisterns, water works and reservoirs, and protect the same.

Lamps. 27th. To erect lamp posts and lamps, and provide for the lighting of any portion of the city, or streets thereof, by gas, or otherwise, and protect the same from injury or being in any manner interfered with.

Numbering lots and blocks. 28th. To renumber the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds, and to establish a monument or corner from which all measurements can be taken, which, after being established, shall not be altered or changed in any manner whatever.

Sale and licensing of malt liquors, etc. 29th. To exercise such powers as it may deem necessary in respect to prohibiting or licensing the manufacturing and the sale of malt, ardent or intoxicating liquors and drinks and prescribe the license fee to be paid, which shall not be less than that provided by the revised statutes in any case, and for the manufacturing of such liquors such fees or license as they shall decide upon or adopt by ordinance, which shall not be less than twenty-five dollars (§25).

Ornamental shade trees. 30th. It shall have power and authority to require the owner or occupants of any lot or grounds in the city to set out and maintain ornamental and shade trees in the street or streets fronting the same or along the side thereof, and

prescribe the kind and quality to be used, and in default thereof to cause the same to be done, and to levy a special tax upon the lot or grounds to pay the expense, and may provide for the removal of any trees set out or maintained contrary to the provisions of any ordinance, at the expense of the lot owner, which may be entered against the lot as a special tax, and may also provide a penalty for any violation thereof.

31st. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate, discontinue, renumber, rename streets, lanes, alleys, sewers, bridges, crosswalks, culverts, public grounds and sidewalks, and to keep them free from incumbrances, and to protect them from injury, and to provide for the sprinkling or watering of such streets as it may deem necessary.

Cleaning and
repairing
streets.

32d. The common council shall have jurisdiction over the entire waters bordering on the city, or the streams, creeks, or waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Waters in city.

33d. To direct the location, and regulate and license breweries, tanneries or packing houses.

Breweries, etc.

34th. To provide for the arresting, removing and detention, and punishing any person or persons who may violate the provisions of any ordinance; and to establish by ordinance the mode of procedure and the forms to be used in proceedings and the time and in what manner persons arrested shall be allowed bail for their appearance, and what it shall be sufficient to allege and prove in order to make out a *prima facie* case of the violation of any ordinance, and may make ordinances upon any other matter, subject or thing that the legislature can confer authority upon them to do or restrain or prevent the doing thereof, as the common council shall deem expedient, and as though such authority was expressly herein enumerated and set forth, not inconsistent with the constitution of the United States or this state, provided, however, that the penalty or fine for the violation of any ordinance or by-law shall not be less than one dollar (§1) nor more than three hundred dollars (§300) in any case besides the costs and disbursements of suit in all cases, and in default of immediate payment of such penalty or

Arrest of persons violating
any ordinance.

fine, imprisonment imposed shall not exceed nine months in the city jail or lock up or county jail of Clark county.

To enforce or-
dinances.

35th. To enforce all ordinances and by-laws against any and all persons, corporations or companies who may violate or threaten to violate any of the provisions of such ordinances or by-laws by any process or proceedings known or established, or that may be established, and all courts of this state shall take judicial notice of any and all ordinances or by-laws; and all ordinances published shall be taken, deemed and held to be within the authority of the common council to make necessary and reasonable, if not inconsistent with the constitution of the state or United States.

Relief of poor.

36th. The mayor, or any alderman of said city may provide for the immediate relief of any poor person or persons within the city in case the county of Clark shall refuse or neglect to properly provide for such person or persons, and the expense therefor to be paid from the general fund of said city, and said city to be reimbursed therefor by said Clark county.

Licenses.

37th. All licenses for the sale and manufacture of intoxicating liquors or drinks shall remain in force only for the residue of the term of office of the persons who constitute the common council granting such licenses, and no longer.

Regulate speed
of engines.

38th. To regulate the running of engines and cars and the rate of speed at which the same may be run in said city.

Bells, etc.

39th. To regulate, control or prohibit the use of bells or steam whistles, or any other thing used for such purposes. Section 9. On receipt of such application, the common council, if it shall deem the building of such sidewalk necessary or expedient, shall prescribe the manner of its construction and the material of which the same shall be composed, and shall direct the street commissioner to notify the owners of any lot, piece or tract of land, along the line of such sidewalk and bounded thereby, by delivering to or leaving at the residence of each such person, if residing within the city, a written or printed notice, requiring such person therein named to build such sidewalk to the approval of the street commissioner, and in the manner directed by the common council, along the line of the lot or land so bounded, within thirty days, and in case the owner is not a

resident of the city, or is a corporation or company, or society of persons that is liable or subject to build such sidewalk, the notice may be served upon any agent or officer of such person or corporation, company or society of persons or person having charge of such property within the city, and in case there is no such person or agent, or officer residing within the city, such notice may be served by delivering the same to such person, agent or officer if to be found, or in lieu of such personal service such notice may be posted in three public places in said city. Section 12. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or rebuilding, or a new one established or built, the common council may, without a petition or request, direct the street commissioner to notify the owners of such sidewalk, lot or tract of land, to rebuild or build a new one in cases where there has not been one previously built, within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given and served as provided in cases of petition for building sidewalks.

SECTION 11. Sections 2, 3, 16, 17 and 24, of Amended. chapter 5, are hereby amended so as to read as follows: Section 2. The common council shall, between the second Monday in May, and the first day of November, in each year, determine the amount of general tax necessary to be assessed and collected for the current year for corporate purposes, which shall, in no case, exceed seven (7) mills on the dollar of the assessed valuation of said city, except as hereinafter provided for in the levy and collection of special taxes. Section 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account, or advanced on its behalf by any of its officers or other persons, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year, orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year. Except that when it shall deem it necessary to build

or repair bridges, crosswalks, buildings, parks, or to protect public property of the city, or to provide for other matters of necessity for the benefit of the city, a special tax may be levied or bonds issued, or orders or other evidence of indebtedness given for such purposes, not exceeding two thousand dollars (\$2,000) in any one year. If a sum exceeding two thousand dollars (\$2,000) may be required, such special tax may be voted by the qualified voters of the city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election shall be in favor of such special tax, which ballots shall be written or printed with the words, "for loan," or "against loan," and be deposited in the ballot boxes as provided for at general elections, nor unless a notice of the same, specifying the purpose for which said tax is to be raised, and the time, which may be between the hours of 10 o'clock A. M. and 2 o'clock P. M., and place of voting, be published at least five days before the time set, and such election shall otherwise be conducted in the manner provided for municipal elections under this act. Section 16. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or ordinance of the city, and give the persons paying the same his receipt therefor. He shall not pay out any moneys except upon the warrant of the common council, signed by the mayor and countersigned by the clerk. All such warrants shall set forth the amount to be paid and to whom payable. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the city for that purpose, which book shall be and remain the property of the city. In said book he shall note the time when the persons from whom the amount of the several sums was received, and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out, and said book shall at all reasonable times be opened to the inspection of the voters of said city, and the said treasurer shall annually on the first Monday in May, and as often as the common council shall require, render to it a minute

account of all his receipts and disbursements, and the said treasurer shall be collector of taxes within the corporation, and he shall possess all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers, and as the common council may confer or direct, and perform such other duties as the common council may direct. He shall receive the same compensation as town treasurers for his services, unless otherwise provided for by the common council. Section 17. The assessor shall assess all the property in said city and shall perform all the duties and in the same manner as required of town assessors, unless otherwise provided for by the common council, and shall receive such compensation as the common council may direct, not to exceed two and one-half dollars (\$2.50) per day for actual services rendered. Section 24. It shall be the duty of the street commissioner to report to the common council in writing, when required, the amount of money expended in each ward separately, and also the amount expended on the streets running between and dividing the three wards, and shall, on the first Monday in May of each year, report in writing to the common council the total amount of money expended upon the streets, alleys or lanes, crosswalks, bridges, etc.; also the amount of poll tax collected by him.

SECTION 12. The common council shall annually Printing. provide that all printing authorized or required by it to be done for its use or for the city shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of some newspaper published in the city of Neillsville, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid. All ordinances and other proceedings required by this act or by the laws or ordinances of the common council, to be published shall be published in the newspaper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published; and such affidavit shall be *prima facie* evidence of the publication thereof.

SECTION 13. All acts or parts of acts in conflict

Repealed.

with, or in any way or manner contravening any of the provisions of this act, are hereby repealed.

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

Approved April 4, 1883.

[No. 266. A.]

[Published April 16, 1883.]

CHAPTER 323.

AN ACT to amend the charter of the city of Shawano.

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

Amendment.

SECTION 1. Section four (4), of chapter one (1), of chapter 278, laws of 1874, entitled "an act to incorporate the city of Shawano," is hereby amended by inserting after the words, "police justice," in tenth (10th) line, the words, one assessor and one street commissioner, and by striking out of the twelfth (12th) line the words, and one assessor for each ward, so that said section, when so amended, shall read as follows: Section 4. The annual election for ward and city officers shall be held on the first Tuesday in April, in each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from 9 o'clock in the forenoon, till sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of city and ward officers to be elected. The elective officers of said city shall be a mayor, a clerk, a treasurer, a police justice, one assessor, and one street commissioner for the city at large, three aldermen, one justice of the peace, and one constable for each ward. The mayor, treasurer, police justice, assessor and street commissioner shall be qualified voters and freeholders in the said city and the ward officers shall be qualified voters and freeholders in the ward for which they were elected. All other officers necessary for the proper management of the affairs of the said city shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the common