

commissioner from each of the even numbered wards; and of such commissioners so appointed the commissioners from the even numbered wards and one commissioner from each of the odd numbered wards, shall hold their office two years, and one commissioner from each of the odd numbered wards shall hold their office one year respectively, and until their successors are appointed and qualified; and thereafter at the first meeting of said council in May of each year the mayor shall appoint one commissioner from each ward. All commissioners appointed for a full term after the first board of education appointed under the section as now amended shall hold their respective offices for two years and until their respective successors are appointed and qualified. The present school board shall continue to act as the school board of said city until the first regular meeting of the said council in May, 1887; and each member of such board shall hold his office under this act until the expiration of the time which he was appointed to such board unless sooner removed as herein provided.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1887.

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[No. 552, A.]

[Published March 25, 1887.]

## CHAPTER 123.

AN ACT to amend the charter of the city of Fond du Lac.

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

SECTION 1. Section 1, of chapter 3, of said chapter 152, is hereby amended so as to read as follows:

### CITY AND WARD OFFICERS.

SECTION 1. The officers of said corporation shall consist of a mayor, two aldermen from each ward,<sup>City and ward  
officers.</sup>

president of the council (who shall be elected by and from the members of the common council), city treasurer, city clerk, city attorney, street commissioner, sidewalk superintendent, health commissioner, chief of police, policemen, fire marshal, one or more assistant fire marshals, city surveyor and engineer, sealer of weights and measures, superintendent of poor, purchasing agent, two justices of the peace, two constables, three assessors, and a superintendent of schools. There shall also be one school commissioner and one supervisor from each ward, and such other officers as may be provided for by this act, or deemed necessary by the common council of said city, for the proper management of the affairs of said city, or as required by any general law of the state.

*When officers  
shall be elected.*

SECTION 2. Section 2, of chapter 3, of said chapter 152, is hereby amended by striking out the words, "alderman and," in the fourth line, and inserting "except aldermen," in the seventh line of said section, so that said section when so amended shall read as follows: Section 2. The mayor, city treasurer, justices of the peace, assessors and constables shall be elected at the annual municipal election by the electors at large; the supervisors shall be elected by the electors of each ward for their respective wards at the time of the annual municipal election. All other officers and agents except aldermen shall be appointed by the common council at its meeting on the first Monday after the general municipal election, or at such other time within two weeks thereafter as the council may determine, and as often as may be necessary to fill vacancies; provided, that the superintendent of schools shall be elected by the board of education at the first meeting thereof in each year, or as soon thereafter as may be prescribed.

SECTION 3. Section 3, of chapter 3, of said chapter 152, is hereby amended to read as follows:

#### ELECTION OF ALDERMEN — TERMS OF OFFICE.

*Election of al-  
dermen.*

SECTION 3. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected. Commencing in the year 1888 there shall be elected annually thereafter on the

first Tuesday in April, in each ward by the electors thereof, one alderman who shall hold his office for two years and during the last year thereof, shall be chairman of the board of aldermen of his ward. The term of office of the mayor and aldermen shall commence on the first Monday after the first Tuesday in April. The school commissioners shall hold their office for two years, and one shall be appointed for each even numbered ward every even numbered year, and every odd numbered ward, each odd numbered year; those now in office shall continue to hold office during the term for which they have been respectively appointed. The justices of the peace and constables shall hold their offices for two years. The term of office of every other officer elected or appointed under the charter of said city or any law of this state except to fill vacancy shall commence on the first day of May in the year of which he was elected or appointed and continue for one year and until his successor is elected and qualified.

SECTION 4. Section 3, of chapter 4, of said chapter 152, is hereby amended by inserting after the word, "agent" in the fourth line of said section the words, "street commissioners," so that the said section, when so amended, shall read as follows:

#### WHO TO GIVE BONDS.

SECTION 3. The city clerk, city treasurer, chief of police, justices of the peace, constables, city attorney, sidewalk superintendent, superintendent of the poor, purchasing agent, street commissioner, and such other officers as the common council may direct, shall severally before they enter upon the duties of their respective offices execute to the city of Fond du Lac a bond with at least two sufficient sureties, which bond shall contain such penal sum and such conditions as the common council shall prescribe. Such bond, together with the affidavits of the sureties hereinafter provided, shall be filed with the city clerk and recorded in books in his office for that purpose.

Who to give bonds.

SECTION 5. Section 8, of chapter 4, of said chapter 152, is hereby amended by inserting after the

Who are not entitled to compensation.

word, "city," in the fourth line of said section, the following: "except inspectors and clerks of elections and members of the board of review," so that said section when amended shall read as follows: Section 8. No aldermen or member of the common council while holding such office shall be appointed to or competent to hold any office of which the compensation is paid by the city, except inspectors and clerks of election and members of the board of review, nor shall he or any other officer of the city be interested either directly or indirectly in any contract, as principal or as partner with a principal, or as surety or otherwise, the expense or consideration whereof or any part of the sum is to be paid by the city.

SECTION 6. Section 1, of chapter 6, of said chapter 152, is hereby amended by striking out the word, "senior" in the third line of said section, and by striking out "7" in the sixth line, and inserting in lieu thereof "8," so that said section when so amended will read as follows:

#### POWERS AND DUTIES OF THE COMMON COUNCIL.

Powers and  
duties of the  
common coun-  
cil.

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

Fees of officers.

SECTION 7. Section 5, of chapter 6, of said chapter 152, is hereby amended by striking out all that part of said section after the word, "compensation," and inserting in lieu thereof the following: "Of all officers of said city except as herein provided. But no fee, compensation or salary shall be paid or allowed by the city to the mayor or aldermen of the city for their services as such officers," so that said section when amended shall

read as follows: Section 5. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to prescribe the duties of such other officers as may be appointed whose duties are not herein prescribed and to fix the compensation of all officers of said city except as herein provided. But no fee, compensation or salary shall be paid or allowed by the city to the mayor or aldermen of the city for their services as such officers.

SECTION 8. Section 8, of said chapter 6, of said chapter 152, is hereby amended by adding a new Numbering houses subdivision thereto as follows: 36th. To regulate and control the numbering of houses, stores and other buildings within the city and to compel the owners and occupants thereof to number the same in such manner as the common council may from time to time prescribe; and this amendment shall be held to apply to all ordinances and regulations for numbering buildings in said city heretofore made or enacted and now in force in said city as well as those to be made hereafter.

SECTION 9. Chapter 6, of said chapter 152, as Respecting a-signee of amended by chapter 299, of the laws of 1885, is licensed hereby amended by adding thereto a new section, as follows: Section 23. No assignee of any license shall be permitted to pursue the occupation of business licensed under such license, except by a vote of two thirds of the common council, and neither the original holder of any license nor his assignee, except when permitted by the common council, shall pursue the occupation or business licensed in any place except upon the premises where the business was to be conducted, as stated in the license and application for license.

SECTION 10. Section 9, of chapter 7, of said chapter 152, as amended by section 10, of chapter 299, of the laws of 1885, is hereby amended by striking out all of said amended section after the words, "common council," in the fifth line, and adding in lieu thereof as follows: "but they shall not act as members of the board of review," so that said section, when so amended, shall read as follows: Section 9. The assessors elected under this act shall, in all things pertaining to their offices, be governed by the same laws as assessors under the general laws of this state, and their Assessor shall not serve on board of review.

compensation shall be established by the common council, but they shall not act as members of the board of review.

SECTION 11. Chapter 7, of said chapter 152, is hereby amended by adding a new section as follows:

#### STREET COMMISSIONERS.

*Street commissioners.*

SECTION 18. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all streets, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things pertaining to the streets, except sidewalks, and report in writing to the common council at its next regular meeting, recommending, in his opinion, what is necessary and ought to be done thereto, and he shall perform such work mentioned in said report as he be ordered by the common council to perform, and such other public work pertaining to streets, water-courses, drains, bridges, as the common council shall deem necessary, and order him to do. He shall have the custody of all tools, scrapers, carts and other implements belonging to the city, and used in the construction and repair of the public ways before mentioned. He shall see that the charter, all ordinances and contracts of the city relating to the obstruction and cleansing or closing of streets, crosswalks, bridges, alleys, public grounds, gutters, sewers, drains, ditches and water-courses in said city, are duly observed and kept, and shall, when ordered by the common council have the general supervision over all grading, graveling, planking, filing, constructing, repairing, and cleaning streets, bridges, alleys, public grounds, sewers, gutters, ditches and drains under the supervision of the common council, and such other duties as the ordinances of said city and the common council may from time to time prescribe.

*Sewers.*

SECTION 12. Section 3, of chapter 11, of said chapter 152, is hereby amended by adding at the end of said section as follows: And it is further provided, that no sewer, the expense of which is to be charged to and borne by the property benefited and lots drained thereby, as provided by said chapter 11, of the city charter, shall in any case be ordered by the common council except upon

assent, recommendation and petition, in writing, signed by a majority of the resident owners of all property fronting and abutting on each side of the street or part of the street in which the proposed sewer is to be built, which said petition shall be entered at length by the clerk upon the record of the proceedings of the common council. And it is further provided that the material used in the construction or relaying of any sidewalk shall be either wood, brick, stone flags or asphaltum, or two or more of said materials combined; and the common council shall have power, whenever it shall deem necessary for the convenience and safety of the public, to cause the construction, reconstruction, building, relaying or repairing of any sidewalk in said city, of said material and in such manner as it may deem proper, and the same shall be built, constructed, reconstructed, relaid or repaired in such manner as the council shall order.

SECTION 13. Subdivision 5th, of section 5, of chapter 11, of said chapter 152, is hereby amended by adding at the end of said subdivision the following: "Provided, that nothing contained in this subdivision shall be construed to authorize the common council to construct a sewer except upon the petition required by section 3, of said chapter 11, as amended by section 12, of this act." Amended.

SECTION 14. All acts and parts of acts, inconsistent or conflicting with the provisions of this act, are hereby repealed. Repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1887.