

hydrants of such persons, company or corporation, for such period and upon such terms, conditions and limitations as its common council in its discretion may determine, and in that event a sufficient tax may annually be assessed, levied and collected upon all real and personal property within said city, except such as may be exempt by the laws of this state, to meet the payment for rent of fire-hydrants, which said tax when so collected shall be kept as a separate fund to be known as the fire "hydrant fund." But before the city shall purchase such water-works, the question shall be submitted to a vote of the qualified voters of said city, being resident freeholders and a majority of said voters shall have voted for the purchase.

Street rail-  
ways.

SECTION 12. The common council shall have power to authorize the building, construction and maintenance of street railways upon any of the public streets of said city upon such regulations and conditions as the said common council shall prescribe.

Repealed.

SECTION 13. All acts and parts of acts conflicting or contravening with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.  
Approved April 12, 1887.

[No. 201, S.]

[Published April 28, 1887.]

## CHAPTER 458.

AN ACT to amend chapter 37, of the laws of 1885, entitled, "an act to incorporate the city of Kaukauna."

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

Ward bound-  
aries.

SECTION 1. Section 3, of chapter 1, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 3. The First ward of the city of Kaukauna shall consist of that

territory of land within the city limits above described, lying southwest of the southwest line of the north half of private claim thirty-five, and west of the center line of Desnoyer street, and all of the block twenty-three lying south of the center line of Wisconsin avenue, on the north side of Fox river.

#### SECOND WARD.

The Second ward of the city of Kaukauna comprises all the territory lying east and north of the above described limits of the First ward, within the above city limits and north of Fox river. Second ward.

#### THIRD WARD.

The Third ward in the city of Kaukauna comprises all that part of the village plat of Ledyard lying west and southwest of the following described division line, south of the center line of Fox river, extend Fourth avenue in a straight line to its center point in Fox river, from that point in a southwesterly direction to where the center line of Fourth avenue intersects the center line of Fifth street; thence due south along the center line of said Fourth avenue to the city limits. Third ward.

#### FOURTH WARD.

The Fourth ward of the city of Kaukauna comprises all the territory east and southeast of the dividing line of the Third ward, south of Fox river, except the Beaulieu addition. Fourth ward.

#### FIFTH WARD.

The Fifth ward of the city of Kaukauna comprises all the islands and island groups within the limits of the city of Kaukauna, generally known as islands one, two, three and four, in Fox river, and also includes the platted land known as the Beaulieu addition. Fifth ward.

SECTION 2. Section 1, of chapter 2, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 1. The officers of said corporation shall consist of a mayor, two aldermen from each ward, one supervisor from Officers of corporation named.

each ward, to represent such ward in the county board of supervisors, one city clerk, one assessor, one city treasurer, one city attorney, two marshals, one for north Kaukauna, and one for South Kaukauna, one or two street commissioners (as the council may determine), one chief of fire department, two justices of the peace, and such other officers as the common council of said city deem necessary. All city and ward officers of the city of Kaukauna, at the expiration of their term of office, or upon their resignation or removal or vacation from office, shall immediately deliver to their successors in office all property, money, books, papers, or other effects of every description in their possession belonging to the office they may have held. Any person who may have held an office in said city neglecting or refusing for twenty-four hours after the presentation by his successor of the city clerk's certificate of his successors' election or appointment to the office, shall forfeit and pay to the use of said city for every twenty-four hours' refusal the sum of twenty-five dollars and all damages and costs incurred, either by said city or his successor, by reason of said neglect or refusal.

Amended.

SECTION 3. Section 2, of chapter 2, of said chapter 37, of the laws of 1885, is hereby amended by striking out the word, "constables," where it occurs in the fourth line of said chapter.

Election of president.

SECTION 4. Section 3, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 3. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case both the mayor and president shall be absent from any meeting of the common council, it shall proceed to elect one of its number a temporary presiding officer, who, for the time being, shall have the same authority and power as the president. The president, or temporary presiding officer, while

presiding over the council or performing the duties of mayor, shall be styled acting mayor, and any acts performed by either of them shall have the same force and validity as if performed by the mayor, but the president of the council or temporary presiding officer, as acting mayor, shall sign no warrant, resolution, ordinance or other proceeding whatever which the mayor theretofore has refused to sign.

SECTION 5. Section 4, of chapter 3, of said chapter 37, is hereby amended so as to read as follows: Section 4. Duties of clerk. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council and keep a full and correct account thereof in books provided for that purpose. He shall keep a book in which shall be recorded all ordinances, resolutions and orders passed by the common council, according to the provisions of section 4, of chapter 4, of said chapter 37, of the laws of 1885; and it shall be his duty to obtain and record in such books the affidavits of the publisher of such ordinances, resolutions and orders, as required by the provisions of said section. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns receive for similar services, and chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. He shall, in addition to the above duties, perform all duties of clerk as required by the provisions of said chapter 37, laws of 1885. The clerk shall have power and authority to administer oaths and affirmations.

Duties of the  
city clerk de-  
fined.

Duties of the  
treasurer  
defined.

SECTION 6. Section 6, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 6. 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 or 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 this purpose, and in such manner as the common council may 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 such report, such reports when made shall be published with the proceedings of the common council. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same power to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes. He shall disburse none of the money belonging to any of the funds of the city, except by an order therein 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 duty or direction is imposed by this act. It shall be the duty of the city treasurer to make at least one visit to each delinquent tax payer within the city, and demand payment of his taxes before said treasurer shall make his final report to the city treasurer. No person

having been city treasurer for one term shall be eligible to a re-election until one year shall have elapsed. Nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the city treasurer shall be a percentage on the taxes collected as follows: One per centum on all taxes collected prior to January 10th, two per centum on all taxes collected between January 10th and prior to February 25th, and three per centum on all collected thereafter during his term, to be retained from the collections; provided, that this shall not be so construed as to allow him any percentage on license moneys or fines coming into his hands as such treasurer. On the third Monday of March in each year he shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report.

SECTION 7. Section 8, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 8. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; they shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be the duty of marshals so appointed, to execute and return all processes and writs to them directed, and when necessary, in criminal cases, or for any violation of any ordinance of said city, or laws of this state, may pursue and serve the same in any part of the state. It shall be their duty to suppress all riots and disturbances, and breaches of the peace, and to remove or cause to be removed all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such person before competent authority for examination. It shall be their duty immediately upon receiving from the assessor a list of the persons liable to pay poll tax within the city, to proceed to collect the same,

Duties of  
marshal  
defined.

and to pay the money so collected to the city treasurer, taking his receipt for the same. They shall, on or before the last day of August, in each year submit to the common council, a report in writing of the amount of poll tax collected, including the amount paid in labor on the streets, as shown by the receipts of the street commissioner. It shall also be the duty of the marshals to see that all ordinances of the city are enforced, and to prosecute, in the name of the city, any person who may violate the same. And for such services they shall receive the same fees as are allowed to constables of towns for like services, and such further compensation as the common council may allow; provided, however, that the common council, at the time of appointing the marshals, may provide by resolution, that all fees in criminal cases, or for the violations of any of the city ordinances, which may be received by the marshals, shall be paid by them, into the city treasury, in which case their compensation shall be an annual salary to be fixed by the common council.

Duties of city  
attorney  
defined.

SECTION 8. Section 9, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 9. The city attorney shall be a person duly admitted to practice in the courts of record conformably to the laws of this state. It shall be his duty to conduct all the law business of the corporation; he shall when required, furnish opinions on subjects connected with the welfare of the corporation submitted to him by the common council or any of its committees, he shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by and be the business of the city, and to perform all other duties as may be prescribed by the charter and ordinances or resolutions of the common council. He shall attend all regular meetings of the common council.

His compensation shall be an annual salary, to fixed by the common council.

**SECTION 9.** Section 10, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 10. It shall be the duty of the street commissioner or commissioners, as the case may be, within ten days after his or their appointment and qualification, to inspect all the streets in the city, or in his particular district, as the case may be, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges and all things appertaining to the streets, and report in writing to the common council, recommending in his opinion what is necessary and ought to be done thereto, in separate items in the order of their first, second and third necessity, and so on to the end of his recommendations; under item number one, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk, if in their opinion it is a matter of necessity. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, sewers, gutters and water of the rivers in said city are duly observed and kept, and to control the persons employed therein. They shall have the general supervision of all work let by contract for the making, grading, paving, graveling, planking, and repairing, and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. They shall receive such compensation as the common council may determine.

Duties of street commissioner defined.

**SECTION 10.** Section 11, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 11. There shall be no constables elected under this act, but the city marshals shall have and possess the same powers as are now given by law to constables of towns, and such additional powers as may be conferred by this act.

City marshal.

**SECTION 11.** Section 12, of chapter 3, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 12. No alder-

Shall not be interested in any job.

man shall be a party to, or interested in, any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same. No alderman shall be absent for more than two successive regular meetings of the common council without furnishing to the council a satisfactory explanation in writing of his reasons for being absent. Each alderman shall receive an annual salary of twenty-five dollars per year, except the chairman of the finance committee and the chairman of the street and bridge committee, who shall each receive an annual salary of thirty-five dollars. The said salaries shall be payable annually at the end of each year, and shall be a full compensation for all services of every kind performed by said alderman for the city, except acting as inspector or clerk of elections.

Dogs.

SECTION 12. Subdivision 7, of section 3, of chapter 4, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: 7. To prevent the running at large of dogs, to tax the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Amendment,  
license of omnibus  
drivers,  
etc.

SECTION 13. Subdivision 34, of section 3, of chapter 4, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Subdivision 34. To tax, regulate license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to prescribe their compensation, and to impose a tax and require a license from all non-residents of this city who may be engaged in any such business within the city at any time.

Amendment,  
change bound-  
aries of school  
districts.

SECTION 14. Subdivision 46, of section 3, of chapter 4, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Subdivision 46. To consolidate or change the boundaries of school districts in said city, under the same restrictions and with the same powers as is now conferred on town boards, under the general laws of the state, and to establish a high school

in connection therewith, and to appoint a city school superintendent.

SECTION 15. Subdivision 47, of section 3, of chapter 4, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Subdivision 37. To call a special election for the purpose of raising a tax, when, in their opinion the amount which they are authorized to raise by the provisions of this act is insufficient to meet the requirements; provided, however, that at such election or an election held for the purpose of voting upon the question of issuing city bonds, none but freeholders of said city shall be allowed to vote.

Amendment,  
may call  
special election  
to raise tax.

SECTION 16. Section 2, of chapter 5, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 2. The common council of said city shall annually levy upon the taxable property of said city, on the first Tuesday of December in each year, by resolution, such tax or such sums as may be sufficient for the several purposes for which taxes are herein authorized to be levied but not exceeding the authorized percentage and particularly specifying the purposes for which the same are levied to defray the current and lawful expenses of said city, and for the payment of principal and interest of outstanding bonds, a tax sufficient to defray the same; provided, said common council shall not levy in any one year a tax of more than two per cent. on the dollar valuation of the taxable property of said city, and not less than five mills, nor more than fifteen mills for highway and street purposes, unless authorized to raise a greater sum by a majority vote of the freeholders of said city at a general or special election.

Amendment,  
to levy taxes.

SECTION 17. Section 4, of chapter 7, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 4. Upon the petition in writing of at least two-thirds of the property owners, and who are also actual residents upon said property, on any street or part of street, or on one or more sides of any block or blocks, the common council shall have power, by a vote of two-thirds of all members of the common council to order the building, construction, reconstruction, or repair of sidewalks in the city of Kaukauna in such manner as it

Amendment,  
building and  
repair of side-  
walks.

may deem proper. The proceedings for ordering the repair of sidewalks, and the levying and collecting special taxes on the respective lots to pay for the same, shall be the same as hereby provided in case of building a new sidewalk, except as otherwise provided in this section. Whenever a sidewalk shall be out of repair, and shall so remain for a space of twenty-four hours, which, in the opinion of the street commissioner, will not cost to exceed the amount of three dollars, in front of any one lot or part of a lot, to repair, he shall be authorized and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed he shall make out an itemized bill of costs of such repairs, specifying the lot or part of a lot, block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Kaukauna, for payment, and if such owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the same to the common council, and the common council shall thereupon levy a special tax upon said lot, or piece or parcel of land, to pay the same, in the same manner that special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in said city, the street commissioner shall return said account to the common council, with his certificate, stating that fact, and the common council shall thereupon levy a special tax to pay the same, in the manner in this section provided; also any work required to be done in relation to this chapter, the common council may authorize to superintend, either the street commissioner, or a committee appointed by them, the expense shall be paid by the city out of the general fund.

Amendment,  
cost and  
expense of sur-  
veying to  
whom charged.

SECTION 18. Section 5, of chapter 7, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 5. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimated work thereon, in the execution of any public improvements, shall be chargeable to and payable by the north or south side road district fund, as the case may be. The

costs and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part by the lots or lands fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley, or such proportion thereof as the council shall determine, or out of the north or south side road district fund, as the case may be. Sewers and 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 the side of the street along which said sewer or gutter shall be constructed; provided, that all such improvements or work of any kind upon the streets or sidewalks, across streets or alleys and public grounds, shall be paid for out of the north or south side road district funds, as the case may be.

SECTION 19. Section 4, of chapter 8, of said chapter 37, is hereby amended so as to read as follows: Section 4. The mayor, city clerk, city assessor, and the supervisor of each ward, shall constitute the board of equalization, and shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards of review are by law required to proceed, as far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of review and the city clerk shall be clerk thereof; provided, in case of a tie vote, the city board of review may call on the nearest justice of the peace in said city. In the event of the mayor being a supervisor of any ward, the common council shall have authority to appoint a representative of that ward to represent such ward in the board of review.

Amendment,  
board of equal-  
ization.

SECTION 20. Sections 21 and 22, of chapter 8, of said chapter 37, are hereby amended as follows: By striking out the words, "street commissioners," wherever they occur in said sections, and inserting in their place the words, "city marshals."

Amendment,  
collection of  
poll tax.

SECTION 21. Section 23, of chapter 8, of said chapter 37, is hereby amended so as to read as follows: Section 23. After such list is in the hands of the city marshals for collection any person may pay to such marshals the amount of his

Amendment,  
poll tax may be  
paid to city  
marshals.

tax in money, or, if he desires, he shall be allowed to perform ten hours' work upon the streets of the city, under the direction of the street commissioner, at such time and place as said commissioner shall direct, within the month of July. The street commissioner shall give to each person working out his tax as aforesaid a receipt, and the city marshal upon the delivery to him, by any person, of such receipt from the street commissioner, he shall receive such receipt from the person so presenting the same, in payment of said tax, and shall give such person credit for the same.

Amendment,  
city marshals  
to collect.

SECTION 22. Section 25, of chapter 8, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 25. The city marshal of said city shall, in the name of the city of Kaukauna, sue for and collect the poll tax from all persons liable to pay said tax, who shall not have paid the same on or before the first day of August of each year.

Amendment,  
compensation.

SECTION 23. Section 26, of chapter 8, of said chapter 37, of the laws of 1885, is hereby amended by striking out the words, "street commissioner," where it occurs in the first line of said section, and inserting in place thereof the words, "city marshal," so that said section as amended will read as follows: Section 26. The said city marshal upon receiving the poll list shall proceed to collect the same and shall receive as compensation therefor five per centum upon the above amount of such taxes collected in money in addition to all other compensation.

Amendment,  
fire warden's  
duties.

SECTION 24. Section 4, of chapter 9, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 4. The fire wardens may be chosen from the aldermen of the different wards and shall be elected in such manner as the common council shall by resolution or ordinances direct, and they may at any time enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Amendment,  
licenses—how  
issued.

SECTION 25. Section 2, of chapter 11, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 2. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of

the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer, for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been directed by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall first be approved by a committee consisting of the city clerk, mayor and license committee of the common council, and should the dealer discontinue the business before the expiration of the license, no allowance or rebate shall be allowed by the common council.

SECTION 26. Section 11, of chapter 11, of said chapter 37, of the laws of 1885, is hereby amended so as to read as follows: Section 11. The city of Kaukauna shall constitute two road districts within the territory. District number one comprises all the territory within the boundary line and north of the main channel of Fox river; and district number two comprises all the territory within the boundary line of said city, and south of the main channel of Fox river; provided, however, that the common council of said city may by an ordinance duly introduced, passed and published as other ordinances are required to be, consolidate or change the boundaries of said districts.

Amendment,  
road districts  
in city.

SECTION 27. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1887.