

[No. 613, A.]

[Published April 19, 1887.]

## CHAPTER 545.

AN ACT to amend chapter 120, of the laws of 1879, entitled, "an act to incorporate the city of Ahnapee," and the several acts amendatory thereof.

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

## CHAPTER I.

## CITY BOUNDARIES.

Corporate  
name.

SECTION 1. All that district of country herein-after described, from and after the first Tuesday in April, A. D. 1879, shall be a city by the name of Ahnapee; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Ahnapee, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers here-in specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at their pleasure.

City  
boundaries.

SECTION 2. Commencing in the northeast corner of lot one, in section twenty-six (26), town twenty-five (25), range twenty-five (25), and running thence west on section lines to the northwest corner of section twenty-seven (27), town twenty-five (25), range twenty-five (25); thence south on section lines to the southwest corner of section thirty-four (34), town twenty-five (25), range twenty-five (25); thence east on section lines to the boundary line between the states of Michigan and Wisconsin; thence northerly along the said boundary line to a point east of the place of beginning; thence west to the place of beginning.

## CHAPTER II.

## WARD BOUNDARIES.

SECTION 1. The city shall be divided into three wards, as follows: The first ward shall be and comprise all that portion of said city, lying south of the center of the Ahnapee river, and east of the center of Fourth street. The second ward shall be and comprise all that portion of said city lying west of the center of Fourth street, and south of the center of the north branch of the Ahnapee river, being all of section twenty-seven (27) and section thirty-four (34) west of the center of said Fourth street, and south of the center of the said north branch of the Ahnapee river within the boundaries of said city. The third ward shall be and comprise all that portion of said city lying north of the center of the Ahnapee river.

Ward  
boundaries.

## CHAPTER III.

## OFFICERS — ELECTION AND APPOINTMENT OF.

SECTION 1. The corporate authority of said city shall be vested in one principal officer styled the mayor, in one board of aldermen, consisting of two from each ward, who, together with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

Corporate  
authority.

SECTION 2. The annual election for city and ward officers shall be held on the first Tuesday in April, in each year, at such place as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon till five o'clock in the afternoon, with this proviso: That an adjournment may be had for one hour between the hours of 12 o'clock M., and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Six days' previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the city and ward officers to be elected, which notice shall be posted in one public place in each ward in said city.

Annual  
election, when  
to be held.

Elective and  
appointive  
officers.

SECTION 3. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, a city marshal, two constables, a police justice, three justices of the peace elected by the city at large, and one supervisor and two aldermen from each ward; the said supervisors to represent said city in the county board of supervisors of the county of Kewaunee. The mayor, treasurer, assessor, marshal, clerk, justice of the peace, police justices, constables and supervisors shall be qualified voters, freeholders and residents of the city of Ahnapee, and the aldermen shall be qualified voters and residents of the wards in which they are elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace and police justices, shall hold their offices for one year, and until their successors are elected and qualified; provided, however that the common council shall have power for cause to expel any of its own members, and to remove from office any officers or agents under the city government, due notice in writing being first given to the officer or agent complained of. The justices of the peace and police justice shall hold their offices for two years, and until their successors are elected and qualified.

Vacancies—  
how filled.

SECTION 4. Whenever a vacancy shall occur in the office of mayor, treasurer, justice of the peace, alderman, supervisor or police justice, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Elections to be  
by ballot.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the

common council, and in such manner as they shall direct.

## CHAPTER IV.

### ELECTORS, AND INSPECTORS OF ELECTION.

SECTION 1. All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election and who have resided in the city of Ahnapee, thirty days next preceding the election, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections; provided, that all persons who shall have been for thirty days residents of any territory that may at any time be added to the city of Ahnapee, and who are qualified electors of this state shall be entitled to vote for all elective officers, as soon as such territory shall be included within the boundaries of said city. Qualified voters.

SECTION 2. The mayor and three of the aldermen, to be designated by the mayor, shall be inspectors of elections, and the city clerk shall act as clerk of all city elections, or in his absence the board of inspectors shall appoint an elector of said city for that purpose, and at any general election two electors thereof in the absence of the clerk, and if the clerk be present one elector thereof shall be appointed. There shall be furnished at the expense of the city three ballot boxes, one to be marked First ward, one marked Second ward, and one marked Third ward, and at an election, the inspectors shall deposit each elector's ballot, in the box marked for the ward in which such elector resides; each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officers for the ward in which the electors resides. Regarding elections.

SECTION 3. If either of the inspectors of election shall suspect any person offering to vote does not possess the necessary qualifications, and if any such voter shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath, to be administered by the inspectors: You do solemnly swear (or affirm as the case may be), that you are twenty-one years old, that you Penalty for illegal voting.

are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization), that you have resided in the state of Wisconsin one year, that you have been an actual resident within this city for thirty days next preceding this election, that you have not voted at this election, and that you have made no bet or wager depending on the result of this election.

Perjury.

SECTION 4. If any person offering to vote shall take such oath falsely he shall be guilty of wilful and corrupt perjury, and, upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury.

Penalty for voting more than once.

SECTION 5. If any person who is not a qualified voter shall vote at any election, and if any person duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars nor less than twenty five dollars.

List of voters' names.

SECTION 6. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged, and shall swear in their votes, which list shall be filed with the city clerk.

Penalty for illegal conduct.

SECTION 7. The penalty for any unlawful or illegal conduct of inspectors or clerks of election, shall be the same as that provided by the statutes of this state for similar conduct at any general election.

Modifying oath for first election.

SECTION 8. At the first city election after the addition of any new territory to the city, the above mentioned oath shall be so modified as to meet the qualifications of voters when necessary.

## CHAPTER V.

### COUNTING OF VOTES, AND APPOINTMENTS.

Canvass of returns.

SECTION 1. When the polls of an election shall be finally closed the inspectors shall proceed to count and canvass the votes in each of the boxes, one box to be completed before another shall be opened, and shall make a return of the number of votes for each and every officer, and the number of votes for each and every person for each and every

office and deliver such returns to the city clerk immediately after such election, and shall declare the result as it appears from the same, and in all other respects comply with the requirements of the laws of this state, in regard to general or special elections.

SECTION 2. In all cases of election or appointment of any person to office, the common council shall file with the clerk a certificate signed by at least three of them, giving the name of the person elected or appointed, and the town for which he was so elected or appointed, and the clerk shall record such certificate in a book to be provided for that purpose.

Result of election to be certified.

SECTION 3. Whenever a justice of the peace or city marshal has been elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Kewaunee county, giving both the names and terms for which elected, and upon the election of supervisors or treasurer, the clerk shall give like notices to the clerk of the board of supervisors of Kewaunee county, and those county officers upon receiving such notices shall file the same in their respective offices.

Clerk to give notice to clerk of circuit court.

SECTION 4. Special elections to fill vacancies or other purposes, shall be held and conducted in the same manner and the returns thereof shall be made in the same form and manner as regular elections.

Special elections to fill vacancies.

SECTION 5. Any officer removing from the city or any alderman removing from the ward for which he was elected, or any officer who shall refuse or neglect for ten days after his election or appointment to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

When office shall be deemed vacant.

SECTION 6. The term of every officer elected under this act shall commence on the second Tuesday in April of the year for which he was elected.

In case of failure to elect.

SECTION 7. Should there be a failure to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

SECTION 8. Every person elected or appointed to any office under the provisions of this act ex-

Oath of office.

cept justices of the peace, shall before he enters upon the duties of his office take and subscribe an oath of office, duly certified by the officer taking the same, with the city clerk. The treasurer, clerk, marshal, 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 Ahnapee a bond with two sureties, to be approved by the common council, or three members thereof, and said common council may from time to time require new additional bonds, and remove from office by a resolution to that effect, any officer refusing or neglecting to give the same.

## CHAPTER VI.

### POWERS AND DUTIES OF MAYOR AND PRESIDENT.

Duties of  
mayor defined.

SECTION 1. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state are duly observed and enforced, also the laws of the city, and that all executive officers of the city discharge the duties of their respective offices. The mayor shall be chief executive officer and the head of the police of the city, and in case of riot or other disturbances, on apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the council.

Election of  
president of  
council.

SECTION 2. The common council shall, at its regular meeting after its election, choose one of the board of aldermen who shall be styled president of the board of aldermen, and who in the absence of the mayor, shall act as such mayor, and have and possess all the rights and privileges of such officer, and be subject to all the liabilities thereof during the absence of such mayor. The mayor shall have a vote in the common council only in case of a tie.

## CHAPTER XII.

### DUTIES OF CLERK.

Duties of clerk  
defined.

SECTION 1. The city clerk shall perform all the duties required of him by law and the ordinances

of the city; he shall keep the books, and records, and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the treasurer and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewal thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of the town clerk, and shall possess authority to administer oaths, and shall receive such compensation as shall be provided by ordinance or resolution.

## CHAPTER VIII.

### JURISDICTION OF JUSTICES OF THE PEACE.

SECTION 1. The justices of the peace elected under this act, shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace, and shall qualify in like manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them, shall be approved by the mayor of the city.

Jurisdiction of justices of the peace.

## CHAPTER IX.

### BOND AND JURISDICTION OF POLICE JUSTICE.

SECTION 1. The police justice shall, before he enters upon the duties of his office, execute to the city of Ahnapee, a bond, in such sum and with such sureties and conditions as the common council may direct, which shall be filed in the office of the city clerk.

Bond of police justice.

SECTION 2. The police justice shall have exclusive jurisdiction of all offenses against the provisions of the ordinances, by-laws and police regulations of the common council of the city, and in

Jurisdiction of police justice.



cases of contempt, the police justice shall have the same powers and authority as justices of the peace; provided, that in all cases if the defendant shall on the return day of the process, and before any proceedings are had on his part, make oath or affidavit that from prejudice or other causes, he believes such police justice will not decide impartially in the matter, and shall pay the police justice seventy-five cents for making a copy of his docket, and transmitting the papers in the case to the nearest justice of the peace in the same county, qualified by law to try a case between the parties in such action, who shall proceed to hear, try and determine the same in the same manner as it would have been lawful for the police justice before whom the said action was commenced to have done. This provision shall not extend to a second removal.

Change of venue.

SECTION 3. In case said nearest justice cannot be found, or is unable to act for any cause, then the papers may be transmitted to any other justice in the county.

Power of police justices.

SECTION 4. The police justice may administer oaths and take acknowledgments the same as justices of the peace, and shall be entitled to receive for his services the same compensation in fees as is allowed to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe.

In case of sickness of police justice.

SECTION 5. In case of the absence or inability or sickness of the police justice, the mayor may authorize any justice of the peace within the city to perform the duties of police justice, and in case of the absence or inability of the mayor, the president of the board of aldermen may perform such duty; the authority to perform the duties of police justice to be in writing, with a brief statement of the reasons for the same.

Writs of certiorari.

SECTION 6. Appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace.

## CHAPTER X.

### PROSECUTIONS AND FINES.

Prosecutions and fines.

SECTION 1. All prosecutions for a breach or violation of any ordinance, by-law or regulation

shall in all cases be commenced in the name of the city of Ahnapee. And the same proceedings shall be had in all actions before the police justice or justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace, the defendant in all cases to have the same right of appeal under the same conditions and requirements as now are or may be provided by the laws of this state for taking appeals from justices' courts.

SECTION 2. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasurer of the city, and be a part of the finances thereof. Nothing herein shall be construed to interfere with the jurisdiction of the police justice as defined in the preceding chapter 9. Penalties paid into treasury.

## CHAPTER XI.

### DUTIES OF TREASURER.

SECTION 1. The city treasurer shall perform all the duties required of him by the laws of this state and the ordinances, by-laws or resolutions of the city, and pay over all moneys in his hands accordingly. He shall keep in a proper book an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. Duties of the treasurer defined.

SECTION 2. The treasurer shall make reports to the common council quarterly, and render an itemized account of all sums received, when and by whom the sum was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise, belonging to the city, under the authority of this act. Shall make reports.

SECTION 3. The treasurer shall have the same powers and be subject to the same laws and regulations and liabilities and be governed by the same laws as treasurers of towns in this state; Laws governing actions of treasurer.

provided, that he shall receive no fees except the compensation hereinafter provided.

**Treasurer's fees.**

SECTION 4. The treasurer shall collect as fees for the collection of taxes one and one half of one per cent. on all taxes collected by or paid to him prior to the second Monday in January of each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday in January, and in case of distress or sale made by him of goods or chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

**How money shall be drawn from treasury.**

SECTION 5. No money shall be drawn from the treasury except by an order issued by order of the common council, and signed by the mayor or acting mayor, and countersigned or attested by the city clerk.

## CHAPTER XII

### POWERS AND DUTIES OF MARSHAL.

**Duties of city marshal defined.**

SECTION 1. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license money and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities.

**Powers of city marshal.**

SECTION 2. It shall be the duty of the marshal to execute all writs and process to him directed, and when necessary in criminal cases, or for the violation of any ordinances, resolutions or regulations of said city, or law of this state, may pursue and serve the same in any part of this state, to suppress all riots, disturbances and breaches of the peace, to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend with or without warrant any person in the act of committing any offense against the ordinances of said city or the laws of this state, and within a reasonable time bring such person before competent authority for examination, and for services he shall receive such fees as are allowed to constables for like services in this state.

SECTION 3. The marshal shall have power to appoint one or more deputies subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid, such deputies shall possess all the powers and authority, and be subject to the same liabilities with the marshal.

Power to appoint deputies.

### CHAPTER XIII.

#### DUTIES OF ASSESSORS.

SECTION 1. The city assessor shall assess all the real and personal property of said city, at the time and in the manner provided by law for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and his compensation therefor shall be provided for and determined by the common council at the beginning of his official year.

Duties of assessors.

### CHAPTER XIV.

#### THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of election, or as members of the board of registry or equalization. The style of all ordinances shall be: The mayor and common council of the city of Ahnapee do ordain, etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn.

Common council.

SECTION 2. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city annual election, and thereafter meetings at such times as they shall appoint. The mayor may call special meetings by notice to each of the aldermen personally,

First annual meeting.

or by (leaving) a written notice at their several places of abode.

Rules of its  
own proceed-  
ings.

SECTION 3. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absence members by fine or otherwise.

Management  
and control of  
finance.

SECTION 4. The common council shall have the control and management of the finances and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, 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 punishment of crime, and for the benefit of trade and commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations or by-laws. And such rules, ordinances, by-laws and regulations are hereby declared to be and have the force of law, provided they are not repugnant to the constitution and laws of the United States or of this state.

May issue  
licenses.

SECTION 5. The common council shall have the power to license and regulate the exhibition of showmen and shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling alleys or saloons; to provide for the abatement and removal of nuisances under the ordinances or at common law.

License  
taverns and  
issue other  
licenses.

SECTION 6. The common council have the power to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing-houses and all persons vending or dealing in spirituous, vinous or fermented liquors and to revoke the same for a violation thereof; provided that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date the same may be granted to expire on said

first day of May of each year and the applicant paying pro rata thereof, but no license shall be granted for a longer time or period than one year, and that the same shall be granted on the same conditions and subject to the same liabilities as are provided by the general laws of this state.

SECTION 7. The common council shall have the power to suppress, restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit or suppress any person or persons from vending or giving away or dealing in any spirituous liquors or fermented or vinous liquors unless duly licensed by the common council; and also to license, regulate and suppress hawkers and peddlers.

Suppress  
games, etc.

2. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses and groceries and houses of ill fame and to authorize the destruction of all instruments used for the purpose of gambling.

Riots, disturb-  
ances.

3. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stables, barn, privy, sewers or other unwholesome houses or places, to cleanse, remove or abate the same, from time to time, as often as it may be necessary for the health, comfort and convenient of the inhabitants of the city.

Abate  
nuisances.

4. To direct the location and management of slaughter-houses and markets, and to prevent the erection and uses and occupation of the same, when offals and filth therefrom shall discharge into the waters of the lakes, ponds, creeks, or sloughs.

Slaughter-  
houses.

5. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys, with carriages, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Incumbering  
streets.

6. To prevent horse-racing, immoderate driving in streets, and to regulate the place and time of bathing and swimming in the waters within the limits of the city.

Horse-racing,  
etc.

7. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and authorize the impounding and sale of the same.

Estrays.

8. To prevent the running at large of dogs and

Restrain dogs.

to authorize the destruction of in a summary manner, when at large contrary to ordinance.

**Putrid car-  
casses.**

9. To prevent persons from bringing, depositing or having, within said city, any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such putrid substances, or unsound pork, beef, flesh, hides or skins, of any kind, and on default thereof to authorize the removal thereof by some competent officer at the expense of such person or persons.

**Ponds, hack-  
men, etc.**

10. To establish and make public pounds, pumps, wells, cisterns, reservoirs, and other water-works of the city, and to erect lamps for lighting the city streets, public grounds and public buildings, with gas or otherwise; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city.

**Boards of  
health.**

11. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of bills of mortality, and exempt burial grounds set apart for public use from taxation.

**Bread.**

12. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

**Riding and  
driving on  
sidewalks.**

13. To prevent any person or persons riding or driving any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to sidewalks.

**Shooting fire-  
arms.**

14. To prevent shooting of fire-arms and fire crackers, and to prevent the exhibition of fireworks in any place or situation which may be considered dangerous by the council to the city or any of the property therein, or annoying to the citizens thereof.

**Drunkenness,  
etc.**

15. To restrain drunkards, immoderate drinking or obscenity 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.

**Runners and  
solicitors.**

16. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

**Government of  
police.**

17. To make rules and regulations and ordinances for the government of the police of the city.

**Markets.**

18. To establish public markets and make rules and regulations for the government of the same.

To appoint suitable persons and officers for overseeing and regulating such markets and punish and restrain all persons for attempting to or interfering with the due observance of such rules and regulations. To license and regulate butcher's stands, shops, stands for the sale of game, poultry, meats, fish and other articles.

19. To regulate the place or places and the manner of weighing and selling hay, and inspecting, measuring and selling feed and other gross commodities, and to appoint suitable persons to superintend and conduct the same, and their compensation therefor. Produce.

20. To compel the owners or occupants of buildings or grounds, where the same are occupied, to remove snow, dirt and rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot or grounds owned or occupied by him all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of the owner or occupant. Removal of snow, dirt and rubbish from sidewalks.

21. To regulate, control and prevent landing of persons from boats or vessels, wherein are contagious or infectious diseases or disorders, and to make disposition of such persons as to best preserve the health of the city. Infectious diseases.

22. To regulate the time, place and manner of holding public auctions and vendues. Auctions.

23. To appoint watchmen and prescribe their duties and compensation. Watchmen.

24. To provide by ordinance for a standard of weights and measures and to provide for the appointment of a sealer of weights and measures. Weights and measures.

25. To protect trees and monuments in the city. Trees and monuments.

26. The board of aldermen shall have power to prescribe, order, regulate and make all necessary provisions for drainage and sewerage of said city. Sewers.

27. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any obstructions or incumbrances, and protect them from injury. Laying out, opening streets, etc.

28. To alter or change the name of any street in the city. Change names of streets, etc.

29. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations nec- Ordinances and by laws, etc.



essary for the good order and government of the city, and which may be necessary and expedient to carry into effect the powers invested in the mayor and common council or any officer of said city by this act, or any ordinance thereof.

Wharves,  
docks, etc.

30. To regulate the building of wharves, docks and ferries, and to provide for the security and protection of the same.

Insure prop-  
erty.  
Adjust ac-  
counts.

31. To insure the public property of said city.

32. To audit and allow all accounts against the city and draw orders on the treasury for the payment of the same.

Report of  
officers.

33. To require any officer to furnish reports, information, or estimates when deemed necessary and proper by the board of aldermen.

Regulate keep-  
ing of lumber  
yards.

34. To regulate or prohibit the keeping of any lumber yard, and the placing, piling, or selling of lumber, timbers, ties, posts, wood or other combustible materials within the limits of said city.

Work to be let  
to lowest  
bidder.

35. To let by proposal or otherwise, to the lowest bidder, all contracts or work or for materials or services, and order payment for same except as may be otherwise provided for by this act.

Support of  
poor.

36. To make all regulations necessary and proper for the support of the poor.

Shall not bar  
or hinder suits.

37. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits or prosecutions, or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without licenses required thereof, and hereby declared and shall be deemed nuisances.

## CHAPTER XV.

### FINANCES AND AUDITING OFFICERS' ACCOUNTS.

Examine,  
audit and ad-  
just accounts.

SECTION 6. The common council shall examine audit and adjust the accounts of the clerks, treasurer, street commissioner, marshal and other officers, or agents of the city, at such time as they may deem proper, also at the end of the year and before the time for which the officers of said city are elected or appointed shall have expired, and

the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer shall refuse to comply with such orders or requirements by the council in the discharge of his duties in pursuance of this section, or shall refuse or neglect to render their accounts or present their books and vouchers to said council, it shall be the duty of the council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent or person of said city who may be delinquent or defaulting in his accounts or discharge of his official duty, and shall make a full record of all such settlements.

SECTION 2. All the funds in the treasury except school, state and county funds shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. All orders shall be drawn payable on order of the person in whose favor they may be drawn, or bearer.

Funds to be under control of council.

SECTION 3. No account shall be allowed by the council unless the same is properly itemized and verified by the owner thereof, or some person in his behalf, except it be for street work or hire under the supervision of the street commissioner, or for the salaries of officers.

Accounts to be itemized.

SECTION 4. When the claim of any person against the city shall be disallowed in whole or in part by the common council, the determination of the council shall be final and conclusive, unless an action to recover the same shall be commenced within thirty days after such disallowance by the council.

Disallowed claims to be final.

## CHAPTER XVI.

### TAX LEVY AND BONDS.

SECTION 1. The common council of said city shall annually levy upon the taxable property of

Tax on all property annually

said city to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding one half of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election.

Power to issue bonds.

SECTION 2. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law; nor shall the council issue in any one year orders on the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

## CHAPTER XVII.

### STREET COMMISSIONER.

Duty of street commissioner.

SECTION 1. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstructions and cleaning or clearing sidewalks, crosswalks, sewers and waters of the river of said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling and planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council may prescribe.

## CHAPTER XVIII.

### CITY PROPERTY, CONTRACTS, PEACE OFFICERS.

Penalty for failure to deliver to successor.

SECTION 1. If any person having been an officer of said city, shall not, within ten days, after notification and request, deliver to his successor in office, all property, books, papers, and effects belonging to the city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his

neglect or refusal to deliver over the same, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by law in this state.

SECTION 2. No mayor, alderman or street commissioner shall be a party to, or interested in any job or contract with the city, or any of the wards thereof, and any contract or job in which they or either of them may be so interested, shall be null and void.

Shall not be a party to any job or contract.

SECTION 3. The mayor, aldermen, justice of the peace, marshal, deputy-marshal, policeman, watchmen and constables, shall be officers of the peace and may command the peace and suppress, in a summary manner, all riotous or disorderly behavior within the city, and for such may command the assistance of all by-standers, and if any by-stander, person or private citizen, shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine not less than five or more than fifty dollars.

Officers of the peace defined.

## CHAPTER XIX.

### SIGNING OF ORDINANCES AND PUBLICATIONS.

SECTION 1. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the council, and shall be signed by the mayor, and published in a newspaper published in the city of Ahnapee, one week before taking effect, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose, but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time, shall be verified by the affidavit of the foreman or publishers, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Passage of ordinances.

## CHAPTER XX.

## TAXABLE PROPERTY, EQUALIZATION, APPORTIONMENT.

Property subject to taxation.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, schools, payment of debts and liabilities, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon town assessors, except so far as may be altered by this act; provided, the common council may prescribe the form of the assessment roll, and more fully define the duties of assessor, 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.

Equalizing assessment roll.

SECTION 2. When such assessment roll shall be completed, the assessor shall return the same to the board of equalization of the city. The board of equalization may supply omissions in the said rolls for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same.

In case of omission on tax roll.

SECTION 3. If it shall appear to the assessor, that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall in addition to the assessment of that year, assess upon the lot or tract of land so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted.

Re-levying tax.

SECTION 4. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be levied by ordinance or resolution.

SECTION 5. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment rolls of the city; the mayor shall be chairman of the board and the city clerk, clerk thereof.

Board of equalization.

SECTION 6. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, stating the purposes for which the same are levied. All changes of the assessment roll by the board of equalization shall be recorded by the clerk. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands, and tenements, upon which they may be assessed and all personal property of any person or body politic assessed for personal tax from the delivery of the warrant for collection thereof until paid.

Filing assessment roll with clerk.

SECTION 7. It shall be the duty of the clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, adding thereto the fees of the treasurer for the collection thereof, in an additional column prepared for that purpose in the tax roll, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Duty of clerk to carry out assessment roll.

SECTION 8. And the clerk shall immediately make a duplicate copy of such tax roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each tax roll so delivered, a warrant, under the hand of the clerk and the cor-

Duplicate copy to be made out.

porate seal of said city, shall be annexed, substantially in the following form:

The state of Wisconsin, to the city treasurer of the city of Ahnapee, in the county of Kewaunee:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed tax roll, and of the owners of the real estate described therein, the taxes set down in such roll, opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom any such tax is imposed, shall refuse or neglect to pay the same you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Kewaunee, on or before the last Monday in January next, the sum of — for state taxes, and the further sum of — for county taxes; and the balance of said money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Kewaunee.

Given under my hand and the corporate seal of the city of Ahnapee, this — day of —, 18—.

\_\_\_\_\_  
City Clerk.

The tax roll and warrant thereto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws  
of state to  
govern.

SECTION 9. All the general laws of this state which are now, or hereafter may be, in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes of said city in the same manner as is required by law of town treasurers to collect taxes, except as herein otherwise provided.

Public notice  
to be given by  
treasurer

SECTION 10. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes

at his office for the term of thirty days ensuing the date of said notice. If the taxes are not collected or paid in that time, he shall proceed to collect the same as provided by the general laws of this state.

SECTION 11. The treasurer shall, on or before the third Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city. Payment of county tax.

SECTION 12. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as prescribed by the laws of this state. In case treasurer is unable to collect.

## CHAPTER XXI.

### SUPPORT OF POOR.

SECTION 1. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its members to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns. Support of poor.

## CHAPTER XXII.

### COMMON SCHOOLS.

SECTION 1. The common schools of the city of Ahnapee shall be under the control and supervision of the school district boards, in the same manner as if this act had not been passed, and the same relations between said city and such schools shall be sustained as near as may be, as between towns and the school district therein, and reciprocal powers and duties. Common schools.

## CHAPTER XXIII.

### RECOVERY OF FINES, ETC. — FORM OF PROCESS.

SECTION 1. The city of Ahnapee, in its corporate name may sue for and recover any and all fines, Actions to recover penalties.



penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act, or the chapter or section of this act, or the ordinance, by-law or regulation or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violations of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort before a justice of the peace, under the general statutes of the state for the time being; and when commenced by summons such summons may be substantially in the following form:

Form of  
summons.

COUNTY OF KEWAUNEE, }  
City of Ahnapee. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Ahnapee:

You are commanded to summon — —, if he shall be found in your county to appear before the undersigned, the police justice in and for the city of Ahnapee, on the — day of —, 18—, at — o'clock in the — noon, to answer to the city of Ahnapee, to the damage of said city two hundred dollars or under.

Given under my hand, this — day of —, 18—.

\_\_\_\_\_,  
Police Justice.

Such summons shall be made returnable and served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons, and triable before justices of the peace. When the action is commenced by summons the complaint may be substantially in the following form:

The City of Ahnapee, } In Police Justice Court, Form of  
complaint.  
 against } Before C. D.,  
 A. B. } Police Justice.

The plaintiff complains against the defendant for that on the — day — 18—, at the said city, did violate section — of this act, or section — of an ordinance or by-law or regulation of said city (describing it by its title), which said — is now in force. By reason of such violation, an action hath accrued to the city of Ahnapee, to recover of the defendant the sum of — dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

The City of Ahnapee, plaintiff, }  
 against } In Police Justice Form of  
complaint.  
 A. B. } Court.

Kewaunee county — ss.

—, being duly sworn, complains on oath to C. D., police justice of the city of Ahnapee, in said county, that A. B., on the — day of —, 18—, at said city, did violate section —, of (this act) or section — of chapter —, of (this act) or section —, of an ordinance or by-law or regulation of said city (describing it by its title), as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Ahnapee therefor.

Sworn and subscribed this — day of —, 18—

Upon the filing of such complaint with the police justice he shall issue a warrant substantially in the following form:

COUNTY OF KEWAUNEE, }  
 City of Ahnapee, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or the marshal of city of Ahnapee: Form of  
warrant.

Whereas, — — has this day complained to me, in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate section —, of this act, or section —, of chapter —, of this act, or section — of an ordinance, by-law or regulation of said city (describing it by its title); therefore you are hereby ordered to arrest

the body of the said A. B., and bring him before me forthwith, to answer to the said city of Ahna-pee on the complaint aforesaid.

C. D., Police Justice.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned for cause; if the cause be adjourned, the defendant, it required by the court, shall recognize with security approved by the court for his or their appearance in such sum as the court may direct) and in default may be put in charge of the officers who made the arrest, or be committed to the lock-up or jail of said city. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all the subject matters embraced in the action.

Printed copy to be good evidence.

SECTION 2. A printed copy of an ordinance, by-law, or resolution or regulation, passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court of this state.

No fees required in advance.

SECTION 3. Witnesses and jurors shall attend before the police justice in all city and criminal suits, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 4. In city prosecutions, the findings of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment against defendant for the fine, forfeiture or penalty prescribed in this act or in an ordinance, by-law, resolution or regulation, and pay costs of suit. But if not guilty, the costs of suit shall be taxed against the city.

Relating to the execution.

SECTION 5. Upon rendition of judgment against the defendant, and non-payment thereof, the justice shall issue execution as in other cases of tort in justices' courts, in case the action was commenced by summons, or commitment in case it was commenced by warrant, and shall determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case, shall exceed six

months. The form of execution and commitment shall be the same as near as may be, and to conform to the provisions of this act as are prescribed in similar or like cases in justices' courts in this state.

SECTION 6. Any person feeling aggrieved by the judgment in any action commenced under the provisions of this act, may appeal to the circuit court of Kewaunee county, in the manner provided by law for appeals from justices' courts. Appeal may be made.

SECTION 7. No person shall be an incompetent witness, judge, justice or jury (juror) by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Shall not be incompetent.

SECTION 8. When any action or suit shall be commenced against the city, the service of process may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk to take such proceedings as by ordinance or resolution directed, if there be any. How service against city shall be served.

SECTION 9. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a vote of the common council. Cannot remit penalty or judgment.

## CHAPTER XXIV.

### LIABILITY OF PERSONAL ESTATE—LETTING CONTRACTS.

SECTION 1. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on and sold to satisfy any contract, debt or obligation of said city or any judgment against said city of Ahnapee. Liability of personal estate.

SECTION 2. All contracts for work or labor ordered by the common council, shall be let to the lowest bidder, who shall comply with the requirements of the council. The common council may require a bond with sureties from any person taking a job or contract conditioned for the faithful performance of the same. Work to be let by contract to lowest bidder.

## CHAPTER XXV.

## CITY MAY PURCHASE AND SELL REAL ESTATE.

City may own  
and purchase  
real estate.

SECTION 1. The city of Ahnapee may have, purchase and hold real estate and personal estate sufficient for the convenience and use of the inhabitants thereof, and may sell and convey the same, and the same while owned by the city shall be exempt from taxation, except as provided by the general laws of this state.

In case city  
deed property.

SECTION 2. When the city of Ahnapee, deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Ahnapee; and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds or leases  
to be signed by  
mayor.

SECTION 3. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deeds or lease and the certified copy of such ordinance or resolution, when so attached to such deed or resolution, shall be recorded with such lease or deed by the register of deeds and such copy when so attached, and the record thereof, shall in all the courts of this state, be prima facie evidence of the authority of the mayor to execute such deeds or leases.

## CHAPTER XXVI.

## MISCELLANEOUS.

General bridge  
laws in force.

SECTION 1. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto, are hereby extended to and shall include all the bridges now erected, or hereafter to be erected within the limits of the city of Ahnapee, and the common council may make such by-laws and ordinances as may be deemed necessary for

the protection and preservation of such bridges, with penalties for violation thereof.

SECTION 2. If any election by the people or common council shall for any cause not be held at the time, or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Failure to hold election shall not invalidate.

SECTION 3. No general law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

Does not repeal.

SECTION 4. The board of supervisors of the county of Kewaunee shall have the right to regard the city of Ahnapee as a town in equalizing the assessment rolls of the several towns in the county, as provided by law, but in the equalization shall consider the assessment roll of the city as an entire roll, and shall not change the relative valuation of the different wards.

City to be regarded as a town in equalization.

SECTION 5. The said county board of supervisors may levy tax or taxes as now is, or hereafter may be provided by law in relation to towns, but shall proceed thereon without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city of Ahnapee shall be regarded as a town, except as herein otherwise provided.

Levying taxes—how done.

SECTION 6. Before the annual meeting of the county board of supervisors, and by the time required by law for the return of the assessment of the several towns, the city clerk shall transmit a copy of the assessment roll, or such statement as is required by law to be made by the towns to the clerk of the board of supervisors of said

City clerk to make out assessment roll.

county, who shall lay the same before the board at its annual meeting.

Sale of delin-  
quent lands.

SECTION 7. The county treasurer shall sell all delinquent land and lots returned from the city of Ahnapee at the same time and in the same manner as other delinquent lands are sold in the county.

County treas-  
urer to pay  
over to town  
treasurer.

SECTION 8. It shall be the duty of the county treasurer of Kewaunee county, and he is hereby required, where lots or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of said delinquent lots or parcels of land by him to pay to the city treasurer the amount which may have been returned delinquent belonging to the city of Ahnapee, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of land so returned delinquent.

Use of jail.

SECTION 9. The use of the jail of Kewaunee county shall be granted to the city of Ahnapee until otherwise provided, for confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose safe-keeping, custody and delivery said sheriff shall be responsible as in other cases.

Special taxes.

SECTION 10. Real estate exempt from taxation by the general laws of this state, shall be subject to special tax or assessment, which becomes or shall be chargeable against particular property, as provided by this act.

When fees and  
compensations  
to be fixed by  
common coun-  
cil.

SECTION 11. In all cases where the fees or compensation of officers or agents of the city are not fixed and determined by any of the provisions of this act, they shall be prescribed by the common council by ordinance or resolution, and the same may be altered, changed, increased or diminished by the common council when deemed necessary or expedient; provided, that such changes or alterations shall in all cases be made at the annual meeting of said council in the month of March, to fix the compensation of officers.

When to be  
fixed.

SECTION 12. The common council shall meet on or before the third Monday in March in each year and determine what compensation or salary shall be paid to each of the officers of the city for the ensuing year, and the same shall not be increased or diminished during the year or term of office

and in case of the neglect of the council, to so fix or determine the salary, then said officers shall receive the same salaries as their predecessors.

SECTION 13. In all cases when it shall become necessary and proper to do or perform any act or thing within or by the city of Ahnapee, and provision is not made therefor in the charter of said city, the general laws of this state shall govern in such proceedings, and shall be deemed and taken as applicable to said city.

General laws shall govern.

## CHAPTER XXVII.

### SIDE AND CROSS WALKS.

SECTION 1. The common council shall have power by ordinance or resolution, to order to be constructed, reconstructed and repaired, sidewalks anywhere within said city, and to prescribe the materials of which the same shall be built, the manner, width and time within which the same shall be built by or at the expense of the owner or owners of any lot or piece or parcel of land, in front of which a sidewalk shall be ordered built or repaired.

Repair or reconstruction of sidewalks.

SECTION 2. If such sidewalk shall not be constructed or repaired in the manner and within the time prescribed, the council may cause the same to be built at the expense of the lot or lots of land adjoining such sidewalk, and the amount of the cost and expense thereof, as audited and allowed by the council, shall be entered on the next tax roll and collected in the same manner as other taxes and shall be a lien upon the said lot or lots or parcels of land, in the same manner and to the same extent as other taxes.

Action of council regarding construction of sidewalks.

SECTION 3. The common council shall also have power to contract and build cross walks at such places and in such manner as they shall deem necessary and available, the expense of the same to be paid out of the general funds of the city.

Cross walks the same way.



## CHAPTER XXVIII.

## LAYING OUT STREETS, ETC.

Laying out of streets, etc.

SECTION 1. The common council shall have power to lay out public streets and alleys, and to widen the same, as follows: Whenever five or more freeholders residing in any ward, shall by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the purpose of laying out public streets or alleys, or enlarging of the same, the courses, metes and bounds of the lands proposed to be taken together with the names of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition; the common council shall cause notice to be given to such owners or occupants of such lands if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice to be published in a newspaper published in said city three weeks successively at least once a week.

What the notice shall state.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication, as the case may be, application will be made to a court commissioner, or justice of the peace of Kewaunee county, and not in the ward in which such lands are situated, for the appointment of six freeholders to view said premises and to determine whether it is necessary and proper to take the same for the purpose specified in said petition.

Six free holders to be appointed.

SECTION 3. Upon the presentation of such application and proof of the publication or service of the notice hereinbefore required, the said court commissioner or justice of the peace, shall appoint six resident freeholders residents of the city, but not residents of the ward in which such premises may be nor interested in the result of such application. The said court commissioner or justice of the peace shall thereupon issue his precept, directed to said six resident freeholders, requiring them within ten days to view the premises to be specified in said precept, and to make

returns to the common council whether in their judgment it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors before entering upon the discharge of their duties shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

SECTION 4. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service, he shall return the said precept to the justice or court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

City marshal  
serve precept.

SECTION 5. The said jurors at such time as they shall agree on, or as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After reviewing the premises in question and hearing testimony if offered, the jurors shall make a report of their proceedings which shall be signed by them, and which shall state whether, in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report and directing the same jurors, within twenty days thereafter, to again view said premises, to ascertain the amount of the damages to be paid the owner or owners of said property proposed to be taken, and to assess and return within twenty days such damages to the common council, who shall enter an order confirming the same.

Jurors to view  
and examine  
premises.

In case there is a building on land.

SECTION 6. If there should be any building in whole or in part, upon said land to be taken, the jurors shall first estimate the value of such building to the owner aside from the value of the land, and the injury to him, in having such building taken from him; and, secondly, the value of such building to him to remove.

Ten days' notice of determination to be given.

SECTION 7. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city; if not known, or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein, and give notice of their election to the common council either to accept the award of the jurors, and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

In case owner shall refuse to take the building at value to remove.

SECTION 8. If the owner shall refuse to take the building at the value assessed by the jurors to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands are subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed by jurors.

SECTION 9. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Kewaunee county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city, conditioned for the faithful

prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or the county judge or court commissioner.

SECTION 10. The lands required to be taken for the purposes mentioned therein shall not be appropriated until the damages awarded therefor to the owner thereof or party entitled thereto shall be paid or tendered to the owner or party entitled thereto, or his agent; or in case the owner or party entitled thereto, or his agent, cannot be found, or is unknown, deposit to his credit in some safe place of deposit then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and other public grounds opened or laid out. The damages assessed shall be paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Damages to be tendered before land can be taken.

SECTION 11. When any known owner of lands or tenements by any proceedings under this act shall be an infant, or labor under legal disability, the county judge of Kewaunee county, on application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such infant party, and all notices shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause a survey and profile thereof to be made and filed in the office of the clerk of the city.

In case of infant or other disabilities.

SECTION 12. In all prosecutions for the violation of any ordinance, by-law or regulation of said city, or otherwise, either party may call a jury, as prescribed by law in justices' courts in this state, and the trial shall proceed and be conducted in the same manner and be governed by the same rules, as in trials of cases in justices' courts.

Either party may call a jury.

## CHAPTER XXIX.

## DOCKS AND WHARVES.

Docking of  
rivers and  
harbors.

SECTION 1. The common council of said city shall have power by ordinance to establish docks and wharf lines along or upon the banks of the river in said city, to prevent encroachments upon said rivers and obstructions thereto, and to construct, alter and maintain, or cause to be maintained or altered, docks or wharfs along the banks of said rivers at the expense of the owners of the lots or lands bounded on said rivers.

Common council may order repairs.

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

When expense to be assessed upon land.

SECTION 3. If the owner or owners of such lots or lot or land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance or ordinances, the common council may cause such docking, repairing, filling or protecting to be done by letting the same by contract to the lowest responsible bidder for the same or otherwise, and in such manner as they may direct, and when completed, according to such contract or the requirement of such ordinance, the common council shall cause a certificate under the hand of the mayor and the seal of the city, stating therein the cost or expense of such docking, filling or repairing, and a de-

scription of any lot or lots or connected parcels of land owned by the same person or persons along which, or any part of which said work has been done and upon which, the same is chargeable, which said certificate shall be filed with the city clerk.

SECTION 4. If the owner or owners of such lot or lots, piece or pieces of land shall neglect or refuse to comply with any of the requirements of such ordinance and the amount of such expense or cost shall not be paid before the time of making out the annual tax roll, the same shall be assessed upon the said lot or lots or parcels of land, and collected therefrom for the use and benefit of said city as other special taxes on real estate are collected by virtue of the laws of this state, and no informality or error in the proceedings shall vitiate such assessment.

SECTION 5. The city of Ahnapee is hereby authorized and empowered to raise by tax or otherwise, a sum of money not to exceed two per cent. of the assessed valuation of the property therein, in any one year, to aid any manufactural industry to be located in said city, whenever a majority of the electors of said city at a general or special election shall authorize the same. When authorized to tax property.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 15th, 1887.