

No. 415, A.]

[Published April 10, 1891.]

## CHAPTER 160.

AN ACT relating to the city of Marshfield, Wisconsin, and codifying and consolidating the act of incorporation, and all acts amendatory thereof, and repealing all other acts relating thereto.

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

## CHAPTER I.

## CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Wood hereinafter described shall be a city by the name of Marshfield, and the people now inhabiting and those who shall hereafter inhabit said district shall be a municipal corporation by the name of the city of Marshfield, and shall have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess the powers hereinafter especially 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 alter and change the same at pleasure.

Corporation created.

SECTION 2. The territory included within the following limits and boundaries shall constitute the city of Marshfield, to-wit: The west one-half of township numbered twenty-five north, of range number three east, of the fourth principal meridian.

Boundaries of city.

SECTION 3. The said city shall be divided into six wards, as follows: First ward shall com-

Wards and their boundaries.

- First ward.** prise all that portion of territory lying north of A street and its continuation and west of Central avenue and its continuation. **Second ward.** shall contain all that portion of territory west of Central avenue between A street on the north and its continuation, and Third street on the south and its continuation. **Third ward.** shall include and contain all that portion of territory west of Central avenue and its continuation, being on the line between sections seventeen and eighteen, nineteen and twenty, twenty-nine and thirty, thirty one and thirty-two, and south of Third street and its continuation. **Fourth ward.** shall contain and include all that portion of the territory east of Central avenue and its continuation and south of Fourth street and its continuation not contained in the Third ward. **Fifth ward.** shall contain all that portion of territory east of Central avenue between Fourth street and its continuation and the Wisconsin Central railroad. **Sixth ward.** shall contain and include all the remaining territory of said city east of Central avenue and its continuation and north of the Wisconsin Central railroad.

## CHAPTER II.

### ELECTIONS.

Annual municipal elections; when held.

**SECTION 1.** The annual election for city and ward officers shall be held on the first Tuesday in April of each year at such place in each ward as the common council shall designate, but the annual election for city and ward officers in the year 1891, shall be held on the third Tuesday of April, 1891, and the polls shall be kept open from nine o'clock in the forenoon until sundown; ten days' previous notice shall be given by the city clerk by publication of the time and place of holding such election, which notice shall state the officers to be elected. Provided, however, that the failure to give such notice shall in no way invalidate that election.

## ELECTIVE OFFICERS.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a city clerk, a municipal judge, an assessor, three justices of the peace, and two constables from the city at large. Two aldermen and one supervisor shall be elected from each ward. The mayor, treasurer, assessor, aldermen and supervisors shall be qualified voters and freeholders in said city, and the ward officers shall be qualified voters and freeholders in the ward for which they were elected.

Elective officers and their qualifications.

## APPOINTIVE OFFICERS.

The appointive officers of said city shall consist of a city attorney, marshal, street commissioner, chief of the fire department, city physician, surveyor, and all other officers necessary for the proper management of the affairs of said city to be appointed by the common council. All elective officers except justices of the peace shall, unless otherwise provided by law, hold their respective offices for one year, and until their successors are elected and qualified; and justices of the peace, municipal judge and aldermen shall each hold office for two years, and until their successors are chosen and qualified; provided, however, the common council shall have power for due cause, and after opportunity for fair hearing, to expel any of its own number and to remove from office any officer or agent under the city government except justices of the peace, written notice being first given to the officer complained of to appear before the common council and answer to the complaint made.

Appointive officers and their terms of office.

## VACANCIES—HOW FILLED.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer or alderman, such vacancy shall be filled by a new election which shall be ordered and held within ten days after official notice of such vacancy shall be received by the city clerk or mayor. Any vacancy happening in any other office shall be filled by the common council. The person elected or appoint-

Vacancies; how filled.

ed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

**Elections; how conducted; ties.**

**SECTION 4.** 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 the casting of lots in the presence of the common council at such time and in such manner as it shall direct. All votes for elective officers shall be upon one ballot, except in the case of judicial elections, when a separate ballot shall be provided for the candidates running for such office.

**Qualifications of electors.**

**SECTION 5.** All persons entitled to vote for county officers who shall reside in the ward shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office herein created, except as otherwise provided herein.

**Conducting of elections; appointment of inspectors and clerks of elections.**

**SECTION 6.** All elections under this act shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors or clerks thereof filled, as prescribed by the general laws of this state relating to elections. There shall be three inspectors and two clerks in each ward, who shall be appointed by the common council of said city at least three days before the holding of said election, together with such other officers of election as may be prescribed by the general laws of this state, said inspectors and clerks to be selected from opposite political parties—equal numbers, as near as may be.

**Canvass and return of votes.**

**SECTION 7.** When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors and clerks shall make a return thereof duly signed, stating therein the number of votes for each person and the office designated, and the whole number of votes cast; and shall deliver or cause to be delivered such returns, together with the poll lists kept by the clerks and the oaths of office to the city clerk within twenty-four hours after any election. In case of any neglect or failure of any inspector or clerk to

comply with the provisions of this section such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and the cost of the suit to be recovered before any justice of the peace of said county in an action of debt. Within one week after each and every election under and by virtue of this act the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Wood county, shall meet, canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected, of his election.

SECTION 8. If either of the inspectors shall suggest that any person offering a vote does not possess the necessary qualifications of an elector, or if such vote shall be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear, or affirm, as the case may be, that you are twenty-one years of age and that you are a citizen of the United States, or have declared your intention of becoming a citizen conformable with the laws of the United States on the subject of naturalization, that you have resided within the state of Wisconsin one year and in this ward at least ten days preceding this election; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering the vote shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment shall suffer the punishment provided by law for the persons guilty of perjury. If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he resides or 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. It shall be the duty of the inspector to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive

Challenging of votes; penalty for illegal voting, etc.

the vote of any person not authorized to vote or shall make out false returns of any election, or if any clerk shall not write down the names of every voter as he votes, or shall willfully make untrue and incorrect count and tally of votes, each and every inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars.

**Election re-  
turns.**

SECTION 9. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained the said inspector shall make a return thereof, stating therein the number of votes for each person and for each and every office, and shall deliver or cause to be delivered such returns to the city clerk within twenty-four hours after any such election.

**Special elec-  
tions; how held  
and conducted.**

SECTION 10. Special elections to fill vacancies or for any purpose shall be held and conducted by the aldermen of such wards and in the same manner and the terms thereof shall be made in the same form and manner as general or annual elections and within such time as may be prescribed by ordinance.

**Vacancies;  
when occur-  
ring and how  
filled.**

SECTION 11. When an officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city shall remove from such ward, or when any such officer shall refuse or neglect for ten days after official notification of his election or appointment to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office, the common council shall proceed to fill such vacancies as herein provided.

**Commence-  
ment and dura-  
tion of terms  
of office.**

SECTION 12. The term of officers elected or appointed under the provisions of this act shall commence on the Monday preceding the third Tuesday of April except for the year 1891, when the term of officers shall commence on the third Wednesday of April, succeeding their election or appointment and shall hold their offices for one or two years respectively as herein provided, and until their respective successors are elected or appointed and qualified except as otherwise herein provided.

SECTION 13. The first election under this act shall be held on Tuesday, April 21st, 1891, at such place in each ward as the mayor and common council by resolution may designate. First municipal election.

SECTION 14. There shall be elected at the first election under this act in addition to the officers at large for said city, ward officers as follows: Ward officers to be elected at first election under this act. For the First ward, an alderman for the term of two years, and a supervisor for one year; for the Second ward, two aldermen; one for two years and one for one year, and a supervisor for one year; for the Third ward, an alderman for two years and a supervisor for one year; for the Fourth ward, an alderman for two years and a supervisor for one year; for the Fifth ward, two aldermen, one for two years and one for one year, and a supervisor for one year; for the Sixth ward, an alderman for two years, and a supervisor for one year. The aldermen of each ward who are now in office shall continue until the expiration of the term for which they were respectively elected, notwithstanding any change in ward boundaries in this act. And thereafter one alderman and one supervisor shall be elected annually from each ward, who shall hold his office until his successor shall have been elected and qualified. The supervisors elected under this act shall hold their offices for one year, and until their successors be elected and qualified, and shall be entitled to seats as members of the county board of supervisors of Wood county

### CHAPTER III.

#### OFFICERS — THEIR POWER AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall before he enters upon his duties take and subscribe an oath of office and file the same with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct shall severally before they enter upon their respective duties execute to the city of Marshfield a bond with at least two sureties, who shall be freeholders; and shall justify Officers; to qualify.

that they are worth in the aggregate double the amount specified in said bond over and above all debt, liabilities and exemption; said bond to be subject to approval by the mayor or common council, and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper; and the common council may from time to time require new or additional bonds, or remove from office any officer neglecting or refusing to present the same.

The mayor;  
his powers and  
duties.

SECTION 2. The mayor shall be the chief executive officer, the head of the fire department and the chief of police of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all the officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, he shall sign all agreements, contracts, licenses and permits granted by the common council, and approve or otherwise act upon all claims allowed by such council. He may in case of a riot or other disturbance appoint as many special policemen as may be necessary. He shall have and possess the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall communicate his objection in writing to the common council within five days, Sundays and legal holidays excepted, after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval. In case of no session of the common council on any day after the passage of the same, and before the expiration of said five days, such notification shall be made by filing with the city clerk a copy of his objection; and if the common council shall not at its next regular meeting thereafter re-enact such ordinance, or adopt such resolution by the votes of three-fourths of all the aldermen-elect, the same shall be null and void. He shall at the first meeting of the council, or as soon thereafter as may be, appoint the following standing committee: A finance committee, to consist of three members of the council; a committee to be known as the

board of public works, to consist of five members of the council. Also a health committee, a city physician or health officer, a fire warden from each ward, and such other committees as may be necessary for the carrying into effect the provisions of this charter and the ordinances and by-laws of said city.

SECTION 3. The common council at its first meeting after organization in each year shall choose from its number a president, and in the absence of the mayor the said president shall preside at all the meetings of such common council, and during the absence or inability of the mayor to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. The president while presiding at meetings of the common council or performing the duties of the mayor shall be styled "Acting Mayor," and any act performed by him in such capacity shall have the same force and effect as if performed by the mayor; but the president of the common council as acting mayor shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the common council. In case of a vacancy in the office of mayor the powers and duties of the office shall devolve upon the president of the common council until said vacancy is filled as herein provided.

SECTION 4. The city clerk shall hold his office for a term of one year. He shall have the care and custody of the corporate seal, and all papers and records of the city. It shall be his duty to attend all meetings of the common council and to keep a full record of their proceedings, to record all ordinances and bonds in a book to be kept for that purpose, to keep a record of all licenses granted, which record shall at all reasonable times be open to inspection by the public; to carefully preserve all receipts filed with him, except as otherwise herein provided; and to draw and countersign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that pur-

President of  
the council.

The city clerk  
his powers and  
duties.

pose. He shall have and possess all the powers and authority and perform such duties as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer and charge him with all taxes presented to him for collection, and all sums of money paid into the treasury. He shall make and cause to be published in the official paper of the city during the last week of March in each and every year, a financial statement of the city, showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places in like manner, and with the same force and effect as if the originals were produced. He shall file in his office and safely keep all chattel mortgages, bills of sale, and other instruments necessary and proper to be filed therein presented for that purpose, on payment of fifteen cents therefor; and all bills of sale, chattel mortgages, and such other instruments so filed shall be as valid and legal as if filed in the town clerk's office in any town. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state. He shall annually report to the common council at its first meeting in November in each year a statement of all bonds and coupons outstanding, to whom issued, where payable, and the amount of interest they may bear. He shall also furnish the council at the same time, or as often as it may require it, a statement showing the financial condition of the city, together with the running expenses thereof, and also furnish an estimate of the expenses, and the amount of revenue necessary to be raised for the current year. He shall keep his office open for the transaction of business during business hours on every day, except Sundays and holidays. Copies of all estimates made by the city surveyor for work to be done by the city shall be filed in the clerk's office and a brief record or memorandum of the same made in

a book to be kept by him for that purpose, in which shall be noted the time when, the person to whom, and the amount for which, any contract is let under and subject to such estimate. The city clerk shall advertise and let all contracts for work to be done or services to be performed for the city in pursuance of an order of the common council, subject to the approval of the common council, except as otherwise herein provided, and in behalf of said city shall sign such contracts, the originals or attested copies thereof to be by him filed in his office. He shall keep a record in his office of all articles of personal property belonging to the city, and shall effect in behalf of the city all such insurance upon the buildings or other personal property belonging to the city as the common council may direct. He shall examine the books, reports, papers, vouchers, and accounts of the treasurer and from time to time perform such other duties as the common council may direct. He shall not be directly or indirectly interested in any contract or job in which the city shall be a party. All claims and demands against the city before they are allowed by the common council shall be audited and adjusted by the city clerk; and the common council may modify, correct or disallow the same; he shall also be clerk of the board of health, and shall keep a record of its proceedings, and perform such other duties as said board may prescribe. He shall record in books to be prepared for that purpose all papers and proceedings had relative to the opening and laying out, altering or vacating of streets, lanes, alleys, public squares and parks, or changing the names thereof, and all such records shall be evidence in all courts and places the same as original papers and proceedings. He shall also be clerk of the board of review, and shall not vote except in case of a tie. The city clerk shall appoint a deputy in writing under his hand, and shall file such appointment in his office; and such deputy clerk shall aid in the performance of the duties of such clerk under his direction, and in case of his absence or disability, or in case of vacancy in his office shall perform all the duties of such clerk, during such absence or until such vacancy shall be filled, and such clerk and his sureties shall

be liable upon his official bond for the acts of his deputy.

The city attorney; his duties.

SECTION 5. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested; he shall when requested furnish written opinions upon subjects submitted to him in writing by the mayor or common council, or any of its committees, or any other department of the municipal government. He shall keep a docket of all the 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 shall at all reasonable hours be open to inspection by any of the officers or electors of the city. It shall be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the officers of the city, to examine and inspect tax and assessment rolls, and all other proceedings in reference to the levying and collection of taxes and assessments and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall have authority to appoint an assistant, who shall have power to do all the acts required by law of the city attorney; provided, that the city attorney shall be responsible to the city for the acts of such assistant, and that the city shall not be liable for nor have any authority to pay compensation to such assistant.

The city treasurer; his powers and duties.

SECTION 6. The city treasurer shall collect all city, county and state taxes, and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable book prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a detailed account of the money received and disbursed by him in such manner as the common council may direct. His books shall be at all reasonable times open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office, and ten days preceding each annual election he shall make up and file in the city clerk's office a full and minute report of all the moneys

received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office necessary to show the actual financial condition of the city, which report shall embrace all the transactions of his office from the date of the like report of his predecessor, to the date of the report required to be made out by him. He shall keep an accurate account of each of the separate funds in his custody. All moneys raised, received, recovered or collected by means of any tax, license, fine, penalty, forfeiture, or otherwise, by virtue of this act, or which belong to the said city shall be paid into the city treasury, and shall not be drawn therefrom except by an order on that specific fund signed by the mayor and countersigned by the clerk, by order of the common council. The said treasurer shall also be a collector of taxes, and for his services receive no compensation, except as herein otherwise provided, and he shall have the same powers, and be subject to the same liabilities, and be governed by the same laws as treasurers of towns, except as otherwise provided for in this act.

**SECTION 7.** The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and for the collection of fines and license money; he shall possess all the powers of constables of towns, be subject to the same liabilities, and be entitled to the same fees. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions from the streets, alleys and highways in said city; to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of the state, and within reasonable time bring such person before competent authority for examination or trial; and in person or by deputy he shall be on duty every day within the city, and as he shall from time to time be directed by the mayor.

The city marshal; his powers and duties.

The city surveyor; his powers and duties.

SECTION 8. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place in the city; he shall preserve and have open to the inspection of any person, all surveys, profiles, plans or estimates made by him for the city, which shall be the property of the city, and which with all books or papers pertaining to his office and minutes of surveys by him made, he shall turn over to the city clerk on expiration of his term of office. All bridges, reservoirs and sewers shall be built subject to his acceptance, but a contractor may appeal from his decision to the common council.

The city assessor; his powers and duties.

SECTION 9. The duties of assessor shall be as prescribed by the general laws of the state, except as modified by the provisions of this act.

The street commissioner; his powers and duties.

SECTION 10. The street commissioner shall be *ex-officio* a policeman, and shall hold his office where directed by the common council. He shall attend the regular meetings of the common council and shall present in writing at each such meetings a sworn statement, showing, in detail the amount and cost of all material used and all labor employed for the city during the month, of whom purchased and where used; and he shall make such purchases from time to time as the common council may direct, but not inconsistent with the provisions of this act, and at the end of his term of office make a full report thereof to said body. His powers, except as defined by this act, shall be prescribed by the common council. He shall make report in detail whenever required by the common council of all of his acts and doings, and at the expiration of his term of office shall deliver over to his successor all books, moneys, records, papers and other property pertaining to said office, or belonging to the city, and his records and papers shall be open to the inspection of any citizen of the city at all reasonable hours. In all other respects except as modified and curtailed by this act, and except as herein otherwise stated, his duties shall be the same as that of overseers of highways in towns under the general laws of this state.

Justices of the peace and constables; their jurisdiction powers and duties.

SECTION 11. The powers and duties of justices of the peace and constables under this act shall be prescribed by the general laws of this state in regard to justices and constables in towns.

SECTION 12. The common council at its first meeting or as soon thereafter as may be, shall designate the newspaper printed in the city to which the contract for printing shall have been awarded as hereinafter provided, in which shall be published all ordinances, notices, proceedings of the common council and all proceedings required by law to be published, which printing shall be let by contract to the lowest bidder, but no bids therefor shall be considered which shall be higher than the legal rate for like work as the same now is or may hereafter be established by law. The city printer or printers immediately after the publication of any notice, ordinance, resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of the publisher or his foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or by-law, and the clerk shall file the same in his office as herein prescribed, but the bill for publishing the same shall not be audited until such affidavit is so filed.

Official city paper.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties.

Additional duties may be imposed upon city officers by council.

SECTION 14. All elective and appointive officers shall receive such pay *per annum* or *per diem* as the common council shall prescribe.

Salaries.

SECTION 15. The mayor, acting mayor, sheriff of Wood county, each alderman, justices of the peace, marshal, chief engineer of the fire department, deputy sheriffs and constables of Wood county, policemen, watchmen and street commissioner shall be officers of the peace in said city, and may command the peace and suppress in a summary manner rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if needed, of all citizens, fire companies, and if any person shall refuse to aid in maintaining the peace when so required, every such person

Officers of the peace, who are.

shall forfeit and pay a fine of not less than ten nor more than fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior the superior officer present, in the order mentioned in this section shall direct proceedings.

Penalty for retiring officers failing to deliver books, etc., to his successor in office.

SECTION 16. If any person having been an officer in 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 said city or pertaining to the office, he may have held, shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

City official not to be interested in city job or contract.

SECTION 17. No city official 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 aldermen 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 contracts and the alderman interested in the same, except as otherwise herein provided.

## CHAPTER IV.

### THE COMMON COUNCIL — ITS POWERS.

The common council, how constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of ordinances shall be "The mayor and common council of the city of Marshfield do ordain as follows."

Meetings of council.

SECTION 2. The common council shall hold its first meeting in each year on the third Tuesday of April, and shall thereafter hold its regular meetings at such times and places as it shall appoint. The mayor may call a special meeting by a written notice to each of the members to be served personally or left at their several places of abode at least six hours prior to the time of such meeting.

**SECTION 3.** The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business. A smaller number may adjourn. Their sessions shall be open to the public; the ayes and nays may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the votes shall be taken by the ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judges of the election and qualification of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members at its meeting, and employ the police of the city for that purpose, may fine or expel any member for neglect of duty as such member, or for unnecessary absence from sessions of the council. All confirmations by the city council the votes shall be taken by *viva voce*, and such votes shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation.

General provisions governing council.

**SECTION 4.** The common council shall have the management and control of the finances and of all the property of the city, except as herein otherwise provided, and shall likewise in addition to all other powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such rules, by-laws and regulations for the government and good order of the city; for the benefit of the trade and commerce of the city, and health of the inhabitants thereof; for the prevention of crime, and for carrying into effect the powers vested in said council, as it shall deem expedient; such council shall have power to declare and impose penalty, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the

General powers of common council.

United States, or of this state, or of the laws thereof, and for the aforesaid purposes such common council shall have authority by ordinances, resolution, by laws or regulations:

**Licenses.**

1st. To license, regulate or prohibit the exhibition of common showmen, or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of the same under the ordinances of said city, and the laws of the state; and may grant licenses for and regulate groceries, tavern keepers, victualing houses, or other houses or places for the selling or giving away of spirituous, vinous or fermented liquors; provided, that in case an application for a license is denied, the council shall not have authority till after the succeeding first day of May to grant any license for dealing in or vending spirituous, vinous or fermented liquors by the same person at the same place; provided further, that the council may establish saloon limits by ordinance, which said limit shall not be extended, except by a vote in favor of the same of three-fourths of all the members of the common council; and provided further, that no such license shall be granted except by majority vote of all the members of the common council, and the person to whom such license is granted shall give a bond as provided by the general law of this state.

**Gambling.**

2nd. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices.

**Regulation of exhibitions and amusements.**

3rd. To license, regulate, suppress or prohibit concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities; and all other exhibitions and amusements.

**Riots, disturbances, etc.**

4th. To prevent and suppress riots, noises, disturbances or disorderly assemblies; and to suppress and restrain disorderly houses and houses of ill-fame.

**Abatement of nuisances.**

5th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, alley, sewers or other unwholesome or nauseous place, to cleanse the same from time to time, or remove or abate the same as it may be deem necessary for the

health, comfort and convenience of the inhabitants of said city.

6th. To direct the management of and to regulate breweries, tanneries and packing houses, and to direct the location, management and control of, and regulate, license, restrain, abate or prohibit within the city, and within a distance of two miles therefrom of distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal, and such other substances as can or may be rendered and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Regulating  
breweries, tan-  
neries, etc.

7th. To direct the location and management of public markets.

Public mar-  
kets.

8th. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meats, vegetables, fish, butter, fruits, and other provisions within the city, and to appoint an inspector of food, and to describe his duties and compensation, and to cause the seizure and destruction, or other disposition of tainted or unwholesome meats, butter, vegetables, fruits or provisions.

Butchers,  
stalls, etc.; in-  
spector of  
food.

9th. To direct or prohibit the location and management of houses for the storing of gun-powder and other dangerous and combustible materials.

Gun powder  
and other com-  
bustibles.

10th. To prohibit the shooting of fire-arms and fire crackers, and the exhibition or use of any fireworks at any time or in any manner which may be considered by the council dangerous to the city, or to any property therein, or annoying to the citizens thereof.

Shooting of  
fire-arms, etc.

11th. To prohibit the encumbering of the streets, sidewalks, lanes, alleys, public grounds, or other public places with carriages, carts, wagons, sleighs, sleds, wheelbarrows, lumber, posts, timber, awnings, or any substance or material, or in any manner whatsoever.

Encumbering  
of streets, etc.

12th. To prohibit horse racing and immoderate driving or riding in the streets.

Horse racing,  
etc., in streets.

13th. To prohibit and punish the abuse of animals.

Abuse of ani-  
mals.

14th. To compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise while standing or remaining in any street, alley or public ground.

Fastening of  
horses, etc., on  
streets.

- Vagrants, street beggars, etc.** 15th. To restrain and punish vagrants, mendicants, street beggars and prostitutes and to provide for the punishment of the same by hard labor or otherwise as the common council may direct by ordinance, and 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.
- Running at large of dogs.** 16th. To prohibit the running at large of dogs and to authorize the destruction of same in a summary manner when at large contrary to the ordinances.
- Licensing of dogs.** 17th. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than five dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of said licensed dog.
- Contagious diseases.** 18th. To make regulations to prevent the introduction of contagious diseases into the city or the spread of the same therein; to make quarantine laws or regulations and to enforce the same within the city, and not to exceed three miles beyond the city limits.
- Hospitals.** 19th. To provide for the regulation and support of hospitals, and for the establishment of the same.
- Preservation of health.** 20th. To do all acts, and to make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.
- Burial of the dead; cemeteries, etc.** 21st. To regulate the burial of the dead and the registration of births and deaths; to purchase and hold grounds for cemetery purposes within or without the city limits, and to exercise jurisdiction and control thereof.
- Running at large of cattle, etc.** 22nd. To regulate and restrain, or prohibit, the running at large of cattle, horses, mules, swine, sheep or other animals, and to authorize the distraining, impounding, and sale of the same, for the penalty incurred and cost of proceedings; and also to impose penalties on the owners of any such animals for a violation of any such ordinances.
- Public auctions.** 23rd. To regulate the holding of public auctions.

24th. To prescribe and regulate the construction of sewers within the city. **Sewers**

25th. To locate, purchase sites, and let contracts for the erection and construction of public buildings; to acquire by gift, grant, devise, donation, purchase or condemnation, lands for parks and any other public purposes; and to sell, dispose of and convey the same except upon a three-fourths vote of the common council. **Public buildings, etc.**

26th. To lay out, make, open and keep in repair, alter or discontinue, any highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury. **Opening and repairing of streets and highways.**

27th. To establish and alter the grade of streets, and to regulate the manner of using the streets in said city, and to protect the same from injury by vehicles used thereon. **Establishing and altering grade of streets and highways.**

28th. To name or change the name of any street. **Naming of streets.**

29th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection, maintenance and operation of water works for the supply of water to the inhabitants of the city, and to supply such city with water for fire protection and other purposes; and to secure the erection of water works said city may by contract or ordinance grant to any person, persons, company or corporation the full right and privilege to build and own such water works, and to maintain, operate and regulate the same, and in so doing, to use the streets, alleys and bridges of the city in laying and maintaining the necessary pipe lines and hydrants for such term of years and on such conditions as may be prescribed by such ordinance or contract; and may also by contract or ordinance provide for supplying from such water works the city with water for fire protection and for other purposes, and also the inhabitants thereof with water for such term of years, for such price, in such manner, and subject to such limitations as may be fixed by said contract or ordinance; provided, however, that the annual expense of such water works shall not exceed four thousand dollars to the city, and if it should so exceed that sum, then that such contract shall not be in force unless ratified by a majority vote of the freeholders of said city at a special or general election. **Public pounds water works etc.**

Lighting of streets, public grounds, etc.

30th. To provide for lighting the streets, public grounds and buildings by electricity or otherwise; and for such purpose to contract by ordinance or otherwise with any person, persons, company or corporation for a term not exceeding five years at any one time, at such price, on such terms and on such limitations as may be prescribed by such contract or ordinance; and provided further that such contract shall be let to the lowest bidder and that the common council shall have the right to reject any and all bids.

Boards of health.

31st. To establish and regulate boards of health.

Abatement and removal of nuisances.

32d. To provide for the abatement or removal of all nuisances under the ordinances or at common law, and the punishment of the authors thereof, or persons continuing the same, by penalties, fines or imprisonment, and to define and declare what shall be deemed nuisances; but nothing in this act shall be construed to oust any court of jurisdiction to enjoin or to direct the abatement and removal of nuisances in the streets or any other part of the city, or within its jurisdiction by indictment or otherwise.

Depositing of putrid carcasses within city; removal of unwholesome substances.

33rd. To prohibit any person from bringing, depositing, or having within the limits of the city any putrid carcass or other unwholesome substance; and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances or any putrid or unsound beef, pork, fish or hides, and on his default to authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

Ringing bells, blowing of horns, etc.

34th. To prohibit the ringing of bells, or blowing of horns on the streets or public places of the city, or the crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others for the purpose of business, amusement or otherwise.

Sprinkling of streets.

35th. To provide for the sprinkling of streets, either at the expense of the city or of the lots or parts of lots fronting thereon.

Removal of snow and ice from sidewalks, etc.

36th. To compel the owners or occupants of buildings or grounds to remove and keep snow, ice, dirt or rubbish from the sidewalk, street or alleys opposite thereto, and to compel such own-

ers or occupants to remove from the lot or lots owned or occupied by them all such substances as the common council or board of health may direct; and on their default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

37th. To prohibit all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city or in any way doing damage to such sidewalks. Driving cattle on sidewalks.

38th. To regulate the sale of bread within the city and prescribe the size and weight of bread in the loaf or otherwise, and the quality of the same. Sale of bread.

39th. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures; the standard of such weights and measures shall be conformable to those established by law in this state. Weights and measures.

40th. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the sale and cutting of ice, and to restrain the sale of such ice as is impure; to regulate the measuring and sale of wood, and the weighing and sale of coal and lime, and the places and manner thereof. Weighing of hay; ice, wood, etc.

41st. To license and regulate auctioneers, distillers, gluers, and pawnbrokers, and keepers or proprietors of junk shops, and places for the sale and purchase of certain cauned goods, wares and merchandise. Auctioneers, pawnbrokers, etc.

42nd. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and merchants, and persons who travel from place to place to sell goods, wares and merchandise within the limits of said city, whether sold by auction or otherwise, and whether put up to the highest bidder, or whether by what is usually called "Dutch Auction," or by Hawkers, peddlers, cheap Johns, etc.

bidding down of the seller of such goods, or by adding to the quantity of goods first offered at a fixed price, and when licensed to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called "Cheap John," transient dealers, traders or merchant or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city any goods, wares or merchandise except farm, dairy, nursery and green house products, without first having obtained a license therefor according to the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of the ordinances or laws herein referred to, shall on conviction thereof be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein prohibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Regulate keep-  
ing of lumber  
yards, etc.

43rd. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Appointment  
of inspectors,  
weighers and  
gaugers.

44th. To provide for the appointment of inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Regulate use of  
locomotives;  
location of  
railroad tracks,  
etc.

45th. To regulate the use of locomotive engines within the city; to regulate the speed of railway trains within the city not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in streets, and as one of the conditions for such privilege to require railway companies to maintain at their own expense such bridges, viaducts, tunnels or other conveniences at public railroad crossings as may be necessary, also to regulate the running of such railway cars, the laying down of tracks for the same and the kind of rail to be used.

46th. To provide for the appointment of watchmen and policemen, and to regulate the police and prescribe their duties.

Watchmen and policemen.

47th. To declare the weed commonly called Canada thistle and other noxious plants and weeds in the city a public nuisance, and to provide for the abatement of the same as the city is authorized by law to abate other nuisances.

Noxious weeds.

48th. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Ornamental trees.

49th. To authorize the taking up and to provide for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and who are growing up in mendicancy, ignorance, idleness and vice.

Care of destitute children.

50th. To authorize the arrest and imprisonment of vagrants or persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming tables, gaming houses, house of fortune telling, or place of cock fighting, all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Vagrants, street beggars, etc.

51st. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons.

Concealed weapons.

52nd. To control and regulate the construction of buildings, chimneys and smoke stacks, and to prohibit the erection or making of any insecure or unsafe building, stack, wall or chimney in the city, and to declare them to be nuisances, and to provide for their summary abatement.

Construction of buildings, smoke stacks, etc.

53rd. To regulate or prohibit the use of any hall, theatre, opera house, church, school house or

Regulation of use of halls, theatres, churches, et

building of any kind whatsoever to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress for the persons therein assembled in case of fire alarm or otherwise.

Running at large of cattle, etc.

54th. The common council shall have power to prohibit the running at large upon the streets, alleys and public grounds within the city of all horses, mules, cattle, sheep, hogs, goats, geese or poultry.

Levy of tax for agricultural fair.

55th. To appropriate and levy a tax not to exceed two thousand dollars in any one year for the purpose of purchasing and maintaining grounds suitable for holding an agricultural fair, and to regulate and control said grounds and buildings if so purchased.

Ordinances, regulations, etc., how passed, published, etc.

56th. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council and shall be signed by the mayor, and countersigned by the clerk, and shall within fifteen days after their passage respectively be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded the publication thereof respectively within the said time shall be proven by the affidavit of the publisher, his printer, or foreman, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such by-law, ordinance, resolution or regulation, and a proof of such record certified by the clerk under the seal of the city, or any printed book containing the same purporting to have been published under the sanction of the mayor and council shall be *prima facie* evidence of the due passage and publication of such law, ordinance, resolution, regulation or by law.

Examination of accounts of city officers.

SECTION 5. The common council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city at such time or times as it may deem necessary.

Corporate authority, when vested.

SECTION 6. The corporate authority of the city shall be vested in the mayor and common council.

**SECTION 7.** The salary of the aldermen shall be not to exceed fifteen dollars, and that of the mayor one hundred dollars per year. The common council shall at its first meeting in February, in each and every year, and for this purpose the common council shall hold a meeting in the month of February, by resolution fix the salary or fees of all other officers of said city for the ensuing year whether said officers be elected or appointed, which salary or fees shall not increase or diminish during the term for which said officers may be elected or appointed. For the year 1891 the common council of said city shall fix said salary of said officers at its last regular meeting before the annual spring election.

Salaries of aldermen and mayor and other officers.

## CHAPTER V.

### ACTIONS, APPEALS, BONDS AND SURETIES.

**SECTION 1.** All actions brought to recover any penalty or forfeiture, or for the punishment of any offender for the violation of the ordinances or by-laws made by this city shall be brought in the corporate name of the city.

Actions to be brought in name of city.

**SECTION 2.** In case of convictions in actions brought or prosecuted to recover a penalty under any of the provisions in this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of said city, the court shall enter judgment for such fines, penalty or forfeiture together with the costs of prosecution against the defendant, and shall also enter a judgment that such defendant be imprisoned in the county jail until such judgment be paid, not exceeding, however, the term of six months, and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment the court shall also render judgment that such defendant pay the costs of prosecution, and that he be held in imprisonment until such costs are paid, but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Judgments on finding.

Appeals from judgments imposing penalties, fines or forfeitures.

**SECTION 4.** Any person aggrieved by the judgment of the court imposing a fine, penalty or forfeiture, or a term of imprisonment, may appeal from such judgment to the circuit court of Wood county, in the same manner in which offenders may under the general law appeal from judgments of the justices of the peace in actions where the state is a party plaintiff.

Claim against city to be presented to council before suit brought.

**SECTION 4.** No action shall be maintained by any person against the city of Marshfield upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim, shall be deemed a disallowance thereof.

Action of council disallowing claim conclusive unless appealed from.

**SECTION 5.** The determination of the common council in disallowing in whole or in part any claim shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Appeal from action of council disallowing claim, how taken; proceedings.

**SECTION 6.** Whenever any claim against the city of Marshfield shall be disallowed in whole or in part by the common council such person may appeal from the decision of such common council disallowing said claim to the circuit court of Wood county, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city in the sum of one hundred and fifty dollars, with two sureties to be approved by the mayor and city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all papers in the case to the clerk of the circuit court of said county of Wood. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said

court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by the common council exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

## CHAPTER VI.

### MUNICIPAL COURT.

SECTION 1. There is hereby established in the city of Marshfield a municipal court for the transaction of all business that may lawfully come before it, and for that purpose the city of Marshfield is hereby declared a municipality. The qualified electors of the city of Marshfield shall on the third Tuesday of April, A. D. 1891, and once in every two years thereafter, on the first Tuesday in April, elect a suitable person to the office of judge of said municipal court to be called a municipal judge, who shall hold his office for the term of two years and until his successor is duly elected and qualified, and the said judge shall before entering upon the duties of his office take and subscribe the oath of office to support the constitution of the United States, and the constitution of the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his office, which oath may be administered by any officer authorized by law to administer oaths, and shall be filed in the office of the clerk of the circuit court of Wood county, and a duplicate oath also be filed in the office of the city clerk in the city of Marshfield, together with an official bond with two sureties in the form now prescribed for justices of the peace of the state of Wisconsin.

SECTION 2. The municipal judge of the city of Marshfield shall have jurisdiction to try and determine all actions at law where the amount claimed shall not exceed the sum of one thousand

Election of  
municipal  
judge.

Jurisdiction of  
municipal  
court.

dollars, and to try and determine all criminal actions where the crime was committed in said city, and that are not punishable by commitment to the state's prison, and to arrest and examine, and to hold to bail all parties charged with other offenses against the laws of the state, as provided by law, and the said court and judge thereof shall also have exclusive original jurisdiction of all offenses and actions under the charter of said city, and the ordinances, rules, and by-laws of said city, and exclusive jurisdiction of all criminal trials and examinations for offenses committed within said city, subject to appeal to the circuit court of said county, and the statute of removal of causes either civil or criminal, applying to justices of the peace shall not apply to said judge or his court, and there shall be no removal therefrom, and the said court and the judges thereof shall have all the jurisdiction given by law to justices of the peace of said county, and the proceedings and practices of said court shall in all respects as far as practicable comply with the laws of the state applicable to justices' courts, except as otherwise provided in this title, and transcripts of judgments of the said municipal court shall be with like effect filed and entered with the clerk of the circuit court of said county; and all appeals, civil and criminal, may be taken in the same manner, and with like effect as are now provided for courts of justices of the peace. And the said judge shall have power to sentence and commit all persons convicted of any of the offenses of which he has jurisdiction that the circuit judge and justices of the peace may lawfully do, and said court may further adjudge, determine and sentence such defendant to be kept at hard labor during the term of his commitment, either within or without said jail or place of imprisonment, and the said court shall thereupon issue a commitment inserting therein such time of imprisonment on every person so convicted and committed may be kept at hard labor in the common jail of the county of Wood, or at such place as the city of Marshfield may provide for the benefit of said city under the watch, guard and supervision of whosoever the mayor and common council shall appoint, for the period of

time for which such person shall have been so committed, unless said judgments, fines, penalties, forfeitures and costs are sooner paid.

SECTION 3. The provisions of the charter of the city of Marshfield and all other laws of the state relating to justice courts shall be so construed as to apply to said municipal court so far as the same are not inconsistent with this act, and the jurisdiction, powers and duties of the municipal court in both civil and criminal proceedings shall be the same as is provided for in justice courts, except as modified and changed by this act.

Charter provisions and general laws relating to justice courts shall apply to municipal court.

SECTION 4. The same fees in all civil actions that are now allowed by law to justices of the peace, and one dollar in addition thereto for each civil action commenced in said court, which is hereby imposed as a tax for entering such action upon the dockets of said judge, which last sum shall be taxed and be recovered as a part of the cost in such action in the same manner as the fees now allowed are taxed and received; provided, however, that the common council of said city may pay the judge of said court the sum of three hundred dollars annually, which shall be in full for his services in conducting criminal trials and examinations, to be fixed by the common council at its first meeting in each and every year.

Fees.

SECTION 5. In case the salary of said judge be fixed by the common council as herein provided, he shall monthly report to the common council the amount of all fees thus collected by him in criminal actions and have attached thereto a receipt from the city treasurer, that such fees have been turned over to him; he shall also report to the common council monthly a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account for and pay over to the city treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any costs for violations of any law of this state, and such judge or justices shall pay to the city treasurer all fines collected for offenses against the laws of the state in the same manner as justices of the peace are required by law to do.

Reports to be made by judge to council of fees collected by him, when.

SECTION 6. The city shall not be liable to said municipal judge for his said fees except such as

When city liable to judge for fees.

shall accrue in the prosecution for violation of the charter or ordinances of the city, wherein costs are not and cannot be collected of the offender. Appeals and writs of *certiorari* may be taken from the municipal judge in the same manner as from justices of the peace.

Official seal.

SECTION 7. The judge of the said municipal court may provide a seal for his said court and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge when sealed with the seal of said court shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

Jurors.

SECTION 8 Jury trials in said municipal court may be conducted in the same manner as in justice courts, unless otherwise provided. The common council of the city of Marshfield may by ordinance provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors of the said municipal court, shall have the force and effect of law. Any juror when duly summoned to attend said court and who shall not attend at the time required in the summons shall be adjudged guilty of contempt, and shall be fined a sum of not less than five nor more than ten dollars, and appeals from said court shall be allowed in all cases tried in said court, whenever and in the same manner, and in the same form and manner as appeals are now allowed by law from justice courts.

Jurisdiction of  
Wood county  
not impaired  
hereby.

SECTION 9. Nothing herein contained shall be construed as to abridge or impair the jurisdiction of said Wood county.

Attorney's  
fees.

SECTION 10. In all cases where the amounts claimed by the plaintiff shall exceed the sum of two hundred dollars and the plaintiff appears by an attorney of record the sum of fifteen dollars shall be taxed as attorney's fees to the successful party, and except as herein provided, the same attorney's fees shall be charged and recovered as now provided by law in justice courts.

## CHAPTER VII.

## FIRE DEPARTMENT.

**SECTION 1.** It shall be competent for the common council to provide by ordinance for the organization and management of volunteer fire companies, and to appropriate from the general funds such sums as may be deemed requisite for the aid of such companies to procure an apparatus and outfit, and maintain and house the same, to provide by ordinance for the appointment of a chief engineer, to fix his term of office, designate his authority, and to provide suitable penalties for the violation of any of the provisions of the ordinances passed under this section.

Organization  
of volunteer  
fire companies.

**SECTION 2.** It shall be competent for the common council to fix and designate fire limits, within which no buildings having wooden outside walls shall be constructed, or repaired so as to increase their value beyond the percentage to be fixed in the ordinance; and the common council may by ordinance prescribe special fire limits within the general fire limits or outside of the same, within which special fire limits they may require such building material to be used, and such additional precautions to be observed both in the construction of new buildings, and the repairing and maintenance of existing buildings as they may from time to time designate for the prevention of fires, and the spread and communication thereof, and to provide any proper remedy for the enforcement of such ordinances as may be passed in relation to fire limits or any particular provision thereof; and to that end they may provide for the appointment of a building inspector, designate his authority, fix his term of office, and provide for his compensation; but the common council shall possess no power to contract or diminish the fire limits once established, except the fire limits heretofore established may be altered at any time prior to October 1st, 1891.

Council may  
fix fire limits.

**SECTION 3.** It shall be competent for the common council to provide by ordinance for the establishment or continuance of a paid fire department to be entirely under the control of the city government, and to maintain it at the sole ex-

Organization  
of paid fire de-  
partment.

pense of the city; to provide for the appointment of a chief engineer of the fire department, and as many assistants as may be deemed necessary, and fix their salaries, and to provide for the appointment and compensation of as many firemen as shall from time to time be necessary.

Purchase of  
fire engines  
and apparatus.

**SECTION 4.** It shall be competent for the common council to provide for the purchase and maintenance of all necessary fire-engines and apparatus for the extinguishing or prevention of fires, for the construction and maintenance of all necessary engine-houses and fire-stations, fire-alarms, fire-signals, telegraph and telephones, and for the use of all known means of extinguishing or preventing fires; and the common council may appropriate the necessary sums for carrying the foregoing provisions into effect.

City treasurer  
to keep account  
called fire ac-  
count.

**SECTION 5.** In case of a paid fire department the city treasurer shall keep a separate account with the general fund, to be called the fire account, in which shall be entered all disbursements, for or on account of, the fire department, and all appropriations made, and all taxes collected for its use.

Fire wardens.

**SECTION 6.** The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such duties as the council may prescribe, and he may at any time enter into any building, house, store or inclosure for the purpose of inspecting the same.

Construction  
of chimneys,  
fire places,  
hearths, etc.

**SECTION 7.** The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city

to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishing of the fires, and in the preservation of property exposed to danger thereat.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the council; such money shall only be paid out on orders signed by the chief engineer or acting engineer, and countersigned by the clerk of said department.

Treasurer of fire department, his duties.

SECTION 9. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in discharge of their duties, or in consequence thereof; and may provide for the management and distribution of such funds or the proceeds thereof; and may require all active firemen to contribute to not to exceed two *per cent.* of their wages to said fund.

Fund for the relief of disabled firemen.

SECTION 10. When any person shall refuse to obey any lawful order or any engineer, fire warden or alderman, the mayor or city marshal or other officer or special police at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable, or any citizen, to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person, shall be liable to a penalty as the common council shall prescribe, not exceeding twenty dollars

Person refusing to obey lawful order of officer at fire may be imprisoned.

SECTION 11. There shall be elected by the members of each company aforesaid annually at their annual meeting a secretary and treasurer, who shall on or before the first Monday in May in each year return to the city clerk a list containing the names of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by

Election of officers of fire company.

resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members of fire companies.

**SECTION 12.** The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter; and such record shall consist of the returns made by the several clerks or secretaries as above provided, and no person shall be exempt from jury duty unless the same is entered on such list. In case any person shall for any cause cease to be a member of either of said companies the clerk shall note the fact on the list thereof, and shall return to the clerk or the board of supervisors of the county of Wood a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the name of such persons on the jury list for the ensuing year; provided, the common council shall by ordinance exempt members of said companies from serving as jurors.

## CHAPTER VIII.

### WATER WORKS.

Board of public works to operate water works, when.

**SECTION 1.** Whenever the water works shall be owned by the city the same shall be operated under direction of the board of public works.

Council may legislate on all matters relating to water works.

**SECTION 2.** The common council shall have power to legislate on all matters with reference to the construction, operation, management and protection of water works for the city not contravening the provisions of this act, or the constitution or laws of this state, or contracts already made; provided, however, that all provisions relating to water works not herein otherwise provided be adopted by a vote of not less than a majority of all members of the council.

City may purchase lands, etc., for public uses.

**SECTION 3.** The city may acquire by purchase or otherwise as specified in this act for acquiring real estate for the public use such lands as may be necessary for the construction and operation of water works to supply the city and inhabitants thereof with water; provided, that in cases where the water works are owned by private per.

sons or corporations the expenses of acquiring such real estate shall be paid by such persons or corporation or a proper conveyance being made to such persons or corporation of said real estate.

SECTION 4. When the city owns the water works the water rates shall be collected by the city treasurer, and shall be devoted exclusively to the expenses of maintaining and operating the works and paying the principal and interest of any indebtedness created in the construction thereof.

Water rates,  
how collected.

SECTION 5. On the first day of January and July in each year, the board of public works shall furnish the city treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If the amount due is not paid within ten days thereafter, a penalty of ten *per centum* shall be added, and the treasurer shall proceed to collect the said dues, with said penalty, together with five *per centum* thereon for his fees. He shall have all the authority in collecting said tax vested in him in the collection of general city taxes; said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums not paid by the first day of November in any year that have accrued during the preceding year shall be reported by the treasurer to the city clerk, who shall insert the same in the tax roll as delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax.

List of lots to  
which water  
furnished to be  
prepared by  
board of public  
works and  
filed with city  
treasurer.

Proceedings to  
collect water  
rates.

SECTION 6. The board of public works, before laying any water pipe along the streets, alleys or other line in said city, shall assess against the several lots, part of lots or parcels of land which may front on or abut on the proposed line of water pipe, or which may be contiguous to, and used in connection with any such lot or parcel of land, will be in the judgment of said board specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section, provided that no lot, parcel of land, or part thereof, shall be subjected to the payment

Assessment by  
board of public  
works of  
lots for water  
pipe.

of more than one assessment for water pipe laid in the street or alleys.

Amount of assessment on regular lots (not corners).

SECTION 7. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost as estimated by the said board of public works, of furnishing and laying a regular line of water pipe of approved material and manufacture, with the required openings for connections with private service water pipe along the front of said lots, such minor pipe to be not less than four, nor more than six inches in diameter. Every irregular lot, part of lot, or other parcel of land, fronting or abutting on such line of water pipe, and likewise, any parcel of land or lot which shall be contiguous to any parcel of land or lot, or part of lot so fronting or abutting, and which, in the judgment of said board, is or may be most advantageously used in connection therewith, shall be assessed to such water pipe, the amount which, in the judgment of said board, shall be as nearly as may be, in just proportion to the amount assessed for regular lot, as compared with the special benefits derived by each, from the laying of the said water pipe.

Amount of assessment on corner lots.

SECTION 8. Every corner lot and every lot, parcel of lot, or parcel of land, which may front or abut on more than one street on which it is proposed to lay a line of water pipe shall be assessed for every such line of water pipe, but the aggregate of the assessments therefor on any such lots or parcels of lands shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land, with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty, and may assess subdivisions separately, and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot, or other lots or lands contiguous thereto, and most advantageously used in connection therewith.

SECTION 9. The said board of public works shall file reports of such assessment with the city clerk,

who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested by publishing the same once in each week for three successive weeks in the official paper. Any person feeling himself aggrieved by the report of said board may within twenty days after the completion of the publication of notice by the city clerk appeal from such reports to the circuit court of Wood county. Such appeal shall be entered and conducted in like manner, and like security for costs shall be required as provided by law in cases of appeal from the decisions of the common council of said city to said court on the return of assessment of benefits for street improvements. In the making and signing of all reports or returns under this chapter by said board of public works to the city clerk, or any other officer of said city, the official signatures of the president and secretary of said board shall be sufficient.

Reports of assessments to be filed with city clerk. Appeals from assessments of board.

SECTION 10. The said board of public works shall from time to time make and file a report with the city clerk of all the work done for which assessments shall have been made, as hereinbefore provided, and shall make such report of all assessments for work so recorded to have been done to the board of public works, shall if practicable make certified returns to the city clerk in time to have the same included in the tax levy for the current year, and the same shall be entered on the tax roll in a separate column under the head of water pipe assessments; and the same shall be collected and the payment therefor shall be enforced by sale, and other proceedings had thereon in like manner as is now provided by law in cases of assessments for streets and improvements, except that no certificate shall be issued, but all such assessments and proceeds thereof when collected shall belong to the water works' fund.

Collection of water pipe assessments.

SECTION 11. The preceding provisions relating to the construction of water mains in whole or in part of the expense of abutting owners shall not apply except in cases where the city owns the works.

Provisions not to apply except in cases where city owns water works.

## CHAPTER IX.

## FINANCE AND TAXATION.

Funds to be under control of council; how drawn out.

SECTION 1. All funds in the city 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, countersigned by the clerk, when duly authorized by a majority vote of the common council and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any fund in the treasury belonging to the city not otherwise appropriated. All orders shall be payable to the person in whose favor they may be drawn or to the bearer thereof. The city treasurer shall not pay out any other funds in his hands which shall be appropriated by law for any special purpose except for the purpose for which such funds are specially appropriated, any requirement of the city council notwithstanding; and any treasurer who shall violate this provision shall be punished therefor by fine of not less than one hundred dollars nor more than five hundred dollars and cost of prosecution, and any member of the common council who shall knowingly vote to misappropriate any of said funds, or to require the city treasurer to pay the same or any part thereof for any other purpose than that for which the said funds were especially appropriated shall be punished therefor by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution.

Annual tax levy.

SECTION 2. The common council shall annually levy upon the taxable property of said city a tax sufficient to defray the current and lawful expenses of said city, not however, exceeding one *per centum* of the taxable valuation of all the assessable property in said city, for the year that said tax is to be levied.

Debts not to be contracted unless authorized by council.

SECTION 3. No debt shall be contracted against the city or certificate of indebtedness drawn upon the city treasurer unless the same shall be authorized by a majority of all the members of the common council, and no money shall be appropriated for any purpose whatever except such as is ex-

pressly authorized by this act; provided that the common council shall not issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes levied under the provisions of this act for that year, and the amount received from license, penalties and fines; and the said taxes when so levied shall be collected at the same time as other city taxes are collected, or the amount may be borrowed and certificates of indebtedness issued therefor, drawing interest at not more than seven *per centum* and payable within one year.

SECTION 4. Special taxes may also be levied by the common council in any regular meeting for the purpose of paying the interest or principal of any outstanding bond now due or hereafter to become due, issued by the city of Marshfield, or which may be hereafter issued by said city by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collected at the same time other city taxes are collected.

Levy of special taxes to pay outstanding bonds.

SECTION 5. The assessor elected under this act shall within ten days after receiving notice of his election, take and file an official oath with the clerk of the city, and every such assessor shall be authorized to administer such oath as shall be required by the laws of this state, and of this chapter, and within such time as now or may hereafter be prescribed by the general laws of this state relating to assessments; said assessor shall make out a complete and accurate assessment roll which shall contain a description as near as may be of all the lands, lots or parcels of land within said city sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. Any omission to assess any real estate in the city to the owner or

Qualifying of assessor; his duties.

as unknown shall not affect the validity of the tax; provided, that such assessment roll may be so made as to conform to this act, and the same are hereby declared to be matters of convenience and not material to the validity of the taxes to be levied upon such assessment. The said assessor shall make a careful canvass of the city for the purpose of obtaining a correct assessment of all articles of personal property in said city, subject to taxation, and for the purpose of such canvass said assessor may appoint an assistant for each ward to assist him in such ward in making said canvass; but the term of service of any such assistant shall not be more than three days. Such assistant shall be entitled to receive from the city for his services two dollars per day, which services shall be certified to the council by said assessor, and that the same are necessary in order to make a just and correct assessment in said ward. Any neglect on the part of the assessor to make such canvass shall not invalidate his assessment, but if he willfully neglects or does not use reasonable diligence to make the same he shall forfeit the sum of fifty dollars, to be recovered in the name of the city the same as other penalties are recovered; provided, however, that in case where an action is brought to recover said penalty the same may be retained out of his compensation to await the result of the action, and in case judgment is recovered against him the amount so retained shall be applied in payment of said judgment so far as the same will go for that purpose.

The assessment  
roll

SECTION 6. The city assessor shall have and keep an office as prescribed by the common council, and shall have and keep therein such record of taxable and real property and of personal property, and persons and corporations liable to assessment, as shall be required by the common council. At the time designated by law or within such time as the common council shall prescribe, the city assessor shall proceed to examine and determine the valuations of taxable, real and personal property within said city, and shall enter the same upon an assessment roll in the manner provided by general law with such additions as may be prescribed by the common council; such assessment roll shall be made and completed by the city

assessor on or before the last Monday of July in each year; provided, however, the common council may extend the time for completing said roll for such a period of time as the assessor may call for, not exceeding thirty days.

SECTION 7. When the assessment roll shall be completed the assessor shall give one week's notice thereof in the official paper of the city, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment and after hearing the same the assessor shall make such alterations as justice or equity shall require; provided, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Notice of hearing objections to assessments.

SECTION 8. Within one week after the time limited for hearing such objections the assessor shall return said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; provided, however, that the board of equalization shall not have the power to increase the amount of said roll except by the value of such real and personal properties as may have been omitted by the assessor.

Return of roll to board of equalization.

SECTION 9. 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 so omitted for such year or years that it shall have been omitted the just value thereof for the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct in addition to the tax for the current year such tax to be levied upon such lot or tract as the same would have been chargeable with had it not been omitted, and such tax shall be collected as other taxes for the current year. Should the tax or assessment upon any parcel of land set aside or declared void by reason of any defect or informality in the assessing, levy-

Assessment of lots omitted in previous years. Relevying of tax set aside.

ing, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax so set aside or declared void to be levied in such manner as it shall by ordinance direct; provided, that if the defect was in the assessment the same shall be again assessed at such time as the common council shall direct, and the said tax so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes are collected under this act.

Board of equalization, how constituted.

SECTION 10. The supervisors of each ward, the assessor and city clerk shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of August of each year, at nine o'clock in the forenoon, and shall proceed in all respects so far as town boards are required by law to proceed, so far as the same is applicable, in reviewing, correcting and equalizing the assessment roll of said city.

Corrected assessment roll to be filed with city clerk.

SECTION 11. When the assessment roll shall have been revised and corrected the same 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, not exceeding, however, the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes in assessment roll to be recorded by city clerk.

SECTION 12. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes levied to be a lien on property.

SECTION 13. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the land and tenements upon which they may be levied from the time of the confirmation of such assessment roll, and upon all personal property of any persons or body politic assessed for personal taxes from the delivery of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal estate shall effect such lien, and any personal property belonging to the person taxed may be taken and sold for the payment of the taxes upon real or personal property.

Preparation of tax roll by city clerk.

SECTION 14. It shall be the duty of the city clerk immediately upon the reception 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 all the city and other local taxes, with four *per centum* upon the whole for the expense of collection, to be placed in a separate column prepared for that purpose in the tax roll, placing 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 fractions of a cent when less than one-half, otherwise reckoning the said fraction as a cent; provided, however, that the failure to carry out such treasurer's fee as herein prescribed shall not invalidate said roll as to the balance of the taxes therein levied.

SECTION 15. The city clerk shall immediately make out a duplicate copy of such tax roll and deliver the same to the city treasurer on or before the third Monday in December in each year. To such tax roll shall be appended a warrant signed by the mayor and clerk, substantially in the following form:

Duplicate copy of tax roll to be delivered to treasurer.

To ....., city treasurer of the city of Marshfield:

Form of warrant to be attached thereto.

You are hereby required to collect from each of the persons and corporations named in the annexed tax roll and from the owner or occupants named 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 sum or tax is imposed shall refuse or neglect to pay the same you are to levy and collect the same by distress and sale of the goods and chattels of the persons or corporations so taxed, and out of the money so to be collected after deducting your fees you are first to pay to the treasurer of said county on or before the last Monday of January next the sum of ..... dollars for state taxes. You are to retain and pay out as city treasurer according to law the sum of ..... dollars, and the balance of said money you are required to pay to said treasurer for county purposes on or before the day above specified, by which day you are further required to make returns to said treasurer

of this warrant with said roll annexed, together with your doings thereon as required by law.

Dated the ..... day of ....., 189..  
....., Mayor.  
....., Clerk.

Tax roll and warrant *prima facie* evidence that lands and persons therein named were subject to taxation.

SECTION 16. 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 to the special assessments therein entered, and that the assessment was just and equal.

When council may remit, annul or cancel tax.

SECTION 17. After the tax roll shall have been delivered to the treasurer it shall not be lawful for the common council to remit, annul or cancel any tax specified therein, except in the following cases:

1st. When a clerical error has been made in the description of a property or in the extension of a tax.

2nd. When improvements on lots were considered in making the assessment roll where the improvements did not exist at the time fixed by law for making the assessment.

3rd. When the property is exempt by law from taxation.

4th. When a person has been assessed the same year for the same property in more than one ward or place.

Special assessments, how carried out on tax roll.

SECTION 18. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien; and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax.

Treasurer to give notice that taxes are due and payable.

SECTION 19. On the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the tax roll has been committed to him for collection, and that he will receive payment for taxes at his office as prescribed by the general laws of this state for the collection of taxes.

Return of warrant by city treasurer to county treasurer.

SECTION 20. Within the time required by the statutes of this state in the case of town treasurers for the return to the county treasurer of the delinquent taxes on personal and real property, the said city treasurer shall return his warrant to the county treasurer together with his doings thereon, and the mayor and city clerk shall have

the same power to extend the payment of taxes as are given to town boards under the general laws of this state.

SECTION 21. The city treasurer shall be entitled to receive and collect as fees for the collection of taxes two *per centum* upon all sums collected prior to the tenth day of January in each year, and four *per centum* upon all sums collected by him thereafter, and in case of a distress and sale made by him of goods or chattels for the payment of any taxes he shall receive such fees as are allowed to constables for similar services. The city treasurer shall keep in a book to be provided for that purpose a true account and statement of all fees by him received as city treasurer from any source, and such book shall be kept open for inspection at all reasonable times, and such treasurer shall have on file and make return to the common council duly certified on oath of all fees or other moneys received and paid out by him as treasurer, and shall receive no further compensation for his services as treasurer than as is hereinbefore provided.

Treasurer's fees.

SECTION 22. The directions hereby given for the assessing of lands and personal property, and levying and collecting taxes, shall be deemed directory only, and no errors or informality in the proceedings of any of the officers entrusted with the same not effecting the substantial justice of the tax shall vitiate or in anywise effect the validity of such tax or assessment.

Directions herein construed as directory merely; informalities to be disregarded.

SECTION 23. All the general laws of this state which are now or may hereafter 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 and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, and for proceedings to set aside any assessment or levy of any tax, shall be applicable to the city of Marshfield, except as otherwise herein provided.

General tax laws to be in force in city except as herein otherwise provided.

#### HIGHWAY AND POLL TAX.

SECTION 24. The common council of the city of Marshfield may and are hereby authorized to

Council may levy highway tax.

raise by tax not to exceed ten mills upon the dollar upon the assessment valuation of all property in said city of Marshfield, not exempt from taxation by the laws of the state, as a general highway tax for said city, to be collected by the treasurer of said city of Marshfield, at the same time and in the same manner as the general taxes of the city are collected, which tax is to be levied at the same time that general tax for the current expenses of said city is levied, and the clerk of said city is to make and carry out said tax in the annual tax list of said city at the same time and in the same manner as the general taxes of said city are made and carried out in said tax list, to be worked out and expended by the street commissioner of said city under the direction of the common council.

#### POLL TAX.

Street commissioner to collect poll tax.

**SECTION 25.** It shall be the duty of every male inhabitant of the city, being over the age of twenty-one years, excepting persons over fifty years of age, idiots, lunatics, paupers, and such persons whose names shall appear upon the list filed with the city clerk by the secretary of the fire department to be members of the fire company in good standing, to pay each year when demanded by the street commissioner a poll tax of one dollar and fifty cents. Said tax may be paid to the street commissioner or be commuted for in labor as now provided by law; and in default of paying the same, either in money or labor, when demanded by the proper officer he shall forfeit and pay a penalty of five dollars. The commissioner shall be entitled to ten *per cent.* of the amount collected by him as poll tax to be retained out of the money so collected, and such other compensation as the common council may determine, and the city shall not be liable for any services ordered to be performed by said street commissioner unless provision is made for paying therefor at the time such services are ordered, except as otherwise herein provided. Whenever any person shall neglect or refuse to pay his poll tax the street commissioner may commence suit for the penalty incurred by the party refusing to pay the tax, in the name of the city, as

provided by the general laws of this state for the collection of poll tax in towns. In case said poll tax is not paid by the first day of July it shall be a sufficient demand to lay foundation for prosecution for the penalty above provided for, if notice is posted up for ten days in three public places in the city of Marshfield, substantially in the following form:

“To the following named persons:

Form of notice.

.....  
You are hereby notified that you are liable to pay a poll tax of one and fifty-hundredths dollars to me as street commissioner of the city of Marshfield. If you neglect to pay the same within ten days from the date hereof you will be liable to a penalty of five dollars. Payment may be made at the office of the city clerk.

Dated this .... day of ....., 189..

.....  
Street Commissioner.”

All poll taxes collected by the street commissioner in said city shall be expended upon the streets in said city; provided, that any person liable to pay such poll tax may in lieu of such payment perform or cause to be performed one day's labor in said streets.

SECTION 26. The city clerk shall prepare a list in a book to be provided for that purpose of all persons in said city on the first day of May, so far as the same can by reasonable diligence be ascertained by him, who are liable to pay such poll tax. The names shall be arranged in alphabetical order. He shall attach thereto a warrant, substantially in the following form:

List of persons  
liable to pay  
poll tax.

City of Marshfield,

To ..... street commissioner of said city:

Form of  
warrant.

You are required to collect from each of the persons whose names appear herein one and 50-100 dollars as a poll tax, and render an account of same as provided by law.

Dated, the ..... day of ....., 189..

.....  
City Clerk.

Said book shall then be delivered to the street commissioner and he shall be charged therefor the amount of the poll taxes specified on said roll. The commissioner may add any names omitted by the city clerk. The said commissioner shall

mark on said book all taxes paid, and he shall return said poll tax book with the report of his doings thereon on a day before the first day of November thereafter, and such report shall be examined by the city clerk and then placed before the council for its action, the same as in the case of other reports, examined by the clerk and provided in the charter. All taxes not collected by the street commissioner and returned delinquent may thereafter be collected by the city marshal, and a proper book containing the names of the delinquents shall be prepared and delivered to him by the city clerk, with a warrant attached thereto substantially the same as herein provided for the street commissioner. He shall take report of the same to the common council by the first day of April thereafter, and such report shall be acted upon the same as the report of the street commissioner, and the said marshal receive the same fees for the money so collected by him as are paid the street commissioner for such service.

## CHAPTER X.

### SCHOOLS.

Schools to be under supervision of school district boards.

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

## CHAPTER XI.

### BOARD OF PUBLIC WORKS.

Board of public works, how appointed.

SECTION 1. There may be a department known as the board of public works, to consist of five aldermen to be appointed by the mayor at the first meeting of the council, or as soon thereafter as may be.

**SECTION 2.** The members of the board of public works shall, on the first Tuesday in May, choose a president of the board from their number, and the city clerk shall be the secretary of the board by virtue of his office.

Board to choose a president; city clerk to be secretary.

**SECTION 3.** The members of said board shall receive no compensation for their services, except such amount as the council may see fit to allow them, not exceeding, however, the sum of two dollars per day for their services as members of said board.

Compensation of members.

**SECTION 4.** The common council may make such rules from time to time as it may deem proper, not contravening any of the provisions of this act, for the government of the board of public works, and the manner in which the business of said board shall be conducted.

Council may make rules for government of board.

**SECTION 5.** A majority of the board shall constitute a quorum for doing business; they shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of said city.

Quorum; records, etc.

**SECTION 6.** It shall be the duty of the board under the direction of the common council to superintend all public works, and to keep the streets, alleys, sewers and public works and places in repair.

To have superintendence of public works.

**SECTION 7.** No building shall be moved through the streets or obstructions be placed therein without a written permit therefor granted by the board of public works; said board shall have power to determine the time and manner of using the streets for laying or changing water pipes or placing and maintaining electric lights, telegraph and telephone poles; provided, however, that the decision of said board in this regard may be appealed to the council.

Building not to be moved through streets without permit.

**SECTION 8.** In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up within the time and manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual.

Street, alley or sidewalk, excavated, altered or taken up to be restored to former condition.

**SECTION 9.** All public works, the estimated cost of which shall exceed one hundred dollars, shall be let by contract to the lowest responsible bidder, and all other public work shall be let as the com-

Public works costing to exceed one hundred dollars to be let to lowest bidder; advertisement for proposals; contractor's bond.

mon council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works shall advertise for proposals by publishing a notice in the official paper in the city at least once in each week for at least three successive weeks. Before such proposals are advertised for a profile of the work to be done, together with the specifications, shall be placed on file with the city clerk for inspection of bidders, and a form of contract with sureties as the same will be required to be executed by bidders shall be prepared, and a copy of the same furnished to any person desiring to bid on the work. No bid shall be received when not accompanied by a contract with sureties executed on the part of the bidder, which sureties shall justify as to their responsibility, and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property situated in the state of Wisconsin, not by law exempt from execution.

Board to report bids to common council.

SECTION 10. Whenever any bidder shall be in the judgment of said board, incompetent, or otherwise unreliable for the performance of the work on which he bids, the board shall report to the common council a schedule of all the bids for such work, together with the recommendation to accept the bid of the lowest responsible bidder for such work, with their reasons for such recommendation, and thereupon it shall be lawful for the said council to direct the said board, either to let the work to such competent or reliable bidder, or to re-advertise the same, and the failure to let such contract to the lowest bidder, in compliance with this provision, shall not invalidate such contract or any special assessment made to pay the liability incurred under such contract.

Barriers and lights to be maintained by contractor.

SECTION 11. All contractors doing any work which shall, in any manner, obstruct the street or sidewalk, shall put up and maintain barriers and lights, to prevent accident, and shall be liable for all damages caused by failure so to do. All contracts shall contain a provision, covering this liability, and shall also contain a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from any care-

lessness of such contractor, in the prosecution of such work.

SECTION 12. All contracts shall be signed by the mayor and clerk unless otherwise provided by resolution or ordinance; provided, however, that no contract shall be executed on part of the city until the city clerk shall have countersigned the same and made an endorsement thereon showing that sufficient funds are in the city treasury, or that provision has been made to pay the liability that may accrue under such contract.

Contracts, how executed.

SECTION 13. All contracts shall contain a provision authorizing the board of public works in case of work under such contract not being completed within the time therein required to take charge of the work and finish it at the expense of the contractor and his sureties.

If work not completed within the specified time board of public works may complete same.

## CHAPTER XII.

### SIDEWALKS.

SECTION 1. Sidewalks shall be constructed or prepared upon the proper established grade of any street in said city, of such width, in such manner, and of such material, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which sidewalk shall be ordered. When the common council shall so determine to build such sidewalk they shall cause a notice to be served upon the owner or occupant of land in front of which the sidewalk is to be constructed; or if there is no such occupant, notice may be posted on the unoccupied lot, which said notice shall be so served or posted at least ten days before the expiration of the time limited for the owners or occupants of lots to construct said sidewalk. Said notice shall be substantially in the following form:

Council to prescribe material, manner and time of construction of sidewalks.

City of Marshfield: To the owners or occupants of the following described premises:

Form of notice.

You are hereby notified and required to build a sidewalk in front of your premises on ..... street, which walk must be ..... feet in width, of ..... material, on the established grade.

If you do not complete said walk by the ..... day of ....., 189.., the same will be constructed by the city, and the costs thereof charged to said lot and collected as other taxes are collected, chargeable to you or the said lot or parcel of land.

Dated this ..... day of ....., 189..

....., City Clerk.

Proceedings  
when owner  
neglects or  
refuses to  
build  
sidewalk.

If said sidewalk is not constructed pursuant to said notice the same may be constructed by the city, either by contract to the lowest bidder, or in some other manner as the council may by resolution determine. When said sidewalk is completed, if constructed and paid for by the city, the board of public works shall file with the city clerk a certificate showing the amount chargeable to any parcel of land on account of the construction of said sidewalk by the city; such amount if not sooner paid shall, together with ten *per cent.* interest thereon, from the date of such certificate, be placed in the next tax roll for collection as a special tax; the certificate of the board of public works so far as aforesaid, shall be conclusive evidence of all proceedings up to and inclusive of the making of such certificate and conclusive evidence that the parcels of land therein specified are legally chargeable with the amount specified therein. Such special tax shall be collected the same as special grading taxes heretofore provided for; and all provisions of this chapter, so far as applicable thereto relating to the collection of charges for grading, shall apply in case of the said sidewalk tax. If said sidewalk tax is not paid, and the parcel of land bid off by the county at the tax sale the certificate issued therefor shall be the property of the city; and the city may dispose of the same or take a tax deed in case the land is not redeemed according to law and dispose of said lands in such a manner as the common council may determine. The city shall have power to require the repair or re-construction of any sidewalk, and the same proceedings shall be had as in case of the original construction of sidewalks, and such repairs, and the collection of the costs of such repairs and re-construction of such walks. All sidewalks constructed or repaired under this section shall be so constructed or repaired under

the supervision of the street commissioner; provided further, that in case the expense of repairing any sidewalk does not exceed the sum of five dollars the same may be forthwith repaired by the street commissioner, and by him certified to the city clerk; and if not sooner paid the same shall be inserted in the tax roll as a tax against the property; and all proceedings with reference to the same shall be as provided in case of charge for sidewalks, certified by the board of public works aforesaid.

SECTION 2. It shall be the duty of the owner or occupants of lots or parcels of land to keep all sidewalks around the same free from snow, ice, rubbish, boxes, barrels, or any obstructions which will obstruct in whole or in part said walks or impede persons in the use of said walks for walking thereon. Any person who shall fail to comply with the provisions of this section shall forfeit the sum of not less than one dollar nor more than five dollars for each offense, and the further sum of one dollar for each and every day said violation is continued. In construing the provisions of this section where the premises are occupied, the occupants or persons in charge shall be deemed the proper persons whose duty it shall be to comply with the provisions of this section.

Snow, ice, etc.,  
to be removed  
from  
sidewalks.

## CHAPTER XIII.

### EMINENT DOMAIN.

SECTION 1. The city of Marshfield shall have the power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for school buildings, and other public buildings, lands for the purpose of drainage and other public municipal purposes not herein enumerated by the following proceedings:

City may condemn lands  
for streets,  
alleys, public  
grounds,  
parks, etc.

SECTION 2. As to streets it shall be competent for any ten resident freeholders in any ward to petition the common council for the opening, widening, extension or change of any streets in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition.

Opening,  
widening and  
extension  
of streets.

Such petition shall be addressed to the common council, and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be so taken. For the purposes of such petition a person in possession of land under contract of purchase and sale or a bond for a deed shall be deemed a freeholder.

Action of council on petition.

SECTION 3. When such petition shall be presented to the common council it shall prior to the adoption of any resolution thereon be referred to the board of public works, and said board shall make a report to the common council stating whether or not such petition is sufficiently signed, and if so giving a particular description of each lot, parcel or subdivision of the land proposed to be taken, and a plat of the proposed streets, widening, extension or change. Upon the coming in of such report the common council may, if the petition be reported sufficiently signed, by vote of a majority of its members, adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them for the purpose named in the petition, and direct the city attorney to commence and prosecute the proper proceedings for the condemnation and acquisition of said lands.

Opening, widening or extension of alleys; petition for same.

SECTION 4. As to alleys, a petition for the opening, widening, extension or change of an alley may be made to the common council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bonds for a deed shall for the purpose of such petition be deemed to be owned by the person so holding it, and infants and others under guardianship may petition by their guardian. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the common council, stating whether or not the petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or other subdivision of land proposed to be taken, and a plat of the proposed alley, as the same shall be when laid out, widened

extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the common council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterward appear, either in the case of a street or an alley, that such petition was not sufficiently signed that fact shall not in the absence of fraud, vitiate the petition on the subsequent proceedings thereon.

Action of council thereon.

SECTION 5. The common council may without a petition, by a vote of four-fifths of its members, adopt a resolution declaring it to be necessary to condemn to the public use any land for the opening, widening, extension or changing of any street or alley, and directing the city attorney to commence and prosecute the proper proceedings therefor, and in the case of the opening or extension of public grounds, or acquiring lands as a site for a school building or other public building, or lands for purposes of drainage or water distribution or the taking of lands for any public municipal purpose not herein enumerated, the common council may without a petition therefor, and by a vote of a majority of its members adopt a resolution declaring it to be necessary to condemn lands for such purposes, describing it in general terms, but not particularly describing the lands proposed to be taken, and directing the city attorney to commence and prosecute the proper proceedings therefor. Before any resolution provided for in this section shall be adopted it shall be referred to the board of public works, who shall thereupon make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, public ground, building site, drain or water pipe, or land to be used for other public municipal purposes, and report the same to the common council.

Council may condemn land without petition therefor, when.

SECTION 6. Whenever by any resolution adopted under any of the preceding sections of this chapter it shall be declared necessary to condemn any lands, and the city attorney directed to commence and prosecute the proper proceedings

Petition to circuit court for condemnation of land.

therefor, it shall be the duty of the city attorney to prepare and present as soon as may be a petition to the circuit court of Wood county for the condemnation of the land mentioned in the resolution, for the purpose therein mentioned, and to prepare and file with said petition a sworn list of the names and residences, so far as they are known to him, or can be ascertained by him, of persons owning or being interested in the lands proposed to be taken therein; and said petition shall have annexed thereto copies of the original petition, if any, and the resolution of the common council, and the report of the board of public works as to the proposed condemnation. The city attorney shall thereupon prepare a notice substantially in the following form:

Form of notice.

State of Wisconsin, In the matter of (here insert the object of the proceedings) in the city of Marshfield.	}	In the Circuit Court of the County of Wood.
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To whom it may concern:

Notice is hereby given that a petition for the condemnation of real estate has been presented to the said court in the above entitled matter, by the city of Marshfield, by its city attorney. All persons interested in said matter may answer said petition at any time within twenty days after the service of this notice exclusive of the day of service.

Dated .....  
 ..... City Attorney.

Service of notice; appointment of jury and proceedings.

Such notice shall be served upon the owners of lands which are proposed to be condemned, and all persons interested therein in all respects like a summons in a civil action, except that in cases of service by publication and mailing, or by publication alone, the publication shall be made in the official paper of the city, and except that service within the state may be made by the city marshal or any police officer under him instead of the sheriff of Wood county, and the return or returns of such city marshal by himself or by his subordinates upon such notice or copies thereof shall have the same force and effect as the return of a sheriff of said county by himself or by his deputy. The filing of said petition shall be deemed a commencement of a suit. With-

in twenty days after service of such notice upon any party owning or being interested in any real estate proposed to be condemned, such party may serve an answer to such petition upon the city attorney and file the same as in case of answers in civil actions. No notice of retainer or appearance without an answer shall be of any avail. When the time for answering shall have fully expired the city attorney may call up said matter for hearing upon a notice of three days, excluding the day of service, and excluding Sunday and legal holidays, and without notice to parties who have not answered, and such proceedings shall have precedence over all other matters not on trial; and the circuit court shall thereupon impanel a jury as in civil cases triable by jury to determine whether or not it is necessary to take the land proposed to be condemned for public use. Such jury shall view the premises in question in the same manner as in civil actions, when a view of premises is ordered by the court at the expense of the city, and shall return into court, and such cases, and if no answer shall have been served the city attorney shall produce such evidence as he deems material as to the necessity for such condemnation, and if an answer or answers shall have been served, the issue upon the petition, and such answer or answers shall be tried by the court and jury the same as other issues of facts, and in either case the court shall thereupon instruct the jury as in other cases triable by jury. The jury shall thereupon retire to consider their verdict as in other cases of jury trials. The verdict shall be either: "We, the jury, find that it is necessary to condemn the real estate sought to be condemned in this proceeding for the public use," or: "We, the jury, find that it is not necessary to condemn the real estate sought to be condemned in this proceeding for the public use." Upon the coming in of the verdict judgment shall be entered condemning the land sought to be condemned to the public use for the purpose set forth in the petition, or dismissing the petition as the verdict shall require. If the jury shall disagree a new jury shall immediately be impaneled, and like proceedings shall thereupon be had as before. If two juries shall disagree the matter shall be continued to the next term of the court,

when it may again be called up and like proceedings had thereon. If the three juries shall disagree the proceedings shall be dismissed. No appeal from its judgment of condemnation shall be allowed, but the supreme court may view such judgment upon a writ of *certiorari* sued out within thirty days after the entry of judgment, and not thereafter.

Costs of proceedings, how paid; party answering if successful entitled to attorney's fees.

SECTION 7. The costs of the foregoing proceedings shall be paid by the city, and if the jury shall find that it is not necessary to condemn the lands in question to the public use, or if the proceedings shall be abandoned, any party who shall have put in an answer shall recover from the city his disbursements necessarily made or incurred, and taxable attorney fees not to exceed twenty-five dollars.

Proceedings deemed abandoned unless within one year city causes damages to be assessed.

SECTION 8. If the city shall not within one year after the entry of the judgment of condemnation cause the benefits and damages by reason of such condemnation to be assessed as provided in this chapter, and shall not have in the proper fund available for that purpose a sum sufficient to pay the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned. At the expiration of one year after the entry of such judgment the clerk shall upon demand furnish to the mayor or to any person who shall require it, a certificate showing whether or not at the end of such year in any fund of the city available for that purpose a fund sufficient to pay such excess of damages over benefits and such certificate shall be *prima facie* evidence of the facts therein certified. If it shall appear that there is in any fund of said city a sufficient sum available for that purpose at the expiration of such year or at any time prior thereto, and after such assessments of benefits and damages shall have been made and confirmed, the city may take possession of the lands condemned, and an order on the city treasurer shall be issued as in other cases in favor of the person in whose favor any excess of damages over benefits shall have been assessed upon the certificate of the city attorney that such is entitled to receive the same. If the attorney shall refuse to give any such certificate the party or parties claiming the same may apply

to the circuit court at the foot of the judgment of condemnation for a decision awarding such amount to him or them, and upon such application and eight days' notice thereof to the city attorney the court shall proceed in a summary manner to enquire as to the rights of the parties in the premises, and may make up an issue upon such application and submit the same to a jury in the proper case, and shall make and file a decision in writing as to who is entitled to draw the amount in controversy, and in filing a certified copy of such decision with the city clerk an order shall be issued in accordance with such decision. If any two or more parties shall claim the same sums or if the city attorney shall be in doubt as to whom such sum should be paid he may in like manner apply to the court at the foot of the judgment of condemnation for a decision as to the rights of the parties in respect for said sum, and upon such application and eight days' notice thereof to the parties interested, the court shall proceed in like manner to ascertain and decide who is entitled to said sum or any part thereof, and the city treasurer shall in like manner pay the same out upon and according to such decision. An appeal from any such decision may be taken to the supreme court by any party interested therein including the city, within thirty days after the filing of the same; and such sum shall not be paid while such appeal is pending nor until the matter shall be finally determined, such appeal shall be taken upon like notice and undertaking as an appeal from an order in a civil action, and like proceedings shall be had thereon in the supreme court and the circuit court.

SECTION 9. If any person, not the owner of the land condemned, shall have a lien thereon, or a leasehold, or other interest therein, such person shall receive a portion of the excess of damages over the benefits awarded by reason of such condemnation in proportion to the lien or interest he may have had in the land condemned, to be ascertained upon the principles of equity, and if the parties cannot agree, the matter may be decided by the court at the foot of the judgment of condemnation upon the application of a party, or the city attorney, as provided in section eight. The

Person having  
lien or other  
interest in land  
shall receive  
just portion of  
award.

term, "excess of damages over benefits," shall, when used in this act, be construed to include any sum which shall be assessed as damages, and not offset by an assessment of benefits, as well as the balance in favor of a party in whose favor damages have been assessed and against whom benefits have been assessed.

Title to lands condemned for school sites or other buildings to be in city. In other cases city takes only easement.

SECTION 10. When any land shall be condemned under this chapter for public ground or sites for schools or other buildings, the city shall take a fee-simple title to the lands so condemned. In all other cases the fee shall remain in the owner, his heirs and assigns, and the city shall take by the condemnation only, such an interest in the land as shall be necessary and convenient for the uses and purposes for which it is condemned.

Proceedings no bar to subsequent proceedings.

SECTION 11. Condemnation proceedings under this chapter shall in no case be a bar to subsequent proceedings for the condemnation for the same premises or any part thereof for the same or a different purpose, and the same land may be condemned more than once for different purposes, each consistent with the other.

Where street or alley changed so much old street or alley not included in new deemed vacated.

SECTION 12. When a street or alley shall be changed by proceedings under this chapter so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceedings, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

Council shall direct board of public works to assess damages and benefits; action of council thereon.

SECTION 13. It shall be the duty of the common council within three months after any judgment of condemnation shall have been entered to adopt a resolution directing the board of public works to make an assessment of damages by reason of such condemnation, and in the case of condemnation for opening, widening, extending or changing streets or alleys and for opening public grounds, parks and cemeteries the common council may also direct the board of public works to make an assessment of benefits; such resolution shall be certified by the city clerk to the board of public works immediately after its adoption and approval. When such assessment shall have been made and reported to the common council that body may, by resolution, confirm

the same or refer the matter back to the board of public works for a new assessment, or may by resolution abandon the condemnation proceedings. If the common council shall for more than three months after the entry of a judgment of condemnation neglect to order an assessment of damages, or benefits and damages as the case may be, the condemnation proceedings shall be deemed to have been abandoned, and if the common council shall not within one year after the entry of judgment of a condemnation confirm an assessment of damages or of benefits and damages and make provision for paying the excess of damages over benefits, the condemnation proceedings shall be deemed to have been abandoned.

SECTION 14. When the city clerk shall have certified to the board of public works the resolution of the common council requiring an assessment of damages, or benefits and damages to be made under this chapter the said board shall immediately proceed to assess the damages by reason of the condemnation mentioned in such resolution as follows: Opposite each description of the land condemned the board shall set down in a separate column the damages sustained by the owner by reason of the taking of the land. The damages, if any to the adjoining property of the same owner; and the total damages; and in cases wherein benefits may be assessed, benefits which will in their judgment accrue to the lands in the vicinity of the condemned lands by reason of the condemnation in question, the excess of damages over benefits and the excess of benefits over damages; each such sum being set opposite the proper description. No benefits shall be assessed against any lots, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five *per cent.* of the assessed value thereof according to the last assessment roll shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceedings; and no benefit exceeding three *per cent.* of the assessed value thereof according to said assessment roll shall be assessed against any lot, parcel or subdivision, the whole of which is more than five hundred feet distant from the nearest

Proceedings of board in assessing damages and benefits.

land condemned by reason of any one condemnation. In assessing such damage or damages and benefits the board of public works shall proceed as in case of benefits and damages on account of public improvements, giving like notices and like opportunities for correction and reporting the assessment to the common council in like manner.

Benefits to be assessed on lots and entered on tax roll by city clerk.

SECTION 15. When such assessment shall be confirmed by the common council the city clerk shall transmit the same to the common council, who shall thereupon report to the clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax, and shall be collected the same as other taxes.

Costs of condemnation, how paid.

SECTION 16. The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation for streets and alleys, and public grounds less than five acres in extent, which shall be paid out of the ward fund or funds of the proper ward or wards, and the cost of condemnation for other purposes as to which there are special funds, such as the water fund, or sewerage fund, if any, shall be paid out of such funds; and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

City may condemn land under provisions of R. S. 1878.

SECTION 17. The city of Marshfield may at its option condemn land for any of the purposes mentioned in the first section of this chapter, either under the provisions of section 927 and sections 895 to 904, inclusive of the revised statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter.

Appeals from assessments of damages or benefits or both.

SECTION 18. Any party aggrieved by any assessment of benefits or damages or both may appeal to the circuit court therefrom within the time, in the manner and upon the security prescribed in appeals from assessments of benefits and damages on account of public improvements and like proceedings shall be had thereon. Such appeal shall not affect any special tax levied on account of an excess of benefits over damages, but the

amount recovered by the appellant properly applicable in reduction of such assessment and the cost, if any, shall be paid out of the proper fund; also the amount recovered by way of increasing any damages assessed, or for damages when none have been assessed, with the costs if any.

## CHAPTER XIV.

### MISCELLANEOUS.

**SECTION 1.** All work and contracts exceeding fifty dollars in value, for the city or wards including all printing and publishing shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Contracts; when to be let to lowest bidder.

**SECTION 2.** No moneys shall be paid out or appropriated for any purpose whatever except such as are expressly authorized by this act, and by a majority vote of all the members of the council.

Money to be paid out only as expressly authorized.

**SECTION 3.** No person shall be incompetent to act as judge, justice of the peace, witness or juror by reason of his being an inhabitant of the city in any action or proceedings in which the city shall be the party in interest.

Inhabitaney of city not to disqualify judge, justice or juror.

**SECTION 4.** The general laws of the state for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, and punishment of offenders, the collection of penalties, and the manner of conducting elections, shall be enforced in the city of Marshfield, except as otherwise herein provided.

General laws for government of cities etc.; assessment and collection of taxes, etc.; to be in force in city.

**SECTION 5.** The general laws of the state of Wisconsin for the punishment of bribery, misdemeanors and corruption in office, shall be enforced and shall apply to all officers elected or appointed in said city under the provisions of this act.

General laws relative to bribery, etc.; to be in force in city.

**SECTION 6.** No real or personal property of any inhabitants of the city, or of any corporation thereof shall be levied on to be sold by virtue of an attachment or execution issued to satisfy any contract, debt or obligation of said city, or for any judgment against said city, nor shall any

Property of inhabitants not to be levied upon for debt of city.

person or corporation be held liable as garnishee of said city.

Forms.

SECTION 7. The use of any forms prescribed by the revised statutes of the state and acts amendatory thereof as far as the same are applicable shall be legal and of the same force and effect as the use of the forms prescribed in this act.

Claim against city once disallowed not to be again considered or allowed.

SECTION 8. In case any person shall present a claim or demand against said city, and the common council of said city shall disallow such claim in whole or in part, the common council shall not again consider or allow such claim.

City marshal.

SECTION 9. The city marshal shall be known as such, or as chief of police in the discretion of the common council, and he shall have command of any police in said city under the direction of the mayor.

Opinions of city attorney.

SECTION 10. The opinions of the city attorney shall be filed with the clerk and recorded in a book to be kept for that purpose.

Ordinance book; what to contain.

SECTION 11. The city clerk shall keep a book to be known as an ordinance book, in which he shall enter at length, in a plain and distinct hand writing, every ordinance adopted by the common council immediately after its passage, and shall append thereto a note giving the date of its passage, and the page of the journal containing the record of the final vote upon its passage, and also the name of the paper in which said ordinance was published, and the date of said publication, together with the proof of publication. The ordinance may be proved by the certificate of the clerk, under seal of the city, and when printed or published in pamphlet form, and purporting to be published by the authority of the city, shall be read and received in all courts and places as evidence of its adoption.

Ordinances now in force shall continue to be in force.

SECTION 12. The ordinances now in force in the city of Marshfield at the time of the passage of this act, shall continue to be in force, and be the ordinances of said city so far as the same are not inconsistent with the provisions of this act, until amended, altered or repealed.

Revised statutes to control when officers' duties not herein prescribed.

SECTION 13. In case of the failure to prescribe the duties of any officer elected or appointed under the provisions of this act, the provisions of the revised statutes and acts amendatory thereof, so far

as the same are applicable, shall be deemed and taken to be the guide in determining the duties of such officer.

SECTION 14. When any heinous offense or crime has been committed against life or property within the city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

Rewards for apprehension of criminals.

SECTION 15. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by two-thirds vote of the aldermen-elect, except in case of fines imposed for the violation of any city ordinance when the mayor in his discretion may remit the same.

Judgment in favor of city not to be remitted; exceptions.

SECTION 16. The common council may at any time cause a new and accurate survey to be made of the lites and boundaries of all streets, alleys, sidewalks, public grounds and blocks, and may cause to be established such permanent landmarks as it may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds in the county of Wood.

Surveys of boundaries of streets, alleys, sidewalks, etc.

SECTION 17. The survey of land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Survey to be prima facie evidence of lines and boundaries.

SECTION 18. The common council may at such times as it may deem proper, establish the grade of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Wood county, and should the grades so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot, or parcel of land, or tenement which may be affected or injured in consequence of the alteration of such grades.

Establishment of grades of streets, alleys and sidewalks.

SECTION 19. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

Real estate not exempt from special taxation.

Manner of  
plattling city  
lots.

**SECTION 20.** Every individual or company of individuals or body corporate owning a lot or tract of land within the corporate limits of the city of Marshfield who may desire to subdivide or plat the same into city lots shall in platting the same cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys of the lots and blocks in said city adjacent to said lot or tract so platted, and before making such plat as required by law it shall be the duty of such person or persons or corporations making such plat to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council the said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which duly certified by said clerk shall be affixed to, or entered on such plat, it shall not be lawful for the register of deeds of the county of wood, or any other county, to receive such plat for record or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum of not less than one hundred nor more than five hundred dollars, and the register of deeds who shall record such plat without a copy of the resolution approving the same being entered on or affixed thereto shall forfeit a sum not less than fifty nor more than five hundred dollars.

Form of deeds  
or leases.

**SECTION 21.** When the city of Marshfield deeds or leases any real estate or any interest therein owned by the said city the party of the first part shall be the city of Marshfield, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor may  
execute deeds  
or leases.

**SECTION 22.** The mayor of said city is hereby authorized when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, countersigned by the city clerk and sealed with the corporate seal of

said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

SECTION 23. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copies so attached and records thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Ordinance authorizing same to be attached to deed or lease.

SECTION 24. If any election by the people for the common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinance or by laws or regulations of said city to be done by any officer at any specified time, and the same are not done or performed, the common council may appoint another time at which said act may be done and performed.

Election not held at time herein prescribed may be held at another time.

SECTION 25. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same unless such purposes be expressly set forth in such laws as an amendment of this chapter.

General law conflicting herewith not to repeal same unless so expressly stated.

SECTION 26. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose that may be deemed proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen-elect.

Council may appropriate a sum not exceeding five hundred dollars to any public purpose.

SECTION 27. The common council of said city may grant to any persons, company or corporation, the full right and privilege and empower and authorize such persons, company or corporation, to build for themselves and own water works in the city of Marshfield, to maintain, operate and regulate the same, and, the said city may by contract, rent fire hydrants of such persons, company or corporation for such period and upon such terms, conditions and limitations as its common council

Council may grant water-works franchise to any person, company or corporation; question of purchase of same to be submitted to vote of people.

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.

Public act and  
liberally con-  
strued.

SECTION 28. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealing  
clause.

SECTION 29. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1891.

No. 559, A.]

[Published April 8, 1891.]

## CHAPTER 162.

AN ACT to amend chapter 384, laws of 1889, amendatory to the city charter of Marinette.

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

Amends  
chapter 183,  
laws of 1889.

SECTION 1. Section 4, of chapter 3, of chapter 183, of the laws of Wisconsin for the year 1889, entitled, "An act to amend chapter 119, of the laws of Wisconsin for the year 1887," entitled, "An act to incorporate the city of Marinette," be and the same is hereby amended to read as follows: Section 4. The mayor, at the first or second meeting of the common council after the charter election in each year and as often there-

Mayor to ap-  
point certain  
officers.