

No. 406, A.]

[Published May 1, 1897.]

## CHAPTER 370.

AN ACT regulating the granting of franchises  
in villages and cities.

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

Relating to  
the granting  
of franchises.

SECTION 1. No grant shall be made by any village or city, which shall be governed by the provisions of this act, to any person, persons or corporations, of a right or franchise to establish, maintain or operate a street railway system, gas or electric plant, water works or telephone system, or any other franchise for carrying on business within such village or city where the use of the streets or alleys of such village or city is granted in the franchise, except as herein provided.

Procedure for  
granting  
franchises.

SECTION 2. Prior to the granting of any such franchise the village board, or city council, shall cause to be prepared full specifications, containing the rules and regulations for the maintenance and operation of the plant, and for the conduct of the business for which such franchise is to be granted. Said specifications shall contain a maximum rate which may be charged to patrons or consumers under said franchise, and shall provide for annual statements sworn to by the manager and the treasurer of the company operating under said franchise, of the gross receipts for such business carried on under such franchise, to be made to the board of trustees or common council of such village or city, except that statements of gross receipts need not be made when the franchise is granted as provided for in section 4 of this act; and provided further that the terms of all franchises granted hereunder, shall be unalterable by the common

council or village board, without the consent of the grantees thereunder.

SECTION 3. The village board, or common council, shall advertise for bids for such franchise for at least three weeks in at least three papers of general circulation, printed in the English language, one paper to be the official paper, if any, of such village or city, one paper to be published in the largest city in the state, and one to be a trade paper devoted to the business to be carried on under such franchise. Such advertisement shall refer to the specifications, and shall request proposals to be submitted, stating what percentage of the gross receipts from the business carried on under the franchise the bidder will pay annually into the treasury of such village or city in consideration of the receiving of such franchise. All bids must be made in conformity with such advertisement or specifications. The village board, and common council, may reject any and all bids, but no bid shall be accepted unless it is the highest, and no franchise shall be granted except to the person or corporation offering to pay into the treasury of the village or city the highest percentage on the gross receipts from the business carried on under such franchise; provided, the bond of such person or corporation is satisfactory.

Shall advertise for bids.

SECTION 4. In case the franchise to be granted is an extension of a plant already in operation, under a franchise already granted, then the bids may be made in stated sums of money to be paid annually into the treasury of the village or city granting such franchise, in lieu of the percentage of the gross receipts.

Bids for extension of plant.

SECTION 5. Such specifications shall also provide that a certified check of an amount specified, shall accompany each bid as a guarantee of the acceptance of the franchise, if granted, and the giving of the bond provided for, and shall provide for the giving of a bond, satisfactory to such village board or city council

What the specifications shall provide for.

in a specified sum by the bidder in case such bid is accepted, conditioned upon the construction, equipment and operation of the plant within a specified time after the acceptance of such bid; provided, however, that actual work of construction, under any franchise granted hereunder, shall commence and continue in good faith within one year after granting the same. And in default thereof all rights granted under such franchise shall be void and of no effect.

Acceptance to be by resolution.

SECTION 6. The acceptance of such bid and granting of such franchise shall be by resolution or ordinance of the village board or common council.

Specifications to become as part of the terms after acceptance.

SECTION 7. Upon the passage of such resolution or ordinance, all the terms, conditions, rules and regulations contained in said specifications, shall be and become a part of the terms and conditions of the franchise thereby granted, and any willful failure to comply with such specifications shall, at the option of the village board, or common council, be held to wholly invalidate such franchise, and annul and work a forfeiture of all rights granted thereunder.

Cities to which this act shall apply.

SECTION 8. This act shall apply to and be in force in all cities and villages which shall so determine, in the manner following: If a petition signed by ten per cent. of the duly qualified electors of any city or village, according to the next previous poll list thereof, be filed with the clerk of such city or village twenty days before any municipal or general election therein, praying that the question of selling franchises under the provisions of this act be submitted to a vote of the people, such clerk shall print in the official ballot to be used at such election the question: "Shall this city or village adopt the provisions of chapter —, of the laws of 1897, regulating the selling of franchises:" the answer of the electors to be "yes or no" written in the space provided therefor in the ballot. If a majority of the electors voting on such question, vote "yes," then all franchises thereafter granted by

such city or village shall be sold as provided in this act. The operation of this act may be revoked by a vote of the people taken in the same manner as above provided.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1897.

No. 628, A.]

[Published May 6, 1897.

## CHAPTER 371.

AN ACT to authorize a sewer commission to investigate and recommend a proper system of sewerage for the Menominee and Kinnickinnic valleys, in the county of Milwaukee; and to report thereon at the next session of the legislature.

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

SECTION 1. The governor is hereby authorized and directed to appoint a commission, to be known as the sewerage commission, to consist of three members, one of whom is to be an expert sanitary engineer, to investigate, consider and report at the next session of the legislature upon a general system of sewerage for the relief of the valleys of the Menominee and Kinnickinnic rivers, and so much of the territory as is tributary thereto, as in the opinion of the said commission may be deemed advisable for the public health of the city of Milwaukee, and town or towns, village or villages, adjacent thereto and within the proposed territory, or so much of

Governor shall appoint a commissioner to investigate and report.