

No. 296, S.]

[Published May 27, 1915.]

CHAPTER 126.

AN ACT to create sections 959—35b, 959—35c, 959—35d, 959—35e, 959—35f and 959—35g of the statutes, authorizing cities of the first class to finance street improvement projects by means of street improvement funding bonds and to grant installments on special assessments to the abutting property owners.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes six new sections to read: Section 959—35b. Hereafter in cities of the first class, however incorporated, no special assessment certificates shall be issued to contractors for the grading, graveling, macadamizing, or paving of streets or alleys, or the grading and laying of sidewalks, or the paving of gutters and the installation of curbing, nor for the digging or excavating or building of any sewers, or for any other street improvement whatever, but the contractor shall be paid as provided in section 959—35c.

Section 959—35c. Hereafter in any city of the first class, however incorporated, when any contractor shall have completed any work specified in section 959—35b and the said work shall have been accepted by the proper city authorities, the said contractor shall be paid in cash by any such city in the manner provided for in the following sections, but this provision shall not be construed to mean that the contractor shall be paid in full, but all laws now in force for the reservation of guaranty funds and reserve funds guaranteeing workmanship and material shall remain in full force and effect. This provision shall not be construed as in any way affecting the laws now in force and effect granting the right to the proper officers to make payments upon estimates.

Section 959—35d. Any city of the first class, however incorporated, is hereby authorized to issue bonds known as Street Improvement Funding Bonds whenever any such city does not have cash on hand sufficient to fund any contract provided for in section 959—35b. Bonds may be issued in amounts sufficient to cover the estimated cost of the assessable portion of the improvements contemplated by any such city in any year, and shall be issued and sold in the same manner as other bonds of such city are issued and sold. In case any such city in the opinion of the city comptroller shall have enough cash on hand in its general treasury to finance the improvements mentioned in the preceding sections, it shall not be necessary for said city to issue any bonds mentioned herein, and if any such city in the opinion of

the city comptroller shall have enough cash in its general treasury to finance part of said improvements, it shall be necessary for the said city to issue only enough bonds, as provided for herein, to finance the remainder of the same. The bonds provided for herein shall be six year serial bonds and shall carry interest at the rate of not to exceed six per cent. The said bonds shall be a direct obligation of the city, and the full faith and credit of the city shall be pledged for their payment. It shall not be necessary to include such bonds in the budget of such city, nor shall it be necessary to submit the question of their issue to a referendum vote of the electors of such city.

Section 959—35e. In any such city of the first class, special assessments shall be made and carried on to the tax roll in the same manner as now provided by law, and in the same manner as if special assessment certificates were still to be issued to the contractor, excepting that the special assessments for street paving, or macadamizing whether the contract be for paving or macadamizing only or includes as well sidewalks, curb, gutters and grading, when spread upon the tax roll, shall be divided into six equal installments, one due each year until paid in full. The first installment or the total of all installments when paid in one payment at the first tax paying time shall bear no interest; deferred installments shall be charged at the rate of six per cent per annum. The owner of the property against which said assessment is levied shall have the privilege of electing at the first tax paying time after the said assessment is spread and levied, to pay the whole of the said special assessment at the said first tax paying time. Said election must be made to the city treasurer in any such city before the last tax paying day of that year in which the work is completed. In case no such application is made to pay the total assessment in one payment, one-sixth only of the said assessment shall be considered due and the other installments shall be due one each year thereafter, except that at any time the owner of the property may at his option pay all deferred installments by payment of face of said installments together with accrued interest. In case application for payment in one payment is made as herein provided, it shall be the duty of the city treasurer to report the same to the comptroller, commissioner of public works and city clerk, or other officers who make up the tax roll, so that no installments of this assessment shall be placed on any subsequent tax roll. Whenever any such property owner does not elect to pay the total assessment in one payment, but permits the payments to be made in the regular manner, then, in case of default in the payment of any of the said installments in any year,

the said property may be sold for such installment in the same manner as property is now sold in any such city for unpaid special assessments.

Section 959—35f. Upon the collection of any and all special assessments and interest, as provided in the preceding sections, the moneys collected shall go to repaying any cash used out of the general city treasury, if such has been the case, or to meet bonds which have been issued as they fall due, and the collection of interest on installments shall be used to pay interest on the outstanding bonds, or shall be turned into the general city treasury, as the case shall demand. In case in any year there is not sufficient funds on hand to pay the interest on such bonds, such city is authorized to meet such charges out of the revenues for interest on city deposits. Any such city shall have the lien now provided in special assessments herein, in the same manner as if special assessment certificates had been issued, and the lien in favor of the said city shall attach at the time the contractor is paid in cash, and shall be first lien against the premises.

Section 959—35g. In case any such city is unable to collect any special assessment, or installment, or interest, as provided in the preceding sections, either by tax sale or otherwise, then the amount of said uncollectible assessment shall be paid out of the street construction fund of the current year, at which time it shall be determined finally that the said assessment is uncollectible.

SECTION 2. All laws or parts of laws, in so far as they contravene the provisions of this act, are hereby modified, repealed or amended so as to give full force and effect to the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after December 1st, 1915.

Approved May 25, 1915.

No. 325, S.]

[Published May 27, 1915.

CHAPTER 127.

AN ACT to vacate cemeteries in the city of Waupun, Dodge county, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The cemetery consisting of about two and one-half acres of land and known as the old Waupun cemetery, situated on the northwest corner of east Lincoln and south Watertown streets, in the city of Waupun, Dodge county, having been for