

[No. 109, A.]

[Published March 4, 1879.]

CHAPTER 135.

AN ACT to amend the city charter of Plymouth.

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

Amended.

SECTION 1. Section four of chapter one hundred and ninety-three of the laws of 1877, entitled an act to incorporate the city of Plymouth is hereby amended as follows, to-wit: Wherever the words "a marshal" or "marshal" occur in said section, the same shall be stricken out.

Amended.

SECTION 2. Section five of said act is hereby amended as follows, to-wit: Wherever the words "one marshal" occur in said section, the same shall be stricken out.

Treasurer to collect taxes; compensation.

SECTION 3. Section fifteen of said act is hereby amended by adding to said section the following words: The treasurer shall be a collector of taxes, and for his services receive the same compensation, except as herein provided, and be governed by the same laws and be subject to the same liabilities, as treasurers of towns.

Council to elect marshal; his duties.

SECTION 4. Section sixteen of said act is hereby amended so as to read as follows: At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect a marshal whose term of office shall commence and continue the same as the elective officers of said city, unless revoked by a two-thirds vote of the common council. The marshal shall perform such duties as shall be prescribed by the council for the preservation of public peace, and for the collection of license money and fines, which money so received he shall immediately pay to the city treasurer. He shall possess all the power of constables of towns, and be subject to the same liabilities. 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 this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend any person in the act of committing any offense against any ordinance of said city, or any law of the state, and forthwith to bring such person before competent authorities for examination, and for such services he shall receive such fees as are allowed to constables for such service. He shall

Deputies.

have power to appoint one or more deputies, whose appointment shall be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of his duties.

SECTION 5. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade, of such width, in such manner, of such material, and in such time as the common council, by ordinance, resolution or order, shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such sidewalk shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots adjoining such sidewalk; but no sidewalk shall be ordered to be constructed unless upon petition of a majority of the resident owners of lots and lands adjacent to such sidewalk, and unless they own at least one-half of the lots abutting on such street, or a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least two weeks of the time, place and manner of receiving such bids: *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, if known, of the ordinance, resolution or order, requiring the construction of such sidewalk, and publication of the same at least two weeks in the official paper of the city.

Sidewalks.

Notice of letting contract.

SECTION 6. Opening, grading, working, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, planked or paved, unless upon the petition of a majority of the resident property holders interested therein, and who shall at least own one half of the property fronting on such street, or by a two-thirds vote of the aldermen elect. The cost and expense of surveying streets, alleys, sewers or gutters, and of cleaning out of gutters and sewers, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters and sewers may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon or abutting to the street along which

Opening and improving streets; defraying of cost.

said gutter shall be constructed: *provided*, that in all cases where improvements or work of any kind, by virtue of this section, upon lots benefited, all such improvements across streets, alleys, and public grounds, shall be made and paid for out of the general fund of the city.

**Estimates of
expense of im-
provements.**

SECTION 7. Whenever the common council shall determine to make any public improvement as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot; and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk, for the inspection of all parties interested. The common council shall give notice to the owner or owners, if known, and by advertisements for twenty days in the official paper of said city, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be opened, graded, graveled, planked, paved, or sewer to be constructed, requiring them to do the work mentioned in such notice within reasonable time, therein to be specified, and not less than thirty days; and if said work shall not be done within such time, the council shall enter into contract for the doing thereof. Such contract shall be let to the lowest bidder.

**Duty of street
commissioner.**

SECTION 8. All work provided in this chapter shall be done under the supervision of the street commissioner, unless the common council shall otherwise direct, and shall be approved in writing by the mayor, street commissioner and city surveyor, before it shall be accepted by the common council.

**Certificate of
work perform-
ed.**

SECTION 9. Whenever any work has been done under contract as provided in this act, and the work shall have been approved in writing by the mayor, street commissioner and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor, which shall be signed by the mayor, street commissioner and city surveyor, and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. Such certificate may be transferred by indorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and the common council shall

order the amount thereof to be assessed upon the said lots or land respectively, as a special tax, and to be collected therefor, for the benefit of the holder of said certificate, as other taxes on real estate are collected, under the act of incorporation of said city. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event, whenever such work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, or for any proceedings for the collection or the pay therefor.

SECTION 10. The common council may require such general regulations as it may choose to adopt for the owners or occupants of lots to clean or repair the sidewalks, streets or alleys. If such owners or occupants shall fail to comply with such regulations, after receiving reasonable notice from the street commissioner, the commissioner may employ any person or persons to do such work, and pay therefor in certificates, as provided in section nine of this chapter.

Rules for re-
pair of streets,
etc.

SECTION 11. At the first meeting of the common council each year, or as soon thereafter as may be, the common council shall proceed to elect a city attorney, whose term of office shall commence and continue the same as the elective officers of said city. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. It shall be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city, and to perform such other duties as may be prescribed by the ordinances. He shall receive such compensation for such services as shall be fixed by a two-thirds vote of the aldermen elect.

Council to elect
city attorney;
his duties.

SECTION 12. The question of the adoption of the amendments herein proposed to the city charter of the city of Plymouth shall be submitted to the electors of such city before the same shall become operative. For the purpose of determining the question, the qualified electors residing in said city shall, at the time of holding their next annual charter election, vote upon the question by ballot. Such election shall be held at the same place or places, and under the same rules and

Vote of electors
required on
amendment to
charter.

regulations, as govern said city at its annual charter election, except as otherwise provided in this act. The vote shall be taken upon all the amendments herein provided together. Every elector residing in said city and qualified to vote at the charter election, may vote upon such question. The ballots shall be "For charter amendments" and "Against charter amendments," and shall be taken and kept in a separate ballot-box from the ballots for city officers. If the majority of such ballots shall have thereon "For the charter amendments," this act shall be in full force from and after the first day of May, 1879; and if a majority of the ballots shall have thereon "Against charter amendments," this act shall be inoperative and of no force. Returns shall be made, canvassed, and result determined under the same rules and regulations as govern in the charter election of said city.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1879.

[No. 77, S.]

[Published March 4, 1879.]

CHAPTER 136.

AN ACT to authorize The Knapp, Stout & Co. company to erect and maintain a dam across Red Cedar river, in Burnett county.

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

Dam authorized; location.

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglass, their successors and assigns, are hereby authorized to construct and maintain a dam across Red Cedar river, on land owned by said company, in section number twenty-five, in township number thirty-seven north, of range number ten west, of the fourth principal meridian, in the county of Burnett; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired.

Slides.

SECTION 2. The aforesaid persons, their successors or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall put through said dam, all logs, timber and lumber