

ture and sell inflammable gas for illuminating purposes is hereby authorized and empowered to manufacture and sell such gas for heating, culinary and manufacturing purposes, and all laws in force respecting the laying and protection of the mains, pipes, works and property of such corporation shall, as far as applicable, apply to the laying and protection of its mains, pipes, works and property laid and used in carrying into effect its additional powers hereby conferred upon it.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 115, A.]

[Published March 20, 1882.]

CHAPTER 209.

AN ACT to revise and amend the charter of the city of Beloit and the several acts amendatory thereof.

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

TITLE I.

CITY AND WARD BOUNDARIES.

SECTION 1. The territory lying in the county of Rock, and known and designated as section twenty-five (25), twenty-six (26), thirty-five (35), thirty-six (36), and the east half of sections twenty-seven (27), and thirty-four (34), in township number one, range twelve east, shall be a municipal corporation by the name of "the city of Beloit," and the inhabitants thereof shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The city shall be divided into four (4) wards as follows: The first ward shall be that portion contained within the following boundaries, to-wit: commencing in the centre of Rock river in the centre line of the bridge crossing said Rock river between Bridge street and the public landing, so called, on the east bank, running from said point in the same line to the

east bank of the river; thence in a straight line to the center of School street, so called; thence in the center of said School street, easterly, till it intersects with the center line of Union street, so called; thence running in a line in the center of said street till it intersects with the center line of Second street; thence in the center line of Second street to its intersection with the center line of the Milwaukee road; thence in the center line of the Milwaukee road to its intersection with the line dividing the towns of Turtle and Beloit; thence south on said dividing line to the state line dividing the states of Wisconsin and Illinois; thence on said state line to the center of Rock river; thence in the center of Rock river to the place of beginning. The second ward shall include all of that territory within said city limits upon the east side of the center of Rock river not included in said first ward. The third ward shall include all of that territory within said city limits upon the west side of the center of Rock river north of the east and west quarter section line dividing sections thirty-four (34) and thirty-five (35), in township one (1), range twelve (12) east. The fourth ward shall include all of that territory within said limits on the west side of the center of Rock river not included in the third ward.

TITLE II.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the city clerk of the time and place of holding such elections, and of the city and ward officers to be elected. The elective officers of said city shall be a mayor, treasurer, and three aldermen for each ward, one justice of the peace, for the first and second wards, who shall hold his office in one of said wards, and one justice of the peace for the third and fourth wards, who shall hold his office in one of said wards, and one police justice for the whole city. All other officers for the proper management of the affairs of said city shall be elected by the common council. All officers, except justices of the peace and the police justice, shall, unless otherwise provided in this act, hold their offices for one year, and until their successors are

electd and qualified. Justices of the peace and the police justice shall hold their offices for two years, and until their successors are elected and qualified; provided, however, that the common council shall have power for due cause to expel any of their own members by a vote of two-thirds of all the members, due notice being first given to the officer complained of, and the council may at any meeting remove any officer or agent of said city who has been elected or appointed by said common council or who may have been appointed by any officer of said city.

SECTION 2. Should there be a failure by the people to elect any officers herein required to be elected, on the day designated, the common council may require a new election to be held, ten days' notice of the time and place being first given. New election.

SECTION 3. When a vacancy shall occur in the office of mayor, alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, and held within fifteen days after such vacancy shall be made known to the common council; said notice of such election shall be given for the same time, and be conducted, and the returns thereof made in the same manner as annual elections. Any vacancy happening in any other office shall be filled by the common council. The person so elected or appointed shall hold his office for the unexpired term of the person whose office he may be elected or appointed to fill. Vacancies to be filled by a new election.

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 office shall receive an equal number of votes for the same office, then the same shall be determined by the casting of lots in the presence of the council at such time and in such manner as it may direct. Election by ballot.

SECTION 5. Every person entitled to vote within said city for the state and county officers shall be entitled to vote in the ward where he resides, at any election held under this act. Who entitled to vote.

SECTION 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election and shall take the usual oaths or affirmations, as prescribed by the general election laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and con- Aldermen shall conduct the elections.

ducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regulating elections.

Challenged voters.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the oath prescribed by the laws of this state relating to election and general elections.

Swearing in voters.

SECTION 8. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for 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 be punished therefor in the manner provided by the general laws of this state. It shall be the duty of the inspectors 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 the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to be punished therefor in the manner provided in the general laws of this state.

Return of votes pulled to be made.

SECTION 9. When any election under this chapter shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer and shall deliver, or cause to be delivered, such returns to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected of their respective elections; within one month after any election the common council shall meet and canvass said returns, and declare the result as it appears from the same.

Removal from city or ward.

SECTION 10. Any officer removing from the city or any ward officer removing from the ward for which

he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy in the manner hereinbefore provided.

SECTION 11. At each annual election held in said city there shall be elected one alderman for each ward, and the person so elected shall hold his office for three years and until his successor is elected and qualified, unless the office to which he was so elected shall sooner become vacant. Aldermen to be elected.

SECTION 12. The term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected. When term to commence.

TITLE III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office before some proper person authorized to administer oaths, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, marshal, constable, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Beloit a bond, in such sum and with such conditions as the common council shall direct, with sufficient sureties to be approved by said common council, and said sureties shall severally justify in such sums as shall, in the aggregate, be equal to double the penalty of said bond; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. The marshal and each constable elected or appointed shall also, before entering upon the duties of his office, execute and file in the office of the city clerk an undertaking with the sureties, and substantially in the form provided by section 841 of the revised statutes. Each justice of the peace and the police justice elected under the provisions of this act shall, before entering upon the duties of his office, execute a bond or undertaking, with two or more sufficient sureties, substantially in the form provided by section 1 of chapter 45 of the laws of this state passed in the year 1881, and file the same with Duties and powers of officers.

the clerk of the circuit court for Rock county, within the time prescribed in said chapter. The sureties to each such bond or undertaking shall be approved by the mayor or the acting mayor and the clerk of said city, and the common council may at any time require a new or additional bond or undertaking from any officer of said city who is required to give any bond or undertaking, and remove from office any officer who shall neglect or refuse to give the same.

Duties of mayor.
or.

SECTION 2. The mayor when present shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive 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 best for the prosperity and advantage of the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary policemen as he may deem necessary, and by and with the advice and consent of the common council, he may appoint special constables or policemen to serve for such time as the council may direct. The mayor shall have a vote only in case of a tie. The mayor if he disapproves of any ordinance passed by the common council, or any vote or resolution which appropriates money from the city treasury or which may create any debt or liability against the city, may file his objections thereto in writing with the city clerk within twenty-four hours (Sundays excepted) after the passage of any such ordinance, vote or resolution, and such objections shall be entered upon the record of proceedings of the council kept by the clerk, and at its next meeting the council shall proceed to reconsider the matter so objected to by the mayor, and shall vote thereon by yeas and nays, and the names of the aldermen voting, with their votes, shall be entered on the record of proceedings, and no such ordinance, vote or resolution shall be passed upon such reconsideration unless two thirds of the aldermen present at such meeting shall vote in the affirmative.

Election of
president.

SECTION 3. At the first meeting of the common council each year, they shall proceed to elect by ballot one of their number president, and in case absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, for

any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall both be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any act performed by them or either of them shall have the same force and validity as if performed by the mayor.

SECTION 4. The clerk shall keep the corporate seal Duties of clerk. and all the papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; and countersign all orders drawn by the mayor on the treasury, in pursuance of an order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, and enter into a book to be provided by him for that purpose, the names of all the parties to such instruments the same as town clerks are by law now required to do, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerks office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations. The city clerk of the city of Beloit may, after entering upon the duties of his office, appoint a deputy, who shall take the oath of office and file the same with the clerk; and in case of the absence, sickness, or other disability of the clerk, such deputy may perform the duties of the clerk, and shall receive the same compensation that the clerk would be entitled to receive.

SECTION 5. The treasurer shall receive all moneys Duties of treasurer. belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common

council shall direct. The treasurer shall exhibit to the common council at least fifteen days before the annual election, and sooner if required by the council, a full and detailed statement of all receipts and disbursements since the date of the last annual report, and also the state of the treasury, which statement shall be filed with the clerk. The treasurer, in addition to the powers and duties provided for in this act, shall have the same powers and perform the same duties, and be subject to the same liabilities as treasurers in towns, but he shall only receive for moneys collected on the annual tax list and warrant the following fees: For all sums collected or paid to him before the first day of January, one-half of one per cent.; for all sums collected or paid to him during the month of January next after the date of the tax warrant, two per cent., and for all moneys collected or paid to him after the thirty-first day of January next after the date of said warrant, four per cent.; provided, that upon separate warrants or special assessments, he shall be entitled to five per cent upon all sums actually collected, except when paid by the city. And said treasurer shall not receive any pay or compensation for his services, except as specially provided for in this act.

Duties of marshal.

SECTION 6. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of license moneys and fines; he shall possess the powers of constables at common law, or by the laws of this state, and shall receive like fees, except where the services are rendered for and in behalf of the city.

Duties of city attorney.

SECTION 7. The attorney shall perform all professional services incident to the office, and when required shall furnish written opinions upon any subject submitted to him by the common council.

Promulgation of notices.

SECTION 8. All ordinances, resolutions, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper, may be published in any newspaper printed and published in said city that shall be designated by the common council; and in case of the publication of any ordinance, notice, resolution or other matter which is required to be published, the editor or publisher of the newspaper so designated shall file with the clerk of the city a copy of such publication with the affidavit of such editor, publisher or foreman, of the length of time the same has been published, and such affidavit

or the record thereof shall be conclusive evidence of such publication.

SECTION 9. If any person having been an officer in said city shall neglect or refuse for ten days after notification and request to deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Penalty for neglect to deliver.

SECTION 10. The mayor or acting mayor, the sheriff or any deputy sheriff of Rock county, the marshal, constable and policeman and each and every alderman of said city, shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all citizens and bystanders, and if any person shall refuse to aid in maintaining the peace, when so required, he shall forfeit and pay a fine of not exceeding fifty dollars, unless such person so refusing shall be so sick or infirm as to render it impracticable for him to comply with such command, and which sickness or infirmity may be shown in defence.

Officers of the peace.

SECTION 11. The justices of the peace provided for in this act shall have the same power and jurisdiction as justices of the peace elected by towns, except as is otherwise provided in this act.

Powers of justices.

SECTION 12. No contract shall be made for or in behalf of the city without the authority of the common council, nor shall any debt be incurred or any liability created against the city by any officer or agent thereof without the authority of the council, and it shall not be lawful for the council to appropriate any money towards the payment of any such debt or liability, but the officer or agent making such contract or incurring such liability shall be personally liable to the person or party interested, and the same may be recovered in an action against such officer or agent in the same manner as if he or they had contracted in their own name and for their own benefit; provided, that this section shall not be construed to limit the powers of street commissioners to order and contract for street improvements without the order of the council in the cases provided for in title VII of this act.

Authority to make contract.

TITLE IV.

COMMON COUNCIL—ITS POWERS AND DUTIES.

Common coun-
cil.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Beloit do ordain." The common council shall meet at such time and place as they by resolution shall direct; but they shall hold stated meetings on the first Monday of each month, and the mayor may call special meetings by notice to each of the members, or left at their usual place of residence. A majority of the aldermen shall constitute a quorum.

Duties of coun-
cil.

SECTION 2. The common council shall determine the rules of its proceedings and be the judge of the election and qualifications of its members, and have power to compel the attendance of absent members.

Control of
property, etc.

SECTION 3. The common council shall have the management and control of the property and finances of the city, and shall likewise, in addition to the powers herein granted, have full power and authority to make, enact, ordain, establish, publish and enforce all ordinances, rules and by-laws, and alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression or vice, for the prevention of crime, and for the benefit of the trade and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law:

Licenses.

1. To license and regulate the exhibition of common showmen and shows of any kind, the exhibitions of caravans, circuses, and theatrical performances, operas and concerts, the keeping of billiard tables and bowling saloons, and to prohibit the same and to declare the same a nuisance, and to abate any nuisance, to grant licenses under any excise law of this state, subject, however, to such regulations, restrictions and limitations, and for such sum, as to the council shall seem proper; and the common council may cause such regulations, restrictions and limitations, or the substance thereof, to be inserted in any license granted or issued in said city for the sale of strong, spirituous, malt, or intoxicating liquors, and the same shall form a part of such license; and no such license shall be construed to

give to the holder thereof any further or greater rights and privileges than such as therein stated; provided, that no license to sell or traffic in strong, spirituous or intoxicating liquors within said city shall be granted for a less sum nor for a longer time than is now provided, or may hereafter be provided, by the general laws of this state relating to excise and the sale of intoxicating liquors, or as is provided in section 8 of title IV of this act.

Restrain liquor
selling.

2. To restrain and prohibit all vending or dealing in or giving away spirituous, vinous, fermented or intoxicating liquors, and all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gain in said city, and may declare the illegal traffic in strong, spirituous, malt, ardent or intoxicating liquors or drinks a nuisance and abate it as such; and the common council may revoke any license for the sale of spirituous liquors for a violation of any law of this state relating in any way to excise or the sale of spirituous and of intoxicating liquors, or for a breach of any or either of the conditions of any bond given by any person or persons to whom such license has been given or for the violation of any regulation or restriction made or adapted by the common council relating to the sale or traffic in spirituous or intoxicating liquors.

3. To prevent any riots, noise, disturbance or disorderly assemblages, suppress or restrain disorderly houses or groceries, or houses of ill-fame.

Riots.

4. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Cleanse nau-
seous places.

5. To direct the location and management of slaughter houses and markets, and to establish rates for, and license vendors of gunpowder and other combustible material.

Slaughter
houses.

6. To prevent the encumbering of streets, sidewalks, lanes or alleys with any substances, animal or vegetable whatever.

Encumbering
streets.

7. To prevent horse racing, and immoderate riding or driving in the streets, or upon bridges in the city, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Horse racing.

8. To regulate the running at large of cattle and to restrain the running at large of cattle, swine, sheep,

Restrain cattle.

horses, poultry and geese, and to authorize the distraining and sale of the same; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

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

Public pounds. 10. To make and establish public pounds, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of the city in case of fires; and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen, and cartmen in the city.

Boards of health. 11. To establish and regulate boards of health, provide hospitals for those infected with the small-pox, and other contagious diseases, and order and regulate the removal of such persons from the city when the health and safety of the city require; to provide grounds for the burial of the dead, and regulate the burial of the dead, and exempt burial grounds, public squares, engine houses, and all other property set apart for public use from taxation.

Riding on sidewalks. 12. To prevent all persons from riding, or driving any animal on the sidewalks in said city, or in any way doing damage to said sidewalks, and to direct and regulate the setting of suitable hitching posts along the sidewalks of said city.

Discharging firearms. 13. To prevent the discharge of any gun, pistol or other firearm, or the exhibition of any fireworks in any of the streets or public grounds, or in any place in which the common council may consider dangerous to the city or any property therein, or upon any premises in said city, in the possession of another person without the consent of the person having the possession of such premises, and to prevent the destruction of birds and their young or eggs, in cemeteries or public grounds.

Restrain drunkenness. 14. To restrain drunkenness 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.

15. To regulate the police of the city.

16. To regulate the place and manner of selling ^{Fuel.} and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

17. To license and regulate butchers' stalls, shops ^{Regulate} and stands for the sale of game, poultry, butchers' meat, ^{butchers'} butter, fish and other provisions. ^{stalls.}

18. To regulate the time, place and manner of holding public auctions or vendues.

19. To provide by ordinance for a standard of ^{Weights and} weights and measures, and for the punishment of persons using false weights and measures, and to regulate the places and manner of weighing grain, wood, stock or other articles sold by weight in said city, and to prohibit the receiving of any such articles for storage by any warehouse man or other person or persons, until the same has been first weighed in the manner provided for by the common council. ^{measures.}

20. To compel the owners or occupants of build- ^{Removal of dirt} ings or grounds to remove dirt or other rubbish from the ^{and rubbish.} sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all substances as the board of health shall direct; and on his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

21. To grade, pave, macadamize any street, high- ^{Paving streets.} way or alley, or construct any bridge necessary for public use, and pave any new or old one, plank or pave any cross or sidewalk.

22. To cause main drains, gutters and sewers and ^{Drains and gut-} culverts to be constructed, cleansed and repaired. ^{ters.}

23. To cause gutters to be paved and stone curbing ^{Gutters.} to be set along any lots or parcel of lots, either to facilitate drainage or protect the street, highway or alley.

24. To grade, improve, protect and ornament public ^{Public squares.} squares now or hereafter to be laid out.

25. To direct the planting, rearing and preservation ^{Ornamental} of ornamental trees in the streets and public grounds ^{trees.} of said city.

26. To require the occupants of buildings in thickly ^{Fire buckets.} settled portions of the city to provide themselves with fire buckets, and prescribe the manner in which they shall be marked and kept, and regulate their use at fires, and prescribe penalties for the non-compliance with this act, or any resolution or ordinance passed in pursuance hereof.

- Auctioneers.** 27. To regulate the licensing of auctioneers, and the sale of personal property at auction, and to prohibit the sale of personal property at auction without license granted by authority of the common council; provided that no such license shall be required in case of any judicial sale or tax sale.
- Prohibit obstruction.** 28. To prohibit the erecting or maintaining of any fence, house or other obstruction within the limits of any street or highway in said city, and to cause any and all such obstructions to be summarily removed by the city marshal or other officer of said city, and the order of the common council shall be deemed a sufficient authority to the city marshal or other officer for the summary removal of any such obstruction, notwithstanding the same may be a dwelling house actually occupied as a residence; and an action may be maintained in the name of the city against the person erecting or maintaining or causing such obstruction, for the recovery of the cost and expense of such removal, and no property of the defendant shall be exempt from levy and sale upon an execution issued upon any such judgment.
- Vacate streets, etc.** 29. To vacate any street, highway or alley when petitioned by two thirds of the owners or occupants of property directly abutting such street, highway or alley.
- Vacate plats.** 30. To vacate any plat or addition upon the petition of the proprietor or proprietors thereof, or a majority of the owners thereof.
- Lighting streets.** 31. To provide for lighting the streets of said city and to pay the necessary cost and expenses thereof.
- Sprinkling streets.** 32. To provide for sprinkling any street or part thereof in said city, to purchase and maintain such apparatus for such purpose, and to pay the necessary cost and expenses thereof.
- Laws, etc., how passed.** SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council present, and all ordinances shall be signed by the mayor, and be published in one newspaper in the city, before the same shall be in force, and within ten days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof, respectively, shall be proved by the affidavit of the editor, publisher or publishers, or foreman of such newspaper, and said affidavit shall be recorded therewith, and such affidavit, or the record thereof, at all times shall be deemed and taken as sufficient and conclusive evidence of the time and manner of publication. No

appropriation shall be made without a vote of a majority of the members of the common council present, in its favor, which vote shall be taken by ayes and nays, and entered among the proceedings of the council.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Shall not hinder suits.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and other officers and agents of the city, at such times as they shall deem proper, and also at the end of each year, and before the terms for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his book and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments. Adjusting accounts.

SECTION 7. The common council of said city shall have the power, and they are hereby authorized, to extend the time for the collection of taxes in said city from time to time, not exceeding thirty days at any one time, until the first day of April next after the date of the tax warrant then in the hands of the city treasurer; provided, that no such extension shall be construed to extend the time for paying over to the proper officer, the money payable by the city for state and school taxes. Extending time for collecting taxes.

SECTION 8. All licenses granted by the common council for the sale of strong, spirituous, malt, ardent or intoxicating liquors shall expire on the thirtieth of April next, after the council shall vote to grant such license; provided that the council may revoke any such license in the manner and for any of the causes provided by law. Expiring of licenses.

TITLE V.

FINANCES AND TAXATION.

How funds to
be drawn.

SECTION 1. All funds in the city treasury, except state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, except as herein otherwise provided.

Annual tax.

SECTION 2. The common council may annually levy a tax upon all property in said city subject to taxation, not exceeding ten mills on the dollar of the assessed value of said property, as the same appears on the last corrected assessment roll, to defray the current expenses of said city.

Special taxes.

SECTION 3. Special taxes for purchasing fire engines and fixtures, cemetery grounds, public squares or buildings, roads or bridges, or for fire engine buildings, or the repairing or improving any road, bridges, or public grounds or squares, or cemetery grounds, when a sum exceeding five hundred dollars shall be required for any such purposes, may be voted at any regular or special meeting of the voters in said city; but no such vote shall be taken unless such vote be first recommended by the common council, and a notice of the same, specifying generally the purpose for which such tax is to be raised, and the time and place for voting, be published at least ten days before such meeting, in some newspaper in said city.

Assessment
districts.

SECTION 4. Each of the wards in said city shall constitute an assessment district, and the common council shall, during the month of April in each year, elect an assessor for each ward, who shall be a resident and voter of the ward for which he is elected assessor, and the person so elected shall hold his office for one year, unless sooner removed by the council. The assessors, together with the mayor or acting mayor and city clerk, shall constitute a board of review, and the said assessors and board of review shall, in all things pertaining to the duties of their offices, conform to the general laws of this state in relation to the assessment of taxes, except as is otherwise provided in this act.

County super-
visors may levy
taxes.

SECTION 5. The board of county supervisors may levy taxes within said city in the manner provided by the general laws of this state, and cause the same to be certified to the city clerk, and the said city clerk shall thereupon proceed to calculate and carry out the same, together with all taxes levied under

the provisions of this act or of any other law, in a tax roll to consist of but one book or volume, and in the manner provided by law for the levy of taxes in towns. And in all other respects not herein provided for, the taxes upon such tax roll shall be collected in the manner now provided, or as may be hereafter provided, by law, for the collection of taxes in towns.

SECTION 6. The treasurer of the city in giving bonds, collecting of taxes and making his returns to the county treasurer, and in all other respects, unless otherwise provided in this act, shall conform to the general laws of this state relating to treasurers of towns, and he shall have all the powers and be subject to all the liabilities of a town treasurer. The warrant annexed to the tax roll shall be signed by the mayor or the acting mayor and city clerk, and the same may be substantially in the form provided by the general laws of this state.

SECTION 7. The common council of said city are hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat, when completed, shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take the acknowledgement of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Rock county.

SECTION 8. The said plat shall be called and known as "assessors' subdivision of lands in the city of Beloit," and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereafter assessed, shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat or the record thereof shall be received in evidence in all courts and places as correctly de-

scribing the several pieces or parcels of land therein designated and numbered.

TITLE VI.

OPENING OF STREETS, ETC.

SECTION 1. The common council shall have the power to lay out public grounds, squares, streets and alleys, and to widen the same

Condemning premises.

SECTION 2. The common council shall, by a general ordinance, prescribe the mode of procedure in condemning premises for public use, the manner of notifying the parties interested in such premises, and of estimating the damages to be paid to the owner or owners of the property proposed to be taken; and also the mode of ascertaining what lands or premises will be benefited by such taking; provided, however, that no ordinance shall be passed which shall not require notice, either actual or constructive, to the parties interested in the premises proposed to be taken, of the time, place and manner of appointing or drawing a jury to assess the damages, and of the time when the damages or benefits will be assessed, or that shall attempt to take away from the parties in interest their right of assessment by jury, or appeal to the circuit court, or to compensation before such property shall be taken.

Right of appeal.

SECTION 3. Any person being dissatisfied with the amount of compensation for property taken or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by giving a bond to the city, in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal, in case the appellant shall not, upon such appeal, increase the amount of compensation, or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party without giving bond.

TITLE VII.

CITY IMPROVEMENTS.

Street commissioner.

SECTION 1. The aldermen of the several wards shall be street commissioners in and for their several wards, two of whom shall be a quorum. The several boards of street commissioners shall make reports in

detail of their acts and doings to the common council whenever required.

SECTION 2. Whenever the street commissioners of any ward shall deem it necessary to grade any street, highway or alley, or to grade or make any sidewalk, or to make any gutter, drain or sewer, they shall recommend the same to the council. They shall also direct the city engineer, or if there be none, or if the city engineer for any cause is unable to act, some competent person to make a plain and accurate specification of the work proposed to be done, together with an estimate of the whole cost of such improvement. The commissioners shall file such specification and estimate with the city clerk, and if the estimated expense of any improvement shall exceed the sum of fifty dollars, they shall give public notice in the official paper of the city for at least two successive weeks of the proposed improvement, describing the same, the street, highway or alley, or the particular portions thereof wherein said improvement or improvements are contemplated, which notice shall also name the time and place at which the common council will meet and hear any objections that parties in interest may urge against such improvement, and the said council shall hear said objections and pass upon the same at that or some subsequent meeting. And the council may direct that the said improvements to be made, or the council in its discretion may direct that the specifications for such improvements be altered or modified, and order that said work be done and improvement made in conformity with such alterations or modifications. And the council shall by resolution or otherwise, direct the said street commissioners to proceed with such improvement in conformity with the order of the council; provided, that when the council shall so alter or modify the plan of any proposed improvement, as to increase or diminish the expense thereof, the commissioners shall procure to be made and filed with the city clerk, before proceeding with the work, specifications of the work as ordered by the council, together with an estimate of the whole expense thereof.

SECTION 3. The said commissioners shall, upon the filing of such specification and estimate with the city clerk, proceed and cause said work to be done without any order of the common council, and without notice to the parties interested, if the amount of the estimate for the whole work shall not exceed fifty dollars; but in case the estimate shall exceed the sum of fifty dol-

Relating to the
grading of
streets, etc.

Prosecuting
work.

lars, and the improvement has been ordered by the common council, in the manner provided in the last preceding section, then they shall cause notice to be given for at least ten days in the official paper of the city, specifying the amount and the kind of work to be done, and the amount and kind of materials to be furnished, and the place where said improvements are to be made, soliciting sealed proposals for doing said work, or for furnishing said materials, or for both, as the case may require. The commissioners shall let such contracts to the lowest responsible bidder or bidders, all things considered, unless for sufficient cause they shall reject all bids offered, in which event they shall immediately re-advertise for proposals. All improvements shall be made under the supervision of the street commissioners of the several wards, and the commissioners may, when they think proper, require any contractor to give security for the performance of his contract.

When cost exceeds fifty dollars.

SECTION 4. After the common council shall determine to make any improvement, when the cost thereof is less than fifty dollars, or after the contract is let, when the improvement shall cost over fifty dollars, it shall be the duty of the city engineer to ascertain so far as possible the names of the owners of all lots or parcels of land upon either side of the street, alley or highway upon which said improvement is to be made, and unless known changes of ownership shall have been made, or known errors in such roll exist, the last assessment roll upon which taxes for the city shall have been collected shall be taken as correctly describing the ownership of such lots or parcels of land; and the said city engineer shall prepare a list of the lots or parcels of land liable to assessment for such improvement under the provisions of this act, designating the number of feet front on each lot or parcel with the owners' names, ascertained as above directed, together with the name and width of all streets crossed by said improvement, the correctness of which list shall be verified by oath of the party making it, to the best of his knowledge and belief. Such list shall be filed with the city clerk, together with a certificate of the board of commissioners, setting out the whole expense of such improvement.

Special assessment roll.

SECTION 5. It shall be the duty of the city clerk, on receipt of the list and certificate above specified, to prepare a special assessment roll from the list, specifying the lots or parcels of land to be assessed, with the

owners' names as specified in said list, together with the amount chargeable to each lot, which shall be determined by dividing the whole expense of the improvement by its length, and multiplying the front length of each lot by the average expense per foot, and the amount thus ascertained with the treasurer's commission of five per cent. for collecting the same shall be placed in a column opposite the proper description, and the clerk shall attach thereto a warrant, commanding the collection thereof, which shall be substantially the same as is now required for the collection of general taxes, except that said warrant shall be returnable to the clerk in thirty days from the date thereof, with the treasurer's return, which shall specify the gross amount collected, with an accurate description of the lots or parcels of land upon which the amount assessed has not been paid.

SECTION 6. The treasurer shall, immediately upon the receipt of such special assessment roll give notice in the official paper of the city, if there be one, if not, in some newspaper published in the city, that such roll is in his hands for collection, and if the several amounts are not paid within fifteen days thereafter, he will proceed to levy and collect such assessment by distress, which levy he is hereby authorized to make, and when made, to proceed and sell in all respects, as near as may be, in the manner now provided for the collection of state, county and city taxes.

SECTION 7. When any lot or parcel of land shall be returned as delinquent, the clerk shall forthwith add twenty per cent. as a penalty for the non-payment of such assessment, and file in his office said list of delinquent taxes, and when the next succeeding general tax roll shall be extended, the said clerk shall cause the sum of such delinquent tax and penalty to be put in a column designated for special assessments, and opposite the proper lot or parcel of land before returned as delinquent, and said amount, both assessment and penalty, shall be collectible like other taxes, and if not paid, returned as delinquent as other taxes are by law returned. It shall be lawful for any interested party to pay said assessment and penalty to the city treasurer at any time before the same shall be inserted in the tax roll, and the city treasurer shall give to the person making such payment a proper receipt therefor, and the treasurer shall forthwith file a duplicate copy of such receipt with the city clerk; and such payment shall discharge such lots or parcels of land

Notice to be posted or published.

When land is returned as delinquent.

from such assessment; provided, that the common council may, at any meeting thereof, held on or prior to the first Monday of December next after the filing of any such returns, remit the said penalty or any part thereof.

Reports quar-
terly.

SECTION 8. The city clerk shall at the first regular meeting of the common council, in the months of January, April, July and October (or oftener if required) in each year, report to the common council the amounts of money so paid by him, and the particular lots or parcels of land on account of which the same was paid, and the treasurer's receipt for said amount shall be a sufficient voucher for said clerk; but he shall file the same in his office, charging the treasurer with the amount thereof. Whenever the treasurer shall make return according to law of delinquent taxes to the city clerk, the said treasurer shall be entitled to a city order upon himself, payable to the board of commissioners (of the proper ward), or order for the amount of such delinquent taxes, which, together with the money collected shall be passed over to the proper board of commissioners, taking their receipts therefor.

Amount of spe-
cial assess-
ments.

SECTION 9. The amount of special assessments, when determined as in this title provided, shall be and the same hereby is declared to be a lien in severalty upon the lots, pieces or parcels of land named therein, and no subdivision of lots shall be necessary in order to determine the proper property to be assessed, unless owned by different individuals in distinct party, and not then, unless such ownership is evidenced by actual occupancy, in parts or severalty.

Expense to be
charged to
property.

SECTION 10. The expense of any improvement of streets, highways, alleys or sidewalks (except the repairing of old walks) shall be charged to the property abutting the contemplated improvements, unless the commissioners shall deem the sectionizing of the street, highway or alley or sidewalks to be more equitable and just, which being determined, the expense shall be chargeable to the frontage along such section, but no section shall be less than one hundred feet. When such improvement shall be divided into sections, or when the whole expense shall be for distribution over the whole frontage improved, the said commissioners shall proceed as follows to determine the amount each lot or parcel of land shall pay: First, ascertain the number of front feet upon either side of the street, highway or alley for each section of the contemplated improvements, or for the whole distance thereof, as the

case may require, including cross streets or intersections; divide the whole expense of the improvement of the section or the whole length of the work, as the case may require, by the number of front feet abutting such improvement; then multiply the average expense of one foot thus found, by the number of front feet in the lots, parts of lots or parcels of land abutting upon such improvement, keeping each lot or parcel of land separate, whether the same belongs to the same person or not, but dividing the lots when the ownership in severalty is known, being evidence as before provided by actual occupancy. When the improvement shall be the grading or making of but one sidewalk upon one side of the street, highway or alley, or for both walks, but one for some cause shall differ materially in manner of construction from the other, then in either case the expense shall be assessed to the frontage upon the particular walks separately; provided, that whenever the owners or owner of any lot or parcel of land fronting any street, highway or alley upon which such improvement is proposed to be made, have already voluntarily made any improvement upon said street, highway or alley in front of his or her lots or parcels of land, of the same or similar kind or character of the proposed improvement, the board of commissioners shall ascertain the value of such voluntary improvement, and to that end shall have power to subpoena witnesses, administer oaths and take proofs (keeping a record thereof), and the value of such improvement when ascertained shall be added to the expense of the proposed improvement and assessed therewith, and when assessed, the value of such improvement so made by such owners as aforesaid, shall be accredited on his or her said lots or parcels of land; provided that no sum shall be assessed or credited for any voluntary improvement in front of any lot or parcel of land as provided in this section, exceeding the amount of tax properly chargeable to said lot or parcel of land, to defray the cost of such improvement.

SECTION 11. The amount of street crossings or intersections to be ascertained by multiplying the average expense of one foot found as provided in section ten, by the width of such street crossing or intersection, which amount shall be paid out of the city treasury.

How to estimate street crossings.

SECTION 12. Whenever the commissioners of any ward shall be of the opinion that the work ordered to be done upon any street, highway or alley shall re-

Excessive All-ing.

quire excessive filling or excavation, they shall so certify to the common council, and if the council concur in such opinion, it may designate what per cent. of such filling or excavation shall be chargeable to the city, and such amount shall be payable out of the city treasury. The council may declare by ordinance or resolution, for the government of the several commissioners, what shall be deemed excessive filling or excavation.

Repairs on streets, sidewalks, etc.

SECTION 13. When a necessity exists in the opinion of the commissioners for relaying, replanking or repairing any sidewalk, it shall not be necessary for them to have the order of the common council or give the notice required in this act for grading streets or sidewalks, but said commissioners shall give notice in the official paper of the city, if there be one; if none, in some newspaper published in said city, for at least ten days, addressed to "the residents and property owners on — street in — ward" (as the case may require), which notice must describe in general terms, but with reasonable accuracy, the repairs to be made, the particular lots or parcels of land abutting which such repairs are to be made, unless the repairs are to be general along the street, highway or alley. Such notice must require all owners or parties in interest to cause such repairing, replanking or relaying to be done within some time named beyond ten days, or in case of neglect, the commissioner will cause the same to be done at the expense of the abutting lots; and such notice shall be deemed and taken to be an order. In case of a failure of any parties to comply with such orders, the commissioners shall at once proceed to have the work done as required by such order, either by contract or otherwise, keeping an account of the expense in front of each particular lot or parcel of land or subdivision of lots, when ownership is known, as above provided; when done, the separate expense to be chargeable to each particular lot or parcel of land in front of which the sidewalk shall have been repaired, and the same course shall be taken in order to enforce the payment of such repairs as hereinbefore provided in relation to collection of special tax or assessments for grading or making new sidewalks or streets.

When order shall be made for grading, etc.

SECTION 14. No order shall be made by the common council for the grading, paving, macadamizing or plank-ing of any street, highway or alley, or for grading or making any new sidewalk, or for paving any gutter or

for setting any curbstone along any street or alley where the whole estimated cost of such improvement shall exceed the sum of two hundred dollars, unless a petition therefor shall have been presented to the street commissioners and filed with the city clerk signed by the owners or occupants of one-half of the frontage of property taxable for such improvements under the provisions of this act; provided, that nothing in this section shall be construed to require any petition for the proper repair of any street, sidewalk, or other improvements heretofore graded or made by orders of the street commissioners or common council, or for keeping in repair any street, road or alley which is or may be a common public highway, so that the same may be kept in suitable condition for public use. And in case any street or sidewalk shall in the opinion of the street commissioner require immediate repair, they may proceed forthwith without any order or notice, and cause the same to be suitably repaired, and the cost and expense of any repair so made shall be chargeable and collectible in the manner provided in section 13 of title VII of this act.

SECTION 15. When in the opinion of any board of street commissioners a necessity exists to make any culverts, gutters, drains or sewers, they shall recommend the same to the common council, and if the council shall think that the interest of the city requires such improvement to be made, it shall order the commissioners to proceed, and when the estimate for building one or more culverts, drains or sewers which are intended to drain or protect one locality or district, shall exceed fifty dollars, the same shall be let by contract to the lowest responsible bidder, being let in the same manner that contracts are let as provided for in this act for grading streets, etc. When the expense as estimated for any culvert, drain or sewer, or which is intended to drain the same locality or district, shall be less than fifty dollars, or the work shall be cleansing, the board of commissioners may proceed to have such work done without the order of the common council. All the expense of culverts, drains, gutters or sewers (except the paving of gutters or surface drains) shall be paid by the city. Paving of gutters or surface drains to be chargeable to abutting property the same as grading streets as provided in section 10 thereof.

When necessity exists for culverts, gutters etc.

SECTION 16. The board of commissioners shall give written notice to all owners or occupants of lots or parcels of land which may be deemed injurious to

Written notice to be given.

health by reason of stagnant water being thereon, of at least five days to abate such nuisance by drainage or filling up such lot or parcel of land, and if the owner is not a resident and there is no occupant, then the notice shall be by publication in the city paper, if one, if not, some other newspaper published in said city; and if the nuisance is not so abated the said commissioner shall cause it to be abated and removed at the expense of the property upon which the same shall exist; the amount thereof to be put into the next special tax roll as a special tax.

Poll tax.

SECTION 17. There shall be collected a poll tax of one dollar and fifty cents from every person liable by law to pay such tax, once each year, at such time as the board of commissioners shall deem most advantageous to the public. They shall, from the poll lists of their respective wards or from their own personal knowledge, make or cause to be made out under their direction a list of those persons residing within their wards respectively who are liable to pay a poll tax, and issue a warrant over their signatures, directed to the city marshal or any constable of said city, commanding him to collect one dollar and fifty cents from each person therein named, and make return of said warrant with his doings thereon, within thirty days, to said board of commissioners. The said officer, in the collection of such tax, shall have the same powers and authority to levy and sell any personal property as town treasurers in the collection of taxes, and he shall proceed in the same manner as town treasurers are authorized and required by law to proceed in the collection of taxes; and the said warrant may be renewed by said commissioners from time to time for a term not exceeding thirty days at any one time, until the poll taxes in said ward are collected. The money collected by virtue of any such warrant shall be paid over to the said street commissioners by the officer having such warrant, and the said commissioners may allow to and pay to the officer having such warrant out of the moneys so collected by him, such compensation as they shall deem proper, not exceeding twenty per cent. of the amount collected and paid over by him by virtue of said warrant. The balance of all money so collected shall be expended by said street commissioners in their respective wards, in cleansing, dressing over and repairing the streets, highways and alleys in such ward, and said street commissioners shall report to the council when required by the council, the whole

amount of money so received by them and the purposes for which the same has been expended by them. And if any officer having such warrant shall neglect or refuse to pay over any money collected by him by virtue of such warrant for the space of three days after the return day of such warrant, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars and not more than five hundred dollars, and shall be imprisoned in the common jail of Rock county until such fine is fully paid.

SECTION 18. If the owner or occupant of any lot in the city of Beloit shall suffer snow to remain upon any planked or paved sidewalk in front of or adjoining such lot for three hours after the snow ceases to fall, the street commissioners of the ward where such sidewalk is located, or any one of said commissioners may proceed forthwith, without any order or notice to the owner or occupant of the lot, and cause the said snow to be removed, and the cost and expense of removing the same shall be chargeable and collectible in the manner provided in section 13 of title VII of this act. Snow on sidewalks.

TITLE VIII.

FIRE DEPARTMENT.

SECTION 1. For the purpose of guarding against fire, the common council shall have power to prescribe the limits within which buildings not considered fire-proof shall not be erected or repaired, and to prohibit the rebuilding or repairing of wooden buildings within said limits, when the same shall have been damaged by fire or otherwise to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of assessing such damage. Fire department.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers, and apparatus used in or about any building, and cause the same to be removed or placed in a secure and safe place or condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate the carrying on of any manufactories dangerous in causing or promoting fires; to prevent the use or regulate the use of fire-works and fire-arms. Construction of chimneys.

SECTION 3. To compel the owners and occupants of buildings situated in the business part of the city to Scuttles in roof.

have scuttles in the roofs of such buildings or ladders leading to the same.

Guard at fires.

SECTION 4. To authorize the mayor and 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 by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of fires and the extinguishment of the same; as the common council may deem expedient.

Purchase fire engines.

SECTION 5. The common council shall have power to purchase fire engines and engine houses and apparatus for fire engines, and to authorize the formation of fire companies and to provide for the due and proper regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company may elect its own officers and form its own by-laws, not inconsistent with the laws of the state, or the ordinances and regulations of said city, and said companies be formed only by volunteer enlistment, and every member shall be exempt from poll tax and highway work, and from serving on juries, and from military duty during the continuance of such membership.

Chief engineer.

SECTION 6. The common council shall, on the first Monday in May in each year, or as soon thereafter as practicable, appoint a chief engineer, who shall appoint an assistant engineer, both of whom shall have such power and perform such duties as the common council may ascribe. The common council shall also at the same meeting appoint four fire wardens, one of whom shall reside in each ward, and who may from time to time as they deem proper, enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to direct or order the marshal, constable or watchman, or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers, 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 obey any such lawful order, shall be liable to such

penalty as the common council may prescribe, not exceeding ten dollars.

SECTION 7. The members of such fire company or companies are hereby authorized, collectively or individually, at the time of any fire to take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from destruction. The common council is hereby authorized to appropriate such sum as they may deem proper for the compensation of said members of said fire company or companies, and for the proper regulation and expenses of the same; provided, the same appropriations shall not exceed one-half of all the proceeds of all fines and penalties received for the breach of any ordinance, by-law or regulation made in pursuance of this chapter.

Preservation of property.

TITLE IX.

RELATING TO A POLICE COURT.

SECTION 1. The police justice of said city shall hold his office for the term of two years, and until his successor is elected and qualified, and at each annual election next prior to the expiration of the term of office of the police justice then in office, his successor shall be elected. The police justice shall have and exercise all the authority, powers and jurisdiction which are by law conferred upon justices of the peace, and shall take the oath and give the security required of justices of the peace. He shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trial for offenses against the criminal laws of this state committed within the limits of said city, and shall have exclusive jurisdiction in all cases to which the said city shall be a party, and he shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be construed to affect in any manner the jurisdiction of the circuit court, or of the municipal court for Rock county. Nor shall the same be construed to give the police court jurisdiction to hear, try and determine any civil suit where the subject matter of the suit exceeds two hundred dollars, or any criminal suit or proceeding when the offence is not by the general laws of this state cognizable before a justice of the peace; and provided further, that in any action or proceeding to which the said police justice may be a party, or of kin

Relating to police court.

to any party to such action or proceeding, or of kin to the complainant in any criminal action or proceeding, then, and in every such case, the justices of the peace provided for by this act shall have jurisdiction to issue process in such action or proceedings, and to hear and determine the same, and if upon the return of any process issued by said police justice in any criminal action or proceedings, or in any civil action to which the said city is a party, it shall be made to appear by the affidavit of the complainant or defendant in any criminal action or proceeding, or by the affidavit of the defendant or of the mayor, city attorney or city marshal, in any suit to which the said city is a party, before issue is joined in any such action or proceeding, that the police justice is a material witness on the trial or hearing of any such action or proceeding, or that he is of kin to the complainant or to any party to such action or proceeding, then and in every such case the said police justice shall transmit such action or proceeding and all papers relating thereto to one of the justices of the peace in said city, who shall thereupon proceed to hear, try and determine the same in the same manner as it would have been lawful for the said police justice to have done if such affidavit had not been made. The said justice may also, on his own motion, without any such affidavit, remove any action or proceeding to one of the justices of the peace of said city, in any of the cases mentioned in this section, where he may be of kin to the defendant or to the prosecuting witness, and the justice to whom the same is transmitted shall thereupon proceed to hear, try and determine the same.

Compensation
for services.

SECTION 2. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace in towns for similar services, but the city shall not be liable to said justice for fees, except as shall accrue in prosecutions for the violation of the charter or ordinances of said city, wherein the offender shall have been discharged by some other tribunal, or the city fails in its prosecution, when the proceedings are instituted by the mayor or marshal.

In case of sick-
ness of justice.

SECTION 3. In case of the absence, sickness or other inability of said police justice to discharge the duties of said office, the mayor may designate and authorize by warrant over his signature, any justice of the peace within said city, to perform the duties of police justice, and the justice so designated shall, for the time being, possess all the powers, authority, rights

and jurisdiction of the police justice during the absence, sickness or other disability of said police justice, and shall continue to hold jurisdiction until the final determination of the particular case or matter commenced before him, notwithstanding the removal of the cause that occasioned his appointment to act as such police justice.

SECTION 4. Appeals shall be allowed in all cases Appeals.
from the police court, and shall be taken in the same manner and within the time provided by law for appeals from justices of the peace. No removal of any criminal action or proceeding, or of any civil action to which the said city may be a party, from said police justice, shall be made, except in the cases provided in the last preceding section and in section 1 of title IX of this act.

SECTION 5. The police justice shall, on the first Monthly report.
Monday in each month, report to the common council a list of all suits or proceedings instituted before him in behalf of said city, and the disposition made thereof, and shall at the same time account for and pay over to the city treasurer the amount of all fines and penalties collected by him, whether said fines or penalties were received for violations of the laws of the state, of the city charter, or ordinances of said city, and the receipts of the city treasurer for the amounts thus paid over shall be immediately filed with the city clerk, and the city treasurer shall pay over to the county treasurer of Rock county all moneys received for fines or penalties in civil or criminal actions to which the state was a party.

SECTION 6. The laws of the state relating to jus- Relation of
tices of the peace and courts held by justices of the police justices
peace, shall be construed to apply to said police justice to state laws.
and police court, except as is otherwise provided in this act.

SECTION 7. The city of Beloit shall not be liable City not liable.
for or pay any costs in any action or proceeding for violation of any law of this state, but the same shall be and remain a county charge, as is now provided by law.

SECTION 8. It shall be lawful for the city marshal, the sheriff of the county of Rock and his deputies, and any police officer or constable of said city, to arrest summarily and without process, any person who may be found violating any of the criminal laws of this state, or who is committing any breach of the peace within said city, or who has violated any ordinance of Cannot arrest
without process.

said city in relation to drunkenness or disorderly conduct, and take the person so arrested before the police justice. And in case of any such arrest or of any arrest made upon a criminal warrant, or upon any civil warrant in which said city is party plaintiff, which may be made after seven o'clock in the evening of any week day, or upon Sunday, or upon any legal holiday, the officer making such arrest may detain the person so arrested in custody until nine o'clock on the following day, and in case such arrest is made on Saturday evening, he may be detained until nine o'clock in the morning of the Monday following, when he shall be brought before the police justice or the justice of the peace having jurisdiction of the offense, with which the person so arrested may be charged.

Trial of arrested persons.

SECTION 9. Whenever any person shall be arrested and brought before the police justice for trial or for examination, such justice may, if he thinks proper, continue the trial or examination on his own motion, not exceeding three days at any one time, and in the meantime, unless the person under arrest shall give such security as shall be required by said justice for his appearance, he shall be remanded into the custody of the officer making the arrest, or some other proper officer, who shall keep him in custody until the time fixed for such trial or examination.

Confinement of suspected persons.

SECTION 10. Any person who may be under arrest in said city, awaiting a trial or examination before the police justice, may be confined by the officer having him in charge in such place within said city as shall be provided by the common council, or in the jail of Rock county; provided, however, that no such person shall be confined for a time exceeding three days at any one time, in any place other than the common jail of said county of Rock.

Prosecutions, how conducted.

SECTION 11. In all prosecutions for any violations of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant, as in other cases. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state, and shall be in the same form and be executed in the same manner as is now provided or may be hereafter provided by law for executions in actions founded in tort; provided, that the officer having such execution may satisfy the same out of any property of the defendant which would be liable to levy and sale by virtue of a tax warrant to collect a tax against such defendant.

TITLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. All property, real and personal, within the limits of said city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities; provided, that this section shall not be so construed as to exempt from taxation any real estate for street improvement or for the opening or widening of streets, but all real estate in the city which is exempt from taxation under the general laws of this state shall be subject to assessment and to special tax for such purposes in the same manner as other real estate under the provisions of this act.

All property
subject to tax-
ation.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be sufficient for the complaint in the action generally to allege that the defendant is indebted to the plaintiff in the amount of such penalty or forfeiture, or in such other manner as may be provided by law in actions to recover penalties or forfeitures, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it.

Actions to re-
cover penalties.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party or interested.

No incompe-
tency.

SECTION 5. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation; but such election shall be had on any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed.

Failure of elec-
tion not to in-
validate.

*Plumaging
trees, etc.*

SECTION 6. The general laws for the preservation of trees and bridges and punishment by such laws provided for the willful and malicious injuries done to the same are hereby extended to and shall include all trees belonging to said corporation, and all bridges that are now built or may be hereafter built in said city, and shall apply to any willful and malicious damage which may be done to the same by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of said trees and bridges, and enforce the same by adequate penalties.

*Public squares,
etc.*

SECTION 7. All public squares, public buildings and public grounds within the limits of said city of Beloit shall be under the control of said city, and the common council may make such ordinances in reference to the protection of the same as they may deem proper.

*Suit against
city, how com-
menced.*

SECTION 8. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy of the process, by the proper officer, with the mayor or city clerk, whose duty it shall be forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions of said council may be in such cases provided.

*May hold real
estate.*

SECTION 9. The city may lease, purchase or hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same shall be free from taxation.

SECTION 10. The aldermen of the several wards in said city shall be fence viewers in their respective wards, and they shall have the same powers, perform the same duties, and be entitled to the same compensation for their services as fence viewers in towns.

*Publication in
newspaper to
be valid.*

SECTION 11. Any ordinance of said city, published in any newspaper of said city, or which is contained in any book or pamphlet purporting to have been published by order of the common council, may be read in evidence from such newspaper, book or pamphlet, and the same shall be received in evidence in all courts and places as prima facie evidence of the passage and publication, and of the contents of such ordinance.

*Issue of sub-
poenas.*

SECTION 12. Any officer in the city authorized to issue subpoenas in any civil or criminal suit or proceeding, may issue a subpoena to witnesses to appear and testify before the common council upon any complaint or other matter pending before said council. Such

subpoena may be served in the same manner as in civil actions pending in any court. The mayor or other presiding officer of the council, and the clerk of the city, are hereby authorized and empowered to administer the proper oath to any witness to be examined before said council. And if any person shall refuse to appear before the council in obedience to a subpoena duly served upon him, or if he refuses to testify before said council in answer to any question put to him, such refusal shall be certified by the city clerk or clerk pro tem. of said council, to the officer who issued the subpoena, and such certificate shall be received as presumptive evidence of the matters therein stated; and the officer who issued such subpoena is hereby authorized and empowered to punish such witness in the same manner as if such witness had refused to appear or had refused to testify in any suit or proceeding pending before him.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law

SECTION 14. Nothing in this act contained shall be Not repealed. construed to repeal, alter or amend the following named acts, or either of them: Chapter 11 of private and local laws of this state passed in the year 1870, entitled "an act to enable the town of Beloit and the city of Beloit to settle their bonded indebtedness." Chapter 32 of the laws of this state, passed in the year 1878 entitled "an act to empower the common council of the city of Beloit to provide security against loss by fire in said city." Chapter 236 of the laws of this state, passed in the year 1879, entitled "an act relating to the city of Beloit, and authorizing the acquirement and use of additional cemetery grounds by that city." And chapter 6 of the laws of this state, passed in the year 1881, entitled "an act to authorize the common council of the city of Beloit to issue the bonds of said city for the purpose of paying its present bonded indebtedness."

SECTION 15. All acts and parts of acts in contravention of the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1892.