

[No. 173, S.]

[Published April 18, 1883.]

CHAPTER 339.

AN ACT to amend the charter of the city of La Crosse.

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

Amendment.
new sections
added.

SECTION 1. The southeast quarter ($\frac{1}{4}$) of section twenty (20), the southwest quarter ($\frac{1}{4}$) of section twenty-one (21), the west half ($\frac{1}{2}$) of section twenty-eight (28), the east half ($\frac{1}{2}$) of section twenty-nine (29), and all that portion of the southeast quarter ($\frac{1}{4}$) of section twenty-one (21), of the east half ($\frac{1}{2}$) of section twenty-eight (28), and of the northeast quarter ($\frac{1}{4}$) of section thirty-three (33), all in township sixteen (16), north of range seven (7) west, which lies west of a line commencing at a point sixty rods north and forty rods east from the center of the said section thirty-three (33), and running northwardly to a point in the north line of said section twenty-eight (28), on the east bank of La Crosse river, fifty rods east from the north quarter ($\frac{1}{4}$) post of said section twenty-eight, (28) and thence northwardly along the east bank of La Crosse river to the east and west center line of said section twenty-one (21), on the east bank of La Crosse river, are hereby attached to and made a part of the city of La Crosse. And the same, except the aforementioned portion of section thirty-three (33), shall be and become a part of the fifth ward of the city of La Crosse. And such excepted and afore-described portion of said section thirty-three (33), shall be and become a part of the first ward of the city of La Crosse.

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

Approved April 3, 1883.

[No. 121, S.]

[Published April 7, 1883.]

CHAPTER 341.

AN ACT to incorporate the city of Sturgeon Bay.

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

Corporate
name.

SECTION 1. All that district of country in the county of Door, hereinafter described, and the people inhabiting the same, from and after the

second Tuesday in April, 1883, shall be a city by the name of Sturgeon Bay; and such city shall be a municipal corporation, and in and by the name aforesaid shall have perpetual succession, and the power to sue and be sued, to contract and be contracted with, to purchase, take, hold, occupy and convey real and personal property, to have a common seal, and change or renew the same at pleasure, and shall have generally the powers of a municipal corporation at common law, and in addition thereto, the powers herein specifically granted.

SECTION 2. Said city shall embrace the following described territory: Boundaries. Beginning at a point in the waters of Sturgeon Bay, on the line between sections eight (8) and nine (9), in township twenty-seven (27) north, of range twenty-six (26) east, produced south, equi-distant from the opposite shores of said bay, and running thence north to the shore of said bay, and thence north on the line between sections eight (8) and nine (9), and four (4) and five (5), in said township, one hundred and forty-two and seventy-six hundredths chains, to the north line of said township; thence west along the north line of said township one hundred and fourteen and fifty-one hundredths chains to the shore of said bay; and thence west on the same line produced to a point in the waters of said bay equi-distant from the opposite shores thereof, and thence southeasterly on a line equi-distant from the opposite shores of said bay to the place of beginning.

SECTION 3. Said city shall be divided into wards Ward bounda-
ries. as follows: All that part of said city lying north and west of a line beginning at a point on the southwesterly boundary of said city, on the middle line of St. John's street produced, and running thence north fifty-six degrees (56) east, to where the middle line of said street meets the shore of Sturgeon Bay; thence north fifty six degrees (56) east along the middle line of said street to a point one thousand four hundred and fifty-eight feet (1,458) north fifty-six degrees (56) east of the easterly line of Cedar street, in the middle of Grant street, so called; thence north thirty-four degrees (34) west, along the middle of said Grant street three hundred and sixty feet (360) to the middle of the highway known as the Egg Harbor road, and thence northeasterly along the middle

of said highway, to the boundary line of said city, shall be and constitute the First ward. All that part of said city lying south and east of the First ward and north and west of a line beginning at a point on the southwesterly boundary of said city on the middle line of Pine street produced, and running thence north fifty-six degrees (56) east to where the middle line of Pine street meets the shore of Sturgeon Bay; thence northeasterly along the middle line of Pine street to the middle of Church street; thence northwesterly along the middle line of Church street to the line between sections five (5) and eight (8), and thence east on the section line to the eastern boundary of said city, shall be and constitute the Second ward. And all that part of said city lying south and east of the Second ward, shall be and constitute the Third ward.

Light-house in first ward.

SECTION 4. For all the purposes of this act the light-house now erected in the waters of Sturgeon Bay, shall be considered and held to be in the first ward of said city.

OFFICERS AND ELECTIONS.

Elective and appointive officers.

SECTION 5. The elective officers of said city shall be a mayor, clerk, assessor, treasurer, marshal, attorney, and three justices of the peace, one of which shall be elected as and called police justice, from the city at large, and two aldermen and one supervisor from each ward. The mayor and aldermen shall constitute the city council. The council shall appoint a superintendent of schools and a street commissioner, and may appoint a surveyor, pound master, policemen, fire wardens, night watchmen, and such other officers or agents as may be necessary or proper to carry into effect the provisions of this act, or of any ordinance made in pursuance thereof.

Who are eligible.

SECTION 6. All officers elected under this act shall be electors and freeholders of the city, and ward officers shall be electors of the ward for which they are elected or appointed. No person shall be appointed to any office who is not an elector of the city. The treasurer of the city shall be ineligible to said office for the next succeeding term.

Annual election.

SECTION 7. The election of city and ward officers shall be held on the third Tuesday of April, 1883, and annually on the first Tuesday of April

thereafter, at such place as the council shall provide; the poll shall be opened at nine o'clock A. M., and closed at five o'clock P. M., and may be closed for one hour at noon. Ten days' notice of the election shall be given by publication in any newspaper published in the city, but a failure to give such notice shall in no wise affect the validity of the election.

SECTION 8. Any three members of the council theretofore designated by the council, or if none be so designated, any three members present, shall constitute a board of inspectors of any election held in said city, and may choose one of their number to act as chairman. In case three members be not present at the time for opening the polls, the board may be filled by the election thereto of one or more electors of said city by the voters then present. The city clerk shall act as clerk of the election, and in his absence the board may appoint some suitable person to act as clerk; and the inspectors and clerk shall take the oath or affirmation required of inspectors and clerks of elections by the laws of this state.

Inspectors of election.

SECTION 9. At all elections for ward and city officers there shall be three ballot boxes, one for each ward with the number of the ward plainly marked thereon. The votes of the electors of each ward shall be deposited in the ballot box for such ward, and a separate poll list shall be kept of the electors in each ward. All elections shall be by ballot, and the names of all persons voted for by each elector shall be on one ballot. A plurality of votes shall be sufficient to elect; and in case two or more candidates receive the same number of votes for the same office, the election shall be determined by lot in the presence of the inspectors, at such time and in such manner as they shall direct.

Elections by ballot.

SECTION 10. Any person entitled to vote for county and state officers, and who shall have had an actual residence in the city for thirty days next preceding the time of holding any election therein, shall be deemed a qualified elector of said city, and may vote as an elector of the ward in which he then resides.

Qualified electors.

SECTION 11. If any vote be challenged, or if any inspector shall have reason to believe that any person offering to vote does not possess the qualifications of an elector under this act, the in-

Challenged votes.

spectors shall ascertain and decide upon the qualifications of such person as an elector; in the manner prescribed by law for determining the qualifications of electors at general elections; and in addition thereto shall require proof of such person, that he has been ten days a resident of the city, as herein provided.

When polls are closed.

SECTION 12. When an election is closed the inspectors shall, forthwith and without adjournment, ascertain the result thereof, and shall make and sign a written statement, showing the whole number of votes given at such election for each office, and the number given for each and every candidate for such office; and they shall annex thereto their certificate that such statement is correct. Such statement, together with the poll lists kept at such election, and the oaths of the inspectors and clerks shall be forthwith delivered to the city clerk to be filed and preserved in his office.

Return of votes.

SECTION 13. After the ballots are counted and the result ascertained, all the ballots shall be at once returned to the ballot box from which they were taken, and the boxes shall be at once sealed up and delivered to the city clerk, and the ballots therein shall be preserved for at least three months.

Elections, how conducted.

SECTION 14. All elections under this act, when not herein otherwise provided, shall be held and conducted in the same manner as elections at annual town meetings are held and conducted under the laws of this state; and all laws of the state enacted to prevent and punish illegal voting or fraud, corruption or deceit at elections shall be construed and held to include and apply to elections under this act.

TERMS AND QUALIFICATIONS OF OFFICERS.

Terms of office.

SECTION 15. All elective officers except justices of the peace shall hold their offices for the term of one year, and until their successors are elected and qualified; justices of the peace shall hold for the term of two years, and until their successors are elected and qualified.

When term of office shall commence.

SECTION 16. The terms of all officers elected at the annual election shall begin on the first Tuesday thereafter, and they shall qualify on or before that day. Officers elected or appointed to fill vacancies shall qualify within five days after notice of their election or appointment, and shall hold only for the residue of the term. In case of

a vacancy in the first year of the term of a justice of the peace, and the vacancy filled by appointment, the appointee shall hold only until the next annual election, and until his successor is elected and qualified. Non-elective officers shall qualify within five days after notice of their appointment, and, except as herein otherwise provided, shall hold until the second Tuesday in April thereafter.

SECTION 17. If any person shall have voted at any election at which he has been elected to any office, he shall be deemed to have notice of his election. In case any person is elected to office at any election at which he did not vote, and in case of the appointment of any person to any office the clerk shall at once give notice to such person of his election or appointment, and such notice may be served by depositing the same in a sealed envelope, post-paid and properly addressed, in the postoffice in said city. He shall also file and preserve in his office a copy of such notice, with the proof of the time and manner of the service thereof indorsed thereon.

Notice to persons elected.

SECTION 18. All elective officers, except justices of the peace, shall, before entering on the duties of their office, take and file with the city clerk the oath of office prescribed by the constitution and laws of this state; and the assessor, treasurer, marshal, street commissioner, pound master and such other officers as the council may require, shall each, in addition thereto, execute to the city and file with the clerk a bond with two or more sufficient sureties, to be approved by the council, in such penal sum as the council may prescribe, conditioned for the faithful discharge of his official duties. The sureties in every such bond shall justify in the aggregate, in double the amount named in said bond, in unincumbered property in this state over and above debts, liabilities and exemptions. In case the council shall disapprove any such bond, the person executing the same shall file a new and satisfactory bond within five days after notice of such disapproval. The council may order any officer to furnish an additional bond, in such sum as it may prescribe, and in such case the officer shall furnish such additional bond within five days after the service on him, of a copy of such order. If the clerk shall be required to give bond the council may prescribe the depository thereof.

Shall take oath of office.

Qualification of justices.

SECTION 19. The justices of the peace shall qualify in the same manner as other justices of the peace; and the police justice shall in addition thereto execute to the city and file with the clerk, a bond with two or more sufficient sureties, to be approved by the council, and in such sum as the council shall prescribe, conditioned for the payment, in the manner required by law, of all moneys which shall come to his hands as such police justice, and for the faithful discharge of the duties of his office.

Shall not be accepted as surety.

SECTION 20. No member of the council shall be accepted as surety on any bond, undertaking or obligation executed to the city or in the performance of which the city is or may become interested.

First meeting of council.

SECTION 21. The council shall meet on the first Tuesday after the election in each year to approve or disapprove bonds, and take such measures as may be necessary to the proper qualification of the officers-elect. At such meeting, or on or before the second Tuesday thereafter, it shall elect, by ballot, one of its number president of the council.

Penal sum.

SECTION 22. When the council shall have fixed the penal sum or other requisite of the bond of any officer, such order shall continue in force until altered or abolished by the council.

VACANCIES AND HOW FILLED.

Resignations.

SECTION 23. All resignations of officers elected or appointed under this act, or by or under any ordinance made in pursuance thereof, shall be made to the city council.

What is deemed vacating an office.

SECTION 24. If any person elected or appointed to any office shall fail to qualify, or having qualified, shall accept and hold any other office inconsistent therewith, or when required shall fail to give additional security, or shall die, or resign, or be adjudged insane, or be convicted of a felony, or be permanently disabled, from the discharge of his duties, or be removed, or shall remove from the city, or from the ward for which he was elected or appointed, the office shall thereby become vacant, and the council shall so declare, and shall state the cause of such vacancy; and the vacancy shall be filled as herein provided.

Vacancy of mayor.

SECTION 25. Vacancies in the office of mayor shall be filled by election; but the council may.

in its discretion, refuse to order a special election for that purpose. The council may, by appointment, fill vacancies in any other office; all appointments by the council shall be by ballot.

SECTION 26. All special elections, for whatever purpose, shall be ordered by the council. Notice thereof shall be given as of annual elections, which shall specify clearly the purpose or purposes of such election. They shall be held and conducted, and the votes counted, and statement thereof made and filed, and the poll lists, oaths and ballots preserved in the same manner as at annual elections.

POWERS AND DUTIES OF OFFICERS.

SECTION 27. The mayor shall preside at all meetings of the council, but shall vote only in case of a tie. He shall, from time to time, lay before the council such information, and recommend such measures as he may deem advantageous to the city. He shall be chief executive officer of the city, and shall take care that this act and the ordinances of the city be duly observed and enforced. In case of a riot, fire or any apparent necessity, he may appoint as many special policemen, for and during such exigency, as he may deem necessary. In case of riot, or other disorder, requiring the civil power for its suppression, the mayor, if present, shall direct the proceedings. He may command all citizens to his assistance, and any person refusing to obey his lawful command, shall forfeit a sum not exceeding fifty dollars (\$50), and shall be liable to immediate arrest therefor. He shall sign all orders legally drawn on the treasury, and shall perform such other duties as are herein prescribed, or as may be lawfully required of him by the ordinances of said city, or by the vote or order of the council.

SECTION 28. In case of vacancy in the office of mayor, the president of the council shall perform the duties of mayor until the vacancy be filled; in case of the temporary absence or disability of the mayor, the president shall perform the duties of mayor for the time being. In case of the absence of both mayor and president from any council meeting, they may designate one of their number to act as president *pro tem.*, whose duty,

as such, shall be simply to act as president of such meeting. The president or president *pro tem.* may vote on all questions coming before the council. When acting officially they shall be styled "acting mayor," and within scope of their powers, their acts shall have the same force and validity as if done by the mayor.

Clerk.

SECTION 29. The city clerk shall be clerk of the council; he shall attend its meetings, and shall take, sign and record full and accurate minutes of all its proceedings. He shall keep a full and complete record of the finances of the city; he shall sign and keep a record of all ordinances and by-laws, and shall cause the same to be published and proof thereof preserved, as herein provided, or as directed by the council. He shall keep a record of all licenses, commissions or permits granted or authorized by the council showing to whom granted, for how long and for what purpose. He shall give notice, as herein required, of all annual or special elections, and shall keep a true record of the proceedings thereat. He shall draw all orders on the treasury and sign the same, and no order shall be a legal voucher or demand against the city unless so signed. He shall certify to the county clerk within ten (10) days after any election the name and address of the treasurer, assessor, clerk and each supervisor elected thereat, and promptly notify to him any subsequent change in any such office. Whenever the council shall appoint a treasurer, he shall at once give notice thereof to the county treasurer. He shall transmit forthwith to the clerk of the circuit court notice of the election, appointment or resignation of justices of the peace, giving the term for which elected or appointed, and, when to fill a vacancy, the name of the last incumbent. He shall perform such duties as are required of town clerks by the general laws of the state in relation to the assessment and collection of taxes; and he shall perform such other duties as are herein or by law prescribed, or as may be lawfully required of him by the ordinances of the city, or by the vote or order of the council. He shall have the custody of the corporate seal, and of all records, books and papers belonging to, or required to be kept or filed in his office; and all such records books, and papers, and transcripts therefrom duly certified by

him, shall be *prima facie* evidence in all courts and places of the facts therein stated.

SECTION 30. The assessor shall assess all the taxable property in said city, as required by law, and without regard to ward boundaries; and shall complete his assessment roll and lay it before the board of review, as required by the general laws of the state, and shall perform such other duties as are herein, or by law or ordinance required.

SECTION 31. The mayor, clerk and assessor shall constitute a board of review; and as such they shall perform the duties required of them by the general laws of the state.

SECTION 32. The treasurer shall collect all general and special taxes and assessments levied on the real and personal property of the city, and shall make return of unpaid taxes, and in so doing shall proceed in all respects in the same manner, and shall have and exercise the same powers, and be governed by the same laws as treasurers of towns, unless herein otherwise prescribed. He shall retain, receive and take charge of all moneys belonging to the city, and shall keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose. He shall disburse the funds of the city only on the written order of the mayor and the clerk, subscribed by them with their signatures. And he shall perform such other duties as are herein or by law prescribed, or as may be lawfully required of him by ordinance or by vote or order of the council.

SECTION 33. The marshal shall be chief of police of the city, and subject to such rules as may be prescribed by ordinance for their government. The police of the city shall be under his direction and control. He shall suppress all riots and disturbances in the city, and shall arrest, with or without process, all persons engaged therein, or who shall be found in a state of intoxication, or in any manner disorderly, or violating any law of the state or any ordinance of the city, and take them before the police justice for trial. If it be on Sunday, or a legal holiday, or the person arrested be intoxicated, he may be detained in the watch house until a trial can be had. For the violation of this act, or of any ordinance, he may arrest without process within the limits of the

city, and with process he may pursue and arrest the offender anywhere in Door county. In the lawful exercise of his duties, he may command any elector of the county present to assist him therein, and any person so commanded, refusing or neglecting to render such assistance, shall forfeit a sum not exceeding twenty dollars (§20), and shall be liable to immediate arrest therefor. He shall execute all lawful written orders of the council, and shall possess the necessary powers therefor. In addition to the powers hereinbefore enumerated, he shall have the powers of a constable under the laws of the state, and may serve process directed to the sheriff or any constable of said county. Within the limits of the city, policemen and special policemen, while on duty, shall have the same powers as marshal.

City attorney.

SECTION 34. The city attorney shall prosecute or defend, on behalf of the city, all actions or proceedings in which the city is a party or interested. He shall give advice to the council and other officers of the city on all legal questions submitted to him pertaining to its official duties, and in which the city is interested. He may be required to draw all ordinances and by-laws ordered by the council, and all conveyances, contracts and other instruments necessary to the transaction of the business of the city; and he shall perform such other duties as are herein prescribed, or as may be lawfully required by ordinance, or by order or vote of the council.

Justices of peace—their powers and duties.

SECTION 35. The justices of the peace shall have the same powers and jurisdiction as other justices of the peace; and the police justice, in addition thereto, shall have exclusive jurisdiction of all actions and causes for the violation of this act, or of any ordinance, order or by-law of the city, made in pursuance hereof. In case of a vacancy in the office of police justice, or in case of the temporary absence or disability, the mayor shall, in writing, designate another justice of the peace of the city to perform his duties, who shall thereafter have the powers and perform the duties of police justice during the continuance of such vacancy, absence or disability. The police justice and any justice of the peace who may have acted as police justice, shall report and pay into the treasury quarterly, at the close of each calendar quarter, all moneys collected by him and belong-

ing to the city, which report shall be verified by his affidavit and filed with the city clerk.

SECTION 36. The supervisors shall be members of the county board of supervisors; they shall represent their respective wards in such board, and shall have the same powers and be liable to the same duties as other members thereof.

Board of supervisors.

SECTION 37. The treasurer, police justice, street commissioner, pound master and such other officers, agents and employes as the council may require, shall each annually, at the time herein specified and at any other time when required by the council, exhibit to the council his records, accounts, funds and vouchers for examination, and shall make and render to it such statements and reports as it may require.

Records to be presented annually.

SECTION 38. Every deed, bond, conveyance, contract, commission, license or other written instrument, directed or authorized by the council, shall be executed on the part of the city by the mayor and clerk and sealed with the corporate seal.

Deeds.

SECTION 39. Non-elective officers shall perform such duties and be under such obligations and shall receive such compensation as the council shall, from time to time, prescribe, order or direct.

Duties of non-elective officers.

SECTION 40. The mayor and aldermen shall receive no compensation, except for special services. The clerk, attorney and superintendent of schools shall be paid by salary. The marshal and police justice shall be entitled to charge such fees as constables and justices of the peace are allowed for similar services, and the marshal may, in addition thereto, be paid a salary. All salaries shall be payable quarterly. Except as herein provided, the council shall prescribe the compensation of the several officers, and the compensation of any officer shall not be changed during his term of office.

Compensation.

SECTION 41. Every city officer shall deliver to his successor, when qualified, all money, records, books, papers and property, in his hands as such officer; and in case of vacancy, the clerk, unless otherwise provided by the council, shall demand and receive all such property and retain the same in his office or deliver the same to the person elected or appointed to fill such vacancy as the circumstances of the case shall require or the council direct.

Penalty for failure to deliver.

Property of city.

SECTION 42. All maps, plans, diagrams, drawings, statements, certificates or estimates made by the surveyor, shall be the property of the city; they shall be authenticated in such manner as the council may require, and shall be filed and preserved in the clerk's office.

No officer to be interested in any job.

SECTION 43. No member of the council of said city shall be in any manner directly or indirectly interested in any contract or agreement for the performance of any work or the furnishing of any material for said city, except as herein otherwise provided; and in case of a violation of this section such officer shall forfeit not less than ten (10) nor more than two hundred dollars (\$200).

THE CITY COUNCIL.

Powers vested.

SECTION 44. All powers of the city not specifically given to some other officer are hereby vested in the council.

Quorum.

SECTION 45. Any five members of the council shall constitute a quorum; but a less number may adjourn from time to time until a quorum be present.

Judge of election.

SECTION 46. The council shall be judge of the election and qualification of its members, and may prescribe the mode of procedure in case of a contest.

Regular meetings.

SECTION 47. The regular meetings of the common council shall be held at such place and times as may be prescribed by its by-laws. Special meetings, unless otherwise ordered, shall be held at the same place and may be called by the mayor or any two aldermen, in writing, filed with the clerk, who shall thereupon give at least one day's notice thereof to all other members of the council in the manner directed by the by-laws. All its meetings shall be open to the public.

Power to preserve order.

SECTION 48. The council shall have power to preserve order at its meetings, to compel the attendance of members and impose penalties for non-attendance; to appoint or authorize the mayor to appoint such committees as it may deem expedient; to prescribe the order and method of its proceedings, and to adopt such by-laws as may be necessary or proper to carry into effect the provisions of this section.

Motion to reconsider votes.

SECTION 49. No motion to reconsider any vote taken by the council at any other meeting shall be carried, nor shall any ordinance, order or by-

law be amended or repealed, except by a majority vote of all the members of the council, and the yeas and noes shall be taken on all such questions.

SECTION 50. The council shall cause to be kept all the records herein provided for and such other records as it may deem necessary properly to preserve and exemplify the transactions of the city, or any of its officers or agents, and may prescribe or direct the form and manner of keeping any such records.

Keeping records.

SECTION 51. The council shall meet on the last Tuesday in March in each year to examine, audit and adjust the accounts of the treasurer, police justice, street commissioner, pound master and of such other officers, agents and employes as shall be necessary to a full understanding of the finances of said city. And it may require any such officer, agent or employe to exhibit his accounts, funds and vouchers for such examination and to make such statements and reports as it may deem necessary; and it shall make a full record of all such adjustments and examinations. It may require any such officer, agent or employe to come before it and exhibit his accounts, funds and vouchers for examination, or make report of his doings, at any time when, in its judgment, the public interest shall require. In case of the refusal or neglect of any officer, agent or employe, to comply with any such request, or in case of a deficit in his accounts with the city, or in case of any misconduct on his part whereby loss, damage or injury has accrued, or may accrue to the city, it may institute and prosecute such actions and proceedings and take such measures as the exigencies of the case may seem to require.

Meeting to settle accounts.

SECTION 52. The council shall also have power:

Powers of council.
Special elections.

1. To call special elections for any purpose authorized by law.

Inspectors.

2. To designate three of its number to act as inspectors of any election held under this act.

3. To fill all vacancies in office except in the office of mayor, and may appoint a clerk *pro tem*.

Vacancies.

4. To appoint such non-elective officers as it may deem necessary, except as herein otherwise provided; such appointments may be made at such times as it deems proper.

Appoint non-elective officers.

5. To prescribe the duties, powers and obligations of non-elective officers; and from time to

Prescribe duties.

time to prescribe other and additional powers, duties and obligations, as it may think necessary or desirable.

Further duties. 6. To require, from time to time, other and further duties to be performed by any officer whose duties are herein prescribed.

Police. 7. To prescribe rules for the government and regulation of the police of the city.

Compensation of employes. 8. To fix the compensation of all officers, agents and employes of the city, when not herein otherwise provided.

Security. 9. To require at any time any officer under bond to the city, to give additional security for the performance of the duties of his office.

Removal from office. 10. To remove from office, by a two-thirds vote of all the members, any elective officer for any refusal or wilful neglect to perform the duties of his office, or for any wilful misconduct in office, giving to the accused a reasonable opportunity to be heard in his defense; and it may provide by its by-laws the mode of procedure in such case.

Non-elective officers. 11. To remove from office, by a majority vote of all the members, any non-elective officer, or any agent or employe for any act which it may deem official misconduct.

Dismiss non-elective officers. 12. To dismiss any non-elective officer, or any agent or employe, whenever, in its judgment, his services are no longer needed or desirable.

Hold real estate. 13. To purchase, take, hold and occupy, and sell and convey real and personal property on behalf of the city.

Seal. 14. To procure a common seal, and to change or renew the same at pleasure.

Buildings. 15. To purchase or erect and maintain the necessary buildings for the use of the city, and to make all necessary contracts and agreements therefor.

City elections, place for holding. 16. To provide a suitable place for holding the city elections, and the ballot boxes and furniture necessary therefor.

Stationery, etc. 17. To procure the necessary record books, blank books, stationery, furniture and other personal property, for the use of the city, its officers, agents or employes.

Publication of ordinances. 18. To provide for the publication of ordinances, by-laws and notices, and procure the necessary public printing.

Cemetery grounds. 19. To purchase and hold cemetery grounds,

and enclose, lay out and ornament the same, and sell and convey lots therein.

20. To purchase grounds for and establish public parks and walks, enclose, lay out, improve and ornament the same; to prevent the killing or worrying of animals and birds therein, and to prevent the incumbering or improper use thereof. Parks, etc.

21. To provide for and regulate the setting out of shade and ornamental trees in the streets, and in and around the cemeteries and public parks and walks of the city. Ornamental trees.

22. To erect lamps and regulate the lighting thereof, and provide for lighting the streets, public grounds and public buildings with gas or otherwise. Lamps and lighting.

23. To establish and change the grade of streets, alleys, sidewalks and crosswalks. Change names of streets.

24. To lay out, open, alter, widen, grade, pave, improve and keep in repair and vacate or discontinue streets, lanes and alleys. Repair of streets, etc.

25. To regulate the manner of using the streets and pavements, and protect the same from encroachment and injury. Streets and pavements.

26. To locate and construct gutters, drains and sewers, and to change, repair and reconstruct the same. Gutters and drains.

27. To make, alter, widen, repair, reconstruct, vacate or discontinue sidewalks and crosswalks. Sidewalks, etc.

28. To purchase plows, scrapers, spades, axes, bars and other necessary tools and implements for the use of the city. Implements for street use.

29. To establish a fire department; to determine the number which shall belong to each company; to appoint the officers and members thereof, and prescribe and regulate their powers and duties; and it may accept the services of any volunteer fire company, subject to such regulations as it may prescribe. Fire department.

30. To purchase fire engines and all necessary apparatus for the extinguishment of fires, and to purchase, construct and erect pumps, water mains, reservoirs, wells, cisterns and other waterworks. Purchase fire-engines.

31. To require the inhabitants of the city to aid in the extinguishment of fires. Extinguishment of fires.

32. To pull down and raze such buildings in the vicinity of fire as shall be directed by them or any three or more of them present at the fire, to prevent its communication to other buildings. Raze buildings.

33. To establish fire limits, within which Fire limits.

wooden or other combustible buildings shall not be erected or rebuilt.

- Fire escapes.** 34. To require the owners or occupants of buildings to provide suitable ladders and fire escapes, which shall be appurtenances to the realty and exempt from seizure and sale separate from the realty.
- Gunpowder.** 35. To regulate the storage of gunpowder and other explosive and dangerous substances.
- Engines.** 36. To provide for the inspection and regulation of stationary steam engines and boilers.
- Ashes.** 37. To require the construction of safe places, for the deposits of ashes.
- Stoves.** 38. To regulate the manner of putting up stoves and stove-pipes, and the construction of chimneys.
- Lumber yards.** 39. To regulate the keeping of any lumber yard, or the storing or keeping of lumber, timber, wood, coal, or other combustible material in the city.
- Firearms and crackers.** 40. To prevent bonfires and the use of firearms and fireworks in the city or in any place or part thereof which may be dangerous to the city or any property therein, or annoying to the citizens thereof.
- Sack companies.** 41. To organize a sack company, determine the number of its members, and appoint its officers and members; and it may accept the services of any volunteer sack company, subject to such regulations as it may prescribe. Such company shall constitute a part of the fire department. It shall be their special duty to take charge at fires, of all property exposed or endangered, and as far as possible preserve the same from loss or injury; and for such purpose it shall have the same powers as the special police of the city.
- Waterworks.** 42. To construct, maintain and operate waterworks, mains, pipes and hydrants, to supply the city with pure and wholesome water; to regulate and prescribe the terms and conditions of the construction and use thereof, and prevent any unnecessary waste of water.
- Impure water.** 43. To prevent the use by the inhabitants of the city, for culinary purposes, of impure and unwholesome water.
- Board of health.** 44. To appoint a board of health, which shall have all the powers of such boards under the general laws of the state, and such other powers as the council may legally confer.

45. To erect, purchase, or rent and maintain pest-houses, hospitals and dispensaries, and control and regulate the same. Pest houses

46. To prevent, or control and regulate, the landing of persons from boats, vessels, cars, stages or other conveyances, wherein are infectious or contagious diseases. Infectious diseases.

47. To make regulations to prevent the introduction and spread of contagious diseases; to make quarantine laws and regulations and enforce the same within the limits of the city. Contagious diseases.

48. To regulate the burial of the dead and the return of bills of mortality. Burial of dead.

49. To declare what are nuisances, and to abate all nuisances under the ordinances, the laws of the state or at common law; but nothing herein shall be construed to oust any court of its jurisdiction over such matters. Nuisances.

50. To require the owner or occupant of any soap factory, tallow chandler's shop, tannery, stable, barn, privy, sewer, or any unwholesome or nauseous building or place, to remove or abate the same or to cleanse and disinfect it as often as may be necessary for the public health. Abatement of nuisances.

51. To direct the location and management of slaughter houses and prevent the erection, use or occupancy of the same, except as authorized by it. Slaughter houses.

52. To prevent persons from bringing, depositing, leaving or permitting to remain on their premises, or on premises owned, occupied or controlled by them, within the city, any putrid carcass or other unwholesome substance. Putrid carcasses.

53. To prohibit and prevent putting into the waters of Sturgeon Bay, or into any well or pool within the limits of the city, the carcass of any dead animal or other unwholesome thing or substance, or knowingly permitting the same by the owners thereof, to be put, or to remain therein. Defiling waters of bay.

54. To regulate public bathing within the city and to prevent the same except on compliance with such regulations as it shall prescribe. Bathing.

55. To establish and regulate markets and prevent sales in the streets. Public markets

56. To provide standards of weights and measures and prevent the use of false weights and measures. Weights and measures.

57. To regulate the place and manner of Hay and fuel.

weighing and selling hay, measuring and selling wood, coal and lime.

- Bread.** 58. To regulate the size, weight, quality and sale of bread.
- Provisions.** 59. To regulate the sale of game, poultry, fresh meat, vegetables, fish, butter and other provisions, and to prevent the sale of any unwholesome provisions.
- Encumbering of streets.** 60. To prevent the encumbering of streets, sidewalks, crosswalks and alleys with any thing or substance whatever.
- Snow and dirt.** 61. To require the owner or occupant of any building to remove any snow, dirt or rubbish from the sidewalk adjacent to his premises.
- Horse racing.** 62. To prevent horse-racing and immoderate riding and driving in the streets.
- Riding and driving on sidewalks.** 63. To prevent the riding or driving of animals or the driving of vehicles on or over the sidewalks.
- Hitch horses.** 64. To require the owners or drivers of horses or other animals, whether attached to vehicles or otherwise, to fasten the same while left in the streets or alleys of the city.
- Hitching to trees.** 65. To prohibit the hitching of horses, teams or animals to any tree, fence or pump, or to other public or private property liable to injury thereby.
- Pounds, etc.** 66. To establish pounds and regulate and protect the same.
- Restrain cattle.** 67. To restrain the running at large of cattle, horses, mules, sheep, swine, poultry or other animals, and to authorize the distraining, impounding and sale of the same.
- Dogs.** 68. To prevent the running at large of dogs, and to authorize their destruction in a summary manner when at large in violation of any ordinance.
- Engines and cars.** 69. To regulate and control the running of engines and cars through or into the city, and the rate of speed of the same.
- Hackmen, etc.** 70. To license draymen, cartmen, hackmen, omnibus drivers and porters, determine the prices they may charge for their services, and establish rules and regulations as to their conduct as such, and prevent any unnecessary noise or disturbance on the arrival or departure of persons in public conveyances.
- Shows.** 71. To prevent or license and regulate the exhibitions of caravans, circuses, theatrical performances, minstrels or shows of any kind.

72. To prevent or license and regulate the keeping of billiard tables, pigeon hole tables and bowling saloons. Billiard tables.

73. To suppress and restrain or license and regulate hawkers, mountebanks, peddlers and auctioneers. Hawkers, etc.

74. To prevent and suppress or license and regulate the sale of intoxicating liquors. Liquors.

75. To prevent and suppress the sale or giving away of intoxicating liquors unless licensed by it.

76. To fix the price of any license by it granted, but the sum to be paid for any license to sell intoxicating liquors shall, in no case, be less than the minimum price fixed therefor by the general laws of the state. Price of license.

77. To prescribe the term of any license granted by it, but such term shall not extend beyond the annual election of officers next after the granting thereof. Term of license.

78. To revoke any license granted by it for the violation of any provision of this act, or of any ordinance relating to the subject matter of such license. Revoke license.

79. To prohibit and restrain the sale of intoxicating liquor to any designated person or persons, whether resident of the city or not, and to cause notice thereof to be given, which notice shall be in writing, signed by the mayor and clerk, and may be served by the marshal in the same manner as a summons in justice's court; and such notice, with the time and manner of service indorsed thereon, shall be filed in the clerk's office, and shall be *prima facie* evidence of the issuing of such notice and of the service thereof, as therein set forth; and the same shall continue in force until revoked by the council. Sale of intoxicating liquors.

80. To prohibit and suppress all kinds of gaming and all fraudulent practices and devices, and provide for the seizure and destruction of all instruments and devices used for the purpose of gaming. Gaming.

81. To prevent and suppress riots and all riotous conduct, unseemly noises, disturbances, disorderly assemblages, disorderly conduct, disorderly houses, houses of ill-fame, drunkenness, immoderate drinking, vagrancy, obscenity, lewdness and prostitution in the city. Riots, etc.

82. To provide for the arrest and punishment of persons who go about for the purpose of gam-

Gamblers.

ing, or who have in their possession any implements or thing used for obtaining money under false pretenses, or who disturb any concert, theatre, or other public entertainment, or any school, Sunday school or congregation assembled for religious worship.

Concealed
weapons.

83. To prohibit and prevent the carrying by any person of any pistol, bowie-knife, dirk, dagger or other concealed and dangerous weapon, except as authorized by law.

Watch house.

84. To purchase or build, hold, maintain and regulate a watch house for the confinement of offenders against this act, or any ordinance, order or by-law made in pursuance thereof; to furnish the same, and provide all necessary implements for the safe handling and management of prisoners.

Protect public
property.

85. To control and protect from injury the public buildings, records, streets, walks, parks, cemeteries, fences, trees, fire engines, wells, cisterns, reservoirs, pumps, water-works, lamps and any and all other property belonging to the city.

Insure prop-
erty.

86. To cause such buildings and property of the city to be insured as it may deem advisable.

Renumber lots.

87. To renumber the lots and blocks of the city, or any part thereof; to change the name of any street or part of street therein, and to cause a revised and consolidated plat of the city to be recorded in the office of the register of deeds of Door county, and such record shall, from and after the date thereof, be constructive notice to all residents of said county, and from and after one year from the date thereof, to all persons whomsoever, of the changes so made.

Tax levy.

88. To levy, and provide for the assessment and collection of taxes, as herein provided.

Council shall
examine and
adjust accounts.

89. To audit and allow, or disallow all claims and demands against the city, except for school purposes, and to direct the issuing of orders on the treasury therefor.

Statement to
be read.

90. To cause to be prepared and read at each annual election, a true, detailed and itemized statement by it of the finances of the city, showing the amount in the treasury at the beginning of the year, and in each of the several funds therein, the amount received in each fund for the same time, the amount disbursed from each fund, and generally, the purposes for which the sum was paid out, and the whole amount then in the

treasury, and in each fund. Such statement shall be read at 1:30 o'clock P. M., and shall be filed and recorded in the clerk's office.

91. To authorize the issuing of the bonds of the city, and the drawing of orders on its treasury, payable at a future day, and with or without interest, and generally, to manage and regulate the finances of the city, and provide the means to carry into effect the provisions of this act, or of any ordinance, order or by-law enacted in pursuance thereof. Issue bonds.

92. To provide for the prosecution or defense of all actions in which the city is a party or interested, and to procure counsel therefor. Defense in all actions.

93. To relieve and support all poor and indigent persons lawfully settled in the city, whenever they shall stand in need thereof; and for this purpose the city shall have the same rights, powers and privileges, and be subject to the same duties and obligations as towns, and the council shall perform the same duties as town supervisors. Poor people.

94. To establish wharf and dock lines and lines beyond which structures shall not be erected into or over the waters of Sturgeon Bay, in said city. Wharf and dock lines.

95. To regulate the construction and use of piers and wharves extending into the waters of Sturgeon Bay, in said city. Piers and wharves.

96. To construct and maintain, or cause to be constructed and maintained, at the expense of the city, wharves at the foot of the streets extending to the shore of said bay.

97. To prescribe the form of any notice required to be given, served or published by any provision of this act. Form of notices.

98. To make such contracts as may be necessary or proper, for public printing, for the erection or repairs of buildings or other structures, for grading or paving streets, for the construction or repair of sidewalks, crosswalks, gutters, drains and sewers, for the construction of water-works, or for any other work to be done for the city, or for the furnishing of materials therefor; to let all such contracts for work or materials to the lowest bidder or otherwise, as in its judgment will best subserve the interests of the city; and to take such security for the performance of any contract, and for insuring the city against loss or damage in consequence of the careless or negligent per-

formance of the same as may be sufficient and necessary; and it may cause any such work to be done or materials furnished in any other way which it may deem for the good of the city.

Respecting the making of ordinances.

99. To ordain and enact such ordinances and by-laws, and adopt and pass such orders, resolutions and votes as may be necessary and proper to carry into effect the provisions of this act, and subject to the conditions contained herein, to alter, amend and repeal, reconsider and modify or rescind the same.

Ordinances.

100. As an independent and substantive grant of power, to ordain and enact all such ordinances and by-laws, and make therein such provisions for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, for the protection of public and private property, for the benefit of trade and commerce, and the promotion of the public health, as it may deem expedient; provided only, that they be not repugnant to the constitution and laws of the United States or of this state.

Penalties.

101. To prescribe the penalty for the violation of any provision of any such ordinance or by-law, or of any provision of this act when not herein ascertained, which shall not be less than one dollar (\$1.00) nor more than two hundred dollars (\$200), and in all cases costs of suit, and in default of payment to commit to the watch house for a period not exceeding six months.

Penalties to be in form of an ordinance.

SECTION 53. Every enactment by the council, except by-laws, regulating its own proceedings, imposing any penalty or forfeiture for the violation or non-performance thereof, or of any provision thereof, shall be in the form of an ordinance, and the style thereof shall be, "The council of the city of Sturgeon Bay do ordain as follows."

Prima facie evidence.

SECTION 54. Every such ordinance shall be suitably entitled of the subject matter therein, and shall be published in some newspaper published regularly in the city, and shall take effect and be in force from and after one week after such publication. And every ordinance or by-law duly enacted and published, shall have the force of law. An affidavit of such publication, made by the printer or foreman of such newspaper, shall be attached to a printed copy of such ordinance or by-law, and filed therewith in the office of the clerk; and such affidavit shall be competent

evidence and *prima facie* proof in all courts and places of the matters therein stated.

EVIDENCE.

SECTION 55. This act shall be deemed a public act, and all courts and tribunals shall take notice thereof, without pleading the same and without proof. Evidence.

SECTION 56. All printed ordinances and by-laws of the city, purporting to be printed by authority of the council, and showing the date of the publication thereof, shall be admitted in evidence without further proof of their enactment or publication. Printed copy.

SECTION 57. The police justice, and all city officers shall take notice of all ordinances and by-laws duly enacted and published without proof thereof, or of their enactment or publication. Notice of ordinances.

SCHOOLS.

SECTION 58. At its meeting on the first Tuesday after its election, in each year, or within two weeks thereafter, the council shall appoint a superintendent of schools, who shall hold his office till the second Tuesday in April following, and until his successor is elected and qualified. Superintendent of schools.

SECTION 59. The mayor, clerk and superintendent of schools, shall constitute the board of education. The board of education shall have power to audit and allow all claims against the city for school purposes; to expend in the manner prescribed by law, or as directed by the council, all moneys appropriated by the council for school purposes, or so much thereof as may be necessary but shall not expend for any purpose more than the council shall have provided therefor; and except as herein otherwise provided, it shall have the same powers and shall perform the same duties, as school district boards under the general laws of the state. Board of education.

SECTION 60. School buildings, grounds and furniture shall be deemed the property of the city, and as property, shall be subject to the control of the council. The council shall also have the power to erect new school houses and buildings, and to determine the necessity for the same; also, to locate and procure sites therefor, and to deter- City property designated.

mine the plan, style and cost of all such buildings and of the furniture therefor; also, to determine the amount necessary for teachers' wages, repairs, furniture, fuel, janitor service and all other ~~items~~ of expense, and to appropriate and ~~vote~~ the necessary sum or sums therefor.

Free high school.

SECTION 61. The free high school now established in district number one of the town of Sturgeon Bay, shall continue as a free high school in said city, and the board of education shall constitute the high school board. Such high school board shall expend in the manner prescribed by law, or as directed by the council, all moneys provided for the support of such free high school, or so much thereof as may be necessary; and it shall have and exercise the same general powers as other high school boards under the general laws of the state, except that it shall report to the council the amount of money desired for the support of such high school, and the council shall determine the amount necessary therefor, and except also, as may be herein otherwise provided.

Duties of clerk.

SECTION 62. The clerk shall be clerk of the board of education, and of the high school board, and the mayor shall be director of the high school board, and president of the board of education. All orders for the payment of school moneys shall be signed by them, and shall be made payable out of the proper fund in the city treasury.

Duties of school superintendent.

SECTION 63. In addition to his duties as a member of the board of education and of the high school board, it shall be the duty of the superintendent of schools to examine all applicants for license to teach in the public schools of the city, and to give certificates to such only as are duly qualified; to annul any teacher's certificate for cause, but such teacher shall have the right of appeal to the board of education; to visit each school or department thereof, in the city, at least three times each term, and to give such instructions and make such suggestions as he may think necessary for the proper conduct of the same; to see that the prescribed course of study is pursued in a systematic, orderly manner, and superintend the examination of classes and pupils for promotion; to see that all rules adopted by the board for the government of the schools, for the protection of school property, and for the conduct of pupils at school and on the school grounds, are properly

observed; to suspend for the time being, subject to the action of the board of education, any pupil for misconduct; to attend the meetings of the council when required, and to give such information, and recommend such measures as, in his judgment, will improve and advance the schools and promote the health and comfort of pupils and teachers; and to perform such other duties as the council shall prescribe or direct.

PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 64. Whenever the council shall deem it expedient to lay out and open, change, widen or extend any street, lane or alley, or public grounds, or to construct or open, alter, enlarge or extend any drain or sewer, and it shall be necessary to take private property therefor, it shall cause an accurate survey and plat thereof to be made, and filed with the clerk; and it may purchase or take by gift all such grounds as may be needed, and take conveyances thereof to the city for such use, or in fee. If unable to agree with the owner thereof for any such land, it shall, by resolution, declare the purpose for which the same is needed, and shall therein accurately describe the land proposed to be taken, defining each tract separately and giving the amount thereof and the names of the owners or occupants so far as known, and fix therein a day, hour and place, when and where it will apply to the county judge of Door county, for a jury to condemn and appraise the same.

Property for public use.

SECTION 65. The council shall also cause to be made a notice of the adoption of such resolution, embracing a copy thereof, and addressed to all the parties interested, that it will, at the time and place named, apply to such judge for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by the marshal on the owner or occupant of each such tract of land, if known, and a resident of the county. Such notice may be served in the same manner as a summons in the circuit court, and the return of the officer indorsed thereon shall be conclusive evidence of the facts therein stated. If notice cannot be so given as to any tract or tracts, then the same shall be published once a week for three successive weeks, in some newspaper published in the city, and the affidavit

Notice to be made.

of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such publication shall be completed and such notice served, at least one week before the time fixed therein for such application. If any known owner of such tract be a minor or insane, and shall have no general guardian in this state, the judge, on the day fixed for the hearing, and before proceeding thereto, shall appoint for such persons a guardian for the purposes of such proceeding, who shall accept such tract and act for his ward therein.

Manner of hearing.

SECTION 66. At the time and place fixed for such hearing, the application and a copy of the notice and survey, with proof of the service of the notice, shall be filed with the judge, who shall thereupon make a list of twenty-four competent jurors, not exempt nor interested, but residents of the city shall not, for that reason, be disqualified. He shall hear and decide any challenge for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list is perfected. Then each party, the city by its representatives on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge, on the other, shall strike six names from the list, one at a time and alternately, the city beginning. The judge shall issue a precept to the twelve remaining jurors, requiring them on the day and hour named, not more than ten nor less than three days thereafter, to appear before him to be sworn, and to serve as a jury to view the lands and appraise the damages; and at the same time he shall publicly adjourn the proceedings to the time and place so named. Such precept shall be served by the marshal or any constable, at least one day before such appointed time, by reading the same to each juror, or by leaving a copy at his usual place of abode, in the presence of a member of his family.

Duties of jurors.

SECTION 67. The jurors summoned shall appear at the time and place named; and if any be excused, or fail to attend, the judge shall direct other competent persons to be summoned, until twelve be obtained. The judge shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the land mentioned in the notice, and if

found necessary, the damages to each owner occasioned thereby, and that they will faithfully discharge their duties as jurors according to law.

SECTION 68. Under the direction of the judge, Jury shall view the lands. the jury shall view the lands, and they shall then sit before him to hear such competent and pertinent evidence as may be offered by any party. For such purpose the judge shall possess the powers of a court in session with a jury, and if necessary, may adjourn from day to day. If the jury unanimously find it necessary to take such lands, or any part thereof, they shall render a separate verdict in writing, signed by them, describing such lands as they find necessary to be taken. In such case they shall render a further verdict or appraisement of damages, specifying therein separately the value of the land taken from each owner, and the damages otherwise sustained by each, in estimating which they shall deduct therefrom any special benefit to each owner to be derived from such improvement; and a majority of such jury may render such verdict or appraisement, and sign the same. Any technical error in the verdict may be corrected in the presence and with the assent of the jury. They shall then be discharged, and their verdict filed by the judge. In case the jury fail to agree, another jury may be at once summoned, when the same proceedings shall be had as before.

SECTION 69. Within ten days after such verdict, Appeal from verdict. any party aggrieved may appeal from the award of damages to him, to the circuit court of Door county, and the city may also appeal from any such award of damages to any owner, by filing with the judge a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and if from a part only, what part, and therewith an undertaking, with two sufficient sureties, to be approved by the judge, to pay all costs that may be awarded against the appellant on such appeal, and paying the judge for his return thereof, and one dollar (\$1.00) as state tax. The city shall not be required to give such undertaking. Any party not appealing, shall be forever bound by such appraisement. If an appeal is taken, the judge shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annexed a copy of all the papers and proceedings before him, duly certi-

fied by him. After ten days he shall file with the city clerk, annexed together, all the original papers, including the verdict, with his certificate thereof, and that no appeal has been taken, except as the facts are, which he shall briefly specify, and the clerk shall file and record such papers.

Transcripts
filed to be con-
sidered an
action.

SECTION 70. On the filing of such transcripts in the circuit court, the appeal shall be considered an action pending in such court; the city shall be plaintiff, and the owner defendant, and the action shall be subject to change of venue, and to appeal to the supreme court. It shall be tried by a jury, unless waived; costs shall be awarded against the appellant, unless a more favorable verdict be obtained.

In case jury
find it neces-
sary to take
land.

SECTION 71. If the jury first called find it necessary to take such land, or any part thereof, the council may, upon return made to the clerk, by an order duly entered of record, lay out, change, widen or extend such street, lane, alley or public grounds, and direct the same to be opened, or direct the construction, opening, altering, enlarging or extending of such drain or sewer; but they shall not enter upon any such land therefor until the owner be paid in full the damages awarded him, or the amount thereof be set apart in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk, there to remain subject to his order. At any time before actually causing such land to be put to public use, and before the rendition of judgment for damages in the circuit court, the council may discontinue all proceedings, and the city in such case shall be liable for costs only.

What the coun-
cil may order
entered in
minutes.

SECTION 72. The council may, by order duly entered in its minutes, levy and assess the whole or any part, not less than half of the damages and costs incurred in the taking of, any private property for public use, as a tax upon such property as it shall determine to be especially benefited thereby, making therein a list of such lands, in which shall be described every lot or tract so assessed, with the name of the owner, if known, and the amount levied thereon set opposite to such description. Such order, signed by the mayor and clerk, shall be published once a week for two weeks, in a newspaper printed regularly in the city, and a notice therewith that, at a time therein stated, the council will meet at its usual place

of meeting to hear any objection that may be made to such assessment. At the time so fixed the council shall meet and hear such objections as may be made, and may adjourn from day to day, and may modify such assessment in whole or part as it may deem just, and shall then deliver the same to the treasurer for collection. At any time before the fifteenth day of October thereafter, any party liable may pay such tax to the city treasurer. On the fifteenth day of October, or within one week thereafter, if any such tax remains unpaid the treasurer shall make return thereof, duly certified, to the clerk, who shall put the same with five per centum thereof additional, on the tax roll, in addition to all other taxes therein levied on such land, to be collected therewith.

PUBLIC IMPROVEMENTS.

SECTION 73. The council may cause any street, Improvements. or any part of any street, to be graded or graded and paved, graveled or macadamized, or otherwise improved; it may cause any sidewalk or crosswalk to be constructed, or any gutter, sewer or drain to be constructed, enlarged or extended; it may purchase public parks and walks, and enclose, improve and ornament the same, and set shade and ornamental trees and shrubs therein, and in the streets of the city; and it may cause any street or part thereof, or public place, to be lighted, and may erect lamps or other structures therefor; and all such improvements shall be made and effected at the public expense, and paid for out of the city treasury; but the council shall have the right to require any person or persons especially interested in or benefited by any such improvement, to contribute such sum or such percentage of the cost thereof not exceeding one-half, as it may deem just and equitable, before or at the time of ordering such improvement.

SECTION 74. All improvements of every nature, Cost of im-
provements. herein authorized to be made; all buildings and other structures herein authorized to be purchased, erected, constructed or made; all changes, alterations and repairs; and all other acts and things herein authorized to be done by or on behalf of the city, except as herein otherwise provided, shall be made, done and effected at the expense of the city, and the costs thereof shall be paid out of the city treasury.

Engines, apparatus, etc., at expense of city. SECTION 75. All engines, apparatus, tools, implements, furniture, books, records, printing, work, labor or services, herein authorized to be procured or done, by or on behalf of the city, shall be procured and done at the expense of the city, and paid for out of the city treasury.

FINANCES.

Finances.

SECTION 76. Unless otherwise directed by the council, there shall be but one fund in the city treasury, aside from the school funds; such fund shall be called the city general fund, and all moneys received into the treasury, except school moneys, shall constitute such fund; and all orders drawn on the treasury, except school orders, shall be drawn on and payable out of such fund. But the council may require other funds to be kept, in which case such other funds shall have appropriate designations, and separate accounts shall be kept therewith.

School funds.

SECTION 77. The school funds of the city shall be a teachers' wages fund, a general fund, and there may be a building fund. The council may at any time direct any unexpended balance in the building fund to be paid into either of the other school funds.

What orders shall specify.

SECTION 78. All orders drawn on the treasury shall specify the fund out of which they are to be paid. They shall be drawn in such form, and such memoranda shall be made on the stubs, and such record made thereof, as the council shall direct.

Poll tax.

SECTION 79. Every elector of the city, except as herein otherwise provided, shall be liable to pay an annual poll tax of one dollar and fifty cents (\$1.50). On or before the twentieth day of May in each year, the clerk shall make a list of the names of all male persons resident in the city over twenty-one years of age, with the amount of such tax set opposite to each person's name, and submit the same to the council for correction. Any person who is poor and not able-bodied, and all members of any fire company, may be exempted from the payment of such tax. When such list is corrected, the council shall make and annex thereto an order, signed by the mayor and clerk, and directed to the treasurer, commanding him to collect all such taxes. Such list and order shall be delivered to the treasurer on or before the first

day of June of each year, and the treasurer shall forthwith proceed to collect such tax; and he may place on such list the name of any person omitted by mistake therefrom. He shall demand the tax once of each person named in the list, and if any person neglects to pay the same for ten days thereafter, then the treasurer shall, in the name of the city, sue for and collect such tax, with fifty per centum damages on the same, together with the costs of suit, before the police justice; and in default of payment of such judgment, execution shall issue against the defendant as in cases of tort; and the first process in any such action shall be a civil warrant.

SECTION 80. On or before the fifteenth day of October in each year, the council shall, by order, resolution or vote, to be entered in the minutes of its proceedings, determine the amount of corporation taxes, exclusive of school taxes, to be assessed and levied on the taxable property in the city for the current year, which amount shall not, however, in any one year, exceed one per centum of the assessed valuation of such property. It shall, also, at the same time, determine the amounts necessary to be so assessed and levied for the various school purposes, specifying the amount for each fund separately. And it shall cause the amounts so determined on, to be so assessed, levied and collected as herein provided.

SECTION 81. Bonds of the city bearing not more than seven per cent. interest, or its orders, with or without interest, payable at a future day named, may be issued and sold under such restrictions and regulations as the council shall prescribe, for the discharge of any legal debt, the purchase or erection of public buildings, the purchase of fire engines, the purchase or erection of water works, the grading or paving of streets, the payment for property taken for any public use, the purchase or improvement of cemeteries, or public parks, or for any lawful purpose. No such indebtedness shall be created greater in the aggregate, at any time, than three per centum of the assessed valuation of the property in the city, nor without providing in the ordinance authorizing such indebtedness, for the annual levy of a tax sufficient to pay the interest on such debt, and for the levy of taxes to pay the principal thereof, within a period not exceeding ten years; such ordinance shall be irrevocable.

cable till the debt be paid, and such taxes shall be levied as therein provided, without any other or further action of the council.

Question of bonding city to be submitted.

SECTION 82. The council may submit the question of bonding the city to a vote of the electors thereof, at any general or special election, and may prescribe the form and manner of taking such vote.

Penalties to be paid into city treasury.

SECTION 83. All forfeitures and penalties, recovered in any court for the violation or non-performance of any provision of this act, or of any ordinance or by-law of the city, and all moneys paid for licenses, commissions, or permits, granted or authorized by the council, shall be paid into the city treasury for the use of the city.

AUDITING ACCOUNTS.

Auditing accounts.

SECTION 84. The council may, at any legal meeting, audit, adjust, and allow, or disallow, all claims and demands of every nature against the city, except claims or demands payable out of the school funds.

Maintaining actions against city.

SECTION 85. No action shall be maintained against the city on any claim or demand for money only, other than a city order or bond, unless such claim shall have been, in due form, presented to the council for allowance, and the council shall have refused to act on the same, or shall have neglected so to do for the space of three months.

Action of council to be final.

SECTION 86. Whenever the council shall act on any such claim, and shall disallow the same in whole or in part, its action shall be final and conclusive, and a perpetual bar to any action thereon, unless an appeal be taken from such action, as herein provided, or unless the council shall consent, by order or vote to be entered in the minutes of its proceedings, to the institution of an action by the claimant against the city.

Appeals, how taken.

SECTION 87. Whenever an appeal is taken from the action of the council, the same may be taken in the same manner, and within the same time, as appeals are allowed to be taken from the acts of the boards of county supervisors; the notice shall be served on the city clerk, and the bond shall be executed to the city, approved by the clerk, and filed in his office. The clerk shall at once give notice to the city attorney, and the subsequent proceedings and practice shall be the same, and be

governed by the same rules as in appeals from county boards of supervisors.

SECTION 88. In case of any action commenced against the city, the mayor and clerk shall at once inform the city attorney thereof. Judgments against the city shall be collected in the same manner as judgments against towns; and no execution or attachment shall ever be levied on any property belonging to the city, nor upon any private property, to satisfy any demand or judgment against the city.

In case of actions against city.

SECTION 89. No claim or demand shall be allowed by the council unless the same is itemized and duly verified by the claimant or some one in his behalf; provided, that no tax shall be levied and no money appropriated out of the treasury except on a call of the ayes and noes.

Accounts to be itemized.

SECTION 90. The minutes of the proceedings of the council shall show to whom and for what purpose any account is allowed, and the amount or items thereof so allowed; and every claim allowed in part only, or disallowed, shall be filed and preserved in the clerk's office.

What minutes shall show.

PENALTIES AND FORFEITURES.

SECTION 91. All actions brought to recover any penalty or forfeiture for a violation of any provision of this act, or of any ordinance or by-law enacted in pursuance thereof, shall be brought in the corporate name of the city. The first process in all cases, except when arrest is made without process, shall be a civil warrant, and the same shall be in like form and issued on affidavit in like manner as civil warrants are issued in justices' courts.

Penalties and forfeitures.

SECTION 92. The complaint shall, in all cases, be sufficient, if without setting forth the special matter, it allege that the defendant is indebted to the plaintiff in the amount of such penalty or forfeiture, according to the provisions of the law, ordinance or by-law, by which the same is imposed, specifying such law, ordinance or by-law, by section, chapter or title, as the case may require, or in some other similar terms referring to the same, and contain a demand for judgment for the amount of such penalty or forfeiture.

What constitutes a complaint.

SECTION 93. The subsequent pleadings in any such action shall be the same, and have the same force and effect as in actions for the collection of

Justice court pleadings.

penalties and forfeitures in justices' courts, under the general laws of the state.

How action
shall be
brought.

SECTION 94. The action may be brought for the highest sum specified as the penalty or forfeiture, and if judgment be given for the plaintiff, it shall be for the sum so demanded, or for such part thereof, within the prescribed limits, as the court shall deem proportionate to the offense, together with the costs of the action; and in all cases in which the law, ordinance or by-law, for the violation of which the action is brought, shall so prescribe, the courts shall further adjust that, in default of the payment of such sum and costs, the defendant shall be committed to the watch house for such time, within the prescribed limits, as shall seem to the court proportionate to the offense committed; such commitment shall state the amount of the penalty or forfeiture and costs, in default of payment of which the defendant has been committed; and such persons shall be released by the keeper of the watch house on the expiration of the time for which he was committed, or on the order of the police justice, stating that such judgment has been paid. Any person so committed shall be detained by such keeper, the time for which he was committed, unless sooner released in the manner aforesaid, or by due course of law.

Appeals to cir-
cuit court.

SECTION 95. Appeals may be taken to the circuit court by either party to the judgment of the police court, in any such action, in the same manner as appeals are taken from justices' courts in civil actions, except that where the defendant shall appeal, he shall, as an essential part of the appeal, enter into a recognizance to the city, with sureties to be approved by the police justice, conditioned that in case judgment be rendered against him on such appeal, he will pay such judgment and all costs taxable in such actions; and except, also, that such appeal shall be completed and such recognizances duly executed and filed within twenty-four hours after the rendition of the judgment so appealed from, and if the judgment appealed from be in part that the defendant be committed in case of non-payment, he shall, pending the perfecting of such appeal, remain in the custody of the officer; and in case the judgment in the appellate court be for the plaintiff, it shall be rendered against the principal and surety in

such recognizance, and execution may issue as in case of tort, against the defendant and such surety.

SECTION 96. When any person shall be committed to the watch house for the non-payment of any judgment, or any part thereof, the mayor may, by order, in writing, direct that such person work out the amount for which he is committed, and such person shall be put to work under the supervision of the street commissioner, or such other officer, agent or employe of the city as the mayor in such order, or from time to time, shall direct. He shall be credited for his labor, on the amount for which he is committed, at the rate of one dollar per day; but he shall not be detained for a longer period than six months. Such order shall be filed with the police justice, and notice thereof given to the marshal. The officer, agent, or employe of the city, under whom such person shall be set to work, for the purposes of his custody, shall have the powers of a policeman, and shall return such person at noon and evening of each day to the watch house.

Respecting persons confined in watch house.

SECTION 97. The city shall not be liable for the costs or fees of any officer or person in any action in the police court, except the fees of witnesses for the plaintiff, other than the marshal or police of the city, in actions wherein the defendant is discharged, and except, also the fees of such witnesses, and of the marshal and justice, in cases where the defendant has been committed, and has worked out the judgment against him as herein provided.

City liable for costs and fees.

SECTION 98. There shall be no jury trials in the police court, except when the justice thereof, shall exercise the ordinary powers and jurisdiction of a justice of the peace.

No jury trials in police court.

SECTION 99. The city of Sturgeon Bay shall own and succeed to all the money and property, and all the rights of the property, contract or action, and to all the duties, liabilities and obligations of the village of Sturgeon Bay; and all rights, actions, prosecutions, judgments, demands and claims in favor of, or against said village, shall continue and be of the same force in favor of, or against said city, as if no change had been made; and whenever any act or thing is to be done by or in the name of said village, it shall be sufficient if it be done by or in the name of said city.

Village property to be transferred to city.

SECTION 100. The treasurer of school district

Treasurer of school district to turn over money to city treasurer.

number one, of the town of Sturgeon Bay shall pay over to the treasurer of the city, on demand, after his proper qualification, all moneys, books, papers and property in his hands, belonging to said district; and the city treasurer, on the order of the proper officers therefor, shall disburse such moneys, or so much thereof, as may be necessary, in satisfaction and payment of all contracts and claims then in force against said school district, or for any purpose necessary to the proper performance of such contracts; and after the close of the terms of school then in progress in said district, the moneys and property of said district shall be apportioned in the manner prescribed by the general laws of the state.

Successors in office.

SECTION 101. For the purpose of carrying this act into effect the officers first elected and qualified under the provisions hereof, shall be deemed the successors of the corresponding officers of the village of Sturgeon Bay. The village clerk shall give notice of the first election under this act and shall be clerk of such election; the board of trustees of said village shall provide a place for the holding of such election, and shall designate three of their number to act as inspectors thereof; they shall provide the necessary ballot boxes and fix and determine the penal sum in which the officers elect shall give bonds, and may do any other act or thing requisite to the holding of such election. In case said first election shall, for any cause, be not held at the time herein designated, such board shall cause the same to be held as soon thereafter as practicable, and the officers so elected shall qualify within one week thereafter, and hold for the residue of the regular term.

Continue in force.

SECTION 102. All ordinances of said village, not inconsistent with this act, shall continue in force until altered or repealed by the council.

Town may hold elections in city.

SECTION 103. The town of Sturgeon Bay may hold its elections in the city of Sturgeon Bay, and the supervisors thereof may hold their meeting in said city, and the next election by said town may be held at the place of holding their last election, unless otherwise ordered by the authorities of said town.

SECTION 104. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1883.