

[No. 501, A.]

[Published April 22, 1887.]

## CHAPTER 246.

AN ACT to amend the charter of the city of  
Waupaca.*The people of the state of Wisconsin, represented  
in senate and assembly, do enact as follows:*

SECTION 1. Section 6, chapter 3, of chapter 238, of the laws of 1876, is hereby amended so as to read as follows: Section 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace and the collection of fines and license monies. He shall possess all the powers and perform all the duties of a constable under the laws of the state. The policemen of said city shall be under the control and direction of the mayor and chief of police, and shall have all the powers and shall perform all the duties of a constable under the laws of the state of Wisconsin.

Duties of chief  
of police.

SECTION 2. Chapter 6, of said chapter 238, entitled, "improvements of streets and sidewalks, etc." is hereby repealed, and in place thereof the following chapter is enacted:

Repealing  
section.

## CHAPTER VI.

## OF GRADES, SIDEWALKS, PAVEMENTS, ETC.

SECTION 1. The common council of said city shall have power by ordinance to establish, alter or change the grade on any and all streets in said city, and when so established, altered or changed it shall cause accurate profiles thereof to be made and filed with the city clerk, and all such grades shall be worked in accordance with such profiles and the ordinance establishing, altering or changing the same; provided, that whenever the grade on any street shall be changed or altered after the same shall have been established and worked, any person who shall have sustained damages in consequence of such change or alteration shall have

Opening and  
grading of  
streets, etc.

a claim against the city for such damages, but no action shall be commenced against the city for the same until after such claim shall have been made out and submitted to the action of the common council for allowance, in the same manner and for the same length of time as is provided by section 23, chapter 7, of said chapter 238, laws of 1876. The said common council shall also have power, by ordinance, to cause gutters, sewers and pavements to be constructed in said city, as hereinafter provided. Every ordinance for either of the above purposes shall be introduced at least one week before the same shall be finally acted upon.

**SECTION 2.** Before any new gutter, sewer, pavement or any other street improvement, the estimated cost of which shall exceed the sum of one hundred dollars, except the building of bridges, shall be ordered to be made or done, a petition therefor, describing the purpose, shall be presented to said council, signed by two or more owners of lots or parcels of lands on such street or part thereof, adjoining such proposed improvement. Upon presentation of such petition, the said common council shall fix a time and place when such petition shall be heard, not less than one week thereafter, and cause notice of such hearing to be given by publication in the official city paper or papers, or by posting the same in at least three conspicuous places in said city; and if, upon such hearing, the said common council shall determine that such improvement, gutter, sewer or pavement is necessary, then the same shall be made at such time, in such manner, and of such materials as the common council shall, by ordinance, direct; provided, that this section shall not apply to the opening and grading of new streets.

What ordinance shall describe.

**SECTION 3.** Every such ordinance shall particularly describe the improvement, gutter, sewer, or pavement to be made, and direct the time in which it shall be done and materials out of which the same shall be constructed and the manner of construction, and each owner of any lot or parcel of ground adjoining the proposed improvement, gutter, sewer or pavement, shall construct the same in front of his own premises; and in case of pavements, shall build and construct the same to the center of the street, and such work shall be

done as prescribed in such ordinance and according to the established grade of the street upon which the same is located.

SECTION 3. Sidewalks shall be constructed, reconstructed or repaired, upon the proper grade of any street in said city, of such width, and in such manner, and of such materials, and in such time, as the common council by ordinance shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalks shall be ordered.

Sidewalks to be constructed on proper grade.

SECTION 5. If the owner of any lot or piece of ground against which such improvement or sidewalk is to be made by such ordinance, shall not construct such sidewalk, or make such pavement or gutter or other improvement, in the manner, out of the materials and at or before the time designated, and according to the ordinance, the said common council shall cause such sidewalk to be built, or pavement, gutter or other improvement to be made forthwith, at the expense of the owner so being in default; and the street superintendent, or any person designated by said council, shall superintend, hire competent men, buy suitable materials, and cause, under the direction of the said council, such sidewalk to be built, or such other improvement to be made, and shall keep an accurate account of the expenses in full, street superintendent's fees and all, against each person so in default, and make out a statement of the same against each, and after the said statement shall be duly verified by said street superintendent, or other person so designated, he shall deliver the same to the city clerk, who shall, in making out the next tax roll of the city, after such delivery of statement, enter such unpaid expense in a column of such tax roll opposite to the description of the land against which such sidewalk or other improvements shall have been made, which expense, so entered, shall be a lien on said land the same as any other tax, and be collected the same as any other tax, and paid over and held by the city treasurer in the general fund of said city, and paid out as such.

When owner fails to perform his duty in making improvements.

SECTION 6. Whenever a sidewalk or gutter shall be out of repair, which, in the opinion of the street superintendent, will not cost exceeding five dollars, in front of any one lot or piece of ground,

Repairing gutters and sidewalks.

and shall be dangerous to public safety or travel, it shall be the duty of the street superintendent to repair the same immediately, and certify the cost of the same against the owner of the lot or land to the city clerk, who shall enter the sum in the next tax roll against the proper lot as a tax, which shall be a lien thereon, and collect the same, as is mentioned in the foregoing section.

May let to lowest bidder.

SECTION 7. The common council may, in its discretion, by an affirmative vote, let to the lowest responsible bidder, the construction of any sidewalk or gutter, or the making of any other improvement, on or along any street or highway in the city, which shall be so mentioned or called for in the petition as above spoken of, for the same, or may also so let the building of any sidewalk or gutter, or the making of any improvement in such street, in case of any default in doing the same, in accordance with the ordinance authorizing the same, and the expense of doing such work, and of making such improvements, shall be collected against each lot owner fronting on the same, on the verified statement of such bidder, in the same manner as provided in section 5, of this chapter.

Work to be done under supervision of street committee.

SECTION 8. All the work mentioned in this chapter shall be done under the supervision of the street committee, and shall be approved by it before the same shall be accepted by the said common council; and the costs and expenses of making all surveys, taking all levels and making all plans, plats or profiles for such work shall be chargeable to and paid by the city.

Duty of council when streets are unsafe for travel.

SECTION 9. The common council shall also, on complaint being made by any person, or to any member thereof, or on its own knowledge, or that of any member thereof, that any sidewalk, already established in the city is out of repair, that the same is dangerous and unsafe for public travel and the cost of such repair will exceed the sum of five dollars, shall, by resolution, authorize and compel the owner or owners thereof to rebuild and repair the same without delay; and in case any such owner neglects or refuses to so rebuild or repair such sidewalk, within three days after being notified of such resolution, the common council shall cause the street superintendent or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost

in full for the same against each lot so being in default, in the same manner as provided in section 5, of this chapter, and the city clerk shall place the same in the next tax roll in the same manner as therein provided; provided, that all kinds of real estate in the city exempt by the laws of the state from taxation for general purposes shall not be exempt from the burdens imposed by this title, but shall be subject to and pay such taxes for such improvements, gutters, sewers, pavements and sidewalks, or repairs on the same, as other real estate in the city, in case the owner or owners thereof neglect to build or construct the same as hereinbefore provided.

SECTION 10. The common council of said city shall have power to open up, grade and improve any street, or build and repair any bridge or bridges within said city whenever deemed necessary, and to let to the lowest and best bidder the grading and repairing of any such street, and the construction and repair of any bridge, the cost of which shall be paid from the general fund of said city.

Power to open up streets, etc., duty of superintendent of streets.

SECTION 11. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of five hundred dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office, and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets, subject to the common council; he shall expend the money realized from the poll tax in the respective wards, at such places in each ward as he shall see fit; he shall, on or before the first day of September, in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and

Shall file bond.

appoint a competent man in his place. It shall be the duty of the superintendent of streets to see that all the ordinances of the city, relating to the obstruction and clearing and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water-courses, in said city, are duly observed and kept, and direct and control the persons employed therein. Under the supervision of the common council the superintendent of streets shall have a general supervision over all the work let by contract for the improvement of streets or sidewalks in said city unless the common council shall otherwise provide. The street superintendent shall receive for his services not more than two dollars for each day actually and necessarily occupied by him in the discharge of his duties.

Subject to poll  
tax.

SECTION 12. Every male inhabitant of the city of Waupaca, over twenty-one years of age and under fifty, except active members of the fire department and such as shall be exempted on account of sickness, infirmity, poverty or other cause, and except persons exempt from poll tax by the general laws of the state, as hereinafter provided, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Waupaca, during the month of May in each year, to make out duplicate lists of all the persons liable to said tax in the city of Waupaca, and said assessor shall, on the first Monday of June of each year, deliver one of said lists to the city clerk and one to the treasurer of the city of Waupaca. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the first day of July in each year, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Waupaca. The said assessor, in making said list, shall designate the ward in which said person on said list resides; and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund

and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out upon itemized accounts of the superintendent of streets, certified to by the aldermen of the ward in which said work is done, and audited by the common council. The mayor, assessor and city clerk shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax, must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property.

SECTION 3. Section 8, of chapter 3, of said city charter is amended to read as follows: The common council shall, at their first meeting each year, or as soon thereafter as may be, designate a newspaper, printed and published in the county of Waupaca, and circulated in the city of Waupaca, to publish all ordinances and by-laws, and full minutes of all their proceedings, and to do all other printing under the provisions of this act; provided, said printing can be done at prices satisfactory to said common council. But in case the said common council cannot procure said printing to be done at satisfactory prices, they may post up in three conspicuous places in said city, written or printed copies of such ordinances, by-laws or minutes of their proceedings. In case of publication in a newspaper, the printer or foreman of such newspaper shall file with the clerk of the city, his or their affidavits of the length of time such ordinances, by-laws or proceedings have been published; but in case such ordinances, by-laws or proceedings are published by being posted as hereinbefore specified, then the affidavit of the person so posting, stating where and when such copies were posted, shall be deemed sufficient evidence of such posting; and the affidavits of printer or foreman or of the person so posting copies shall be prima facie evidence of the publication of such ordinances, by-laws or other proceedings.

Official newspaper to be designated.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1887.

[No. 657, A.]

[Published April 2, 1887.]

## CHAPTER 247.

AN ACT to amend section 1, of chapter 2, and section 3, of chapter 5, of chapter 163, of the laws of Wisconsin for the year 1885, entitled, "an act to amend chapter 4, of the laws of Wisconsin for the year 1883, entitled an act to incorporate the city of Black River Falls."

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

Power to Issue  
licenses.

SECTION 1. Section 3, of chapter 5, of chapter 163, of the laws of Wisconsin for the year 1885, is hereby amended by adding to said section a new subdivision to be known as the 31st subdivision of said section, and to read as follows: 31. To license, regulate, restrain or suppress hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and persons who travel from place to place to sell goods, wares or merchandise, and sales by hawkers, peddlers, auctioneers, so-called "Cheap Johns," transient dealers and persons who travel from place to place to sell goods, wares or merchandise, within the limits of said city; and when licensed, to fix the amount to be paid for such license. And no hawker, peddler, auctioneer, so-called "Cheap John," transient dealer or persons who travel from place to place to sell goods, wares or merchandise, shall sell or offer for sale within the limits of said city, any goods, wares or merchandise, except farm, dairy, nursery and greenhouse products, without having first obtained a license therefor, according to this act, the laws of the state and the ordinances of said city; and any person who shall in any manner violate any of the provisions of this