

[No. 888, A.]

[Published April 2, 1887.]

## CHAPTER 264.

AN ACT extending the time for holding the annual charter election for the year 1887, of the city of Antigo, from the first Tuesday in April, 1887, to the first Tuesday in May, 1887.

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

Amendment.

SECTION 1. The time for holding the annual charter election for the year 1887, in the city of Antigo, is hereby extended from the first Tuesday in April, 1887, to the first Tuesday in May, 1887.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved April 1, 1887.

[No. 729, A.]

[Published April 2, 1887.]

## CHAPTER 269.

AN ACT to amend chapter 36, of the laws of 1882, relating to the charter of the city of Madison.

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

SECTION 1, Section 4, of chapter 1, of chapter 36, of the laws of 1882, is hereby amended by striking out the word, "three" in the third line of said section, and inserting in place thereof the word, "two," so that said section when so amended shall read as follows:

## COMMON COUNCIL.

Common council.

Section 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of

two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

SECTION 2. Section 1, of chapter 2, of said chapter is hereby amended, by striking out the word, "three," in the third line of said section, after the words, "at large and," and inserting in place thereof the word, "two," and by striking out the word, "two," in the fifth line of said section, and inserting in lieu thereof the word, "one," so that said section, when amended, shall read as follows: Amended.

#### ELECTIVE OFFICERS.

Section 1. The elective officers of said city shall be a mayor and treasurer for the city at large, and two aldermen and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor and treasurer for one year; one alderman in each ward and justice of the peace for two years. The mayor and treasurer shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. The term of officers shall commence on the third Tuesday in April in each year in which such officers shall have been elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices. Elective officers.

SECTION 3. Section 8, of chapter 2, of said chapter, as amended by section 2, of chapter 195, of the laws of 1885, is hereby amended so that said section when amended shall read as follows: Amendment.

#### CLASSIFICATION OF ALDERMEN.

Section 8. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected an- Classification of aldermen.

nually on the first Tuesday in April, in each ward, one alderman, who shall hold his office for two years.

Amendment.

SECTION 4. Section 2, of chapter 3, of said chapter, is hereby amended so as to read as follows:

**MAYOR — HIS DUTIES — TO APPOINT POLICE — THEIR COMPENSATION.**

Duties of the mayor, and pay of the police.

Section 2. The mayor, when present, shall preside over the meeting of the common council, shall take care that the laws of the state and the ordinances of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such a number of policemen as the common council at their first regular meeting thereof shall determine, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall be determined by the common council; and all policemen shall receive the fees allowed to constables for the same services, and in addition shall be paid such compensation per diem as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions as he may think proper. Such special policemen shall receive for their services the same fees allowed by law to constables for similar services, and no per diem shall be paid to any special police officer of the city, except when a special order or direction of the mayor shall be given for that purpose, and not exceeding one dollar per diem for each officer so ordered to be compensated. When any such order or direction shall be given by the mayor he shall report the fact at the next meeting of the common council, with the name or names of the persons so to be compensated for such service, which order or direction, if not countermanded by the mayor, shall continue in force until disapproved by a majority of all the members elect of the council. The common council may by ordinance prescribe the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council once a year

such information as he may deem necessary, and at all times give such information as the common council may require.

SECTION 5. Section 5, of chapter 3, of said chapter, is hereby amended so as to read as follows: Amended.

#### TREASURER — HIS DUTIES.

Section 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as is required and annually at least ten days before the election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk; and the duties pertaining to said office of treasurer shall not be performed by any other officer of said city. The compensation of such treasurer shall be twelve hundred dollars annually, and at that rate for parts of a year. And all the fees and percentage heretofore charged and collected by such treasurer shall still be charged and collected by him, and when so collected no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city, and the salary of such treasurer shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the common council may determine. Duties of city treasurer, defined.

SECTION 6. Section 6, of chapter 3, of said chapter, as amended by section 3, of chapter 195, of the laws of 1885, is hereby amended so as to read as follows: Amendment.

#### CHIEF OF POLICE — POLICEMAN — THEIR DUTIES.

Section 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, the collection of all fines and license moneys, and the inspection of sidewalks, to keep them in necessary and good repair, and enforce all the ordinances and regulations for cleaning sidewalks and keeping them free from snow and ice. He shall possess Duties of chief of police.

the power of a constable at common law, or by the laws of this state, and receive like fees. The policemen shall be under the control and direction of the mayor and chief of police, and shall have all the powers and perform all the duties of a constable, under the laws of the state of Wisconsin; provided, that the chief of police and policemen shall not go beyond the city limits to make arrests or serve any process, unless the cause for making such arrest or issuing such process arise within the city.

**Amendment.** SECTION 7. Section 13, of chapter 3, of said chapter, as amended by section 4, of chapter 195, of the laws of 1885, is hereby amended by substituting the word, "ten" for the word "six," in the ninth line of said section, so that said section when so amended shall read as follows:

#### DUTIES OF ASSESSORS.

**Duties of assessor.**

Section 13. The assessors so elected shall assess all the taxable property of the city of Madison, as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding the sum of ten hundred dollars for the term for which he was elected.

**Setting out trees.**

SECTION 8. Subdivision 27th, of section 3, of chapter 4, of said chapter, is hereby amended so as to read as follows: Trees. 27th. The common council shall have power to require the owner of any lot or ground in the city to set out ornamental trees in the street or streets fronting on said lot or ground, and to keep the same trimmed in proper condition, and in default thereof, to cause the same to be done, and to levy a special tax upon said lot or grounds to pay the expenses of the same.

**Amendment.**

SECTION 9. Section 4, of chapter 6, of said chapter, is hereby amended so as to read as follows:

#### SIDEWALKS—HOW CONSTRUCTED AND REPAIRED.

**Construction and repair of sidewalks.**

Section 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper estab-

lished grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground, in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same one day in the official paper of the city.

SECTION 10. Section 5, of chapter 6, of said chapter, as amended by section 8, of chapter 195, of the laws of 1885, is hereby amended by striking out after the word, "street" in the twenty-sixth line of said amended section, the words, "will not exceed twenty-five dollars in front of any one lot to repair the same," and inserting in lieu thereof the words, "needs immediate repair," so that said section when amended shall read as follows: Amendment.

#### COUNCIL MAY ORDER BUILDING OF SIDEWALKS.

Section 5. The common council shall have the power, by a vote of two-thirds of all the members of the council to order the building, construction, reconstruction or repair of sidewalks in the city of Madison, in such manner as it may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks and shall open them in presence of the council, which shall award the contract to the lowest Council may order the building of sidewalks.

responsible bidder; provided such bid is a reasonable one, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and shall so remain for a space of twenty-four hours, which in the opinion of the superintendent of streets, needs immediate repair, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, or piece, or parcel of land, if a resident of the city of Madison, for payment; and if the owner of such lot, or piece, or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Madison, the said superintendent shall return the said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided; no order for the original construction of any sidewalk shall be held valid, unless the owner of the property to be taxed therefor, if a resident of the city, shall have two weeks' previous notice in writing, of the proposed action of the common council before such action is taken, and whereby such resident owner may be heard by the com-

mon council, if objecting thereto, and such notice to be served by leaving the same at his usual place of abode, by some officer of the city to be designated by the council.

SECTION 11. Section 2, of chapter 7, of said chapter, is hereby amended by adding to said section, so that said section when amended shall read as follows: Amendment.

INDEBTEDNESS — HOW CONTRACTED — BONDS.

Section 2. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city; nor shall it have power or authority to issue any bonds, or to contract or create any debt for any purpose whatever, unless there is money in the city treasury for the payment of the same, except for such work on the streets as shall be paid by special tax or assessment on the property benefited thereby, and except as hereinafter expressly provided. The common council shall have power to refund existing indebtedness, and to issue bonds therefor payable within twenty years, and at a rate of interest not exceeding five per cent. per annum; it shall also have power to borrow money for the construction of water-works, and to issue bonds therefor, payable within twenty years, and at a rate of interest not exceeding five per cent. per annum, payable in advance; and no bonds shall be issued unless the same shall be authorized by a vote of not less than two-thirds of the members of the common council taken by ayes and noes at a regular meeting thereof, and duly recorded upon the journal of the council, and such bonds shall not be sold or disposed of for less than their par value. No certificate of indebtedness shall be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by the ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act; provided, that by a vote of a majority of all the members of the common council the sum of five thousand dollars may be trans-

Indebtedness  
contracted,  
bonds.



ferred from the funds now in the treasury, arising from the three mills levied for principal and interest on the bonded debt to the general fund, and said sum shall be used during the fiscal year ending August 31, 1887, for street improvements; and a like sum may, by a unanimous vote of said common council, be transferred for like purposes during the fiscal year ending August 31, 1888.

**Amendment.**

SECTION 12. Section 6, of chapter 7, of said chapter, is hereby amended so as to read as follows:

**FISCAL YEAR—TAXATION FOR GENERAL PURPOSES.**

**Fiscal year,  
taxation.**

Section 6. The fiscal year of the city of Madison shall commence on the first day of September, on which day or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison shall be received, the clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting or within five days thereafter, the council shall, by resolution, determine what amount of money, including the estimated revenues of the city, not derived from direct taxation, for the current fiscal year, will be required for all city purposes during that year; and the council shall thereupon, by resolution, levy a tax, which, together with the tax required to be levied for the state, county and county school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount two per cent. of the assessed value of real and personal property of the city for that year. Of the amount so levied, a sum equal to two-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payment of the interest and principal on the bonded debt of the city, so long as any portion of such debt shall remain unpaid. The sum of one-tenth of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart to be paid to the treasurer of the board of education, and to be applied to the payment of the principal and interest on a loan of forty-five thousand dollars or less, that may be made by the board of education of said city, for building pur-

poses, so long as any part of such loan remains unpaid, and when said loan and interest is wholly paid, said money so collected, shall be set apart and used for the payment of the principal and interest on the bonded debt of the city, so long as any portion of said debt shall remain unpaid. And a further sum equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city, or such less sum as the board of education may, by resolution, determine to be sufficient, shall be set apart and used for the payment of the current and contingent expenses of the city schools, and for no other purpose whatever, and the sum of three-tenths of one per cent. shall be set apart to the water fund hereinafter provided for; and such sums as shall be included in the estimates made in pursuance of this section, for the Forest Hill cemetery, shall be set apart and used for the expenses of the maintenance of said cemetery and for no other purpose. And the remainder of the tax levied under the provisions of this section shall constitute the general fund of the city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

**SECTION 13.** All acts or parts of acts in conflict with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1887.