

[No. 174, S.]

[Published April 1, 1889.]

CHAPTER 197.

AN ACT to revise the charter of the city of Antigo.

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

TITLE I.

CITY BOUNDARIES.

Corporate
name.

SECTION 1. All that district of territory in the county of Langlade hereinafter described, shall be a city by the name of Antigo, and the people now inhabiting, and those who shall inhabit said district, shall be a municipal corporation by the name of Antigo, and shall have the powers hereafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

City boundar-
ies.

SECTION 2. All that district of country included in the south half of section nineteen, south half of section twenty, all of section thirty, all of section twenty-nine, north half of section thirty-one except that part of the east half of the northeast quarter lying south of the north bank of Spring brook, and the mill pond, and north half of section thirty-two, all in township number thirty-one north, range eleven east, in Langlade county, Wisconsin, shall comprise and constitute the city of Antigo.

Ward
boundaries.

SECTION 3. The city of Antigo shall be divided into six wards as follows: All the territory lying north of the center line of Fifth avenue, extended to the east city limits, and east of the center line of Superior street continued northeasterly as now used and traveled, to the north limits of the city, shall constitute the First ward. All the territory lying north of the center of Fifth avenue, west of Superior street continued northeasterly as now

used and traveled, and east of the main track of the Milwaukee, Lake-shore and Western railway company, shall comprise the Second ward. All the territory lying west of the main track of the Milwaukee, Lake-shore and Western railway company, and north of the center line of Fifth avenue, extended to the western city limits, shall constitute the Third ward. All the territory lying south of the center of Fifth avenue, and west of the main track of the Milwaukee, Lake-shore and Western railway company, shall constitute the Fourth ward. All the territory lying east of the main track of the Milwaukee, Lake-shore and Western railway company, south of the center of Fifth avenue, and west of the center of Superior street, continued to the southern limits of the city, shall constitute the Fifth ward. All the territory lying east of the center of Superior street continued to the southern limits of the city, and south of the center of Fifth avenue, continued to the eastern city limits, shall constitute the Sixth ward.

TITLE II.

OFFICERS.

SECTION 4. The elective officers of said city shall be a mayor, city clerk, city treasurer, two assessors, one street commissioner in each ward, and three justices of the peace to be elected by the city at large; one alderman in each ward, and one supervisor in each ward, who shall also be a member of the common council of said city, and shall represent his ward on the county board of supervisors and be a member thereof. And in case of the absence or inability of the supervisor to attend any meeting of the county board, such alderman shall attend such meeting and act as a member of such county board; provided, however, that in every such case the city clerk shall certify to the county clerk the inability of such supervisor to act. And the appointed officers of said city shall be a city attorney, a marshal, a deputy marshal, a city physician, and a city engineer, who shall be elected by the council, but no person shall be elected to any office except by vote of a majority of all the members of the council.

Terms of office. SECTION 5. All the officers elected in said city, except justices of the peace, shall hold their offices for one year, or until their successors are elected and qualified. Justices of the peace shall hold their offices for two years. The present city officers of said city shall hold their offices until their successors are elected and qualified.

Qualifications of officers. SECTION 6. All the elective officers, except justices of the peace, from the city at large, shall be qualified voters, electors and freeholders in said city, and the supervisor and alderman from each ward shall be qualified voters and electors, and shall be freeholders in the ward where elected.

Vacancy, how filled. SECTION 7. Whenever any vacancy shall occur in the office of mayor, supervisor or alderman, such vacancy shall be filled by a new election, to be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected to fill any such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and shall be subject to the same liabilities as the person to whose office he may be elected or appointed to fill.

Officer may be removed. SECTION 8. No officer shall be removed from office except for good cause, nor unless furnished with charges, and an opportunity given such officer to be heard in his defense. The common council shall have power to compel any and all persons in said city to appear before it and testify in any hearing or proceeding instituted to remove from office any officer mentioned in this act, or any agent under said government, for any violation of duty, or of any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, either of omission or commission, and such violation shall be cause for removal; and revoke and vacate any license granted under this act, and for that purpose said council may make its order commanding the person or persons therein named to appear before it, and testify, which order shall be certified by the clerk of the said city, under the corporate seal thereof, and personally served on the person or persons therein named by delivering to each a true copy thereof; and for the purpose of compelling such appearance before it, and the giving of the testimony on such hearing

or proceeding, the said common council is hereby vested with the same power and authority possessed by any court of record in this state, and any violation or disobedience to the commands or requirements of a subpoena issued out of any court of record in this state. The common council shall proceed to said hearing within ten days from the service of the charges upon the officer so charged, and may adjourn from time to time as may be deemed necessary, and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the common council may, by a two-thirds vote of the whole council, remove such officer and declare such office vacant.

SECTION 9. No person shall be eligible to any office in said city except justices of the peace and city clerk, unless he shall be a resident elector therein, nor to any of the ward offices unless he be a resident elector and freeholder, nor unless he shall have been a tax payer in the ward in which he resides during the preceding year, and otherwise qualified to perform the duties of the office to which he may be elected or appointed. And whenever any person elected to any city office shall remove from the city, or any ward officer shall remove from the ward in which he holds office, he shall be deemed thereby to have vacated his office.

Eligibility of officers.

SECTION 10. Every person elected or appointed to any office in said city or in any of the wards thereof, except justices of the peace, shall before he enters upon the duties thereof, take and subscribe the oath of office prescribed by the constitution of the state, before some proper officer, and file the same with the city clerk, within ten days after notice of his election or appointment.

Officers to subscribe oath of office.

SECTION 11. The treasurer of said city shall before he enters upon the duties of his office, execute and deliver to the city of Antigo, a bond for such sum as the council may require, and conditioned as required by section 835, of the revised statutes, and such other conditions as the common council may prescribe. The city clerk and all other officers of the city, when required by the council, shall execute to the city a bond in such sum and conditioned as the council may prescribe. All official bonds shall be approved by the coun-

Officers to furnish bonds.

cil or a committee thereof, and when so approved shall be filed in the office of the city clerk, except the bond of the city clerk, which shall be filed and kept in the office of the city treasurer. All bonds except that of the city clerk, shall be recorded by the city clerk in a book to be kept by him for that purpose.

Sureties upon officers' bonds.

SECTION 12. The sufficiency of the sureties upon bonds, provided for in the next preceding section, may be determined by the affidavits of the sureties, severally taken, in which affidavits it shall appear that said sureties, in the aggregate, are worth in property, over and above all debts, exemptions and liabilities, the penal amount of such bond, or the common council may, in any other manner, aside from the affidavits of such sureties, determine their responsibility and sufficiency, and either accept or reject such sureties, or require other or additional sureties.

Council may require additional bonds.

SECTION 13. The common council, at any and all times, have the power to require other or additional official bonds, and other or additional sureties thereon, at any time during the official term of any officer of said city.

Neglect to file oath and bond.

SECTION 14. Every person elected or appointed to any office in said city, who shall neglect to take and file with the city clerk his oath of office, as herein required, or neglect to file his official bond as provided by this act, or as may be required by the common council, within ten days after notification of election or appointment, such office shall be deemed vacant, and the vacancy shall be filled as provided by this act.

Member of council not accepted as surety.

SECTION 15. No member of the council shall be accepted as surety upon any bond, note or obligation to the city.

Aldermen incompetent to hold office of which the compensation is paid by the city.

SECTION 16. No alderman or member of the common council, while holding such office, shall be appointed to, or be competent to hold, any office of which the compensation is paid by the city.

TITLE III.

ELECTIONS.

SECTION 17. The annual municipal election of said city shall be held on the first Tuesday of April in each year, for which purpose one place in each ward shall be procured and designated as election polls, by the common council, and notice thereof shall be given by the city clerk for at least ten days prior to said election, by publication in one newspaper and by posting the same in three conspicuous places in each ward, which notices shall be signed by the mayor and city clerk, and shall state the time and place where the polls will be opened, but a failure to give the notice as above specified shall not invalidate the election.

Election precincts and inspectors' districts.

SECTION 18. All male inhabitants of said city, who shall have resided therein for thirty days next preceding any election therein, and who are otherwise qualified to vote under the general laws of the state, shall be entitled to vote at such election, in the ward in which he lives.

Qualified electors.

SECTION 19. The inspectors and clerks of all general charter and special elections held in the city of Antigo shall be appointed by the mayor as provided in section 26, chapter 5, of the revised statutes of 1878, and shall have the same powers and the same qualifications as therein named.

Inspectors, how appointed.

SECTION 20. All general and special elections held in said city shall be held and conducted, and the votes canvassed, sealed and returned in all respects under and in accordance with the general laws of the state. And the inspectors and clerks of said elections shall possess the same powers and authority as are prescribed by the general laws of the state in regard to elections. No spirituous or malt liquors shall be sold within said city, or within one mile of the city limits of the said city upon the day of any election held therein, and any person offending against the provisions of this section shall be guilty of a misdemeanor, and punished by a fine of fifty dollars or by imprisonment in the county jail for not less than sixty days, or by both such fine and imprisonment.

Elections held in accordance with state law.

SECTION 21. The polls of election in each ward shall be kept open from nine o'clock in the morn-

Polls kept open, how long.

ing until five o'clock in the evening, without intermission or adjournment, and when the polls shall have been closed, the inspectors, without adjourning shall canvass the votes received at such polls and make returns thereof in writing, duly signed, stating therein the number of votes received for each person or a designated office, and the whole number of votes received, and such returns, in cases of municipal elections, shall by them be delivered, together with the oaths of inspectors and clerks, and the poll lists kept by them, to the city clerk, to be filed in his office within twenty-four hours after closing the polls.

Election shall be by ballot.

SECTION 22. All elections shall be by ballot; a plurality of votes shall constitute an election, and the names of all officers voted for shall be upon one ballot.

In case of illegal voting.

SECTION 23. Except as herein otherwise provided, so far as the same are applicable, all of the laws relating to general elections as to the qualifications of electors, the manner in which elections shall be conducted, the making of poll lists and returns, and the punishment of illegal or fraudulent voting or attempting to vote, and for fraudulent or illegal returns, or any other fraud or wrong designated under the general election laws, shall apply to all elections provided by this act.

Returns, how canvassed.

SECTION 24. On Thursday next after the annual municipal election herein provided for in each year, at 7:30 o'clock P. M., the common council shall meet at the council rooms in said city, and the returns of the inspectors of the various wards shall be produced by the city clerk, whereupon the common council shall forthwith canvass said returns, and determine and declare by the greater number of votes appearing by said returns to have been cast at said election, who are elected for each of the city and ward offices as were voted for, or any or either of them, and the council shall thereupon cause a report of such determination to be made, and entered upon the minutes of said council within twenty-four hours after such determination, the city clerk shall cause certificates of election to be served upon the persons so declared to be elected, personally, or by depositing the same enclosed in an envelope with the postage paid and properly directed; provided, that the city clerk shall at the same time certify to the clerk of the

circuit court, the names of the persons so elected justices of the peace, and all persons authorized to administer oaths and take acknowledgments in writing and the terms for which they are respectively elected, when they have qualified.

SECTION 25. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and at such time and in such manner as said council may direct. In case of tie.

SECTION 26. Every justice of the peace elected or appointed by virtue of this act, shall file such oath of office and bond necessary to qualify, before entering upon the discharge of the duties of such office, as is prescribed by the general statutes for such officers in the several towns. Justice's bond.

SECTION 27. In addition to the amount of taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, for the erection, maintenance, operation and leasing of water-works for the supply of water to the inhabitants of the city, and to supply said city with water for fire protection and other purposes, and other objects of public utility; but no such tax shall be levied unless the same shall be first recommended by the council and afterwards submitted to the vote of the people and approved by them. Special taxes.

SECTION 28. Whenever the common council shall recommend any special tax or taxes to be levied as provided in section 27, it shall specify the amount to be raised and the object therefor, and cause notice thereof of the time and place of voting thereon, to be published in the same manner as in case of the annual city election. At such special election, so called, no such special tax shall be raised or levied unless the number of votes cast for said special tax shall equal two-thirds of the whole number of votes cast at the special election. Amount to be raised. Special election.

SECTION 29. At least ten days before the municipal election to be held in April, 1889, the common council shall, by resolution, fix the place of holding election in each ward, and the mayor shall appoint the inspectors and clerks of such election, as required by section 19, of this title. Mayor to appoint inspectors and clerks.

TITLE IV.

POWERS OF COMMON COUNCIL.

Common
council.

SECTION 30. The municipal government of said corporation shall consist of a common council, composed of a mayor and one supervisor from each ward and one alderman from each ward. The common council shall annually meet on the first Monday after the annual municipal election at 7 o'clock p. m., and at some other times, not less than once in each month, as it shall by resolution appoint. The mayor, or in his absence or inability to act, the president of the council, for any good reason, may call special meetings by notice to each of the members, to be served personally, or left at their usual place of abode by the city clerk. The common council at any regular or special meeting shall have power to adjourn the same to such time as it may deem proper.

President of
council.

SECTION 31. It shall be the duty of the common council to elect one of its members president of the council.

President pro
tem.

SECTION 32. In the absence of the mayor and president of the common council the members present, if there be a quorum, shall elect one of its members as president pro tem. of the common council, who shall have and possess all the powers of the mayor while so presiding.

Each member
entitled to
one vote.

SECTION 33. In the proceedings of the common council each member present shall be entitled to one vote; but no appropriations, nor appointments to office shall be made except by a majority of all the members elect.

Proceedings of
common
council.

SECTION 34. The common council shall determine the rules of its proceedings, not inconsistent with any of the provisions of this act. A majority of the members-elect shall constitute a quorum for the transaction of business, and may compel the attendance of absent members, and in case of the refusal of absent members to attend for three successive meetings, the common council may declare the office of the member so refusing vacant.

Vote to be by
yeas and nays.

SECTION 35. If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution or question

pending before such meetings shall, when taken, be taken by the yeas and nays, of all the members present, and a record of such vote shall be entered at large in the minutes of the common council.

SECTION 36. The common council shall have the power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to prescribe the duties of such other officers as may be appointed, whose duties are not herein prescribed.

The council may require further duties from officers.

SECTION 37. The common council shall have the general control of all the property, both real and personal, belonging to the city.

Shall have control of city property.

SECTION 38. The common council shall organize a board of health, consisting of three members, and to provide measures for the preservation of the health of the inhabitants of said city, and to prevent the spread of infectious or pestilential diseases therein. Each member of the board of health shall have such powers and perform such duties as the common council, by ordinance or otherwise, shall direct.

Board of health.

SECTION 39. The common council may, by ordinance, authorize the board of health, or any member thereof, to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preservation of the public health; but no order, rule, or regulation of said board, imposing a penalty, shall take effect and be in force, until the same shall have been published in a newspaper published in said city, as required for the publication of ordinances.

May authorize board of health to enforce ordinance.

SECTION 40. The common council shall have the power to make, modify and repeal such ordinances, resolutions, regulations or by-laws as may be necessary to carry into full effect all the powers conferred upon it by this act. In every such ordinance, resolution, regulation or by-laws passed by said common council, it may impose such penalty for the violation thereof, or any part thereof, by fine not exceeding two hundred dollars, and if not paid, with the costs, by imprisonment in the county jail of Langlade county not exceeding six months, or by imprisonment in any other place provided by the common council for the detention or imprisonment and punishment of persons committing offenses, not exceeding three months; and

Council to have power to make or repeal ordinances, etc.

May impose penalty.

shall have the power by such ordinances, resolutions, regulations or by-laws and with such penalties aforesaid:

To preserve good order.

First. To preserve peace and good order, and to restrain and prevent vice, immorality, and every kind of fraudulent device and practice.

To suppress gaming houses and fraudulent devices.

Second. To restrain, prevent and suppress houses of ill-fame and all places of prostitution, and disorderly and gaming houses, billiard tables, and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming, and to punish the occupants and frequenters of such houses and places, and to prohibit the occupation of any room, building, or any part thereof, within said city, for that purpose.

To punish disorderly persons

Third. To restrain and punish vagrants, mendicants, street beggars, drunkards, and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds, and disorderly persons, and to prevent drunkenness and disorderly and immoral conduct, and obscenity in public places and streets, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Riots.

Fourth. To prevent any riots, noises or public disturbances, and all disorderly assemblies.

Power to grant license.

Fifth. To license, prevent, or regulate the sale and giving away of ardent, spirituous, wines, malt, fermented and intoxicating liquors and drinks within the city, under the provisions of this act, and the general laws of the state.

Slaughter houses.

Sixth. To prohibit or regulate the erection or continuance of slaughter houses in said city, and to cause the removal thereof.

Unwholesome places.

Seventh. To compel the owner or occupant of any grocery, meat market, tallow chandler's shop, soap factory, tannery, stable, privy, sewer, drain or other unwholesome or nauseous house or place, to cleanse, or remove or rebate the same as often as, and whenever the common council or board of health shall deem it necessary for the health, comfort or convenience of the inhabitants of the city, and for the prevention of disease.

Removal of unwholesome articles.

Eighth. To require the removal of any putrid or unwholesome meat, fish, hides, or skins, or any decaying substance of any kind by any person owning or occupying the premises on which the

same may be found, and in case of his default to do so within such time as may be prescribed by the council, to cause the removal thereof, and the expense thereof shall be a lien upon the lot or premises upon which the same were found, to be enforced as hereinafter provided.

Ninth. To prevent, restrain, remove and abate nuisances. Nuisances.

Tenth. To prevent any and all persons from casting into Spring brook within the limits of the city or leaving upon the banks thereof, any offal, dead animals, filth or rubbish, and to punish any person or persons doing the same. Prevent filth and rubbish in Spring brook.

Eleventh. To prevent the digging, excavating or making of holes or places below the natural surface of the ground, wherein stagnant water or other noxious or unwholesome matter accumulate, and to cause the filling up, cleansing, or purifying of any such holes, or places by any person who may have caused, made or in any way assisted in making the same, and in case of the default in the filling up, cleansing or purifying thereof, within such time as may be prescribed by the common council to cause the same to be so filled up, cleansed or purified, and the expense thereof shall be a lien upon the lot or premises upon which the same existed, to be enforced as hereinafter provided. Stagnant water

Twelfth. To prohibit any person from bringing or depositing within the city limits of said city the dead carcass of any horse or dog, or the putrid carcass of any animal, filth or rubbish, or any unwholesome thing. Putrid carcasses.

Thirteenth. To prevent and prohibit the manufacture, keeping or storing of nitro-glycerine, and to regulate the keeping and storing of gunpowder, guncotton, burning fluids, coal oils and other dangerous explosive materials in said city, and to provide for the inspection of illuminating oils and fluids. Nitro-glycerine and gunpowder

Fourteenth. To prohibit, restrain or regulate the discharge of fire-arms and the explosion of gunpowder and guncotton, and firing of fire-crackers and fire-works of any kind within the city. Shooting of fire arms.

Fifteenth. To regulate the use of candles and lights in barns, stables, shops and out-buildings. Regulate lights

Sixteenth. To compel all persons to remove

Removal of
snow and rub-
bish.

the dirt, snow and ice from the sidewalks in front of the premises occupied or owned by them and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets or the raising or loosening of the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of the streets, and to prohibit the raising of any portion of a sidewalk to a higher grade than the portion adjoining, unless with the consent of the common council, and to prohibit injury to sidewalks.

Leaving horses
unhitched.

Seventeenth. To prohibit the leaving of any horse, mule or team on any street without being securely fastened or hitched.

Regulate awn-
ings.

Eighteenth. To regulate and control the erection of awnings and awning posts; to prevent the erection of signs and sign posts in the streets or over the sidewalks; and to provide for and compel the erection and maintenance of safe and convenient hitching posts and places for fastening teams at such point or points as the council may deem necessary.

Provide hitch-
ing posts.

Dogs.

Nineteenth. To prevent and regulate the running at large of dogs, and to destroy them, and to impose a tax upon the owners or possessors of dogs.

Contagious dis-
eases.

Twentieth. To require and cause the removal from thickly inhabited parts of the city, of all persons having contagious diseases.

License shows.

Twenty-first. To prohibit, restrain and regulate all exhibitions of natural and artificial curiosities, caravans of animals, theatrical shows or performances, circuses, or all other public exhibitions or performances for money, and to require, fix the amount and provide for the collection of license fees for any and all such public exhibitions or performances.

Auction.

Twenty-second. To regulate, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise or other commodities in the streets of said city.

Auctioneer's
license.

Twenty-third. To impose and collect license fees of each auctioneer, and commissions on the

sale of goods, wares, merchandise or other personal property by auction, and to punish any person acting as auctioneer without a license, or refusing to report sales by auction.

Twenty-fourth. To authorize the arrest, fine and imprisonment of vagrants, or persons who, not having visible means to maintain themselves, are without employment, idly loitering, or rambling about or staying in groceries, drinking saloons, houses of ill-fame, houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others; or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gaming house, house of fortune telling, or place of cock fighting and all persons who go about for the purpose of gaming or who shall have in their possession any article or thing used for obtaining money under false pretenses where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Twenty-fifth. To prohibit the carrying of concealed weapons, and to provide for the confiscation or sale of such weapons.

Twenty-sixth. 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 and sales by hawkers, peddlers, auctioneers, so called "Cheap Johns" and 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 person who travels from place to place to sell 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 this state and the ordinances of said city; and any person who shall in any manner violate

Vagrants.

Concealed weapons.

Fix license of auctioneers, peddlers, etc.

any of the provisions of this subdivision, or of the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided in the laws of this state, and the ordinances of said city on that subject. And after the common council shall have passed an ordinance requiring a license of the persons herein described, no state license alone shall be sufficient to authorize or empower the licensee therein named, or the holder thereof, to make any of the sales herein inhibited; provided, however, that traveling peddlers who deal solely with merchants and tradesmen by wholesale shall be exempt from the provisions of this subdivision, and shall not be required to take out any license thereunder, or by any ordinance passed pursuant thereto.

Public markets. Twenty-seventh. To establish and regulate a market or markets in said city; to restrain and regulate the sale of fresh meats, fish and vegetables, and to select places for the sale of hay, wood, straw, grain, lumber, lime and all other articles offered for sale from wagons, sleighs or vehicles, and cause the same to be weighed, measured or inspected, and to establish, and collect fees for such weighing, measuring or inspection, and to prohibit, under penalties, the sales of all such articles at any other place or places.

Public pounds. Twenty-eighth. To establish and regulate public pounds.

Running at large of animals. Twenty-ninth. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine, geese and fowls in said city, and to cause such as may be found running at large to be impounded, and to have a lien thereon for all fines, penalties, costs, poundage and damage done thereby, and to cause the same to be sold to discharge the said liens, and to punish the owners of such animals and fowls found running at large.

Horse racing. Thirtieth. To prevent and punish horse-racing and immoderate driving or riding in the streets or highways; to require all persons driving horses with sleighs or cutters in the streets of said city to carry bells either upon the horses or other animals, to warn other persons using said streets, and prevent and punish persons playing any game or doing any act having a tendency to frighten

horses or annoy persons passing in or along the streets or highways or endanger property.

Thirty-first. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling upon the lands owned or occupied by them, within the limits of said city, to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings in said city as said common council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent such cars from passing at a greater rate of speed than six miles per hour through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said companies, and to regulate the putting up of all necessary signs to beware of the cars, at railroad and street crossings.

Railroad street crossings.

Speed of cars.

Thirty-second. To prevent the use of false weights and measures.

Weights and measures.

Thirty-third. To direct and require the keeping of records of mortality by physicians, sextons and others.

Records of deaths.

Thirty-fourth. To protect shade trees and direct and compel and regulate the planting, rearing and preservation of shade or ornamental trees, in the streets and public grounds in said city.

Shade trees.

SECTION 41. The common council shall have authority by ordinances, resolutions or by-laws:

Authority.

First. To manage and regulate the finances, and to regulate, preserve and dispose of the property, real and personal, belonging to the city.

To manage city property.

Second. To purchase all real estate or other property, as may be required for the use of such city, for public use; provided, the cost thereof shall not exceed the amounts previously limited therefor.

To purchase property.

Third. To adopt all legal and requisite measures for levying taxes and assessments, general and special.

Levy taxes.

Fourth. To purchase and lay out public parks, squares or grounds, and improve the same.

Public parks.

Fifth. To establish, make, regulate, preserve and protect public reservoirs, pumps, wells, hydrants and fountains in said city, supply them with water and construct all necessary water-works for such purposes, and for the general sup-

Control water works.

- ply of the inhabitants and to pay for the same, and to prevent the unnecessary waste of water therefrom, and to regulate and control the use thereof.
- Sewers and gutters.** Sixth. To establish, construct, and build all necessary drains, sewers, gutters and maintain the same.
- Improve wet land.** Seventh. To fix up, widen, straighten, deepen, drain, dress, or otherwise improve or abate any and all sloughs, ravines, water-courses and wet places in the limits of said city.
- Fire-escapes.** Eighth. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same, and suitable fire-escapes therefrom.
- Ashes.** Ninth. To prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures, as may be in a dangerous state, to be put in a safe condition.
- Chimneys, etc.** Tenth. To regulate and prevent the improper construction and unsafe condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any buildings or manufactory, and to cause the same to be removed or put in a safe condition.
- Dangerous manufactures.** Eleventh. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires.
- Rules in case of fire.** Twelfth. To authorize the mayor, aldermen, police, firemen and other officers of the city to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires, and in the protection and preservation of property thereat.
- Fire warden.** Thirteenth. To authorize and require any person appointed for that purpose to enter all buildings and enclosures at proper times, to ascertain whether the arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition.
- Contracts for work.** SECTION 42. The common council shall let by proposals to the lowest bidder and not otherwise, all contracts for services or work, and materials or supplies, and order payment for the same except as is specifically otherwise provided by this act; and may, from time to time, require any officer to furnish reports, information on estimates and to perform other and further duties than herein

prescribed if the council shall deem that the interests of the city so require.

SECTION 43. The common council shall have Lots platted. power, by ordinance or resolution, to cause all out and in lots within said city of less size than ten acres each, that have not been platted and recorded by the owner or owners thereof, as required by law to be platted and recorded, and to tax the charges for the platting and recording thereof against the lot or lots so platted and recorded, to be collected in the same manner as other special city assessments and taxes.

SECTION 44. The common council may cause all Recorded. streets, highways, alleys, lanes, side and cross walks, culverts, drains, sewers and public places in the said city, to be surveyed and described, and the established height of all grades of streets or side-walks, to be recorded in books to be kept by the city clerk for that purpose, and to cause maps Grades. to be made and filed with the city clerk. Such records and maps, when so filed, shall be prima facie evidence of the facts therein described and portrayed, in all actions and places between the city and other persons, touching their location and the facts therein or thereon represented.

SECTION 45. The common council of said city Taxes. shall, by proper resolutions, levy all taxes to be raised in said city, itemizing the amount so as to show the amount raised for general and special purposes.

SECTION 46. The common council may, in its Policeman. discretion, appoint one or more policemen in and for the city, and may prescribe his duties and fix his compensation. Any and all policemen so appointed shall be peace officers, with full power and authority to make arrests, or serve processes for the violation of any ordinances of the city.

TITLE V.

DUTIES OF COMMON COUNCIL.

SECTION 47. It shall be the duty of the common Duties of common council. council at its first meeting each year to elect a city attorney, a marshal, a deputy marshal, a city physician and a city engineer as provided in section 4, of title 2, of this act.

Poll tax.

SECTION 48. The common council shall, at its second regular meeting after election each year, levy upon each male inhabitant within the corporate limits of said city, not by law exempt, a poll tax not exceeding the sum of one dollar and fifty cents, per capita, which tax shall be collected in the same manner as a poll-tax under the general laws of the state, and shall be expended in the improvement of streets, roads, alleys and cross-walks, in said city. At such second regular meeting the common council shall also appropriate such sum in the aggregate as it shall deem necessary, and cause the same to be collected in the annual tax for the ensuing year, such sum to be expended upon the streets, bridges and alleys in said city during the year. Out of the gross amount so appropriated the council shall set apart a certain sum or amount, not exceeding one-fourth thereof, to be expended by and under the direction of the council, on Fifth avenue, from the western to the eastern city limits. The balance of the money so appropriated shall be apportioned to the several wards according to the taxable property therein for the preceding year.

School tax.

SECTION 49. It shall be the duty of the council at its regular meeting in July each year, to levy such tax for school purposes as it shall deem necessary for the ensuing school year.

General tax.

SECTION 50. It shall be the duty of the council annually at its October meeting to levy a tax not exceeding seven mills on the dollar, on all the taxable property of said city, for general purposes, to be known and designated as the general fund.

Salaries.

SECTION 51. It shall be the duty of the council at its last regular meeting before the annual municipal election, by resolution, to fix the salaries per annum or monthly to be paid to any or all city officers and employes to be elected or appointed under the provisions of this act, as are entitled thereto; provided, that no salary or compensation having been once fixed shall not be increased to any officer or employe during his term of office or employment, unless by the unanimous consent of all the members of the common council elect.

Paving and grading.

SECTION 52. Whenever application shall be made to the council by a majority of the owners of property abutting on both sides of any street, or

portion of a street in said city, to pave any such street, or portion of a street, with cedar block pavement or other kind, the council may, in its discretion, as soon as convenient, cause such street, or portion of a street, to be paved as requested in such application; the work to be let by contract to the lowest responsible bidder, after due notice given of the time and place of the letting thereof. And upon the completion of the contract, and the acceptance thereof by the council, it shall, by resolution direct that one-half of the whole cost of such pavement, except crossings and grading the street, shall be charged to the property on both sides of said street or portion thereof, at a uniform price per foot of the frontage of all property abutting on the street so paved; the amount so charged to such property shall be a lien thereon, and be included as a special tax thereon to be collected in the general tax then next ensuing. If, when the contract is completed and accepted, there should not be money enough in the treasury to pay for the same, the council may issue a city order for the balance due on such contract, bearing interest at seven per cent. and payable on or before the fifteenth day of February then next ensuing.

SECTION 53. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury; provided, that the common council shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, the common council shall take such actions as will enable the city to preserve its credit.

Payment of orders.

SECTION 54. The common council may borrow the amount appropriated for highway purposes as provided in section 48, immediately after the same shall be appropriated as in said section pro-

Money for highway.

vided, at a rate of interest not exceeding eight per cent., and may issue a city order therefor bearing interest at the agreed rate. Such loan shall not be for a longer time than until the fifteenth day of February next succeeding the loan.

Streets, how divided.

SECTION 55. All boundary streets except Fifth avenue shall be divided by the council, by ordinance, between the respective wards which they divide, to be kept in repair by the wards bordering thereon, in such proportions or parts as shall be directed by such ordinance.

TITLE VI.

DUTIES OF OFFICERS.

Duties of officers.

Mayor, his duties.

SECTION 56. The mayor, when present, shall preside over the meetings of the common council and it shall be his duty to see that the laws of the state and the ordinances of said city are duly observed and enforced; and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and head of the police of the city, and in case of riot or other disturbances or apparent necessity, he may, in his discretion, appoint as many special temporary policemen as he may deem necessary; and the persons so appointed shall have all the powers of peace officers during the time for which they have been appointed. The mayor shall be a member of the council and shall vote only in case of a tie vote. He shall give the council such information and recommend such measures as he may deem advantageous to the city. The mayor shall have the power to veto any ordinance, bill or account, passed or allowed by the council, or any contract, made or entered into by the council, by notifying it in writing of his objections thereto at any time within five days after the passage of such ordinance. In case no session of the council shall be held before the expiration of five days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not at its next regular meeting re-enact such ordinance, or pass such bill or account, or re-affirm such contract, by a vote of two-thirds of all the

members elect of the council, the same shall be null and void; provided, however, that in case the mayor shall refuse or neglect to sign said ordinance, and shall not file his objections thereto, as hereinbefore provided, within the said five days, said ordinance shall be valid and enforced after the publication thereof, and the bill, account or contract shall be deemed to have been duly and regularly passed. The mayor shall have power to suspend any officer in the city except alderman, supervisor, or justice of the peace, and make temporary appointment during such suspension, and such suspension to continue until the next regular meeting of the council, when he may waive the suspension or submit his reasons for so doing to the council, upon notice to the officer suspended; and the council may proceed to remove such officer, if elective, in the manner provided by section 8, of title 2, hereof. In case of appointed officer he may be summarily removed or discharged by a vote of a majority of the whole council, upon notice of three days. He shall have power to administer oaths required in the discharge of the duties of his office. He may call special meetings of the council by order in writing, specifying therein the object for which such meeting is called, to be filed with the city clerk; and when such order is filed it shall be the duty of the city clerk to serve or cause the same to be served on all the members of the council personally, or by leaving a copy of the same at the place of residence or business of each member to be served. At such special meeting of the council so called, it shall not transact any other business than that so specified in the call. He shall have power for cause to pardon any person convicted for violation of any city ordinance. He shall possess all such other powers, and perform all such other duties, as are incident to and necessary for the faithful discharge of his duties under this act.

SECTION 57. The president of the common council shall possess all of the powers, and perform all of the duties of the mayor, in his absence or inability to act.

President of council.

SECTION 58. The city clerk shall attend all the meetings of the common council, and keep a correct record of its proceedings. He shall have

Duties of city clerk.

custody of the corporate seal, and of all the papers and records of the city, that by provision of law or by direction of the common council, are required to be kept in his office, or filed by him. He shall see that all ordinances, orders, resolutions, notices, proceedings of the common council and other matters requiring publication, are published within two weeks in such paper or papers as the common council may have directed, and that due proof thereof be made and recorded, as in this title provided, and it shall be the duty of the city clerk to furnish such paper or papers, a certified copy of said proceedings, ordinances, orders, resolutions, notices and other matters requiring publication. He shall record all papers and proceedings required by any of the provisions of this act, to be recorded in his office. He shall serve in the capacity of clerk of all such boards or committees as the common council may direct. He shall attest all orders drawn upon the treasury, and sign all licenses granted by the common council, and keep correct records thereof in books provided for that purpose in such manner as may be designated by the common council. He shall keep a detailed account of the financial condition of the city; of the amounts expended through orders drawn upon the treasury of all balances remaining unexpended, of the condition of any fund or separate appropriation for particular purposes, of the amounts received into the city treasury, as appears by the reports of the treasurer, and all other facts desired by the common council, at any regular meeting, or at any other time. He shall do and perform any other or further act or service, in relation to any details in the matter of keeping books, of account, record or proceedings, which the common council may, by ordinance or resolution, require. He shall make copies of the assessment roll of the city, and a list of persons liable to poll tax, as may be required by the law of the state or common council. He shall keep a record in detail of the bonded indebtedness of the city, in such manner as will show the amounts required to be paid each year for interest and principal or to invest in a sinking fund. He shall, before the levy of any annual tax by the council, make reports of all amounts, in detail which the city will be required to pay toward any in-

debtedness, and such facts and statements of past expenditures as will enable the council to make proper estimates for tax levies. He shall keep a record of all the proceedings in matters relating to the condemnation of private property for public use, all proceedings in any improvements by which the expense of any portion thereof shall be chargeable to any real estate. He shall, at the regular meeting each month, make a report to the common council of the amount of money belonging to the general fund in the city treasury at the last meeting, the amount of orders drawn on said fund since the last meeting, and the balance on hand at the date of meeting. He shall have power to administer oaths and affirmations in the discharge of the duties of his office, and shall appoint a deputy city clerk, who, when so appointed and confirmed by the common council, shall possess all the powers and authority of the city clerk. The city clerk may, in addition to his salary, receive such fees as the law prescribes for filing chattel mortgages and making certified copies of the same, or for any service in connection with his office, not in this act specified or hereafter required by the common council.

SECTION 59. The city treasurer shall receive and safely keep until lawfully paid out, all moneys belonging to the city, and keep accurate and detailed accounts of all disbursements, in such manner as the common council shall direct. He shall collect all licenses, duties, commissions and moneys due the city, all general and special taxes and assessments, except as otherwise provided, which may be lawfully charged, levied or assessed upon the real and personal property in this city, and chargeable therewith, and exercise the same powers and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. He shall pay all orders drawn upon the treasury by authority of the common council, or as may be required under any special provision of this act. He shall report to the common council at the end of each month, the actual amount of money in the treasury, together with the amount of money received and paid out, which said account shall be delivered over to the city clerk and filed in his office, after the same shall have been examined by the com-

Duties of city treasurer.

mon council. He shall, at the end of his official term, or oftener, as may be required by the common council, make a detailed report of all the transactions of his office, and at the end of his term of office shall thereupon deliver over to his successor in office all money or property belonging to the city, as well as all books, records, papers or documents in any way pertaining or belonging to the office. The treasurer shall, in addition to the duties herein enumerated, do and perform all the duties provided to be done and performed by him in any portion of this act.

Treasurer's
fees.

SECTION 60. The fees of the city treasurer shall be as follows: For all taxes collected by him prior to the first day of February, he shall be entitled to one per cent. of the amount collected, and for all taxes collected after the first day of February, two per cent.; he shall also be entitled to one per cent. for all moneys that may come into his hands by virtue of his said office, except moneys received from his predecessor in office.

Duties of city
marshal.

SECTION 61. The city marshal shall perform such duties as shall be prescribed by the common council for the preservation of the peace. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, he may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, to apprehend with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and forthwith bring such person before a justice of the peace for examination, or trial, and for such service he shall receive such fees as are allowed by law to constables for like service in this state. He shall also perform any and all duties required of him by the council or mayor, which labor or services, if any, shall be deemed to be paid by his salary. The deputy marshal shall be a police officer and shall have all the power of a marshal while on duty, and in the absence or inability of the marshal to perform the duties of his office, the deputy marshal shall per-

form them. The marshal of said city shall before he enters upon the discharge of the duties of his office take the constitutional oath of office and give a bond to said city, and to each and every person entitled thereto, for all moneys that may come into his hands by virtue of his office.

SECTION 62. The city attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the common council. He shall, when required, furnish written opinions upon subjects submitted to him by the mayor, or the common council, or any of its committees, or any of the departments of the municipal government. He shall keep a docket of all the cases in which the city is a party, in any court of record, in which he shall briefly enter all steps taken in each case, and the date thereof, which docket shall, at all times, be open to the inspection of the mayor, comptroller, or any committee of the common council. He shall draft all ordinances, bonds, contracts, leases, conveyances, and such other writings and written instruments as the common council may require. He shall perform such other duties as may be required of him by ordinance or resolution of the common council. He shall be the attorney of record in all cases for and against the city; provided, that the common council shall have power to appoint any other attorney to transact any business or to assist the city attorney in the transaction of any business.

Duties of city attorney.

SECTION 63. The city engineer shall perform all duties required of him by this act, or by resolution or ordinance of the common council. He shall, when required, make surveys, profiles, plans, specifications and estimates for the grading of any street, alley or public grounds, for the building and construction of reservoirs, sewers and public drains when required by the council.

Duties of city engineer.

SECTION 64. The supervisors elected under this act shall be members of the county board of supervisors, and, as such, shall have the powers of the chairman of the board of supervisors in the several towns of this state, except as qualified by the provisions of this act.

Duties of supervisors.

SECTION 65. The assessors elected under this act shall in all things pertaining to their office be

Duties of assessor.

governed by the same laws as assessors under the general laws of this state, and their compensation shall be established by the common council.

Board of review.

SECTION 66. The board of review shall consist of the mayor, clerk, assessor and two members of the common council, to be chosen by the council. They shall meet on the day fixed by law for that purpose, and in all things be governed by the general laws of this state. The members of the board of review shall receive such compensation as shall be allowed by the common council, not to exceed three dollars per day.

Justices of the peace—duties.

SECTION 67. Each of the justices of the peace provided for in this act shall hold a court for the trial and determination of such actions, civil and criminal, as they have jurisdiction of as justices of the peace under the general laws of the state or the provisions of this act. All the general laws of the state of Wisconsin relative to the proceedings in justice courts in civil or criminal proceedings shall apply to the courts of such justice, except as otherwise herein provided.

Jurisdiction of justices of the peace.

SECTION 68. The justices of the peace of said city shall have exclusive original jurisdiction of all criminal cases arising in said city, to try and determine, or commit for trial, as may be, and of all cases, civil or criminal, arising under the ordinances, rules or regulations of said city. All the general provisions of law concerning the trial of criminal offenses, and the conducting of criminal prosecutions, appeals from the judgments of the justice, the fees of officers, and the proceedings in which upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act. When an act or omission, declared to be an offense by the general laws of the state, is also made an offense by the provisions of this act, or the ordinances of the city, passed pursuant thereto, a conviction or acquittal in a prosecution under the general law shall be a bar to a prosecution under this act, or such ordinances. The persons accused shall have the same right to a removal of the case for prejudice as provided by the general laws of the state. All fines collected on convictions for such acts or omissions shall be paid into the city treasury, and become a part of the general fund thereof.

SECTION 69. The city physician shall render all professional services required, to all persons receiving aid or support from the city, whether resident or transient, and shall perform such other professional services as the council shall require.

Duties of city physician.

SECTION 70. On or before the twentieth day of May each year, the street commissioner in each ward shall make out a list of the names of all male persons over the age of twenty-one and under the age of fifty years, liable to pay a poll tax, with the amount thereof set opposite to each person's name, and submit the same to the common council for correction. When such list is correctly made out, and on or before the first day of June in each year, the council shall by warrant, as required by the general laws of the state (to be signed by the mayor and clerk and annexed thereto), direct the same to be delivered forthwith to the street commissioner in each ward for collection.

Duties of street commissioner.

SECTION 71. The street commissioner shall notify each male inhabitant to whom a poll-tax shall be so assessed, to appear at a certain time and place in his ward, with such tools as the street commissioner shall direct; such notice to be not less than three nor more than five days. If the person so notified shall appear and work for one day, agreeably to the order of such street commissioner, he shall, if he demands, receive a receipt for the poll-tax so assessed; provided, however, that the person so assessed may, at his option, pay such poll-tax in money. And if any person neglects to pay the same for two days thereafter, the street commissioner shall, in the name of the city, sue for and collect such tax with fifty per centum damages on the same, with costs of suit, before a justice of the peace of such city, and in default of payment of such judgment execution shall issue against the defendant as in cases of tort, and the first process in such action shall be by civil warrant; and the street commissioner shall account for such taxes by him collected, in the same manner as for other moneys coming into his hands by virtue of his office. And the street commissioner while said list is in his hands for collection, may put upon the same the names of all such persons liable to such tax, as may have been omitted therefrom,

Collection of poll tax.

who shall then be liable, the same as if their names were originally placed in such list.

Bond of street
commissioner.

SECTION 72. Every street commissioner shall before entering on the duties of his office, give a bond to the city of Antigo, with one or more sureties, to be approved by the common council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the common council, whenever required by law, or the ordinances of said city, or by vote of said common council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse or pay over as required by law, or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of his said office.

Highway
money, how
expended.

SECTION 73. All highway moneys appropriated to the several wards shall be expended by and under the direction of the alderman, supervisor and street commissioner. The street commissioner shall report at least once a month to the alderman and supervisor in his ward the amount of money expended by him during the month, the names of the persons who performed the work or labor, together with the number of teams employed and any other information which the said alderman and supervisor may require of him. All accounts for work and labor done or performed in any ward shall be audited by them, and upon report of the street commissioner, approved by the alderman and supervisor and filed with the city clerk, he shall issue city orders to the persons who by such reports are entitled thereto, not exceeding the amount appropriated to said ward.

TITLE VII.

ORDINANCES.

Ordinances.

SECTION 74. Every ordinance of the common council shall, before it takes effect, be duly signed by the mayor and attested by the city clerk; provided, however, that no ordinance shall be in force until it shall have received at least one publication in a newspaper published in the city of Antigo, and proof of such publication by the affidavit of

the publisher, printer, or foreman of such newspaper be filed with the city clerk; and the ordinance and the proof of publication thereof shall be recorded in a book kept for that purpose.

SECTION 75. The style of all ordinances shall be, "The common council of the city of Antigo do ordain as follows," et cetera. Enacting clause.

SECTION 76. A printed copy of an ordinance passed by the common council and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council of said city, as certified by the clerk of said city to have been published, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in the state. Ordinance received in evidence.

TITLE VIII.

PROCEDURE FOR VIOLATION OF ORDINANCES, LAWS, ET CETERA.

SECTION 77. The city of Antigo may sue for and recover any and all penalties, or forfeitures, under the charter of said city, or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof, in the corporate name of said city of Antigo, any general laws of the state to the contrary notwithstanding, and such actions shall be commenced by complaint substantially in the following form: Violations.

State of Wisconsin, }
City of Antigo and } ss.
County of Langlade. }

—, being duly sworn complains on oath Complaint
to —, a justice of the peace in said city that — did on the — day of —, 18—, violate the — section of an ordinance, by-law, or resolution (describing it by its title and number of section), which said — is now in force, as this deponent verily believes; and prays that said — may be arrested and held to answer to the said city of Antigo therefor.

Sworn and subscribed to before me this — day of —, 18—.

— —

It shall be sufficient to give the number of the section or sections, and the chapter or title of the ordinance, by law, regulation or resolutions or of the law violated in such complaint, with the number of the section or sections. Upon the filing of said complaint with the justice having jurisdiction, a warrant shall issue thereon substantially as follows:

Warrant.

State of Wisconsin, }
 City of Antigo, and } ss.
 County of Langlade. }

The state of Wisconsin, to the city marshal of said city of Antigo, or the sheriff or any constable of said county, greeting:

Whereas, — —, has this day complained to me in writing on oath, that — — did on the — day of —, A. D. 18—, violate the — section or sections of an ordinance, by law or regulation or law (describing it by its chapter or number), which said — is now in force and effect, as said complainant verily believes; Therefore, in the name of the state of Wisconsin you are hereby commanded to arrest the body of the said — and him forthwith bring before —, to answer to said city of Antigo on the complaint aforesaid.

Given under my hand this — day of —, 18—.

Attendance of witnesses and jurors.

SECTION 78. Witnesses and jurors shall attend in all city prosecutions without the payment of fees in advance, upon process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Findings.

SECTION 79. In city prosecutions the finding of the court or jury shall be, "guilty" or "not guilty." If guilty the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture, and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture as he shall deem best within the provisions of such ordinance, by law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of

suit. If not guilty the costs as in actions in justices' courts, shall be taxed against the city, but no attorney's fees shall be taxed for or against the defendant in any such suit. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution of the property of the defendant as provided by law in civil actions before a justice of the peace. Costs.

SECTION 80. The execution upon any judgment recovered in any such action, may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Langlade county, for a term not exceeding six months, or in the police station, not exceeding three months, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. And said execution and commitment may require the defendant to perform hard labor during the term of such imprisonment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Langlade county, or in the police station, according to the terms of the execution. Such execution may be in the following form: Execution of judgment.

State of Wisconsin, }
 City of Antigo, } ss.
 County of Langlade. }

The state of Wisconsin, to the sheriff or constable of said county of Langlade, the city marshal of said city, the keeper of the common jail of said county, or the keeper of the police station. Form of execution.

Whereas, the said city of Antigo on the — day of —, 18—, recovered a judgment before the — of said — against —, for the sum of — dollars, together with — dollars costs of suit, for the violation of (here insert the number of section, chapter or title of the ordinance and offense, as set forth in the complaint). These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of said — (excepting such as the law exempts) and make sales thereof according to law in such case made and provided,

to the amount of said sums, together with your fees and twenty-five cents for the execution, and the same return to me within thirty days; to be rendered to the said ——— for said judgment and costs, and for want of said goods and chattels whereon to levy, to take the body of said ——— and him convey and deliver unto the keeper of the common jail of said county, or to the keeper of the police station of the city of Antigo, who is hereby commanded to receive and keep the ——— in safe custody in said ———, and at hard labor, for the term of ———, unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by the due course of law.

Given under my hand this ———day of ——— 18—, ———.

Penalties and
fines.

SECTION 81. All penalties, forfeitures and fines or claims due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer, within one month after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same, to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city against the officer and his sureties for the default.

Appeals.

SECTION 82. Appeals shall be allowed in all said cases, to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Langlade county by filing an affidavit and bond, and complying with the requirements of the appeals in civil cases before justices of the peace; provided, however, that such appeals should be taken and perfected within forty eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justices shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justices shall transmit the papers in the case so appealed, with a transcript of his docket

to the circuit court, within the time and in the manner prescribed in cases of appeal from justices of the peace.

SECTION 83. The jail fees and officers' fees, if any, for commitment on prosecution in behalf of the city, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may by resolution, direct the judge or justice to discharge from the jail or police-station any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the city clerk, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by endorsement from time to time, before or after the return day thereof; and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been once committed no execution shall be issued against the body of the defendant in the same action.

Fees, how audited.

TITLE IX.

FINANCE AND TAXATION.

SECTION 84. The fiscal year of the city of Antigo shall commence on the second Tuesday of April.

Finance and taxation.

SECTION 85. All moneys, credits and demands belonging to the city of Antigo shall be kept by and deposited with the city treasurer, and be under control of the common council, except school moneys and shall only be drawn upon orders signed by the mayor and city clerk, duly authorized by a vote of the common council, and in no other manner; and all resolutions adopted by the common council authorizing the expenditure of moneys shall explicitly specify the amount to be expended, and no extra or additional compensation shall be allowed or paid on any contract or on account of any contract, or to any officer, contractor, person or persons for any service or work done, or material furnished to, or for the city.

Fiscal year.

Moneys and credits.

Debt, how contracted.

SECTION 86. No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the city treasury unless the same shall be authorized by a majority of all the members elect of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the common council; provided, that the common council shall not in any case or under any pretext, or for any purpose whatever contract debts or liabilities of any kind, name or nature, exceeding the amount which it is authorized by the provisions of this act to levy for the current year.

Moneys paid city treasurer.

SECTION 87. All forfeitures, fines and penalties accruing to the city from violation of this act, or any ordinance, by-law, rule or regulation passed thereunder, or for any misdemeanor or act of omission or commission forbidden or made punishable by or under the general laws of the state, which misdemeanor or act of omission or commission is also forbidden or made punishable by any ordinance, by-law, rule or regulation of said city, and all money received as license for the sale of intoxicating liquors in said city, and all moneys received for other licenses, and insurance percentage, and from all other sources for the city, shall be paid into the city treasury and become a part of the general fund, except insurance percentage, which shall be paid by the city treasurer to the treasurer of the fire department, and all moneys received for tuition of scholars not residing within the city, shall be paid into the school fund and become a part thereof.

Money orders.

SECTION 88. All orders drawn upon the treasury of the city shall be made payable to the order of the person in whose favor they may be drawn, and shall be transferred only by indorsement. Each order shall specify upon its face the purpose for which it was drawn, and from which fund the same is to be drawn, and the same shall be payable out of the proper fund, and all such orders shall be received in payment of any municipal tax levied and assessed.

Insurance money.

SECTION 89. All corporations, companies and associations, by their respective underwriters or agents engaged in said city in effecting fire insurance, shall account and pay to the city treasurer the two per cent. upon the amount of all premi-

ums which shall have been received or agreed to be paid for insurance at the times and in the manner and form prescribed or provided for by section 1926, revised statutes.

SECTION 90. Real estate exempt by the laws of this state from general taxation shall be subject to special taxes for the building of streets, sewers, sidewalks, repairing and cleaning of sidewalks, removal of nuisances, and such other work and labor for which a special lien is given, and the making of local and general improvements, and all the property of the city shall be subject thereto; provided, that the property of the city shall be exempt from all taxation except such special tax. Real estate not exempt.

SECTION 91. The common council shall, at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and a detailed, itemized statement of all accounts allowed during the fiscal year, stating the nature and purpose of each account, and by whom presented, and to whom paid, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city. Annual report.

TITLE X.

STREETS AND HIGHWAYS.

SECTION 92. The common council of the city of Antigo shall have the same power and authority to lay out, alter, widen or discontinue any street or highway within the limits of said city that is now or may hereafter be conferred on the supervisors of towns in this state, and all streets, highways or alleys within the limits of said city hereafter laid out, ordered or discontinued shall be laid out, altered or discontinued by the common council of said city under the provisions of chapter 52, of the revised statutes, and in all respects Streets and highways.

in the same manner as is provided in said chapter 52, for the laying out, altering or discontinuing highways in the towns of this state.

Opening
alleys.

SECTION 93. The common council shall have power to lay out and open alleys within the limits of said city in the same manner as highways, upon petition of a majority of the property holders abutting the proposed alley; provided, that any damages awarded to any property holder abutting said alley shall be assessed on all property abutting said alley in equal proportion according to the number of feet fronting on said alley.

TITLE XI.

BOARD OF EDUCATION.

Board of edu-
cation.

SECTION 94. The city of Antigo shall constitute one school district. The school commissioners herein provided for shall constitute and be styled, "the board of education of the city of Antigo," and shall serve without compensation. Such board shall consist of two commissioners from each ward, whose term of office shall be for two years, and until his successor is elected and qualified. At the first election held in said city the wards shall each elect one school commissioner for the term of one year. The election for school commissioners under this act shall be held in the several wards of said city on the second Tuesday of July in each year, and said election shall be conducted, and the votes canvassed in the same manner as the annual municipal election in said city.

Oath of office.

SECTION 95. It shall be the duty of the city clerk, immediately after the election of any person as school commissioner, either personally or by writing, to notify him of his election, and if any such person shall not, within ten days thereafter, take and file the constitutional oath with the clerk of said city, the common council may consider it a refusal to serve and may fill the vacancy in the manner hereinbefore provided.

First regular
meeting.

SECTION 96. The board of education shall hold its first regular meeting in each year on the third Tuesday of July. They shall, at that meeting, elect a president of their own number, and a su-

perintendent, who shall be styled respectively the president and superintendent of the board of education. They shall, at that meeting, fix stated times for holding regular meetings for the ensuing year. Special meetings of the board may be called by the president of the board by personal notice thereof on each one of the members.

SECTION 97. The school year shall begin on the School year. first day of July of each year. The superintendent of the board of education shall take the school census, keep full records of all proceedings of the board, sign orders as directed by the board, make out reports for the board to the common council and perform such other duties as may be required of him by this act or the said board, and all other duties as are required by clerks in school districts in this state not inconsistent with this act. The superintendent shall be ex-officio a member of said board of education and clerk thereof, whose term of office shall be for the school year. He shall be subject to the board of education, have personal supervision of education in all the schools of the city. He shall conduct examinations of applicants to teach in said city and issue necessary teachers' certificates to those found properly qualified, he shall promptly advise the board of all matters that may come under his notice, expedient for the welfare of education in said city and perform all other duties required of superintendents of schools in cities, by the laws of this state, or required by this act or the board of education. His compensation shall be fixed by contract with the school board and paid out of the school fund of said city and not to exceed three hundred dollars per annum.

SECTION 98. It shall be the duty of the common Ordinances. council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the school-houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of city ordinances, and shall be paid to the treasurer and be subject to the order of the board of education, and shall be ex-

pended by said board for the use of the said schools in said city.

Title to school property.

SECTION 99. The title of all the school-houses, sites, furniture, books and apparatus shall become and be vested in the city of Antigo, and the same while used for school purposes shall not be levied upon or sold by virtue of any law or execution, nor subject to taxation for any purpose whatsoever.

May dispose of school property.

SECTION 100. Whenever said board of education shall report to the common council that it is advisable to sell any of the school-houses or sites now or hereafter belonging to said city, the common council may dispose of the same, but no such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school-house or site belonging to said city for school purposes, be used for any other purpose without the unanimous consent of said board.

Board empowered.

SECTION 101. The board of education shall have power and it shall be their duty:

To establish schools.

First. To establish and organize such schools in said city as they may deem expedient and necessary, and in their discretion to discontinue the same.

To purchase school property.

Second. To purchase or lease school-houses or lots or sites for school-houses, and to fence or otherwise improve the same as they may deem proper, upon such lots and upon any sites now owned by said city; to build, enlarge, improve and repair school-houses, outhouses and their appurtenances as they may deem proper; provided, no contract to purchase a school-house or a school-house site, nor to build nor enlarge any school-house shall be made, except the same shall be previously authorized by the common council.

To purchase school apparatus.

Third. To purchase, exchange, repair or improve school apparatus and furniture; to furnish pupils with books, and to provide fuel for the schools, and to defray the contingent expenses.

To have custody of school houses.

Fourth. To have the custody and safe-keeping of the school-houses, outhouses, books and furniture belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed.

To employ teachers.

Fifth. To employ and contract with all the teachers in the common schools to whom the necessary certificate shall have been given by the su-

perintendent, and at their pleasure remove them; provided, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools of said city, and from time to time, to make, alter, modify and repeal as they may deem expedient, rules and regulations for their organization, government or instruction, for the reception of pupils from other districts, and the transfer of pupils from one department to another, and generally for their good order and advancement.

Sixth. To make such orders and regulations in regard to the examination of teachers as they may deem proper; provided, that such examination shall be conducted by the superintendent or in his presence, and none but the superintendent shall be authorized to issue or give certificates of qualification.

To examine teachers.

SECTION 102. The said board shall have power to allow children, not residents of the city, to attend any of the schools in said city and to fix the amount of tuition to be paid in advance by them and the terms upon which they may attend such schools.

Non-resident children.

SECTION 103. The board shall be trustees of the school district library in said city and shall expend all moneys appropriated by law or gift for enlarging and establishing the same.

Have charge of library.

SECTION 104. At the first regular meeting of the common council in July of each year the board of education shall lay before it an itemized, correct statement of all receipts and disbursements, of all school moneys during the preceding year, specifying from what source received and for what purpose expended. At or before such meeting the board of education shall further certify to the common council an itemized statement of the amounts that they may deem necessary for school purposes for the ensuing year. If the common council approve they shall forthwith order that the amount stated by the board of education be levied for school purposes. If the common council disapprove, they shall appoint a certain time within ten days thereafter when and where the board of education may be heard. Notice of such hearing shall forthwith be served by the city clerk

Board shall report.

upon the president of the board of education. At the time and place named in such notice, the common council shall assemble and hear the members of the board of education concerning the amount necessary for school purposes. The common council shall then and there, or within ten days thereafter, determine and order the amount of taxes to be levied for school purposes for the ensuing year.

Money, how paid.

SECTION 105. No moneys shall be paid out of the school fund of said city, except on an order authorized by the board of education, signed by its president and attested by its clerk.

Commissioner not to be a contractor.

SECTION 106. No school commissioner shall be directly or indirectly interested in any contract made with the board of education, and all such contracts shall be void and money paid thereon from the school fund may be recovered. In case any school commissioner shall purposely vote for any appropriation or for the payment or expenditure of any money not authorized by law, or in case the board of education shall authorize any expenditure for any purpose not authorized in this act or exceeding the amount, the board of education are authorized to certify to the common council to raise for any purpose in any one year, the school commissioner, or any of them, voting for any such appropriation or expenditure, or for the contracting of any such debt or debts, shall be personally liable to the city of Antigo, or any person or persons who may sue for the same in an action in a court of competent jurisdiction.

May borrow money.

SECTION 107. The board of education of the city of Antigo, are hereby authorized and empowered to borrow money for the purpose of purchasing school-house sites and building school-houses and furnishing the same, not exceeding the sum of fifteen thousand dollars to be paid within ten years; and for that purpose the board of education may issue bonds in such denominations and payable at such times as shall be agreed and at a rate of interest not to exceed eight per cent. per annum; provided, no such bonds shall be issued or money borrowed, except by special election as provided in section 28, of title 3, of this act.

FIRE DEPARTMENT.

SECTION 108. The common council for the purpose of guarding against the calamities of fire, shall have the power, to prescribe the limits within which wooden buildings, or buildings of other material, that shall not be considered fire-proof, shall not be erected or repaired, and to direct, that all and every building within the limits prescribed shall be made and constructed of fire-proof material; to prohibit the repairing of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Fire department.

SECTION 109. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building and to cause same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same. To authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient and to provide penalties for the violation of any resolution or ordinance passed under this section.

Shall supervise construction of chimneys, etc.

May purchase
fire engines.

SECTION 110. The common council shall have full power to purchase fire engines, and other fire apparatus, as provided for in this act, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed forty able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers and form their own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by volunteer enlistment. Every member of said companies hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of seven years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Two fire wardens
to be
appointed.

SECTION 111. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may, at any time, enter into any building, house, store, barn or enclosure, for the purpose of inspecting the same.

Disorderly conduct
at fires.

SECTION 112. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, or the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the city marshal, constable or watchman or any citizen to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any such person who shall refuse to arrest or aid in arresting any person, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

SECTION 113. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Antigo, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officers of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires it shall take charge of all property which may be exposed or endangered, and shall, as far as may be in its power, preserve the same from injury or destruction. Such company may, from time to time, adopt such laws as it deems necessary not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Sack company.

SECTION 114. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Treasurer shall give bonds.

SECTION 115. There shall be elected by the members of each company aforesaid annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of

Officers of each company.

either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Record of membership.

SECTION 116. The city clerk is hereby required to keep a record of the members of the several companies organized under this title, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note the fact on the list thereof and shall return to the clerk of the board of supervisors of the county of Langlade a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Officers of department.

SECTION 117. The officers of the fire department shall be a chief engineer, an assistant chief engineer, a secretary and treasurer. The several fire companies shall hold at least one annual meeting for the purpose of electing department officers; the first meeting to be called by the mayor. Each member of the several companies in good standing shall be entitled to a vote in the election of department officers, and a majority of the votes cast shall elect. The officers so elected shall be subject to confirmation by the common council.

TITLE XIII.

CONSTRUCTION, REPAIR AND RECONSTRUCTION OF SIDEWALKS.

Construction of sidewalks.

SECTION 118. The common council shall have power to order the building, construction, reconstruction or repair of sidewalks in the city of Antigo in such manner as it may deem proper; provided, however, that when any member of the common council shall offer a resolution for the construction of any sidewalks in the city, the resolution shall be referred to the proper committee

and lie over until the next regular meeting. Such resolution shall describe the street or part of street along which, and the block opposite which, it is proposed to construct such sidewalk. The city clerk shall within five days after such resolution is introduced and referred, serve a copy of such resolution on each and all of the residents or occupants of lots on the street or streets along which it is proposed to build such sidewalk.

SECTION 119. At its next regular meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted by the common council, an order shall be entered among its records requiring a sidewalk to be constructed along such street or part of street, or lands described in said resolution. The common council in such order shall designate and determine the street or part of street along which such sidewalk shall be so constructed, and time within which the owner or owners of the property along such street or streets shall build the same. If the owner or owners of any such lot or lots, or if such lands shall fail to so construct such sidewalks opposite the lot or lots, or lands so owned by him or them, within the time limited in said order, the city shall construct such part thereof as such owner or owners have so failed to construct, and charge the cost thereof to the lot or lots or lands opposite which the city shall have so constructed such sidewalks.

Construction and location of sidewalks.

SECTION 120. Within three days after said order shall have been entered as aforesaid, the city marshal of said city shall serve a copy of such order upon the residents and occupants of the lots or lands opposite which such sidewalk is to be constructed, personally or by leaving a true copy thereof at the usual place of abode of such owners or occupants in said city. In case any owner or owners of any such lot or lots or of such lands shall not reside thereon, or in the city of Antigo, or his or their name or names shall be unknown to the city marshal, then such order shall be served on such non-resident or unknown owner or owners by publishing the same in some newspaper published in said city at least once and at least ten days before the expiration of the time limited in said order for the construction of such

Marshal shall serve notice.

sidewalk. As soon as the city marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of service thereof; and in case the order shall have been published as hereinbefore provided, he shall attach to his return and file therewith the affidavit of the publication thereof in the usual form subscribed and sworn to by the printer or publisher of the newspaper in which such order shall have been so published.

Lot owners
may construct
sidewalks.

SECTION 121. At any time after such order shall have been so entered by the common council as hereinbefore provided and within the time therein limited therefor the owner or owners of the lots or lands opposite which such sidewalk is to be constructed, may at his or their own expense, and in the manner and of the width and material designated in such order, construct such sidewalk opposite the said lot or lots or lands owned by them respectively.

Street commis-
sioner shall
report.

SECTION 122. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the street commissioner shall examine the street, part of street or block along which said sidewalk shall have been ordered to be so constructed, and within said three days shall make and file with the city clerk a report in writing, signed by him, as to the construction of the same. He shall state in such report what part of said sidewalk, if any has been, and what part, if any has not been, constructed in conformity with such order, and shall describe the lots or parts of lots or lands, if any, opposite which such sidewalk has been so constructed, as well as the lots, parts of lots or lands, if any, along which said sidewalk has not been so constructed.

Street commis-
sioner may
construct
sidewalk.

SECTION 123. If it shall appear by such report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall at its next regular or special meeting after such report shall have been made and filed, direct the street commissioner to proceed at once to construct in conformity with said order such part of said sidewalk as said report shows has not been so constructed, and the said street commis-

sioner shall thereupon proceed at once so to construct such part of such sidewalk.

SECTION 124. Immediately upon completing his work the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expense actually incurred by him in so constructing that part of such sidewalk, in front of each lot or part of lot or land opposite which it appears by his report the owner or owners of such lot, or part of lot or land had failed as aforesaid to construct sidewalk.

Street commissioner to file statement.

SECTION 125. At its next regular or special meeting after such statement shall have been so filed, the common council shall by resolution levy and assess upon each lot or part of lot or lands opposite which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner, as appears by his said statement, a special tax sufficient to pay the actual expense incurred in so constructing the same, as appears by said statement; and said resolution shall describe each of such lots or parts of lots, or lands, state the names of the owners thereof when known, and give the amount of such tax so levied and assessed upon each such lot or parts of lots or lands. On or before the first day of December of each year, the city clerk of said city shall insert in a separate column in the tax list of his city next thereafter to be delivered to the city treasurer of said city for collection, and opposite to the description therein of each of said lots or parts of lots or lands, the amount of such special tax properly chargeable thereto, as appears by aforesaid resolution adopted by the common council, and the said special taxes shall be collected or returned delinquent, in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for the non-payment thereof, in the same manner and with the same effect as if said special tax had been a general town, county or state tax.

Council may assess special tax to pay expense incurred.

SECTION 126. Whenever it shall be necessary in the opinion of the common council, to repair or reconstruct any sidewalk, the common council may cause such sidewalk to be repaired or re-

Sidewalks may be repaired at owner's expense.

constructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk shall be in an immediately dangerous condition and the cost of repairing the same opposite any lot or piece of land shall not exceed three dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting any such dangerous sidewalk, if a resident of said city, to repair such sidewalk; and if such owners shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the cost of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous sidewalk, in the same manner as the cost of constructing new walks are levied and collected from the lots and lands abutting thereon.

TITLE XIV.

MISCELLANEOUS PROVISIONS.

Miscellaneous.
Work let to
lowest bidder.

SECTION 127. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder and due notice shall be given of the time and place of letting such contract, and the council shall have the right to reject any bid when it is deemed for the interest of the city to do so.

When penalty
discharged by
common
council.

SECTION 128. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a majority of the aldermen elect.

No property to
be sold by
virtue of debt
to city.

SECTION 129. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City of Antigo,
party of the
first part.

SECTION 130. When the city of Antigo deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Antigo, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

SECTION 131. The mayor of said city is hereby

authorized, when the common council shall, by ordinance or resolution, for that purpose (describing the real estate and interest to be conveyed) order and direct him so to do, to execute a deed or lease of such real estate, or interest therein, belonging to said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

Mayor to execute deed.

SECTION 132. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and recorded, shall be, in all the courts of this state, prima facie evidence of the authority of such mayor to make and execute such deed or lease.

City clerk to attach ordinance.

SECTION 133. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non payment thereof, all subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay in case of payment of said judgment.

When person committed for non-payment of judgment.

SECTION 134. The keeper of the common jail of the county of Langlade is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty.

The jailor of Langlade county to keep prisoners.

SECTION 135. No member of the common council shall be eligible to any other office provided for by this act during the term for which he shall have been elected or appointed, except as provided in this act. No member of the common council shall vote upon any question, matter, or resolution in which he may be directly or indirectly interested.

Member of council ineligible to other office.

SECTION 136. No member of the common council shall be a party to or interested in any job or contract with the city, or any department thereof; and any contract in which any such member may be so interested, shall be null and void. No member of the common council shall sign any bond as surety for the performance of any contract or

No member shall be contractor with city.

agreement with such city, or official bond to such city during his term of office.

Licenses
signed by clerk
and sealed.

SECTION 137. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount to be paid therefor.

When guilty
of misde-
meanor.

SECTION 138. Every member of the common council of the city of Antigo who shall directly or indirectly vote to himself or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, members of the board of registry and as members of the board of review, any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before any justice of the peace in the city, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

1889, c. 107 § 139
103 10

Actions in tort
against city.

SECTION 139. No action in tort shall lie or be maintained against the city of Antigo, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed shall be presented to the common council within sixty days after the occurring or happening of the tort alleged.

Action, how
maintained.

SECTION 140. No action shall be maintained by any person against the city under the provisions of this act, upon any claim or demand until such person first shall have presented his claim or demand to the common council for allowance, and

the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

SECTION 141. The determination of the common council disallowing in whole or in part any claim, shall be final and conclusive, and a bar to any action in any court founded on such claim, unless an appeal be taken from the decision of such common council as in this act provided.

Determination
of council,
how final.

SECTION 142. Whenever any claim against a city organized under the provisions of this act, shall be disallowed in whole or in part, by the common council, such person may appeal from the decision of such common council disallowing said claim, to the circuit court of the county in which such city is situated, by causing a written notice of such appeal to be served on the clerk of such city within twenty days after the making of the decision disallowing such claim, and by executing a bond to the city, in the sum of one hundred and fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the common council, with its decision thereon, and shall transmit the same, together with all the papers in the case, to the clerk of the circuit court of the proper county. Such case shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the common council upon any claim, and the recovery upon such appeal, shall not exceed the amount allowed by the common council, exclusive of interest upon such allowance, the appellant shall pay the costs of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

When claim is
disallowed.

SECTION 143. The city of Antigo shall have the right of appeal in all cases and to all courts, from

City have right
to appeal.

any judgment or order rendered against it, in the same manner and to the same extent as any person could do, upon resolution of the council directing the appeal to be made.

Council to provide for payment of indebtedness.

SECTION 144. It shall be the duty of the common council, as soon as practicable after their election and qualification to ascertain the true amount of the outstanding indebtedness of the city of Antigo contracted prior to the passage of this act, including outstanding orders and other evidence of indebtedness lawfully contracted, and to provide for the prompt payment or settlement of the same, and it shall have power to issue bonds at a reasonable rate of interest, not exceeding seven per cent. to liquidate said indebtedness, and to provide a sinking fund for the payment of said bonds. And the proportional amount to be raised for said purpose shall be annually levied and put into the tax roll of said city and collected as a fund to liquidate said indebtedness in excess of the amount of tax herein limited to be raised for general purposes, and such fund shall be collected and set apart as a special fund for the payment of such indebtedness.

Amount of judgment assessed on tax roll and money paid to person entitled thereto.

SECTION 145. When a final judgment shall be recovered against the city of Antigo, or against any city officer in an action by or against him in his name of office, when the same should be paid by the city, the judgment creditor, his assignee or attorney, may file with the city clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon and all payments made, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed, has been affirmed, and thereupon the city clerk shall assess on the next tax roll the amount thereof, with interest thereon from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the said city, and the same shall be collected and returned as other city taxes, and when collected shall be paid to the party entitled thereto.

Not affect general state law.

SECTION 146. No general law of this state contravening the provisions of the city charter, shall be considered as repealing, amending or modify-

ing the same, unless such purpose be expressly set forth in such law.

SECTION 147. Whenever any grave or heinous crime shall have been committed in said city against life or property, the mayor, with the concurrence of the common council may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense.

In case of heinous crime.

SECTION 148. The mayor and members of the council shall receive no compensation or salary for any services rendered under this act, except as otherwise provided in this act.

Mayor and common council to receive no salary.

SECTION 149. All city or ward officers at the expiration of their term of office, or upon their resignation, removal or vacation from office, shall immediately deliver to their successor in office all property, moneys, books, papers and effects of every description in their possession belonging to the office they may have held. Any person who may have held an office neglecting or refusing so to do for twenty-four hours after the presentment, by his successor, of the city clerk's certificate of his successor's election or appointment and qualification to the office, shall forfeit and pay for the use of said city, for every twenty-four hours' refusal, the sum of one hundred dollars and all damages and costs incurred, either by the said city or his successor by reason of such neglect or refusal.

Penalty for non-delivery to successor.

SECTION 150. Chapter 173, of the general laws of 1887, entitled, "an act to revise chapter 79, of the laws of 1885, entitled 'an act to incorporate the city of Antigo,'" is hereby repealed.

Repeal of chapter 173, laws of 1887, chapter 79, laws of 1885.

SECTION 151. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1889.