

No. 126, S.]

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CHAPTER 138.

AN ACT to amend section 17, of sub-chapter 4, and subdivision thirty-first, of section 52, of chapter 326, of the general laws of 1889, entitled, "An act dividing cities into classes, and providing for their incorporation and government." Section 142, of chapter 326, of the general laws of 1889, entitled, "An act dividing cities into classes and providing for their incorporation and government" as amended by chapter 312, of the general laws of 1893, as amended by chapter 199, of the general laws of 1895; sections 143, 204, 205 and 51, of chapter 326, of the general laws of 1889, entitled, "An act dividing cities into classes, and providing for their incorporation and government."

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

Adjacent territory to cities, how annexed.

SECTION 1. Section 17, of sub-chapter 4, of chapter 326, of the general laws of 1889, is hereby amended by inserting after the word "act," in the second line of said section 17, the words "or adjacent to any city organized under a special charter, which, by ordinance, has declared such city to be of a certain class, according to the provisions of section 1, of this act, and has adopted, in the manner provided by this act, chapter 4, of this act," so that said section 17, when so amended shall read as follows: Section 17. Territory lying adjacent to any city organized under the provisions of this act, or adjacent to any city organized under a special charter, which, by ordinance, has declared such city to be of a certain class, according to the provisions of section 1, of this act, and has adopted, in the manner provided by this act, chapter 4, of this act, may be an-

nexed to such city in the manner hereinafter set forth.

SECTION 2. Subdivision thirty-first of section 32, of chapter 326, of the general laws of 1889, is hereby amended by inserting after the word "streets" in the second line thereof, the words "and sidewalks," and by adding at the end of said subdivision thirty-first, the following: "and to require standard sidewalks, as defined by the common council, to be laid upon such street or streets or part thereof, as the common council may prescribe, and to declare any sidewalk, or part thereof, unsafe, defective or insufficient, and to require the same to be removed and replaced with a new standard sidewalk, or one as good as the standard, to be approved by the board of public works, at the expense of the owner or owners of the lots or parcels of lands abutting upon that portion of the street or streets upon which said sidewalk is ordered to be built or removed, and to cause the expense thereof incurred by the city in front of each said abutting lot or parcel of land, to be charged to such lot or parcel of land as a special tax, and collected like other city taxes upon real estate, all proceedings as to the construction of sidewalks and the collection of the cost thereof to conform to the provisions of subchapter nineteen of this act, entitled 'sidewalks,' so that said subdivision thirty-first, when so amended shall read as follows: Thirty-first. To establish and alter the grade of *streets* and sidewalks and to regulate the manner of using the streets and pavements in said city, and to protect the same from injury by vehicles used thereon; and to require standard sidewalks, as defined by the common council, to be laid upon such street or streets or part thereof as the common council may prescribe, and to declare any sidewalk, or part thereof, unsafe, defective or insufficient, and to require the same to be removed and replaced with a new standard sidewalk, or one as good as the standard, to be approved by the board of pub-

Standard sidewalks, how obtained.

lic works, at the expense of the owner or owners of the lots or parcels of land abutting upon that portion of the street or streets upon which said sidewalk is ordered to be built or removed, and to cause the expense thereof, incurred by the city in front of each said abutting lot or parcel of land to be charged to such lot or parcel of land as a special tax, and collected like other city taxes upon real estate, all proceedings as to the construction of sidewalks and the collection of the cost thereof to conform to the provisions of sub-chapter nineteen of this act, entitled "sidewalks."

Detailed statement of money required for the ensuing fiscal year to be filed with the clerk.

SECTION 3. Section 142, of chapter 326, of the general laws of 1889, as amended by chapter 312, of the general laws of 1893, as amended by chapter 199, of the general laws of 1895, is hereby amended so as to read as follows: Section 142. On or before the first day of October in each year the board of public works, if there be one, and, except in cities wherein the school district system is in force, the board of education, shall each file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments. And the city comptroller, or the officer or officers performing his duties, shall likewise file a statement of the amount required by the police department, fire department, the general fund, and for the purposes of paying interest for the ensuing year on the public debt, and five per cent. of the principal thereof. The city clerk shall place such estimates before the city council at its next regular meeting, for their consideration, and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized, not exceeding the amount provided by section 142a. And in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses or from any other source. Section 142a. The common council shall have power to annually levy such

sums or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied, and to apportion the same into such funds for city or ward purposes as they may provide by ordinance or resolution; provided, a tax levied for any one year for municipal purposes, together with the tax required to be levied for state, county, county school and school district purposes, and for delinquent taxes for the preceding year, shall not exceed the amount of three per cent. of the assessed value of real and personal property of the city in that year.

SECTION 4. Section 143, of chapter 326, of the general laws of 1889, is hereby amended by adding at the end of said section the following: "And in cities where the school district system is in force the city clerk shall, upon the receipt by him of the statement or statements of the amount of school tax apportioned to the part of the district or districts respectively, within such city, extend the same upon the tax roll and apportion the same, as required by law. And in such cities the warrant for the collection of taxes shall, in addition to the other aforesaid directions therein, require the city treasurer to pay out according to law, from the money so collected by him, to the person or persons lawfully entitled thereto, the amount of the district school tax collected by him thereunder."

Apportionment of school tax to school districts

SECTION 5. Section 204, of chapter 326, of the general laws of 1889, is hereby amended by adding at the end of said section the following: "And whenever the common council shall have declared any sidewalk, or part thereof, unsafe, defective or insufficient, and required the same to be removed and replaced with a new sidewalk, it shall be the duty of the owner of every lot or parcel of land abutting upon that portion of the street or streets upon which said sidewalk ordered to be removed is situated, to lay at his own expense, within ten days after the passage and publication of an ordinance or

Owner of abutting lands required to lay new sidewalks after notice.

resolution requiring such removal, a standard sidewalk in place thereof, or one as good as the standard, to be approved by the board of public works, all according to the requirements of said resolution or ordinance."

In case owner neglects or refuses to build sidewalk then the board shall build the same and charge to lot owner.

SECTION 6. Section 205, of chapter 326, of the general laws of 1889, is hereby amended by inserting after the word "street," in the third line of said section 205, the words "or street ordered to be improved," and by inserting after the word "laud," in the tenth line of said section 205, the following: "And whenever the owner of any lot or parcel of land abutting upon that portion of any street or streets upon which any sidewalk ordered to be removed is situated, shall neglect, within ten days after the passage and publication of an ordinance or resolution directing such removal and rebuilding, to lay in place of such sidewalk declared unsafe, defective or insufficient, a standard sidewalk, or one as good as the standard, to be approved by the board of public works, according to the requirements of the resolution or ordinance of the common council, it shall be the duty of the board of public works, to remove such defective, unsafe or insufficient sidewalk, and to replace the same with a standard sidewalk, all in accordance with the requirements of said resolution or ordinance," so that said section 205, when so amended, shall read as follows: Section 205. Whenever the owner of any lot or parcel of land so abutting upon any improved street, or street ordered to be improved, whereon the space for the sidewalk shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard, fixed by the common council, approved by the board of public works, it shall be the duty of the board of public works to cause a standard sidewalk to be laid in front of such lot or parcel of land, and whenever the owner of any lot or parcel of land abutting upon that portion of any street or streets upon which any sidewalk ordered to be removed is situated, shall neg-

lect, within ten days after the passage and publication of an ordinance or resolution directing such removal and rebuilding, to lay in place of such sidewalk declared unsafe, defective or insufficient, a standard sidewalk, or one as good as the standard, to be approved by the board of public works, according to the requirements of the resolution, or ordinance of the common council, it shall be the duty of the board of public works, to remove such defective, unsafe or deficient sidewalk, and to replace the same with a standard sidewalk, all in accordance with the requirements of said resolution or ordinance. Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalk shall be out of repair, for more than ten days, it shall be the duty of the board of public works to repair the same. The board of public works shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot, subdivision or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the city comptroller, who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by the city clerk entered in the tax roll, as a special tax against said lot, subdivision or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

Work to be done by contract where cost exceeds \$100.

SECTION 7. Section 51, of chapter 326, of the general laws of 1889, is hereby amended by inserting after the word "business" in the fourth line thereof, the following words: "excepting in cities wherein the common council does not exceed five members, and in such cities a majority of the members of the common council shall constitute such quorum," so that said sec-

Number of members to constitute a quorum.

tion when so amended shall read as follows: Section 51. The common council shall determine the rules of its own proceedings. Two-thirds of the members shall constitute a quorum for the transaction of business, excepting in cities wherein the common council does not exceed five members, and in such cities a majority of the members of the common council shall constitute such quorum, but a smaller number may adjourn; their sessions shall be open to the public; the ayes and noes may be required by any member; and on the adoption of any ordinance or resolution assessing or levying taxes or for the appropriation or disbursement of money or creating any liability or charge against the city or any fund thereof, the vote shall be taken by ayes and noes, and every such vote shall be entered at length upon the journal. The common council shall be the judge of the election and the qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members upon its meetings, and employ the police of the city for that purpose; may fine or expel any member for neglect of duty as such member, or for unnecessary absence from sessions of the council. At all confirmations by the city council, the vote shall be taken by viva voce, and such vote shall be recorded by the clerk in the journal; a concurrence of a majority of all the members of the council shall be necessary to a confirmation.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1897.