

# LAWS OF WISCONSIN.

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[No. 789, A.]

[Published Feb. 26, 1887.]

## CHAPTER 15.

AN ACT to amend chapters 5 and 191, of the general laws of 1883, as amended by chapter 32, of the laws of 1885, entitled, an act to incorporate the city of Merrill.

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

SECTION 1. Section 8, of chapter 32, of the laws of 1885, entitled, an act to incorporate the city of Merrill, is hereby amended so as to read as follows: Section 8. The officers to be elected by the people, shall be a mayor, treasurer, assessor, city superintendent of schools, two justices of the peace, and three constables for the city at large, and two aldermen to be elected in each ward, one supervisor to be elected in each ward, and one school commissioner to be elected in each ward. All of said elective officers except justices of the peace and constables shall be freeholders in said city.

Amendment to the city charter of Merrill.

SECTION 2. Section 10, of said act is hereby amended so as to read as follows: Section 10. All necessary officers not heretofore named as elective, shall be appointed by the council. All elective officers, except justices of the peace and aldermen shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, that the council shall have power for due cause, satisfactory to it, to expel any of its own number, and to remove from office any officer or agent of the city, except justices of the peace; due notice and an opportunity for a hearing having been first given to the officer proposed to

Appointed officers — terms of elective officers, etc.

be removed. Justices of the peace and aldermen shall hold their office for two years, and until their successors are elected and qualified; provided, however, that at each annual charter election there shall be elected one alderman from each ward to represent his ward on the common council for the term of two years. The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in March of the year for which such officer is elected or appointed, except those of superintendent of schools and school commissioner, which shall commence on the second Tuesday of July next succeeding their election, and the term of office of all other appointed officers shall expire on the second Tuesday of March next succeeding their appointment, unless sooner removed.

Section 11  
amended.

SECTION 3. Section 11, of said act is hereby amended so as to read as follows: Section 11. Whenever a vacancy shall occur in the office of mayor, supervisor or aldermen, the council may order a new election, and shall give five days' notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Regarding  
ward super-  
visors.

SECTION 4. Section 15, of said act is hereby amended so as to read as follows: Section 15. In case of the inability of the ward supervisor of any ward to act or sit on the county board for a temporary cause, the alderman from that ward having the shortest time to serve on the council may attend the meetings of the county board and sit and act as a member of said county board to represent his ward, or in case he is unable to serve, then the other aldermen may act on the county board until the disability of the supervisor is removed.

Officers to take  
and subscribe  
the oath of  
office.

SECTION 5. Section 16, of said act is hereby amended so as to read as follows: Section 16. Every person elected or appointed to any office under the city charter, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same duly certified by the officer taking

the same, with the clerk of the city; and the clerk, chief of police, constables, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Merrill, a bond, with at least two sureties, who shall swear that they are each worth the penal sum specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer before entering upon his duties shall also execute to the city of Merrill, a bond, with at least two sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll as levied by the city council for all local purposes, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except their bonds shall be approved by the council.

SECTION 6. Section 21, of said act, is hereby amended so as to read as follows: Section 21. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the council shall direct. He shall report to the council as often as is required, and annually, at least, ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for

Duties of treasurer defined.

four years in succession, shall be eligible to a reelection until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable quarterly.

Other and further duties may be required of any officer.

SECTION 7. Section 23, of said act is hereby amended so as to read as follows: Section 23. The council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of the city charter, and to prescribe their duties and to fix the compensation of all officers appointed by it, where the compensation is not fixed by statute. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, treasurer, chief of police, assessor, and superintendent of schools, for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor, and the salaries of the following named officers shall not exceed the following amounts: City clerk, five hundred dollars per year, which shall be in full for all services rendered the city as such clerk; city assessor, four dollars per day for actual service; chief of police, four hundred dollars per year, and city treasurer, four hundred dollars per year, and shall be payable quarterly, except the assessor, who shall be paid when the assessment roll is completed.

Official newspaper to be designated.

SECTION 8. Section 24, of said act is hereby amended so as to read as follows: Section 24. The council at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper printed in said city, which shall be the official paper of the city, in which shall be published all ordinances, resolutions, proceedings of the council, proceedings of the board of education, and so much of the proceedings of the board of review as may be of public interest, and matters required by the city charter or the by-laws or

ordinances of the city to be published in a newspaper.

SECTION 9. Section 27, of said act is hereby amended so as to read as follows: Section 27. Neither the mayor, nor any member of the common council of said city shall be a party to, or interested in, any job or contract with the city, and any contract in which the mayor or any member of the common council may be interested, shall be null and void; and in case any money shall have been paid by, or for the city on any such contract, the city may sue for and recover the amount so paid, except as provided in section 64.

Mayor or council shall not be interested in any job.

SECTION 10. Section 29, of said act is hereby amended so as to read as follows: Section 29. The council may elect a city engineer and prescribe his duties and fix the fees and compensation for any services performed by him, and pay the same. All surveys, profiles, plans, or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk, and shall be open to the inspection of the public.

City engineer to be elected.

SECTION 11. Paragraph 2, of section 36, of said act, is hereby repealed.

Repealed.

SECTION 12. Section 37, of said act is hereby amended so as to read as follows: Section 37. All ordinances shall be passed by an affirmative vote of a majority of the council, and shall be signed by the mayor, and shall be published in the official paper of the city, but no ordinance shall be in effect until after its passage and publication; and within fifteen days after such publication they shall be recorded by the city clerk in books provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof respectively, within the time hereinbefore provided, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times such record or a duly certified copy thereof, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be deemed and taken as prima facie evidence of the time and manner of such publication and of the passage of such ordinance.

Amended.

SECTION 13. Section 63, of said act is hereby

Wards to keep streets in repair.

amended so as to read as follows: Section 63. Each ward in said city shall repair, keep up and maintain all the streets within said ward, and the streets in each ward shall be under the control and supervision of the aldermen and supervisor of said ward.

Board of aldermen—how constituted.

SECTION 14. Section 64, of said act is hereby amended so as to read as follows: Section 64. The ward supervisor and aldermen of each ward shall constitute a board of aldermen for their respective wards, any two of whom shall be a quorum to act and transact business. Said board of aldermen shall hold its meetings at the city clerk's office or council rooms. The city clerk shall be the clerk of each of such boards of aldermen. No alderman or ward supervisor shall be a party to, or interested in, any job or contract with the city or any of the wards, except that he may act as a street commissioner for his ward, and he shall receive such pay or compensation therefor as the ward board may direct to be paid out of the ward fund.

Additional section added regarding sidewalks.

SECTION 15. Said act is hereby amended by adding section 64a. Section 64a. Any person or persons who shall take up, remove, or in any manner disturb or damage any sidewalk without authority to do so, from the city council or the board of aldermen of the ward in which said walk or sidewalk shall be situated, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not more than ninety days nor less than thirty days, or both, in the discretion of the court.

Duplicate copies of tax roll to be made out.

SECTION 16. Section 113, of said act is hereby amended so as to read as follows: Section 113. Immediately after making out the tax roll aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax roll, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year or as soon thereafter as practicable, deliver the

same to the city treasurer for collection, and make a record of such delivery on the tax roll preserved in his office.

**SECTION 17.** Section 115, of said act is hereby amended so as to read as follows: Section 115. The said treasurer shall make out and return to the treasurer of Lincoln county at the time required by law, in case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The county treasurer shall add the same interest penalties or fees to such delinquent returns as are allowed or required by law, upon delinquent returns from the several towns. The said city treasurer shall also at the same time make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year, and he shall also make out and deliver a duplicate of such list and statement to his successor in office of all unpaid personal property taxes aforesaid. The mayor and clerk shall annually within thirty days after such lists shall have been filed with the clerk and treasurer, make a schedule of all the taxes on personal property in the city remaining unpaid at the time of making such schedule for three years previous thereto, including the three per cent. collector's fees, and which shall have remained uncollected at the date thereof, and shall be made substantially in the form prescribed by section 1126, of the revised statutes. The mayor and clerk, within the time aforesaid, shall make and annex to said schedule a warrant under their hands, directed to the city treasurer, which warrant shall be in force one year, unless sooner returned, and returnable within one year from the date thereof, and shall command said city treasurer to collect from each of the persons and corporations named in said schedule the amount of the unpaid taxes set down in such schedule opposite to their respective names, in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as said city treasurer had before the delinquent return to the county treasurer was made, and shall proceed in the collection thereof in the same manner, either by distress

Delinquent tax list to be returned to treasurer of county.

and sale of property, or by action as provided by law for town treasurers. And the said warrant so issued shall protect the officer in executing the same in the collection of taxes in like manner and have the same force and effect as warrants for the collection of taxes delivered to town treasurers. This section, as amended, shall apply and be in force for the collection of taxes levied and assessed in the year eighteen hundred and eighty-six. To the unpaid taxes set forth in said schedule shall be added and collected interest at the rate of twelve per cent. per annum from the time provided in section 1126, of the revised statutes, together with the collector's fees for collecting the same.

Salary of city superintendent of schools—his duties.

SECTION 18. Section 131, of said act is hereby amended so as to read as follows: Section 131. The salary of the city superintendent of schools shall be fixed by the common council before his election; said superintendent shall not be a teacher employed in any of the schools of this city. He shall examine and license city teachers, visit the schools at least once a month, and as often as his duty may require, and he shall pay special attention to the interests of the schools and the classification of the pupils therein. He shall carefully observe the teaching and discipline of all teachers employed in the public schools and report to the board of education whenever any teacher is found deficient or incompetent in the discharge of his or her duties. He shall attend all meetings of the board of education and shall keep the board of education constantly informed of the condition of the public schools and the changes to be required in the same, and shall do and perform such other duties as are prescribed by this act, and as the board of education shall require.

In case of vacancy in office of school commissioner.

SECTION 19. Section 133, is hereby amended so as to read as follows: Section 133. In case any vacancy occurs in the office of school commissioner, the common council shall appoint a school commissioner to fill such vacancy, who shall be a resident of the same ward in which the vacancy occurred, and shall hold said office for the unexpired term for which he was appointed to fill, and no longer.

SECTION 20. Section 135, of said act is hereby



amended so as to read as follows: Section 135. The said school commissioners so elected shall constitute a board of education of the city of Merrill, to be styled, "the board of education of the city of Merrill." Said board shall hold their meetings at the city clerk's office, or the council rooms, and the board shall hold stated meetings, the time thereof to be fixed by the board. Said board shall at their first meeting elect one of their number president of the board of education. Their meetings may be held on call of a majority of the board, notice of which shall be given by the clerk, served on all the members thereof at least twenty-four hours prior to the time of holding the same, and said notice shall state the day, hour and place of meeting, and a majority thereof shall constitute a quorum for the transaction of business. The said commissioners shall not receive any compensation for their services.

Board of education—how constituted.

SECTION 21. Section 137, of said act is hereby amended so as to read as follows: Section 137. The superintendent of schools shall in each year and at the time and in the manner, now and hereafter to be required of town clerks, make and transmit to the state superintendent, a report in writing, which report shall be such as is now, or may hereafter be required by law to be made annually by town clerks and transmitted to county superintendents. He shall also make and submit to the council at least ten days before the annual election in each year, a report showing the receipts and expenditures by the board, since the report made to the council at its first meeting in July. Such account need only show the gross amount of receipts from each of the various sources, and gross amount of expenditures for each of the various purposes required to be reported. Such report shall include salaries of teachers; and all other expenses up to the second Tuesday in March following, and all salaries or bills that will be due at that time, may be paid before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the report shall state the amount

Report of city superintendent of schools—how made.

more or less, and the report shall also state whether, and if any, how much more or less than estimated in July and October, will be needed for the entire school year ending in June.

Hiring of;  
teachers.

SECTION 22. Paragraph 3, of section 141, is hereby amended so as to read as follows: Paragraph 3, of section 141. To contract with and employ in behalf of the city, all teachers, in such public schools of the city, who may be duly licensed to teach. Provided, that the board of education shall not have power to hire or contract with any teacher, for a longer term than one school year, nor longer than the term of office of said school commissioners.

Meeting of  
council.

SECTION 23. Section 142, of said act is hereby amended by adding to the end thereof section 142a. Section 142a. Any meeting of the common council may be called by the mayor, or upon a call of a majority of the members of the council, by notice personally served or left at the home or place of business of the aldermen, stating the time, place and hour of the meeting, at least twenty-four hours prior to said meeting.

SECTION 24. This act shall take effect from and after its passage and publication.

Approved February 25, 1887.

[No. 157, A.]

[Published March 5, 1887.]

## CHAPTER 23.

AN ACT to amend section 18, of sub-chapter 5, of chapter 184, of the laws of 1874, entitled, "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," and the several acts amendatory thereof.

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

Board of public works to make purchases.

SECTION 1. Section 18, of sub-chapter 5, of chapter 184, of the laws of 1874, as amended by section 16, of chapter 324, of the laws of 1882, is hereby amended so as to read as follows: When-