

[No. 304, A.]

[Published April 1, 1887.]

CHAPTER 159.

AN ACT to amend the charter of the city of New Richmond, St. Croix county, Wisconsin.

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

City bound-
aries.

SECTION 1. The northwest quarter of the northeast quarter, of section two, and a piece of land described as follows, to wit: Commencing at the northwest corner of the northeast quarter of the northeast quarter of said section; thence east sixteen rods; thence south forty rods; thence west sixteen rods; thence north forty rods to the place of beginning, all in township thirty north, of range, eighteen west, being in the town of Richmond, county of St. Croix, and state of Wisconsin, is hereby attached to and made a part of the city of New Richmond, and the same shall be and become a part of the Second ward of said city.

May plat and
resell land.

SECTION 2. The said city of New Richmond is hereby authorized and empowered to purchase said tract of land, and if need be, or if deemed advisable, may replat and resell the same, or plat and resell or resell without platting any or all of the part now unplatted, and resell any or all the land mentioned in section one, of this act, and the same, while owned, occupied or held by the city shall be exempt from taxation; provided, however, that the common council of said city shall be first thereunto authorized to make said purchase by a majority of all the legal voters voting at an annual meeting or special meeting duly and legally called for that purpose.

Amended, elec-
tive officers.

SECTION 3. Section 5, of chapter 82, local laws of 1885, is hereby amended so as to read as follows: Section 5. The elective officers of said city shall be a mayor, treasurer, assessor, city clerk, two justices of the peace and two constables for the city at large, two aldermen and one supervisor in each ward; the supervisors shall represent their respective wards in the county board of St. Croix county. All other officers necessary for the proper

management of the affairs of said city shall be appointed by the mayor, subject to the approval of a majority of the common council, and the terms of office of all appointive officers shall expire with that of the mayor who appointed them, unless otherwise provided.

SECTION 4. Section 7, of said chapter 82, is hereby amended by striking out the last sentence of said section after the word, "appointed" so as to read as follows: Section 7. All officers of said city shall be residents and electors thereof; and all ward officers shall be residents and electors of the ward wherein they are elected or appointed.

Amended,
officers to be
residents.

SECTION 5. Section 11, of said chapter 82, is hereby amended so as to read as follows: Section 11. The supervisor and aldermen in each ward shall constitute the board of inspectors of elections, and they shall take the usual oaths or affirmations as prescribed by the general election laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner and under the same laws and penalties, and vacancies in the board of inspectors thereof be filled as required by the laws of this state regulating general elections.

Amended,
board of
inspectors.

SECTION 6. Section 37, of said chapter 82, is hereby amended by striking out the words, "once a week for two successive weeks," so as to read as follows: Section 37. All laws and ordinances shall be passed by a majority vote of all the members of the common council, and all ordinances, before the same shall be in force, shall be signed by the mayor and shall be published in the official newspaper of the city, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before the said laws, ordinances or regulations shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Amended, how
laws and ordin-
ances shall be
passed.

SECTION 7. Section 79, of said chapter 82, is Amended.

hereby amended by adding at the end of said section the following; "Except it be by the unanimous vote of all the members of the common council, and approved by the mayor."

Amended,
general tax—
when levied.

SECTION 8. Section 100, of said chapter 82, is hereby amended by inserting after the word, "annually," in the second line thereof, the words, "in October," so that said section when so amended shall read as follows: Section 100. The common council shall annually, in October, levy a tax not exceeding three-fourths of one per centum upon the total assessed valuation of the city, to defray the current expenses thereof, including highway tax, and for schools, bridges and the bonded indebtedness of said city, such sum as a majority of the electors thereof shall vote at any annual or special meeting.

Amended,
forfeitures to
be paid into
city treasury.

SECTION 9. Section 101, of said chapter 82, is hereby amended by striking out the word, "seven" in the line next to the last, and inserting in lieu thereof the words, "two-thirds," so that said section when amended shall read as follows: Section 101. All forfeitures and penalties accruing to the city for a violation of this act or any of the ordinances, by laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Amended,
board of re-
view, how
constituted.

SECTION 10. Section 104, of said chapter 82, is hereby amended by striking out the words, "first Monday in August," and inserting in lieu thereof, the words, "last Monday in June," so that said section when so amended shall read as follows: Section 104. The mayor and supervisors shall constitute the board of review, and shall meet at the chambers of the common council on the last Monday in June in each year, and shall proceed in all respects as town boards are by law required to proceed. The clerk and assessor shall attend said meeting of the board of review, but shall have no vote in such proceedings.

Amended,
regarding the
collection of
taxes.

SECTION 11. Section 110, of said chapter 82, is hereby amended by inserting after the word, "same" in the eleventh line, the words, "and one

per cent. on all other moneys collected by him," and by adding at the end of said section the following words, "provided, however, that the common council may by resolution approved by the mayor, allow him such commission in collecting the poll tax as they may deem just, not exceeding ten per centum," so that said section when so amended, shall read as follows: Section 110. The city treasurer upon the receipt of such tax roll, shall proceed to collect the taxes therein, in like manner, and shall have like powers and be subject to the requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and three per cent. fees upon all taxes collected after that time to be added to the amount of taxes and collected with the same, and one per cent. on all other moneys collected by him, which shall be in full for all services performed by said treasurer, under this act or the ordinances of the city; provided, however, that the common council may, by resolution, approved by the mayor, allow him such commission in collecting the poll tax as they may deem just, not exceeding ten per centum.

SECTION 12. There is hereby added a new section to said chapter 82, to be known and designated as section 29a, and which shall read as follows: Section 29a. In all prosecutions for any violation of the provisions of this act, or of said chapter 82, or any by-law, ordinance or regulation, the first process shall be by summons as in ordinary actions, unless oath be made for a warrant, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

New section added.

SECTION 13. There is hereby added to said chapter 82, a new section to be known and designated as section 29b, and which shall read as follows: Section 29b. When the action is commenced by summons, the complaint may be substantially in the following form:

New section, form of complaint.

City of New Richmond, }
 against } In justice court.
 A. B. }

Before C. D., justice of the peace.

The plaintiff complains against the defendant, for that the defendant on the — day of —, 18—, at the said city, did violate (section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said city, describing it by its title), which said — is now in force. By reason of such violation, an action hath accrued to the city of New Richmond, to recover of the defendant the sum of — dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

A new section,
 attendance of
 jurors.

SECTION 14. There is hereby added to said chapter 82, a new section, to be known as section 29c, and which shall read as follows: Section 29c. Witnesses and jurors shall attend in behalf of the city in all city and criminal suits without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

A new section,
 relating to
 prosecution.

SECTION 15. There is hereby added to said chapter 82, a new section, to be known as section 29d, and shall read as follows: Section 29d. In city prosecution both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be either, "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suits; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, in the common jail of St. Croix county, or not exceeding ten days in

the city watch-house or lock-up, in the discretion of the justice, and also insert such time in the execution or commitment.

SECTION 16. There is hereby added to said chapter 82, a new section to be known as section 29e, and which shall read as follows: Section 29e. Any defendant may appeal from any decision or judgment rendered against him, as is now provided by law under the general laws of this state, but if it be a criminal action, or an action where the city is a party, then he may appeal therefrom as provided by law in criminal cases by filing his notice, affidavit and bond, within twenty-four hours, and paying to the justice his fees, one dollar state tax, and one dollar for making his returns as is now provided by law in civil actions. The city shall have the right of appeal in all cases without furnishing bonds.

A new section,
relating to
appeals.

SECTION 17. There is hereby added to said chapter 82, a new section to be known as section 29f, and which shall read as follows: Section 29f. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

A new section,
relating to
penalties

SECTION 18. There is hereby added to said chapter 82, a new section to be known as section 29g, and which shall read as follows: Section 29g. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

A new section,
authorized
copies.

SECTION 19. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1887.