

[No. 442, A.]

[Published March 26, 1889.]

## CHAPTER 132.

AN ACT to amend chapter 86, of the laws of 1883, entitled, "an act to incorporate the city of Edgerton," as amended by chapter 176, laws of 1883, and chapter 78, laws of 1885.

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

SECTION 1. There is hereby created a new section of said chapter 86, of the laws of 1883, as amended as aforesaid, to be known as section 91a, which shall read as follows: Section 91a. The common council of said city shall have power by ordinance, resolution or order, to require the construction, reconstruction and repair of sidewalks in the streets of said city upon the proper established grades of said streets, and to fix the width of said sidewalks, and to determine the manner and method of constructing the same, and the materials of which the same shall be constructed. When the owner or owners of any lot or parcel of ground in said city are required to construct, reconstruct or repair any sidewalks adjoining the same by said council, notice of such requirement shall be served on said owner or owners, or his or their agent, requiring said owner or owners to construct, reconstruct or repair said sidewalk in accordance with the ordinance, resolution or order of said council within ten days after service of said notice. Said notice shall be in writing and shall be served in the manner that summons is required to be served in justice court proceedings. If said sidewalks shall not be constructed, reconstructed or repaired in accordance with the ordinance, resolution or order of said council relating thereto, within ten days after the service of said notice, said common council may cause the same to be constructed, reconstructed or repaired, and order the expense thereof to be paid from the funds of said city applicable thereto, and the sum paid therefor by said city, together with interest thereon at the rate of ten per cent. per annum unless sooner paid shall be placed in the next tax

New sec. to ch. 86, laws of 1888, relating to sidewalks.

roll for collection against the property adjoining which said sidewalk shall be built as a special tax, and shall be a charge upon said lot or parcel of land and shall be collectible as other taxes are collectible under the provisions of said chapter 86.

New sec. to ch.  
86, sec. 91, b.

SECTION 2. There is hereby created a new section of said chapter 86, to be known as section 91b, which shall read as follows: Section 91b. If said common council shall require the construction, reconstruction or repair of any sidewalk adjoining any lot or parcel of ground, the owner or owners of which lot or parcel of ground, shall be non-residents of said city, and shall have no agent residing therein, and service of the notice hereinbefore provided for cannot be made upon said owner or owners or any agent of said owner or owners in said city, then said notice shall be published in a newspaper in said city once each week for two successive weeks, and said publication shall be in lieu of the service of said notice provided for in section 91a, and like proceedings may be had thereupon as though service of said notice had been made in accordance therewith.

Sec. 91, c.

SECTION 3. There is hereby created a new section of said chapter 86, to be known as section 91c, which shall read as follows: 91c. Whenever the street commissioner of said city shall deem any sidewalk or any portion of any sidewalk in any street in said city to be in a dangerous condition, and the cost of repairing the same shall not exceed three dollars in amount, said street commissioner shall forthwith notify the owner or owners of the lot or parcel of ground adjoining such sidewalk, if residents of said city, or his or their agent, if any reside in said city and be known to the said commissioner, to repair the same, and if such owner or owners or his or their agent shall not at once proceed to repair the same, or if such owner or owners be non-residents of said city and have no agent residing therein known to said commissioner, the said commissioner shall then at once repair said sidewalk, and the common council shall order the expense thereof to be paid from the funds of the city applicable thereto, and the amount paid therefor by said city, unless sooner paid, shall be placed in the next roll as a special tax against the lot or parcel of ground adjoining said sidewalk so repaired, and shall be

a charge against the same, and shall be collected in the manner provided for the collection of other taxes under the provisions of said chapter 86. When any sidewalk shall be repaired by said street commissioner, under the provisions of this section, he shall make an affidavit setting forth the necessity of such repair and the expense thereof, and file the same with the city clerk, and such affidavit shall be conclusive evidence of the necessity of such repair and the expense of making the same.

SECTION 4. Section 5, of chapter 86, of the laws of 1883, as amended by chapter 78, of the laws of 1885, is hereby amended by inserting in the tenth line of said section 5, after the word, "represent," the following words, to-wit: "Each alderman shall be elected by the electors of his own ward, and for that purpose a separate ballot box shall be provided at each city election for the voters of each ward, so that said section 5, as so amended shall read as follows: Section 5. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, one constable, two justices of the peace, and six aldermen. The treasurer, assessor, clerk, justice of the peace and constable shall be qualified voters and residents of the city of Edgerton, and the mayor and aldermen shall be qualified voters and freeholders, or householders in the city of Edgerton, and the aldermen shall be residents of the respective wards they represent. Each alderman shall be elected by the electors of his own ward; for that purpose a separate ballot box shall be provided at each city election for the voters of each ward, All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, unless otherwise provided, shall hold their offices for one year and until their successors are elected and qualified. Provided, however, that the common council shall have power for cause, to expel any of its own members except mayor, and remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified.

SECTION 5. All acts and parts of acts conflict. Repealed.

ing with the provisions of this act are hereby repealed in so far as they conflict with the same.

SECTION 6. This act shall take effect and be in force from and after its publication.

Approved March 21, 1889.

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## CHAPTER 133.

AN ACT for an act to amend chapter 239, of the laws of 1879, entitled, "an act to amend and consolidate an act to incorporate the city of Oconomowoc"

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

Amendment to ch. 239, laws of 1879, by adding new section, relating to improvements in lakes and rivers.

SECTION 1. Chapter 4, of chapter 239, of the laws of Wisconsin, passed at the annual session of the legislature, in the year 1879, entitled, "an act to amend and consolidate an act to incorporate the city of Oconomowoc," is hereby amended by adding thereto a new section, which shall be as follows, to-wit: Section 9. The common council shall have power to improve such parts of any lakes and rivers as are within the city, and to locate and establish the shore lines of lakes and rivers along, upon or opposite any marsh within the city; and also to locate and establish shore lines, in said lakes and rivers opposite and adjacent to any lands in the city bounded by such lakes or rivers. When any shore line shall have been established by the common council it shall be lawful for every riparian owner to extend his contiguous land to such established shore line by filling earth on or in the intervening marsh or water, and it shall be unlawful to fill or obstruct said marsh or waters beyond the shore line so established. The common council shall have power within the city, by ordinance or resolution, to regulate the filling on or in all marshes and waters, all dredging in marshes and waters, and the construction of all docks and piers; to build public docks and piers,