

[No. 205, S.]

[Published March 27, 1889.]

## CHAPTER 171.

AN ACT to incorporate the city of Medford.

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

## CHAPTER I.

An act to incorporate the city of Medford.

Corporate name.

Corporate boundaries.

SECTION 1. From and after the first Tuesday of April, A. D. 1889, the district of country in the county of Taylor contained within the limits and boundaries hereinafter described shall be a city by the name of "the city of Medford," and the people now inhabiting and those who hereafter inhabit the district of country hereinafter described shall be a municipal corporation by the name of "the city of Medford," and shall have the general powers possessed by municipal corporations at common law and under the constitution and statutes of the state of Wisconsin. And in addition thereto such as are hereinafter specially granted, and shall have perpetual succession, shall be capable of contracting and being contracted with, or 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.

SECTION 2. All that district of country commencing at the northeast corner of section twenty-seven, township thirty-one, range one east, thence west on section lines to the northwest corner of the northeast quarter of the northeast quarter of section twenty-eight, thence south to the southwest corner of the northeast quarter of the northeast quarter of section thirty-three, thence east to the southeast corner of the northeast quarter of the northeast quarter of section thirty-four, thence north to the place of beginning, being all of section twenty-seven, the west half of the northeast quarter and the west half of the southeast quarter of section twenty-eight, and the northeast quarter of the northeast quarter of section thirty-three, and the north half of the northwest quarter

and the north half of the northeast quarter of section thirty four. All in township thirty-one of range one east, in Taylor county, Wisconsin.

SECTION 3. The city shall be divided into three wards, as follows: Ward boundaries.

The First ward shall comprise all that portion of the territory of said city lying east of the center line of the Wisconsin Central railroad and south of the north line of the street known as Broadway, and the highway continuing from said Broadway easterly to the quarter-post between sections twenty-six and twenty-seven of town thirty-one north, of range one east.

The Second ward shall comprise all that portion of the territory of said city lying east of the center line of the Wisconsin Central railroad and north of the north line of the street known as Broadway, and the highway continuing from said Broadway easterly to the quarter-post between sections twenty-six and twenty-seven of town thirty-one north, of range one east.

The Third ward shall comprise all that portion of the territory of said city lying west of the center line of the Wisconsin Central railroad.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor, one board of aldermen, consisting of two members from each ward, who with the mayor shall be denominated the common council, and in such other officers as are hereinafter provided for, or may be created under this act. Corporate authority.

## CHAPTER II.

SECTION 1. The annual election of ward and city officers shall be held on the first Tuesday of April of each year at such place in each ward as the common council shall designate. Ten days' notice shall be given by the city clerk of the time and place of holding such elections and of the officers to be elected, by publication in some newspaper published in the city or by posting up two written or printed notices in each ward. The inspectors and clerks of election in each ward shall be the same as is by law provided for holding general elections for state and county officers. Excepting that at the first election of Election.

said city, which is to be held on the first Tuesday in April, A. D. 1889, the electors present at the opening of the polls, shall elect three inspectors and two clerks of election whose duty shall be the same as those of inspectors and clerks at general elections for state and county officers. The place of holding elections in each ward at such first election, shall be designated by the board of supervisors of the town of Medford, and five days' notice thereof shall be given by the town clerk of said town. In the above provided elections held under this act, the polls shall be opened and closed at the same time of day as is required by law for general elections for state and county officers. The qualifications of voters at all elections under this act shall be the same as at such general elections except that no person shall be allowed to vote unless he has resided within the city at least six months prior to such election and within the ward in which he offers to vote, at least ten days prior to such election. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector of the city.

Elective  
officers.

SECTION 2. The officers to be elected by the people shall be a mayor, a city treasurer and a city assessor, from the city at large, one supervisor to represent the ward on the county board of supervisors of Taylor county, two aldermen at the first election, one for one year and one for two years, one constable and one justice of the peace from each ward, a city clerk, a city marshal, and one street commissioner, and all other necessary officers shall be appointed by the common council at their first meeting after election. All elective officers shall, unless elected to fill a vacancy, hold their respective offices for one year, except aldermen, who shall be elected for two years and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause satisfactory to them, to expel any of their own number, and to remove from office by two thirds majority of all the members of the council any officer or agent of the city, except the mayor, justices of the peace and supervisors, due notice and an opportunity for a hearing having first been given to the officers so proposed to be re-

moved. The term of every officer elect shall commence on the second Tuesday in April in the year in which such officer is elected, and the term of office of all appointed officers shall be for one year unless sooner removed, as hereinbefore provided.

SECTION 3. Whenever a vacancy shall occur in any office it shall be filled by the common council by appointment in writing, and such appointments shall be filed with the city clerk. The person 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 has been appointed to fill.

*In case of  
vacancy.*

SECTION 4. In all elections by the people a plurality of votes shall constitute an election; and in case two or more candidates for an elective office shall receive an equal number of votes for the same office, the common council shall fill such office by appointment.

*In case of  
a tie.*

SECTION 5. Whenever any officer shall cease to possess the qualifications necessary for his election or appointment, his office shall be deemed vacant, and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election or appointment, shall be deemed to have vacated his office.

*When office to  
be deemed  
vacant.*

SECTION 6. Whenever an election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person, for each and every office, to the city clerk. Within four days after an election, the common council shall meet and canvass said returns and declare the result as it shall appear therefrom. The clerk shall thereupon immediately give notice, to the persons elected, of their election. After the first election under this act the said inspectors shall forthwith make like returns to the town clerk of the town of Medford, and within four days after such first election, the town board and clerk of said town shall meet and canvass the returns of said election and declare the result as it shall appear from the same, and said town clerk shall immediately thereafter give notice to the persons elected of their election.

*Election  
returns.*

## CHAPTER III.

To subscribe to  
oath of office.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk, and such officers as the common council may direct shall severally, before they enter upon the duties of their offices, execute to the city of Medford a bond with at least two sureties who shall swear that they are each worth the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bond shall contain such penal sum as the common council may deem proper. The city treasurer, before entering upon the duties of his office, shall also execute a bond, with at least two and not more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and the sureties thereon shall justify as aforesaid in such amounts as taken collectively shall equal double the penal sum expressed in such bond. The common council may, from time to time, require new or additional bonds from the treasurer or other officers of the city, and the common council may remove any officer refusing or neglecting to execute such required bonds.

Duties of  
mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council; he shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other 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 may appoint as many special or temporary constables as he may deem necessary. He shall have authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the approval of the common council. The mayor shall have a vote in the common council in case of a tie vote. If the mayor is not present at a meeting of the common council they may choose a temporary presiding officer.

SECTION 3. The city clerk shall keep the corpo-

rate seal and all papers and records of the city and keep a record of the proceedings of the common council at whose meetings it shall be his duty to attend, and copies of all papers filed in his office and all transcripts from the records of the city and proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the city treasurer in pursuance of an order or resolution of the common council and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting the common council may appoint a clerk pro tem. It shall be the duty of the city clerk to make out the tax roll for said city each year and he shall have power to administer oaths.

Duties of city clerk.

SECTION 4. The city treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of the city and 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. He shall report to the common council as often as required and at least once a year 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 report shall be filed with the city clerk. The city treasurer shall be collector of the taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, receive the same compensation, and be subject to the same liabilities as town treasurers.

Duties of city treasurer.

SECTION 5. The city marshal shall possess all the powers of a constable in and for a town, receive the same fees and be subject to the same liabilities and such additional compensation as the common council may determine.

Powers of city marshal.

SECTION 6. The justices of the peace elected in said city shall have the same powers, receive the same fees and be subject to the same liabilities of justices of the peace in and for towns.

Powers of justice of the peace.

SECTION 7. The common council shall have power, from time to time, to require other and

Powers of common council.

further duties to be performed by any officers whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry out the provisions of this act.

Officers' salary.

SECTION 8. The common council shall at least ten days before the annual charter election in each year, fix by resolution, the salary which shall be paid to said officers for the ensuing year, and such salaries shall not be increased or diminished during the term of the officer elected or appointed, neither shall extra compensation be granted, except by unanimous vote of the common council approved by the mayor. The mayor, members of the common council, aldermen and supervisors shall not be allowed or receive any compensation for their services except that the supervisors shall receive the regular per diem for their services while upon the county board.

Penalty for not delivering to successor.

SECTION 9. If any person having been an officer in said city shall not within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description, in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver the same, and such successor may recover possession of said books, papers and effects in the manner prescribed by the laws of the state.

No officer shall be interested in any job.

SECTION 10. No alderman or other officer of the city shall be a party to or interested in any job or contract with the city, nor shall any alderman or the mayor receive any compensation for their services, committee work included, on forfeiture of double the amount received in violation hereof.

Who are officers of the peace.

SECTION 11. The mayor or acting mayor and each and every alderman, justice of the peace, marshal, constable and watchman, shall be officers of the peace and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of all by-standers and other citizens and if any person, by-stander or citizen shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of five dollars.

**SECTION 12.** All actions to recover any penalty or forfeiture under this chapter or the ordinances, by-laws, police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined before any court of competent jurisdiction. All fines and penalties collected in such cases shall be paid over to the city treasurer.

Actions to be brought in the corporate name.

**SECTION 13.** Any officer may resign his office by filing his written resignation with the city clerk, and such resignation shall take effect, and his office shall be deemed vacant, from the time such resignation shall be accepted by the common council.

Officer may resign.

**SECTION 14.** No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made to the city, nor shall any officer required to give bond as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

No alderman to be surety.

#### CHAPTER IV.

**SECTION 1.** The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Medford do ordain," etc. The common council shall meet at such time and place as it shall fix. A majority of the aldermen shall constitute a quorum.

Common council.

Quorum.

**SECTION 2.** The common council shall determine the rules of its own proceedings and be the judges of election and qualifications of its own members, and have power to compel the attendance of absent members and enforce its rules, and by vote of two-thirds of its members may expel any member for cause.

Powers and duties of the common council in certain cases.

**SECTION 3.** The common council shall have the management and control of the finances and of all the property of said city, and shall likewise, in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of

Council to control finances.



crime, and for the benefit of the trade, commerce and health thereof as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution of the United States or of this State, and for these purposes the common council shall have power and authority by ordinance, resolution or by-laws:

License showmen, etc.

First. To license and regulate the exhibitions of common showmen, or show of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses, to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Gaming and fraudulent devices.

Second. To restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purpose of gain, in said city, and restrain any and all persons from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Riots, etc.

Third. To prevent any riots, noise, disturbance or disorderly assemblage, to suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome and nauseous houses.

Fourth. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, privy, sewer or other unwholesome or nauseous house or place to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

Fifth. To direct the location and management of slaughter houses and markets, and to regulate the storage, safe-keeping and conveying of gun-powder and other combustible materials.

Incumbering streets.

Sixth. To prevent incumbering of the streets, sidewalks, lanes and alleys with wagons, carts,

boxes, lumber, logs, firewood or any other material or substance whatever.

Seventh. To prevent horse-racing and immoderate driving or riding in the streets, and to regulate the places of baths and swimming in the waters within the limits of said city. Horse racing.

Eighth. To restrain and regulate the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same. Running at large of animals.

Ninth. To prevent the running at large of dogs, and to authorize the killing of the same in a summary manner, when at large contrary to ordinance. Dogs.

Tenth. To prevent any person from bringing, depositing or having within the limits of said city any putrid carcasses or other unwholesome substance, and to require the removal of the same by the owner thereof, or by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and, in default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Putrid carcasses.

Eleventh. To regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen and draymen in the city. Hackmen, etc.

Twelfth. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

Thirteenth. To regulate the size of bread and weight of bread. Bread.

Fourteenth. To prevent all persons from riding or driving any horse, ox, mule, cattle, or other animals upon the sidewalks of said city, or in any way doing any damage to such sidewalks. Driving on sidewalks.

Fifteenth. To prevent shooting of fire-arms or fire-crackers, and to prevent the exhibition of any fire-works in any place or situation which may be considered by the common council dangerous to the city or any property therein or annoying to any citizen thereof. Shooting of fire arms.

Sixteenth. To restrain drunkards, immoderate drinking or obscenity in the streets or public places and to provide for arresting, removing and Drunkards.

punishing any person or persons who may be guilty of the same.

Runners and solicitors.

Seventeenth. To restrain and regulate runners and solicitors for stages, public houses and other establishments, or to regulate the police of the city.

Fuel, hay, etc.

Eighteenth. To regulate the place and manner of the weighing and selling of fuel, hay, lime, and to appoint suitable persons to superintend and conduct the same.

Remove snow and dirt from sidewalks.

Nineteenth. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him or them, all such substances as the board of health shall direct, and on their default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Contagious diseases.

Twentieth. To regulate, control and prevent the landing of persons from cars and stages wherein are contagious or infectious diseases or disorders.

Auctioneers.

Twenty-first. To license auctioneers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of the amounts received from sales, by auctioneers or transient dealers, or fixed amounts.

Watchmen.

Twenty-second. To appoint watchmen and prescribe their duties.

Poll tax.

Twenty-third. To tax annually each male inhabitant of said city above the age of twenty one and under the age of forty-five, one day's work on the public streets, or in lieu thereof, one dollar and fifty cents, [to be denominated a poll tax], and to be appropriated to the improvement of the streets, crosswalks and roads of said city under the direction of such persons as they may appoint, and to provide for the collection of said tax.

Ordinance, how passed.

SECTION 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper selected by the council before the same shall be in force, and with-

in fifteen days thereafter they shall be recorded, the publication thereof 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 shall be deemed and taken as sufficient evidence of the time and manner of of such publication.

SECTION 5. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law. Gambling houses and houses of ill-fame shall be deemed public or common nuisances.

Power to remove nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshal and all other officers and agents of the city, at such times as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement, and if such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties in pursuance of this section or shall neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Examine accounts.

## CHAPTER V.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge and extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains as follows: Whenever ten or more freeholders residing in the city shall by petition represent to the common council that it is necessary to take cer-

Powers to lay out public squares, etc.

tain lands within the city for public use for the purpose of laying out or widening public squares, grounds, streets and alleys, or to use certain lands in the city for the purpose of constructing or repairing sewers or drains, giving the course, distance, metes and bounds of the land proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises if the same shall be known to the petitioners, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notices of such application to be given to the owner or owners of such land in case such owner or owners shall reside in the county of Taylor, or cause such notices to be published in a newspaper printed in the county of Taylor for three successive weeks at least once a week.

Assessment of damages.

SECTION 2. Such notices shall state that on a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to some justice of the peace in the city of Medford for the appointment of three jurors to view said premises and to determine whether it will be necessary to take or use the same for the purpose specified in said petition and if so to assess damages.

Appointment of jurors.

SECTION 3. Upon presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said justice shall thereupon appoint as jurors three reputable freeholders, residents of the city and not interested in the result of the application. The said justice shall thereupon issue his precept directed to said jurors, requiring them forthwith to view the premises and to make a return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purposes specified in said application.

Jury to view the premises.

SECTION 4. The said jurors having first taken the oath hereinafter provided for shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the

jurors shall be authorized to administer the necessary oaths to witnesses.

SECTION 5. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether it is necessary to take or use the premises in question for public use, and if so the damages caused to each person separately such taking will cause, which said report, testimony and percept shall be returned to the common council within ten days.

Jury to report the proceedings.

SECTION 6. The jurors shall assess the damages to every person separately, so that their report shall show how much is to be paid to each and the amounts shall be placed opposite their respective names.

Damages assessed separately.

SECTION 7. The land required to be taken or used for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or deposited to their credit in the city treasury.

Damages awarded, to be paid.

SECTION 8. The jurors mentioned in this act shall, before entering upon the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge their duties as such jurors. If any juror after appointment is found disqualified to act or serve, the justice may appoint new jurors.

Jurors to take oath.

SECTION 9. The common council or any party interested may, within twenty days from the return of the jurors to the common council, appeal to the circuit court of Taylor county from the decision of said jurors so far as it affects the interests of such applicants. Notice of such appeal shall be filed by the appellant with the clerk of said court within the twenty days above mentioned, and served on the city clerk and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall appeal, they shall before trial thereof give a bond in such sum and with such sureties as shall be approved by the court, conditional to pay all costs of such appeal together with a rea-

May appeal.

sonable attorney's fee, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case damages be increased or diminished.

SECTION 10. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award, a copy of the final judgment therein, and such award shall be considered as to such difference amended thereby.

Laying out of streets, alleys, sewers, etc.

SECTION 11. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed under the provisions above, the common council shall cause an accurate survey thereof to be made and filed in the office of the city clerk.

Not apply to unplatted lands.

SECTION 12. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors of towns.

Directory.

SECTION 13. All the foregoing directions given in this chapter shall be deemed only directory and no error, irregularity or informality in any of the proceedings under the provisions of this chapter not affecting substantial justice shall in any way affect the validity of the proceedings.

## CHAPTER VI.

Tax for construction of sidewalks.

SECTION 1. Upon the petition in writing of the owners of two thirds of the lots on any street or part of a street, or on one or more sides of any block or blocks, the common council shall have power to levy and collect a special tax on the owners of the lots on such street or part of a street according to their respective parts, for the purpose of making a sidewalk along the same, and in case the necessary signatures to such petition cannot be obtained by reason of refusal to sign or of non-residence of the owners, then the common council shall have power to levy such tax without such petition, if in its opinion it shall be for the public good.

Kind of sidewalk.

SECTION 2. Before levying the tax above provided for, the common council shall, by resolution determine what kind of a walk shall be laid

and in what manner it shall be built, and shall make or cause to be made an estimate of the probable cost thereof, and shall levy the tax in accordance with such estimate.

SECTION 3. Whenever the common council shall levy a tax for the building of any sidewalk in accordance with the provisions of this chapter the city clerk shall make out, under its direction, a tax list with warrant attached, signed by the mayor and countersigned by the city clerk and directed to the street commissioner, which tax list shall contain a list of the persons and description of the property taxed with the amount of the tax set opposite thereto, and shall be delivered to the street commissioner to whom it is directed.

Sidewalk tax,  
how collected.

SECTION 4. Upon the receipt of such warrant the street commissioner shall at once notify the persons named in such list by publishing such notice in some public newspaper published in said city, or posting the same in three or more public places in said city, which notice shall specify a time not less than ten days nor more than thirty days from the date thereof, when they may pay their taxes in labor, materials or money, and such persons may within such time and at such places as may be required by such street commissioner, pay their taxes in labor or materials; provided, that which they shall furnish shall be suitable and such as the street commissioner shall require.

Publication of  
tax notice.

SECTION 5. At the expiration of the time stated in such notice the street commissioner shall proceed to build said walks according to the specifications and in the manner provided by the common council, and in case any of the taxes contained in said list remain unpaid he shall proceed to collect the same in the same manner as provided for the collection of delinquent street tax, and shall have the same authority so to do.

Street commis-  
sioner to build  
walk.

SECTION 6. Within sixty days from the receipt of said tax list, the street commissioner shall make return thereof to the common council under oath, showing the amount of taxes collected in labor and materials, and the amount collected in money, and the manner in which it was expended and the items of such expenditure, also, the taxes remaining unpaid, if any, and the persons and description of real estate to which such unpaid taxes stand charged, and the clerk of said city

Delinquent  
returns.



shall in making out the tax roll of said city next thereafter, enter such unpaid taxes therein, with twenty-five per cent. added thereto opposite the names of the persons and descriptions of property against which the taxes so remain charged and unpaid, and they shall be collected in the same manner as the general taxes of said city are collected, and when so collected shall be paid over on the order of the common council, and when not previously appropriated, shall be expended for the purposes for which originally designated.

May appropriate money from the general fund.

SECTION 7. The common council may, when any tax has been returned unpaid by the street commissioner, by resolution, appropriate the amount thereof from the general fund of the city to accomplish the purpose designed, and in such case the moneys so used shall be replaced when such tax is collected.

Street commissioner to serve written notice.

SECTION 8. It shall be the duty of the street commissioner of said city, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which the defective sidewalk shall be, if a resident of the city, to immediately repair the same, and if such owner or occupant fail to repair the same forthwith, then and in that case, and in the case of non-residents, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, that the expense to be charged to any lot for any such repairs shall in no case exceed five dollars, unless such repairs shall be according to and under the direction of the common council, which may by resolution require any sidewalk to be repaired and order the street commissioner to proceed as above set forth, notwithstanding the cost of such repairs.

In case owner is not a resident, tax how collected.

SECTION 9. Service of such written notice at the residence of the owner or occupant of such lot upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner and occupant, and in case the owner of such lot is not a resident of the city or his residence is unknown, and such owner has no agent in the city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith

repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided; and in case of the non-payment of the cost of such repairs he shall return the same under oath to the city clerk, who shall insert the same in the next tax roll of said city in the same manner as provided for the return and insertion of delinquent sidewalk tax and with the same per cent. added thereto.

SECTION 10. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the sidewalks or streets in said city as town boards of supervisors have in removing obstructions from highways.

Power to  
remove  
obstructions.

## CHAPTER VII.

SECTION 1. All funds in the city treasury except school, state and county funds shall be under the control of the common council, and shall be drawn upon the order of the mayor countersigned by the clerk, duly authorized by vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be made payable to the person in whose favor they may be drawn or to the order thereof.

Council to con-  
trol city funds.

SECTION 2. No debt shall be contracted against the city or order drawn on the treasury unless the same be authorized by a majority of the common council and the vote authorizing the same entered upon the journal of the council and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act; nor shall the amount to be raised in any one year for the general city purposes, other than state, county or school taxes, exceed one and one-half per centum of the taxable property of said city as shown by the next previous assessment.

Debt to be  
authorized by  
the city  
council.

SECTION 3. 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

Money paid  
into the city  
treasury.

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 three-fourths of all the members of the common council.

Property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the purposes of the city government and the payment of its debts and liability and the same shall be assessed in the manner hereinafter provided. The assessor appointed or elected under this act shall have and possess the same powers and perform the same duties and receive the same compensation as are or may be hereafter conferred upon township assessors except as they may be altered by this act; provided, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors.

General law to apply.

SECTION 5. Such assessor shall in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors of towns.

When city is regarded as a town.

SECTION 6. The county board of supervisors of Taylor county shall have the right to regard the city of Medford as a town in equalizing the assessment rolls of the several towns in Taylor county.

Tax roll.

SECTION 7. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes for any previous years and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract, which statement shall be called "the tax roll of the city of Medford" and shall be preserved by said clerk as a record in his office, and shall have the same force and effect as the record of the common council.

Prima facie evidence.

SECTION 8. The tax roll made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state, that every act or thing to be done and required by law to be done relating to assessing or levying of taxes

from the election of officers to the completion of the tax roll, inclusive, has been done regularly, correctly and as required by law.

SECTION 9. 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 duplicated copy of the tax roll in the manner provided by law; and 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.

Duplicate tax roll and warrant.

SECTION 10. The city treasurer, upon receipt of such duplicate copy of the tax roll, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as provided in this act.

To collect the tax in like manner as town treasurer.

SECTION 11. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Taylor county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required by town treasurers, and all the provisions of chapter 49, of the revised statutes, and acts amendatory thereof, shall extend to and may be enforced to collect any delinquent personal property tax.

Delinquent lands.

SECTION 12. The county treasurer shall sell all delinquent lands and lots returned from the city of Medford at the same time and in the same manner as other delinquent lands are sold in the county.

Delinquent lands to be sold.

SECTION 13. All real estate exempt by the laws of the state from taxation, shall be subject to special taxes for the building of sidewalks and repairs thereof in front of the same.

All real estate subject to sidewalk tax.

SECTION 14. All lands lying within the city limits, not divided and laid out in lots and blocks shall not be subject to special tax for sidewalks.

Lands not divided.

Directions given deemed directory only.

**SECTION 15.** All directions hereby given for the assessment of lands and levying of taxes, collecting and returning of taxes and the sale thereof shall be deemed only directory and no error or informality in the proceedings of any of the officers entrusted with the same not affecting substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Tax for fire engines.

**SECTION 16.** In addition to the amount herein limited for general city purposes special taxes may be levied for the purchase of fire engines and other objects of public utility, but no such tax shall be levied unless the same shall first be recommended by the common council and afterwards submitted to a vote of the people and approved by them; ten days' notice of such submittance to vote shall be given.

Taxes to be in U. S. currency.

**SECTION 17.** The city treasurer shall receive nothing but lawful currency of the United States for taxes, licenses or other dues of the city.

Payment of orders.

**SECTION 18.** It shall be the duty of the common council to provide for the prompt payment of all orders drawn on the city treasury and shall have power to negotiate temporary loans at the legal rate of interest, for supply of all funds to meet any deficiency in the treasury, and no orders shall be issued unless the money to pay the same is in the treasury.

In case treasurer is unable to pay orders.

**SECTION 19.** 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 meeting of the council, thereupon the council shall cause to be examined the accounts of the treasurer, and if all funds have been paid out then the council may take such action as will enable the city to preserve its credit.

Order in which taxes shall be paid by treasurer.

**SECTION 20.** Out of the taxes collected by the city treasurer the state tax shall first be paid, then all school taxes, then judgments, then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

Last meeting of council prior to election.

**SECTION 21.** The common council shall meet on Monday evening two weeks previous to the holding of the charter election for the purpose of disposing of its unfinished business, and shall not

thereafter during its term of office allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

SECTION 22. The common council may also Special tax. when occasion shall require levy a special tax not to exceed three mills on the dollar of the assessed valuation of the taxable property in said city for the purpose of building or repairing of bridges; such tax to be levied in the same manner and collected in the same way and at the time as the general city taxes for that year.

## CHAPTER VIII.

SECTION 1. The common council for the purpose of guarding against the calamities of fire Fire limits. shall have power to prescribe the limits within which wooden buildings or buildings of other materials, that shall not be considered fire proof, shall not be erected, repaired or moved, and to direct that all buildings within the limits prescribed shall be made of and constructed of fire proof materials, and to prohibit the removal of any buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits to any other lot or lots within such fire limits.

SECTION 2. The common council shall have Regulate construction of chimneys, etc. power to regulate the building, construction and condition of chimneys, ovens, boilers and apparatus used in and about any building and to cause the 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 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 by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

SECTION 3. The common council shall have

Hook and ladder companies.

power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies, which companies shall be officered and governed by their own by-laws; provided, such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every active member of any such company in said city, shall be exempt from serving on juries, and from poll tax.

## CHAPTER IX.

School district.

SECTION 1. The school district now embracing part of the present village of Medford and town of Medford, known as district number three of the town of Medford, in the county of Taylor, shall remain intact and the same territory shall remain therein; provided, that hereafter, the name and style of said school district shall be "joint school district number one of the city of Medford and town of Medford." The management of school matters shall remain the same as heretofore and the common council of the city of Medford, shall have the same power and authority to form and alter school districts as the town boards now or may hereafter have under the laws of this state.

## CHAPTER X.

Actions brought in the corporate name.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare in debt generally for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-laws or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

In case of prosecutions.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-laws, ordinance or regulation, the first process

shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

Form of summons.

County of Taylor, }  
 City of Medford, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Medford: You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city, on the — day of —, A. D. 18—, at — o'clock in the — noon, to answer the city of Medford to the damage to said city, two hundred dollars or under.

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

C. D., Justice of the Peace.

SECTION 4. Such summons shall be made returnable, and served in the same manner as is now or hereafter may be proscribed by the laws of this state for commencement of actions before justices of the peace by summons, and all the 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.

Summons served according to laws of the state.

SECTION 5. When the action is commenced by summons, the complaint may be substantially the following form:

Form of complaint when action commenced by summons.

The City of Medford }  
 against }  
 A B., defendant. }

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 the city charter, 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 which violation an action hath accrued to the city of Medford, to recover of the defendant the sum of — dollars, debt. Wherefore the plaintiff demands judgment



against the defendant, for the sum aforesaid, besides the costs of this action.

Form of complaint when oath is made for warrant.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

The City of Medford )

against

A. B., defendant. )

E. F. being first duly sworn, on oath complains to C. D., justice of the peace in and for the city of Medford, in said county, that A. B., on the — day of —, 18—, at said city, did violate (section —, of chapter —, of the city charter, or section —, of an ordinance or by-law or regulation of said city, describing it by its title), which said — is now in force as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Medford.

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

It shall be sufficient to give the number of the chapter and section of this act, or the section of the ordinance, by-law or regulation violated in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Form of warrant.

County of Taylor, )  
City of Medford, ) ss

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

Whereas, — — has this day complained to me in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate — section of chapter —, of the city charter, or section — of the ordinances, by-laws or regulations of said city (describing it by its title), which said — is now in force as the complainant believes; therefore, you are commanded to arrest the body of the said A. B., and bring him before me forthwith, to answer to the city of Medford on the complaint aforesaid.

C. D.,

Justice of the Peace.

Upon the return of the warrant the justice shall proceed with the case, unless adjourned by consent, for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with surety to be approved by the court, for his or their appearance, in such sum as the court may direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Taylor county, and shall be received and kept therein the same as in criminal actions. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty," shall put in issue all subject matter embraced in the action.

SECTION 7. 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 in trial cases cognizable before any court of this state.

Prima facie evidence.

SECTION 8. Witnesses and jurors shall attend before the justice of the peace 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.

Witnesses and jurors to attend without fees.

SECTION 9. In city prosecutions 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 or jury shall be "not guilty" or "guilty." If guilty, the court shall render judgment thereon, against the defendant, for the fine, penalty or forfeiture provided for 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 suit. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort, or a commitment as the court may deem proper, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

May have trial by jury.

Form of  
execution.

County of Taylor, }  
City of Medford, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or the marshal of said city, and to the keeper of the common jail of said county, greeting: Whereas, the city of Medford on the — day of —, 18—, recovered a judgment before the undersigned, justice of the peace in and for said city, against — for the sum of — dollars, together with — dollars and — cents costs, and the same being unpaid, you are hereby commanded to levy on the goods and chattels of the said —, excepting such as the law exempts, and make sale thereof as the law requires to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within thirty days, and for want of such goods and chattels whereon to levy to take the body of the said — — and him convey and deliver to the keeper of the common jail of Taylor county, and said keeper is hereby commanded to receive and keep in custody in said jail the said — — for the term of — unless the said judgment together with all costs and fees are sooner paid or he be discharged by due course of law.

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

C. D., Justice of the Peace.

The form of the commitment shall be in substantially the same form as that of the execution, omitting all that relates to the levy and sale and return of writ.

May appeal to  
the circuit  
court.

SECTION 10. In any case either party may appeal from said judgment to the circuit court of the county of Taylor; provided, that if the defendant appeals, that such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide by the judgment of the court therein. The justice, in cases of appeal, shall make the return as provided for in appeals from justices' courts by the laws of this state.

Trial by jury  
unless waived.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day the judgment of the justice shall be rendered, and no notice of trial

shall be required to be given by either party, and the judgment of the circuit court shall be enforced in substantially the same manner as that of the justice court.

**SECTION 12.** No person shall be incompetent as judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceedings or action in which the city shall be a party interested.

No person shall be incompetent.

**SECTION 13.** When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor and city clerk, and it shall be the duty of said mayor and clerk so served forthwith to inform the common council thereof, or to take such proceedings as by the ordinances or resolutions of said council may have or shall in such cases provide.

Process, how served.

**SECTION 14.** All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of the city.

Penalties paid into the city treasury.

## CHAPTER XI.

**SECTION 1.** The plats of the village of Medford, and the additions thereto, are hereby adopted as the plats of the city of Medford.

Plats of village adopted.

**SECTION 2.** No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

No general law shall apply.

**SECTION 3.** This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1889.