

No. 622 A.]

[Published April 21, 1891.

CHAPTER 276.

AN ACT to amend chapter 124, of the laws of 1887, entitled, "An act to revise, consolidate and amend the act incorporating the city of Sheboygan, and the acts amendatory thereof."

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

Amends chapter 124, laws of 1887.

Boundaries of city.

SECTION 1. Section 2, of title I, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 2. The territory included within the following limits and boundaries shall constitute the city of Sheboygan, to-wit: Beginning on the shore line of Lake Michigan, where it is intersected by the north line of section fourteen (14), of township fifteen (15) north, range twenty-three (23) east, in said county of Sheboygan, running thence west along the north line of said section fourteen (14), and along the north line of section fifteen (15), in said township and range, to the northwest corner of the east half of the west half of said section fifteen (15) aforesaid, running thence south on the west one-sixteenth (1-16) lines of section fifteen (15), and sections twenty-two (22), twenty-seven (27), and thirty-four (34), all in said township and range, to the southwest corner of the northeast quarter of the northwest quarter of said section thirty-four (34), running thence east along the north one-sixteenth (1-16) lines of said section thirty-four (34) and of section thirty-five (35), in said township and range, and the continuation of said one-sixteenth (1-16) line last aforesaid, to the east boundary line of said county of Sheboygan, thence north on said east boundary line of said county to a point due east of the place of beginning, and thence west to the place of beginning.

Amends chapter 124, laws of 1887.

Wards and their boundaries.

SECTION 2. Section 3, of title I, of chapter 124, laws of 1887, is hereby amended to read as follows: The said city shall be divided into eight (8) wards, numbered and bounded as follows, to-wit: The First ward shall embrace all that

part of said district which lies north of the center of the alley between Niagara and Ontario streets, and east of the center of Eighth street. The Second ward shall embrace all that part of said district between the channel of the Sheboygan river on the south and the southern boundary of the First ward on the north, which lies east of the center of Eighth street. The Third ward shall embrace all that part of said district which lies within the following boundaries, to-wit: Commencing at the point of intersection of the center of Eighth street, with the center of the alley between Niagara and Ontario streets, running thence west along the center of said alley and the continuation thereof to the channel of the Sheboygan river; thence down the channel of said river to a point opposite to the center of Eighth street and thence north along the center of Eighth street to the place of beginning. The Fourth ward shall embrace all that part of said district which lies within the following boundaries, to-wit: Beginning at the mouth of the Sheboygan river, running thence up the channel of said river to a point opposite the center of Walnut street, thence south on the center of Walnut street to the center of the right of way of the Chicago & Northwestern railway company; thence west along the center of said right of way to the center of Spruce street; thence south to the southern boundary of said city; thence east along said southern boundary to the east boundary line of said city; and thence north to the place of beginning. The Fifth ward shall embrace all that part of said district which lies west of the center of Spruce street and south of the center of the right of way of the Chicago and Northwestern railway company, and south of a line drawn due west to the channel of the Sheboygan river from the place where the center of said right of way intersects the west line of block two hundred fifty-one, of said city, and south of the channel of the Sheboygan river. The Sixth ward shall embrace all that part of said district west of the center of Walnut street, which lies between the channel of the Sheboygan river and the center of the right of way of the Chicago & Northwestern railway company and a line drawn due west to the channel of the

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

Sheboygan river from the place where the center line of said right of way intersects the west line of block two hundred fifty-one of said city. The

Seventh ward. The Seventh ward shall embrace all that part of said district which lies west of the Eighth ward and north of the Sheboygan river. The Eighth ward

Eighth ward. shall embrace all that part of said district which lies within the following boundaries, to-wit: Beginning at a point in the north line of said city due north of the center of Eighth street, running thence due south to the intersection of the center of Eighth street with the center of the alley between Niagara and Ontario streets; thence west along the center of said alley and the continuation thereof to the channel of the Sheboygan river; thence up the channel of said river to a point due south of the center of Thirteenth street; thence north along the center of Thirteenth street to its intersection with the center of the Calumet plank road; thence northwest along the center of said plank road to its intersection with the center of Kinzie street; thence north along the center of said Kinzie street to the north boundary line of said city, and thence east along said north boundary line to the place of beginning.

Amends chapter 124, laws of 1887.

Number and boundaries of wards.

SECTION 3. Title I, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 4. The number and boundaries of wards in said city may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon, the same shall be published in the official paper of the city once in each week for four successive weeks, and when the boundaries of any wards are fixed by any ordinance, the number of wards in the city and the boundaries thereof or of any of said wards shall not be again changed for a period of two years, except by adding thereto such territory as may at any time be added to the city limits; and provided, however, that the territory of the wards shall be contiguous and compact, and that no ward having a population of less than fifteen hundred shall be created.

Amends chapter 124, laws of 1887.

SECTION 4. Section 1, title II, of chapter 124, laws of 1887, is hereby amended to read as fol-

laws: Section 1. The elective officers of said city shall be a mayor, a supervisor, and two aldermen for each ward, a city treasurer, a city comptroller, a city clerk, a city attorney, a city assessor, a municipal judge, three justices of the peace, and one school commissioner, from each ward, constituting the school board for said city. The appointive officers of said city shall be a city engineer, a superintendent of poor, a city physician, a sealer of weights and measures, a board of cemetery commissioners, a board of public works, a harbor master, and as many bridge tenders, firemen, policemen, and such other officers and agents as may be provided for by this act, or as the common council may deem necessary.

City officers,
elective and
appointive.

SECTION 5. Section 5, of title II, chapter 124, laws of 1887, is hereby amended to read as follows: Section 5. If any alderman shall remove from the ward represented by him, or shall engage in any service, employment or business causing a continuous absence from the city of more than two months, his office shall thereby become vacant and when any vacancy shall in any manner occur in the office of alderman, the mayor shall appoint within thirty days after the occurrence of such vacancy, a suitable person to fill said vacancy, until the next charter election, when an alderman shall be elected in the manner provided by the charter for the unexpired term thereof; said appointment to be approved by a two-thirds vote of the common council.

Amends chapter 124, laws of 1887.

Vacancies when occurring and how filled.

SECTION 6. Section 13, of title II, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 13. In case of the dismissal of any officer, or in case of the removal of any officer from the city, or when any officer elected or appointed in and for, or from any ward or division of the city, shall remove his residence without the limits of such ward or division, or when any officer shall refuse or neglect for twenty days after notice of his election or appointment, to qualify and enter upon the discharge of his duties of office, his office shall be deemed vacant, and whenever a vacancy shall occur in such manner or in any other manner, in any office to be filled by an election by the people, the common council shall order a new

Amends chapter 124, laws of 1887.

Vacancies and how filled.

election, except in the office of alderman, upon a public notice, as required in section 2, of this title, and when any vacancy shall occur in any office to be filled by the common council, the same proceedings shall be had to fill such vacancy as are required for the election in the first instance. When any vacancy shall occur in any appointive office, the same shall be filled by nomination by the mayor, and confirmation by the council, in the same manner as required by section 8, of this title.

Amends chapter 124, laws of 1887.

The city clerk; his powers and duties.

SECTION 7. Section 4, of title III, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 4. The city clerk shall keep his office at the place designated by the common council, where he shall be in attendance during such reasonable hours as the common council may require. He shall keep the corporate seal, and all papers and records of the city. He shall attend all meetings of the common council, and keep a full record of its proceedings. He shall draw and sign all orders on the treasury, except as otherwise provided in this act, in pursuance of an order or resolution of the common council, and shall keep a full and accurate account thereof, in books provided for that purpose. Copies of any and all books, papers, instruments or documents, duly filed and kept in his office, and copies of the endorsements thereon and transcripts from the records and proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, of the contents thereof, and of such endorsements, in like manner and of the same force and effect as if the originals were produced. He shall have power to administer oaths and affirmations authorized by law to be taken. He shall take care that all ordinances, orders, resolutions, regulations, notices and other matters, requiring publication, are promptly and correctly published in the proper papers, and that proof thereof be made and recorded. And he shall perform such other duties as may be required of him by the common council and by the general laws of the state, and the provisions of this act, all without extra compensation. He shall appoint a deputy, in writing under his hand, and shall file such appointment

in his office, and such deputy clerk shall aid in the performance of the duties of such clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such clerk during said absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be liable upon his official bond for the acts of his deputy. The salary of the clerk shall include the compensation of his deputy, said compensation to be fixed by the clerk.

SECTION 8. Section 15, of title III, as amended by section 3, of chapter 245, laws of 1889, of chapter 124, laws of 1887, is hereby repealed and the following substituted therefor: Section 15. All officers elected or appointed under this act, except as in this act otherwise provided, shall hold their office for the term of two years and until their successors are duly elected, appointed, and qualified, and all elections or appointments to fill vacancies shall be for the expiration of the term of office in which the vacancy is to be filled occurs. The salaries of all officers under this act shall be fixed before the term of office begins, and the same shall be neither increased nor diminished during the term of office for which the salary was fixed; provided, however, that no compensation or salary shall be paid to any school commissioner.

Amends chapter 124, laws of 1887.

Terms of city officers and their salaries.

SECTION 9. Section 4 of chapter 245, of the laws of 1889, as amendatory of section 16, of title III, of chapter 124 of the laws of 1887, is hereby amended so as to read as follows: Section 16 The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one daily newspaper and one weekly newspaper, the one printed in English and the other in German, as the official newspapers, and in which shall be published all ordinances, notices and other proceedings required by this act or by resolution or ordinance of the common council to be published in a newspaper. The city printer or printers, immediately after the publication of any ordinance, resolution or notice, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has

Amends chapter 124, laws of 1887.

Official city paper.

been published and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. The common council shall at the time and in the manner herein provided for fixing salaries, fix the compensation of the official papers for all publications required to be made by them under the city charter. No newspaper shall be designated as the official paper which shall not have been published in said city regularly for at least two years, prior to such first meeting of said common council.

Amends chapter 124, laws of 1887.

Licensing of dogs.

Peddling of meat; license therefor.

SECTION 10. Section 2, of title IV, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 60. To provide for licensing the keeping of dogs at a rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of dogs. Section 61. It shall be unlawful for any butcher or other person, not having a fixed or permanent place of business within the limits of said city of Sheboygan, to peddle, sell or offer for sale, at retail, from door to door, within the limits of said city, any beef, pork, mutton, lamb or veal, without a license from said city, which license shall be fixed by the common council of said city at a sum not less than fifty dollars (\$50.00) per year, payable annually in advance. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) and costs, or by imprisonment in the common jail for not less than ten days, nor more than thirty days; provided, however, that this section shall not be construed as prohibiting any farmer from disposing of his own production of any of the meats above specified.

Amends chapter 124, laws of 1887.

Board of public works may make certain rules and regulations.

SECTION 11. Title V, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 21. The board of public works, with the approval of the common council, may also make rules and regulations for the proper ventilation and trapping of all drains, soil-pipes and fixtures hereafter constructed to connect with or be used

in connection with the sewerage of the city, and the common council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishments for the disobedience of the same. The board of public works, with the approval of the common council, may also make rules to regulate the use of vent, soil, drain and sewer piper in all buildings in said city, which hereafter shall be proposed to be connected with the city sewerage, specifying the dimensions, strength and material of which the same shall be made, and which may prohibit the introduction into any building of any style of water fixture, trap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the board shall require rigid inspection by a skilled and competent inspector under the direction of the board, of all plumbing and draining work and sewer connections, hereafter done or made in any building in the city, and unless the same are done or made, and made according to the rules of the board and approved by the board, no connection with the city sewerage shall be allowed.

SECTION 12. Section 1, of title VI, of chapter 124, laws of 1887, is hereby amended, to read as follows: The common council shall have power to condemn lands for streets, alleys, public grounds, parks, squares, cemeteries, sites for school buildings, and other public buildings, and lands to be used for the purposes of drainage and water distribution and other public municipal purposes, not herein enumerated, and to widen, change, extend, or enlarge the same, by the following proceedings; Any ten or more freeholders, residing in any ward, may, by petition represent to the common council that it is necessary to take certain lands, within the ward where such petitioners reside, for public use, for the purpose of laying out public grounds, parks, squares, sites for school buildings, and other public buildings, and lands to be used for purposes of drainage and water distribution, and other public municipal purposes, streets and alleys, or to widen, change, extend or enlarge the same, setting forth in such petition the courses and distances of the same, and the metes and bounds of the lands proposed to be taken

Amends chapter 124, laws of 1888.

Council may condemn lands for streets, alleys, parks, sites for school and other public buildings; petition therefor.

together with the names and residence of the owners of such lands, if the same shall be known to the petitioners; and praying that such lands may be taken for such purposes as authorized by law. Every person signing such petition shall write after his signature thereto, a brief description of his real estate which makes him such freeholder, or of some part thereof, and of his place of residence in the city, and shall make and annex to such petition his affidavit that he is a resident and freeholder of said ward; and such signer making such affidavit shall thereupon be taken to be such resident and freeholder, although it should afterwards appear that in fact he was not such resident or freeholder. Persons in actual possession of real estate under a valid contract for the purchase thereof from the owner, shall be deemed to be freeholders within the meaning and for the purpose of this section before such petition shall be acted upon by the common council. The petitioner shall cause to be executed to the city of Sheboygan, and delivered to the treasurer thereof, for the use of said city, a bond in the penal sum of one thousand dollars, with sureties, to be approved by the comptroller, conditioned that they will prosecute their petition to effect, and pay all costs and charges which the city or any ward thereof, may sustain in consequence of such application.

Amends chapter 124, laws of 1887.

How council may condemn lands.

SECTION 13. Title VI, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 27. The common council may, at its option, condemn lands for any of the purposes mentioned in the first section of this title, either under the provisions of this title or section 927 and sections 895 to 904 inclusive of the revised statutes of 1878, and the acts amendatory thereof, or under the provisions for cities of the first class, as provided by subchapter 17, of chapter 326, laws of 1889, and the acts amendatory thereof.

Amends chapter 124, laws of 1887.

Duty of public works on report of jury.

SECTION 14. Section 6, of title VI, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 6. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for the public use, for the purpose of laying out streets, alleys, public grounds, parks, squares, cemeteries, sites for school buildings, or other public buildings,

or lands to be used for purposes of drainage or water distribution or other public municipal purposes, or to widen, change, extend, or enlarge the same, and such report or any part thereof, shall have been confirmed by the common council, and referred to the board of public works, said board of public works, together with the aldermen of the ward or wards in which the lands to be taken are situated, shall view the premises, to determine whether the costs thereof shall be chargeable as benefits to the lots or lands subject to special assessments therefor, or whether any and what portion of such costs should be chargeable to and paid out of the ward fund of the ward or wards in which such lots or lands are situated, or out of the general fund of the city, or out of both; and if the said board of public work, together with said aldermen, shall determine that any portion of such costs shall be paid out of such ward or general fund, or out of both said ward or general fund, they shall so report in writing to the common council, stating in their report what porportion should be so paid out of said funds, and thereupon the common council shall have power, by resolution duly passed by an affirmative vote of two thirds of all the members thereof, to order the proportion of such costs so reported by said board and aldermen, or any greater or less proportion thereof, to be charged to the ward fund of the proper ward, or the general fund, which shall accordingly be done, and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such costs; provided, nevertheless, that no such resolution shall be passed or have any effect so as to charge the ward fund of any ward, unless the aldermen of such ward shall vote in favor of such resolution.

SECTION 15. Title VII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 22. In all cases in which the grade of any street has been permanently established by ordinance since the incorporation of said city of Sheboygan, or shall hereafter be so established, and after such permanent establishment thereof, and after such street shall have been actually graded to such established grade, the grade so established has been or shall be

Amends chapter 124, laws of 1887.

Alteration of grades of streets.

altered by the city, the owner of any lot or parcel of land which may be affected or injured in consequence of such alteration or grade, shall be entitled to compensation therefor; and it shall be the duty of the board of public works, before ordering to be done the work of actually changing such established grade by excavating or filling such street to the new grade as so altered, and at the time of making their assessment of benefits as provided in section 6 of this title, to consider, determine and assess against the lots which they may deem benefited by the proposed improvement, to the amount of such benefits, the damages, costs and charges, included in the cost of such improvement, arising from such alteration of grade to the owner of any lot, parcel of land or tenement, which may be affected or injured in consequence thereof, taking into consideration in each case any advantages and benefits which may be conferred thereby upon such lots, parcel of land or tenement, in common with other property on the street affected by such grade; and the excess of the said damages, costs and charges over the benefits assessed, as provided in section 6 of this title, shall be paid out of the ward funds of the ward or wards in which such improvement and alteration of grade shall be made; provided, that no owner of any lot, parcel of land or tenement, who shall personally, or by his authorized agent, have signed a petition asking for such alteration of grade, or a petition asking for the grading of a street in conformity with such altered grade shall be entitled to compensation, but every such owner shall be deemed thereby to have waived and relinquished all claim to compensation for any injury in consequence thereof; and no damages, costs or charges arising to such owner from such alteration of grade, shall be assessed or paid to such owner. The time for the payment of said damages and costs shall be the same as that provided by section 9 of this title. Section 23. When a contract is let for doing any work specified herein, chargeable to the abutting real estate, it may provide that the amounts so chargeable may be paid by certificates against the lots or in improvement bonds, or that payment may be partly made in certificates and part in cash or improvement bonds

or both. Section 24. As soon as the amount chargeable to the abutting real estate is finally determined, the council may cause a notice to be published in the official papers, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (..... describe the work and street), and that the expense of said improvement chargeable to the abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments, and such bonds, will be issued conveying all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments on their property, describing the same, on presentation of the certificates. Section 25. After the expiration of said thirty days, the council may issue improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of said city and contain such recitals as may be necessary to show that they are chargeable to particular property, specifying the same and the number and amount of said bonds. Section 26. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the city after five years and absolutely at the expiration of seven years from their date, and shall draw interest at a rate not exceeding six *per centum per annum*. Section 27. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office. Section 28. The city treasurer shall pay the interest on and principal on said bonds as the same become due and charge the amount to the proper fund. Section 29. In each year after the issuing of said bonds, when the tax-

Form of notice.

Improvement bonds may be issued.

Conditions of bonds.

City clerk to record statement with bonds in his office.

Payment of interest and principal on bonds.

One-fifth of special assessment on each lot to be included in tax roll.

Action not maintainable after bonds issued.

Amends chapter 124, laws of 1887.

Assessment of special tax for improvements.

roll for the year is prepared, one-fifth of the special assessment on each parcel of property covered by said bonds, with six *per centum* interest on the amount of said special assessment, shall be extended on the tax roll as a special tax on said property, and thereafter the tax shall be treated in all respects as any other city taxes, and when collected the same shall be credited to the fund against which payments on said bonds are charged. Section 30. No action shall be maintained to avoid any of the special assessments or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

SECTION 16. Section 8, of title IX, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 8. After any contract for work under this act, to be paid for in whole or in part by special assessments, shall have been entered into, the board of public works shall make or cause to be made an assessment against all lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for the whole length thereof, and which have not before been assessed for sewerage purposes, at the rate of sixty-five cents per lineal foot of the entire frontage of such lot, part of lot or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots, constituting the actual corner or corner lots, subdivided in ownership, shall be entitled to a deduction in making such assessment of one-third from the aggregate of the street lines of such corner lots or corner subdivisions thereof, in all streets in front thereof, such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines, then in the assessment of the second sewer for which they are liable; provided, however, that when the actual cost of any such sewer shall not exceed one dollar and thirty cents per lineal foot, then, and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abut-

ting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and when the divisions thereof are owned by different persons, no subdivisions of such lot, not fronting or abutting on such sewer, and not owned by the same person who owned the subdivision of such lot fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

SECTION 17. Title IX, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 23. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the street or alley through which said sewer is to be constructed, if the common council deems it for the best interest of the property owners affected by the special assessment for the construction of said sewer, may cause a notice to be published in the official papers of the city once in each week for six successive weeks, substantially in the following form:

Amends chapter 124, laws of 1887.

Form of notice of issuance of improvement bonds to be published in official city paper.

IMPROVEMENT BONDS.

FOR SEWERAGE ASSESSMENTS.

Notice is hereby given that a contract has been let for the construction of a sewer as follows: (Describe the street or alley); that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate abutting on the street (or alley) through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate are required, to file their notice to that effect with the said clerk before the expiration of thirty days from the date of this notice; that the city will issue its *per centum* semi annual interest coupon bonds for an amount sufficient to cover the special assessments which the parties owning the property do not elect to pay on the presentation of the certificates in the manner stated;

the said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated the day of, 18..

.....
City Clerk of the city of Sheboygan.

Council may issue coupon bonds to cover special assessments. Conditions of same.

Section 24. The city council shall have power to issue its coupon bonds for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be payable at the option of the city after five years from the date of their issue, and absolutely within seven years from said date; they shall bear interest at a rate not exceeding six *per centum per annum*; shall specify on their face that they are sewerage bonds and chargeable only to the particular lots and parcels of land described therein, and such other provisions as the council may think proper to insert. The bonds shall be signed by the mayor and clerk and be sealed with the official seal of the city. Section 25.

Sale of bonds.

Said bonds may be sold by the common council at not less than par value, and the proceeds paid to the sewerage contractor, or the contract may provide that the contractor shall take the bonds as a payment on his contract at their par value.

Levy of tax to pay principal and interest on bonds.

Section 26. The city shall pay the principal and interest on said bonds as they fall due, and shall reimburse itself by a tax on the particular lots mentioned in said bonds in the following manner: Section

One-fifth of special assessment each year to be entered on tax roll.

27. The city clerk shall in each year for five years succeeding the issue of said bonds enter in the tax roll as a special tax upon each of the parcels of land mentioned in said bonds one-fifth of the special assessment as to each said parcel of land with six *per centum* interest on the whole amount of said special assessment on such parcel of land then unpaid. Such tax shall be treated in all respects as any other city tax, and when collected, shall be credited to the sewerage fund of said city. Section 28. After the issue of said bonds, no action shall be brought or maintained in any of the courts of this state to avoid the tax mentioned in the foregoing section.

Action not maintainable to avoid tax after bonds issued.

Board of health abolished and title XII, of chapter 124, laws of 1887, repealed.

SECTION 18. The board of health of the city of Sheboygan is hereby abolished and title XII, of chapter 124, laws of 1887, is hereby repealed and the following substituted therefor:

TITLE XII.

Section 1. It shall be the duty of the mayor of the city of Sheboygan, once in three years, to nominate a regularly licensed physician as commissioner of public health, who shall be confirmed by the common council, and who shall hold his office for the term of three years, and until his successor shall be appointed and qualified. Section 2. It shall be the duty of the commissioner of public health to provide such rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases, and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided. Section 3. All rules and regulations prepared by the commissioner of public health shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances. Section 4. The commissioner of public health shall also, from time to time, recommend to the common council such sanitary measures to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health. Section 5. It shall be the duty of the common council to provide an office for the commissioner of public health, and to fix his salary, which shall be paid out of the city treasury as the salaries of other city officers are fixed and paid, and to provide for him such assistants as may be necessary, and to fix their salaries. Section 6. The commissioner of public health shall also discharge such duties not herein enumerated as may from time to time be imposed upon him by the common council by ordinance or resolution; and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

Appointment of commissioner of health, term of office; powers and duties of commissioner.

Rules and regulations to be reported to council.

Recommendations.

Office to be provided for commissioner.

Council may impose additional duties.

Amends chapter 124, laws of 1887.

Fund for relief of injured firemen.

SECTION 19. Title XIII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 7. The common council may establish a fund for the relief of firemen injured in the discharge of their duties, and for the relief of the families of firemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active firemen to contribute not to exceed two *per centum* of their wages to said fund.

Amends chapter 124, laws of 1887.

Fund for relief of injured police officers.

SECTION 20. Title XIV, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 10. The common council may establish a fund for the relief of policemen injured in the discharge of their duties, and for the relief of the families of policemen who may lose their lives in the discharge of their duties or in consequence thereof, and may provide for the management and distribution of such fund or the proceeds thereof, and may require all active policemen to contribute not to exceed two *per cent.* of their wages to said fund.

Amends chapter 124, laws of 1887.

Fees of municipal judge.

SECTION 21. Section 4, of title XV, of chapter 124, laws of 1887, is hereby amended to read as follows: Section 4. The same fees in all civil actions, that are now allowed by law to justices of the peace, and one dollar in addition thereto for all civil actions where the amount involved shall exceed two hundred dollars, it shall be lawful for said municipal judge to charge and collect, and the further salary of not less than thirteen hundred dollars, for his services in conducting criminal trials and examinations, to be fixed by the common council, at least three months before the commencement of his term of office; but the salary of the judge to be elected on the first Tuesday of April, 1891, under this act, shall be thirteen hundred dollars *per annum*, and such salary and the salary fixed by the common council shall be neither increased nor diminished during the term of office for which the same was fixed; such salary to be paid quarterly, and the said judge shall pay over to the treasurer of the city of Sheboygan at the end of each quarter all fines and penalties imposed by virtue of the charter, ordinances and regulations of said city which may have been

collected by him, together with his fees in the same, and also of his fees collected by him in criminal cases. The said judge shall pay over to the treasurer of the city of Sheboygan at the end of each year all fees collected by him of the county of Sheboygan, arising out of actions brought under the general laws, and for which the county is liable, and it shall be lawful for said municipal judge to collect the same fees against the county of Sheboygan, in either civil or criminal cases, that are now allowed by law to justices of the peace, but he shall in no case be allowed to collect fees against the city of Sheboygan in either civil or criminal cases. He shall at the end of each quarter make a statement to the city clerk in the same manner that justices of the peace are required by law to make to the county board, and also make a statement to the county board as required by law of justices of the peace and all laws relating to justices of the peace in relation to making statements to the county board shall also apply to the said municipal judge.

SECTION 22. Section 5, of title XV, of chapter 124, laws of 1887, is amended to read as follows; Section 5. The judge of said municipal court may provide a seal for his said court and all papers, depositions, certificates, acknowledgments, examinations, and other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record. And the said court and the judge thereof shall be entitled to the supreme court reports and to all such public reports and documents, as are now delivered by law to the several judges of the courts of record of this state.

Amends chapter 124, laws of 1887.

Seal of municipal court.

SECTION 23. Title XV, of chapter 124, laws of 1887, is hereby amended by adding the following: Section 10. Whenever the accused, tried under the provisions of the charter, ordinances, or regulations of the city of Sheboygan, or the provisions of the general laws, of which the municipal judge of the city of Sheboygan shall have jurisdiction to try and determine, either by the court or by a jury, shall be acquitted, he shall be immediately discharged, and if the court before whom the trial is had

Amends chapter 124, laws of 1887.

Action of municipal court on trial of accused. Collection of judgments.

shall certify in his docket that the complaint was willful and malicious, and without probable cause, he shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court, and sheriff, or constable and jury, and the fees of witnesses in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give said security, or shall neglect to pay such costs, then in such case, the court before whom the cause is tried may, in case the complainant shall have given security for costs in the manner provided in section 4,771 of the revised statutes, issue execution on said judgment against both the complainant and the surety; and if the complainant does not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the case is tried may issue execution on said judgment against the person of the complainant, in the same manner and to the like effect as is now provided by law in cases when execution may issue against a defendant in actions founded in tort; but the defendant in such judgment shall have the right of appeal therefrom as in civil cases tried before a justice of the peace, and the case shall be tried and determined by the court on such appeal upon the record and evidence in the case duly certified and returned by the magistrate.

Amends chapter 124 laws of 1887.

Annual levy of taxes for various purposes.

SECTION 24. Section 2, of title XVII, of Chapter 124, laws of 1887, is hereby amended to read as follows: Section 2. The common council of said city shall have the power to levy annually for the general fund of said city, and for a fund to erect or purchase a gas or electric light plant, a tax not exceeding five mills on each dollar of taxable property of said city, as shown by the assessment roll of the year. For the school fund a tax not exceeding ten mills on each dollar of tax-

able property of said city to meet the expenses of purchasing school grounds for school buildings, the building and repair of school buildings, for the purchase of school apparatus and fixtures, and supporting and maintaining schools within said city. For the fire fund a tax not exceeding five mills on each dollar of the taxable property of said city, to meet the expenses of purchasing and repairing fire-engines and horses for the fire department and fire apparatus, and the building and repairing of engine houses and to provide for such other means for fire protection as may be adopted, and all other requirements of the fire department of said city. A tax not exceeding five mills on each dollar of the taxable property of said city for the purpose of paying the annual rental of hydrants and other expenses connected with the water works of said city. For the bridge and viaduct fund, a tax not exceeding ten mills on each dollar of taxable property of said city, for the building and repairing of bridges and viaducts. For the bond fund, a tax not exceeding ten mills on each dollar of taxable property of said city, to pay the accrued and accruing interest on the bonded indebtedness of the city, to provide a sinking fund to pay the bonds of said city when due, and for compromising the bonded indebtedness of said city. For ward funds, a tax not exceeding five mills on each dollar of taxable property of the respective wards of said city as shown by the assessment roll of the year. For the sewerage fund, a tax not exceeding five mills on each dollar of the taxable property of said city, as shown by the assessment roll of the year. For the cemetery fund, a tax not exceeding one mill on each dollar of the taxable property of the city as shown in the assessment roll of the year. For the poor fund, a tax not exceeding three mills on each dollar of the taxable property of the city, as shown by the assessment roll of the year.

SECTION 25. Title XVII, of chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 12. A sufficient portion of the moneys received for licenses of all kinds, to pay all interest on the outstanding bonded indebtedness of the city for the ensuing year, and such *per centum* of the principal of such bonded

Amends chapter 124, laws of 1887.

Disposition of license moneys.

indebtedness as may be provided for by resolution adopted by at least a majority of all the members of the common council-elect; provided, however, that said amount shall not exceed three *per centum* of the principal of such indebtedness, shall be set aside for that purpose and placed in a special fund on the first day of June in each year. If any of said bonds are due and there is money available to pay the same, the treasurer shall call in such bonds in their order. If no bonds are then due, the treasurer may advertise for proposals to sell bonds to the city, in such manner as the common council may direct, and shall take up the lowest offers, sufficient to exhaust the money available for such purpose. Section 13. The common council shall have authority to issue bonds for the following purposes only:

Council may issue bonds for certain purposes.

First. Building school houses.

Second. Building bridges and viaducts.

Third. Building public buildings for the use of the city.

Fourth. Purchase of apparatus for fire protection.

Fifth. Construction of main sewers.

Sixth. Water works.

Seventh. Public parks.

Eighth. To erect or purchase gas or electric light plant.

Provided that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council-elect. Said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official papers of the city; and provided further, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five *per centum* of the assessed valuation of such city at the assessment preceding the issue of such bonds; and provided further, that all such bonds issued shall be payable at the pleasure of the city in not more than five years and absolutely in not more than twenty years after their date, and shall bear interest not exceeding six *per centum per annum*, payable semi-annually.

SECTION 26. Title XXII, chapter 124, laws of 1887, is hereby amended by adding thereto the following: Section 19. When any heinous offense or crime has been committed against life or property within the city, the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of such criminal or perpetrator of such offense.

Amends chapter 124, laws of 1887.

Rewards may be offered for the apprehension of criminals.

SECTION 27. This act is to be taken as an amendment to the charter of the city of Sheboygan, being chapter 124, of the laws of 1887, and the various laws amendatory thereof, and any parts or portions of said charter, and any provisions therein which are inconsistent with this act, or not in harmony with its provisions are declared to be modified, amended, superseded or repealed by this act, as the intention herein declared may require.

Repealing clause.

SECTION 28. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1891.

No. 490, A.]

[Published April 30, 1891.

CHAPTER 304.

AN ACT to amend the charter of the city of Green Bay.

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

SECTION 1. Chapter II, of chapter 169, of the laws of Wisconsin for the year 1882, is hereby amended by adding thereto the following: Section 21. In all actions brought to recover any penalty or forfeiture, under this act, or any by-law, ordinance or regulation made in pursuance thereof, and in all prosecutions for the violation of any of the provisions of this act or any by-law, ordinance or regulation made in pursuance

Amends chapter 169, laws of 1882.

Security for costs.