

No. 403 A.]

[Published May 20, 1891.

CHAPTER 388.

AN ACT to amend the charter of the city of Grand Rapids.

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

SECTION 1. Chapter 247, of the private and local laws of 1869, as amended by chapter 321, of the laws of 1874, is hereby amended as follows: A new section is hereby added to said last mentioned act to be known as "Section 9a" to read as follows: Section 9a. The warrant from the city clerk to the city treasurer of said city of Grand Rapids, required by section 9, to be attached to the tax list, shall be sufficient, if substantially in the following form:

Amends chapter 247, laws of 1869, as amended.

State of Wisconsin, }  
 Wood County, } ss.  
 City of Grand Rapids, }

Form of warrant.

To the treasurer and marshal of the city of Grand Rapids:

You, the said treasurer, are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and from the named owners and occupants of the real estate therein described, the taxes set down in said list opposite their respective names and opposite the several parcels of land therein described, and in case said taxes are not paid on or before January 15th next, you are required to add three *per centum* penalty to said several sums in all such cases. You are further required, out of the moneys so to be collected by you: First, to pay to the treasurer of the said county, on or before the fourth Monday in January next, the sum of . . . . dollars state tax; second, to retain and pay out as city treasurer, according to law, the sum of . . . . . dollars; and third, to pay to said county treasurer, for county purposes, on said fourth Monday in January, all the balance of said moneys so by you collected. And in case any of said taxes remain uncollected by you on the said fourth Monday in January, you are

further required and commanded on that day to deliver over to the city marshal of said city said tax list with this warrant. And you, the said marshal, are hereby commanded to receive said tax list from said treasurer, as above required to be delivered to you, to receipt to him therefor, to collect all unpaid taxes thereon, by distress and sale of property if need be, and if you deem it not possible to collect them by such means, to proceed as do town treasurers in such cases; and in addition to said taxes, to collect at the same time as a penalty, five *per centum* thereon, which penalty you are to retain as your compensation for such collecting. And you are further commanded and required (unless the time for your return be extended according to law) on the third Monday of February next, to make out and return to the treasurer of said county, a list of all lands and lots upon which the taxes have not been paid, and further, to return to him your doings upon said tax list and this warrant and to settle with and pay over to said county treasurer all moneys properly payable to said county treasurer, in like manner as is now required of town treasurers, and at the same time to make out and deliver to the city clerk of said city and to the said county treasurer, a list of all delinquent personal property taxes on said tax list.

Given under our hands and the seal of said city, this.....day of....., A. D. 18..

.....  
 Mayor of said City.

.....  
 Clerk of said City.

(Seal of City.)

Powers conferred on marshal; his duties thereunder.

SECTION 2. The marshal of said city of Grand Rapids is hereby given all the powers conferred on the treasurers of towns, for the purpose of collecting taxes, by chapter 49, of the revised statutes of Wisconsin for the year 1878, and the several acts amendatory thereof, and all other statutory powers that now are or may hereafter be vested in the treasurers of towns, for the collection of taxes. Any action brought by him for any tax, shall be brought in the name of "The City of Grand Rapids." If said marshal shall have begun any action or other proceeding for the collection

of taxes, and must make his return to the county treasurer before the same is terminated, he shall prosecute the same to termination; and if said marshal shall collect such taxes after his return made to said county treasurer, he shall immediately thereafter return that fact, together with the sum so collected, and the name of the person against whom assessed, to the said county treasurer and to the city clerk of said city. The powers above granted to the said marshal are in addition to the powers given him by section 10, of chapter 321 of the laws of 1874.

SECTION 3. All sidewalks in said city of Grand Rapids shall be constructed and maintained at the expense of said city, in such manner and at such times and places as the common council shall determine, and of such materials as said council shall direct, and shall conform to the established grades of the streets. But said council may by resolution determine upon the whole or some part of the cost of building or maintaining, or of building or maintaining sidewalks, which cost the owners of land abutting upon said walks, or over which said walks pass shall bear. After the passage of such resolution, the question whether such cost shall be borne by the abutting land owners shall be submitted to a vote of the electors of said city, at the city election next following the passing of such resolution, and if carried by a majority of the ballots cast on said question, the land owners shall either build the sidewalks abutting upon or passing over their lands, according to specifications to be furnished by said city, and of such material and in such manner as shall be acceptable to its properly constituted authority or officer, or the city shall build such walks and charge the cost (or the proper part of the cost as determined by said vote) thereof to said lands, to be placed in a separate column in the next tax list and collected with and as part of the next tax upon said lands. But no walks shall be built or re-built by said city and the whole cost thereof charged to the owners of the lands abutting upon said walks or over which they pass, without first giving the owners of said lands fifteen days written or printed notice, either by personal service or by publication

Construction and maintenance of sidewalks; manner of payment for same to be submitted to a vote of people.

in a newspaper published in said city, warning him that he must build (or re-build) said walk or the city will do so and charge the same to his said lands. The part or fraction of the cost of said walks to be charged upon said lands by said resolution and vote shall be uniform, and once established shall not be changed within five years. The ballots for said vote shall be provided by said city, in equal numbers, in favor of and against the question to be submitted, and may read substantially as follows: In favor of (or against) land owners paying (here insert the fraction or part decided upon by the city council) the cost of building sidewalks abutting upon or passing over their lands. And in case said ballots are separate from the regular city ticket to be voted at such election, a separate ballot box or compartment shall be provided in each ward for the reception of such ballots. At least fifteen days' notice of such resolution and of the submission of such question to the vote of the electors of said city shall be given before said election, by posting said notices in three of the most public places in each ward of said city, and by publishing the same in a newspaper published in said city. When more than one-half of the cost of building or re-building sidewalks shall be chargeable to said lands, the work of building such walks shall be let to the lowest responsible bidder, and ten days' notice of receiving such bids shall be given by posting the same in three of the most public places in said city.

Sidewalk out of repair and not used may be condemned and removed.

SECTION 4. When any sidewalk shall become dilapidated and out of repair, and it shall appear to the city council that such walk is not of sufficient use to the public to justify its re-building or repair, said council may condemn said walk, by resolution setting forth the facts, and order said walk discontinued and removed. And said walk shall be removed unless within ten days after the posting of the notices last hereinafter mentioned six or more resident tax payers of said city shall petition to have said walk continued, re-built or repaired, in which case a jury shall be called as provided in sections 4 and 5, of article 5, of the charter of said city, to hear and determine whether said walk shall be repaired

or re-built, or be discontinued and removed. No notice of the summoning of said jury shall be necessary, but notice of the time and place of the hearing of evidence and arguments by said jury shall be given by posting notice thereof in at least three of the most public places in said city, and in at least one place along the line of the walk so to be discontinued, in full view of said walk, at least forty-eight hours before said jury shall meet for such purpose. But no sidewalk shall be discontinued and removed if the owner of the lands abutting upon it or over which it passes, shall, within ten days of the time of the service of the notice last hereinafter mentioned, give notice to the mayor of said city, that he will re-build the said walk at his own expense and if within fifteen days after the service of said notice of condemning he shall have re-built the same according to specifications furnished by said city. Notice of condemning sidewalks and orders to remove the same shall be served at least ten days before the removal of such walks, on resident owners of such lands, as is a summons in circuit court, and on non-resident owners by posting such notice in three public places along the line of said walk to be removed, in full view thereof.

**SECTION 5.** Section 5 of article 6 of the charter of said city of Grand Rapids (being section 5 of chapter 6, of chapter 247 of the private and local laws of 1869), is hereby repealed. Repeals certain section of charter.

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

Approved April 23, 1891.