

pealing, amending or modifying the same except such purpose be expressly set forth in such law.

Public act.

SECTION 13. This act is hereby declared a public act and shall be liberally construed in all courts of this state.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1891.

No. 442, A.]

[Published April 4, 1891.

CHAPTER 95.

AN ACT to revise and amend the charter of the city of Manitowoc.

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

Repealed,
certain
chapters.

SECTION 1. The following named acts of the legislature of the state of Wisconsin are hereby repealed, viz.: Chapters two hundred and seventy-five (275) and four hundred and ninety-five (495) of the private and local laws of 1870; chapters eighty-six (86) two hundred twenty-nine (229) and three hundred fifty-nine (359) of the private and local laws of 1871; chapters seventeen (17) and one hundred twenty-seven (127) of the private and local laws of 1872; chapters four (4) and two hundred nineteen (219) of the general laws of 1873; chapters one hundred and fifty-one (151) and two hundred twenty-eight (228) of the general laws of 1875; chapter one hundred thirty (130) of the general laws of 1876; chapters one hundred sixty-seven (167) and one hundred eighty-one (181) of the general laws of 1877; chapters ninety-six (96) and one hundred (100) of the general laws of 1878; chapters one hundred seventy-two (172) and one hundred eighty-six (186) of the general laws of 1879; chapter three hundred nine (309) of the general laws of 1882, chapter four hundred and one (401) of the general laws of 1885; chapters two hundred fifty-nine (259) and two hundred eighty-six (286) of the general laws of 1887. And

the several acts so repealed are hereby revised and re-enacted so as to read as follows:

CITY BOUNDARIES.

SECTION 2. All that section of country included in lots four, five and six, in section nineteen; lots three and four, and the west half of the southwest quarter of section twenty; lots one, two and three and the north fraction of section twenty-nine and all of section thirty, all in township nineteen north, of range twenty-four east of the fourth principal meridian, in the county of Manitowoc, in the state of Wisconsin, shall hereafter be known and distinguished by the name of the "City of Manitowoc," and the inhabitants residing or who may hereafter reside within said limits, are hereby created and constituted a body corporate and politic, by the name, and style of the "City of Manitowoc," and by that name may have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall have generally the powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted.

Corporate boundaries, name and powers.

SECTION 3. The new survey and plat of the village of Manitowoc, recorded in the registry of deeds of Manitowoc county in "Book of Maps," on pages five and six; the survey and plat referred to in the judgment for final partition of the west half of section thirty, described in the last preceding section, recorded in said registry of deeds in volume "P" of deeds, on pages four hundred thirty-five and five hundred forty-four inclusive; A. W. Buel's survey and plat of subdivisions recorded in said registry of deeds in volume "R" of deeds, on pages sixty and sixty-one; and Jacob Luep's and O. H. Platt's survey and plat of subdivision recorded, in said registry of deeds in volume "R" of deeds on pages sixty-eight and sixty-nine, so far as the said plats or

Survey and plats; certain declared legal.

any of them include the territory described in the preceding section or any part thereof are hereby made and declared to be the legal survey and plat of said city of Manitowoc for all purposes whatsoever.

Ward boundaries.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Distinct from town of Manitowoc for corporate purposes.

SECTION 4. The corporate territory of said city, described in the second section of this act, shall be divided into five wards in the manner following, to wit: All that part of said territory which lies south of the center of the Manitowoc river and east of the center of Main street shall be the First ward; all that part which lies north of the center of said river and east of the center of Seventh street shall be the Second ward; all that part which lies south of the center of said river and between the center lines of Main street and Fifteenth street shall be the Third ward; all that part which lies north of the center of said river and west of the center line of Seventh street shall be the Fourth ward; and all that part which lies south of the center of said river and west of the center line of Fifteenth street shall be the Fifth ward.

SECTION 5. It is hereby provided and expressly declared that all the territory within said corporation, and the general management and control thereof, for said corporate purposes, shall be exclusive, separate and distinct from the town of Manitowoc in all cases whatsoever.

RIGHTS AND POWERS OF THE CORPORATION.

Corporate rights and powers.

SECTION 6. The people now inhabiting and those who shall hereafter inhabit within the district or country described in this act, shall be a corporation of the name of the "City of Manitowoc," and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the rights and privileges hereinafter specially granted,

Perpetual succession; may sue and be sued.

SECTION 7. The authorities thereof shall have perpetual succession and in the name of said corporation may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by bequest, gift, grant, devise or purchase, and hold and convey, contract and be contracted with, such real and personal estate as the purposes of the corporation may require.

OFFICERS — THEIR ELECTION AND APPOINTMENT.

SECTION 8. The officers of said city shall be a mayor, two aldermen from each ward, a city treasurer, city clerk, city attorney, city assessor or assessors, city surveyor, city marshal, a street commissioner, one justice of the peace and one constable for each ward, one or more city physicians, a bridge tender for each drawbridge, a harbor-master, a sealer of weights and measures, a chief of the fire department, one or more policemen, a board of public works, consisting of the city attorney, city surveyor and city clerk, and such other officers as the board of aldermen may deem necessary to appoint.

Officers,
enumeration
of.

SECTION 9. The mayor, city treasurer, aldermen, justices of the peace and constables shall be elected by the people at the annual municipal elections for city and ward officers. The city attorney, city marshal, city surveyor and chief of the fire department shall be appointed by the mayor and confirmed by a majority of the members of the board of aldermen voting in favor of such confirmation. All other officers shall be appointed by the board of aldermen.

Officers elect-
ed; appointed.

SECTION 10. The mayor, city treasurer, the aldermen and justices of the peace shall hold their respective offices for two years and until their successors are elected and qualified, except as hereinafter provided; and all other officers either elected or appointed, shall hold their respective offices for one year and until their successors are elected and qualified, subject to removal as in this act provided.

Term of office.

SECTION 11. When any vacancy in the office of the mayor shall occur, the unexpired portion of his term shall be filled by the president of the board of aldermen, who shall thereupon vacate his office of alderman. When any vacancy shall occur in any office filled by appointment of the mayor, such vacancy shall be filled in like manner by appointment of the mayor. Vacancies in any other city office shall be filled by appointment of the board of aldermen.

Vacancies,
how filled.

SECTION 12. The city treasurer and such other officers as the board of aldermen may direct, shall before entering upon the discharge of the

Bonds, treas-
urer and others
to give. How
approved.

duties of their respective offices, execute and deliver to the city of Manitowoc, a bond running to said city in such penal sum as the board of aldermen may direct, with two or more sureties conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the board of aldermen may prescribe; and the board of aldermen may at any time require new and additional bonds. All bonds must be filed in the office of the city clerk within ten days after the officer executing the same shall be notified of his election. All official bonds except those of justices of the peace must be approved by the board of aldermen, and when so approved shall be recorded by the city clerk in a book to be kept for that purpose. Such clerk shall annex to each such record a certificate that the record is a true copy of the original, and such record shall be *prima facie* evidence of the contents of such bond, and in the absence of the original may be used as evidence in all courts of this state. Justices of the peace shall qualify within the time and in the manner provided by section 846 of the revised statutes of Wisconsin for the year A. D. 1878, as amended by chapter 45 of the laws of Wisconsin for 1881 and chapter 284 of the laws of Wisconsin for 1882, except that their bonds shall be approved by the mayor and city clerk.

Failure to give bond to be deemed a refusal of office.

SECTION 13. Any city officer neglecting or refusing so to execute and file the bond or bonds required in the preceding section within the time therein mentioned, shall be deemed to have refused said office and the same shall be filled by appointment or election as in other cases of vacancy; and in case the board of aldermen shall not approve of any official bond so executed, the officer so executing the same shall furnish a new and satisfactory bond within ten days after notice of such disapproval; and in case of failure he shall be deemed to have refused his office and the same shall be filled as in cases of vacancy.

City officer not to be accepted as surety, when.

SECTION 14. No city officer shall be accepted as surety upon any bond, note or other obligation made to said city. No city officer shall in any way be interested in any contract to which the

city is a party. Any such contract shall be void and the city shall incur no liability thereon.

SECTION 15. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office and file the same with the city clerk within ten days after notification of his election or appointment. In case of failure to file such oath within the time limited, the office shall be deemed vacant.

Oath of office,
officers to take.

SECTION 16. Every officer who may be appointed by the mayor or the board of aldermen to any office may be removed from such office by a vote of two-thirds of all the aldermen elected. But no such officer shall be removed except for good cause nor unless furnished with the charges and an opportunity given him to be heard in his defense; and the board of aldermen shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine the case upon the merits thereof; and if such officer neglects to appear and answer to such charges, or if such charges are sustained, then the board of aldermen may declare such office vacant. Any officer may be suspended until the disposition of the charges so preferred.

Removals
from office,
how made.

SECTION 17. The city clerk, city treasurer, city attorney, city marshal, policemen, harbor-master, city physicians, bridge tenders and chief of fire department, shall be paid a salary to be fixed annually. The board of aldermen shall meet on the fourth Monday of March in each year and fix the salaries to be paid for the ensuing year to the above named officials and to any other official created by said board. The board shall, at said meeting, fix the *per diem* to be paid to the assessor or assessors and street commissioner.

Salaries, who
to receive; how
fixed.

SECTION 18. No person shall be eligible to hold any office mentioned in this act unless he shall be at the time a resident elector of the city; nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists.

Eligibility to
office.

ELECTIONS.

Annual election; time of holding.

SECTION 19. The annual election for city and ward officers shall be held on the first Tuesday in April in each year at such places as the board of aldermen shall designate. At the first municipal election under this act there shall be elected two aldermen in each ward, one for the term of one year and the other for the term of two years; and at each annual municipal election after the first, one alderman shall be elected from each ward for the term of two years.

Tie votes to be determined by casting lots.

SECTION 20. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the board of aldermen at their first meeting after such election and in such manner as the board of aldermen shall direct.

Canvassing the votes and declaring the result; appointments; when made.

SECTION 21. Within one week after each and every annual or special municipal election held under this act, the board of aldermen shall meet and canvass the returns of such election and declare the result as it appears therefrom; and the city clerk shall within three days thereafter give notice to each person elected of his election; provided, that in case a quorum shall not be present at such meeting it shall be adjourned from day to day until a quorum shall be present. Provided, further, that all appointments required to be made by the mayor, or by the board of aldermen, shall be made within two weeks next following such canvass and determination of the election returns.

Special elections.

SECTION 22. Special elections may be called at any time by said board upon due notice given. Special elections shall be conducted in the same manner, upon like notice, and subject to the same penalties as annual elections.

Elections to be held as provided by general law.

SECTION 23. All elections under this act shall be held and conducted, when not herein otherwise provided, in the same manner and under the same penalties as provided for by the laws of this state for the election of municipal and county officers.

OFFICERS — THEIR POWERS AND DUTIES.

SECTION 24. The mayor, when present, shall preside at all meetings of the board of aldermen and shall sign all contracts, agreements, licenses and permits granted by said board. He shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall from time to time give the board of aldermen such information and recommend such measures as he may deem advantageous to the city. He shall be the chief executive officer, the head of the fire department and of the police of the city; he shall appoint the city attorney, city marshal, city surveyor, and chief of the fire department, and all policemen, and may in case of a riot or other disturbance appoint as many special policemen as may be necessary. He shall have and possess the veto power as hereinafter prescribed. Should he refuse to approve any law, ordinance, rule, regulation, claim, resolution appropriating money, creating a debt or liability, he shall communicate his objections in writing to the board of aldermen within five days after such law, ordinance, rule, regulation or resolution is submitted to him for his approval; but if upon the receipt of such veto message two-thirds of all the aldermen-elect should vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

Mayor; his powers and duties.

SECTION 25. The board of aldermen at its first meeting after organization in each year shall choose by ballot from its numbers a president, and in the absence of the mayor the said president shall preside at the meetings of said board; and during the absence or inability of the mayor from any cause to discharge the duties of his office, the president shall exercise all of the powers and discharge all of the duties of mayor. The president, while presiding at meetings of the board of aldermen or performing the duties of mayor, shall be styled "acting mayor," and acts performed by him in such capacity shall have the same force and validity as if performed by the

President of board of aldermen; how chosen; powers and duties.

mayor; but the president of the board of aldermen, as acting mayor, shall sign no warrant, order or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the board of aldermen.

City clerk; his powers and duties.

SECTION 26. The city clerk shall have the care and custody of the corporate seal and all papers and records of the city; he shall attend all meetings of the board of aldermen and keep a full record of its proceedings; he shall record all ordinances and bonds in a book to be kept for that purpose; he shall keep a record of all licenses granted, which record shall be open to the inspection of the public at all times; he shall carefully preserve all receipts filed with him of payment of money for licenses; he shall serve as a member of the board of public works; except as herein otherwise provided, he shall have and possess the power and authority and perform such duties as clerks of cities and villages are required to perform under the general laws of this state; he shall keep a record of all orders drawn on the city treasure in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all tax lists delivered to him for collection and all sums of money paid into the treasury. Ten days preceding every annual election he shall make and cause to be published in the official papers of the city a statement showing the name of every person who shall have had an account allowed and paid by said city; a brief statement of the nature of the demand, also giving the aggregate amount allowed each person; the expense of the city printing and of each department of the city; amount paid out of poor fund and the expense of each fire company. Said statement shall also show amount of moneys paid into the city treasury during the year, and shall embrace all accounts from the date of the like statement made by his predecessor to date. In case of the absence of the clerk the board of aldermen may elect a clerk *pro tem*

Treasurer; his powers and duties.

SECTION 27. The city treasurer shall perform all the duties required of him, collect all city, county and state taxes, and pay over the moneys in his hands according to law. He shall keep a detailed account of moneys received and dis-

bursed by him in such manner as the board of aldermen shall direct. His books shall at all reasonable times be open to the inspection of any voter of the city. He shall report to the board of aldermen as often as required; and ten days preceding every annual election he shall make out and file in the city clerk's office a full and minute report of all moneys received and disbursed by him; of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office, necessary to show the actual financial condition of the treasury, which reports shall embrace all the requisite transactions of his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall receive no fees or *per diem* or other compensation for his service except the salary fixed by the board of aldermen prior to his election. Except as it is herein otherwise provided, he shall have and possess the power and authority and perform such duties as treasurers of cities and villages are required to perform under the general laws of the state of Wisconsin.

SECTION 28. The city attorney shall conduct all the law business of the city and of all the departments thereof, and all other law business in which the city shall be interested, when so ordered by the board of aldermen. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor or by the board of aldermen, or any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of any city officer. It shall also be his duty to draft all ordinances, contracts, deeds, bonds, leases and such other instruments in writing as may be required by the business of the city; to examine and inspect tax and assessment rolls and all proceedings in reference to the levying and collection of taxes and assessment, and to perform such other duties as may be prescribed by the charter and ordinances of the city. He shall also serve as a member of the board of public works.

City attorney;
his powers and
duties.

Assessor; his powers and duties.

SECTION 29. The city assessor or assessors shall assess all of the taxable property of the city and shall, as far as the same are applicable, be governed by such laws as govern assessors in the several towns of this state. Each assessor shall be paid a *per diem* for his services which shall not exceed three dollars per day.

City surveyor, qualifications of; powers and duties.

SECTION 30. The city surveyor shall be a practical surveyor and engineer, and he shall serve as a member of the board of public works. The board of aldermen shall prescribe his duties and fix the fees for any service performed by him. He shall keep his office in some convenient place to be designated by the board of aldermen. He shall execute all the civil engineering and surveying required by said board. Said surveyor shall possess the same powers in making surveys and plats within said city that are given by law to county surveyors, and the like validity and effect shall be given to his acts and to all plats and surveys made by him, as are or may be given to the acts, plats and surveys of county surveyors. He shall keep a record of all his official acts and doings and shall record the same in a book to be kept for that purpose. He shall keep on file a copy of all plats of lots and blocks embraced in the city limits, of profiles of streets, alleys and sewers, and of the grade thereof, and of all drafts and plans relating to bridges and harbors and to any public buildings belonging to the city of Manitowoc, and shall keep a record of the location of bench marks and permanent corner stakes from which subsequent surveys shall be started, all of which such records, profiles, plats and estimates in this section mentioned shall be the property of the city, open to inspection of parties interested, and shall be delivered over by said surveyor at the expiration of his term of service to his successor in office or to the board of aldermen. He shall keep a record of all estimates made by him of any work for said city, and when required by the board of aldermen shall file certified copies of all plans, specifications and estimates made by him, in the office of the city clerk.

City marshal, ex-officio chief of police; powers and duties.

SECTION 31. The city marshal shall be *ex-officio* chief of police. He shall attend all meetings of the board of aldermen and shall perform such duties as are herein prescribed, and such other

duties as may be required of him by any ordinance, by-law, rule or regulation of said city for the preservation of the peace, the health of the city, and for the collection of fines and license money. He shall in no case collect license money, but he shall see that all parties required by law of the state, the charter or any ordinance of the city, to procure license, obtain the same of the proper authorities before opening any exhibition or doing any business requiring such license. He shall possess the powers of a constable at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities, but shall not serve any process outside of the city except when necessary in criminal cases for the violation of any ordinance of said city or law of this state; when the offense was committed within the limits of said city he may pursue and arrest parties in any part of the state of Wisconsin. He shall repair to all fires, riots and tumultuous assemblies, take charge of the police present, and use every exertion to protect property, disperse mobs and cause to be arrested all persons engaged in disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of the city or laws of this state, and within reasonable time, bring such person before competent authority for examination.

SECTION 32. Any officer making an arrest under the provisions of this act may, if necessary, commit the person arrested to the jail of Manitowoc county without process, and the sheriff of said county shall safely keep said person so arrested and deliver him up to the officer making the arrest on demand, and without process. Any person so arrested and committed shall be taken before a justice of the peace within twenty-four hours, Sundays excepted, after such arrest. The justice before whom any prisoner is brought for examination or trial may, for good cause shown, adjourn the examination or trial a reasonable time, and may require the prisoner to give bail to the city of Manitowoc for his appearance at such adjourned day, and in default of bail may commit said prisoner to jail to await his trial.

Commitment to county jail without process, when.

SECTION 33. The mayor, aldermen, justice of the peace, city marshal, policemen and constables

Officers of the peace; who constitute.

shall be officers of the peace, and suppress, in a summary manner, all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, all citizens. If any person refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of twenty-five dollars; and in cases where the civil power shall be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. It shall be lawful for the mayor, any alderman, the city marshal, every policeman (or person acting as such) or constable of the city, to arrest forthwith any person who shall be drunk, disorderly, riotous, or doing any act, which by this act shall be construed to be a misdemeanor, or by warrant arrest any person whom they or any of them shall find committing any violation of the laws or any ordinance of said city and to take such person before a justice of the peace for trial or to commit to the county jail.

Commitments to jail without process; sheriff's duty.

SECTION 34. All persons arrested or committed under the provisions of this act shall be committed to the common jail of Manitowoc county, and it shall be the duty of the sheriff to safely keep all such prisoners until they are discharged by due course of law. No person arrested and committed without process shall be discharged by him until twenty-four hours after commitment, and in case a party is committed on Saturday he shall not be discharged until noon on the following Monday. The sheriff may, when in his judgment justice requires it, take any prisoner committed without process before some justice of the peace of said city and have the party admitted to bail for his appearance at the time of trial; but no prisoner shall be discharged unless the officer arresting him and the city attorney are notified and an opportunity given to be present.

Sheriff to report quarterly.

SECTION 35. The sheriff of Manitowoc county shall report quarterly to the board of aldermen all prisoners in his custody for the quarter preceding, for the keeping of whom said city is liable.

Mayor may order employment of prisoners at public work.

SECTION 36. Any prisoner committed to the county jail of Manitowoc county for violating any

of the ordinances of the said city, may be employed at hard labor on any public work outside of said jail and within the limits of said city. The keeper or custodian of said jail shall, on demand of the mayor, deliver any and all of said prisoners to the mayor or other officer for the purposes aforesaid, and shall receive and securely confine said prisoners when returned to him by direction of the mayor. The mayor may, by order, direct at what labor said prisoners shall be employed, and direct as to time and manner of employment; and he may cause them to be secured in such manner as, in his judgment, will prevent their escape.

SECTION 37. It shall be the duty generally of all policemen appointed by the board of aldermen to faithfully perform such duties as shall be prescribed by the ordinances, by-laws and resolutions of the board of aldermen for the preservation of the public peace and health of the city, and they shall have all the common law and statutory powers of constables, except for the service of civil process. They shall perform the duties of night watchmen for the city if required, and shall faithfully abide by all ordinances prescribing the manner and extent of their duties, and the time in which such duties shall be performed.

Policemen,
their powers
and duties.

SECTION 38. The justice of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace as prescribed by the general laws of this state. They shall also have jurisdiction to hear and try all offenses for the violation of any ordinance, rule, regulation or by-law of said city. But the city shall in no case be liable for costs except for actions brought under the direction of the mayor or marshal. On the first Monday of each month, each justice of the peace of said city shall file in the office of the city clerk a report, under oath, of all actions determined before him in the month preceding, in which the city became liable to pay costs. A failure to make such report shall release the liability of the city to pay. At the same time they shall report all fines collected for the month preceding, and pay the same to the city treasurer and take his receipt therefor.

Justices of the
peace; their
powers and
duties.

SECTION 39. The marshal and policemen shall be fire wardens of the city. They shall examine as to the construction and condition of all chim-

Fire wardens,
marshal and
policemen to
be; powers and
duties.

neys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and fire apparatus used in and about any buildings, and shall have power to prevent the improper construction of any thereof, and may cause them to be placed or removed in a safe and secure condition. They shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is perfectly safe. They shall also be the attending officers at all election polls at all general and special elections

Board of aldermen may require additional duties of officers.

SECTION 40. The board of aldermen shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed. Such compensation shall be fixed by resolution at the time the office is created, for the remaining part of the year; thereafter the salary shall be fixed at the time and in the manner herein prescribed for fixing the salaries of other officials.

Official newspaper; board of aldermen to designate and fix rates.

SECTION 41. The board of aldermen at its first meeting, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act or the by-laws or ordinances of the board of aldermen to be published in a newspaper, and the said board of aldermen shall have power and authority to establish, by ordinance, resolution or otherwise, such rates for such printing and publishing as to them may seem just and proper, provided that the price for such work shall not exceed the legal rates for like work as is now or may be established by law.

Ordinances; proof of publication.

SECTION 42. The city printer or printers, immediately after the publication of any notice or ordinance, by-law or resolution which by this act is required to be published, shall file with the clerk of the city 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 been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution.

SECTION 43. Each city officer at the termination of his term of office shall immediately deliver to his successor in office all property, money, books, papers and effects of every description in his possession belonging to the city or pertaining to the office he may have held. Any person neglecting or refusing to do so shall forfeit and pay to the use of said city one hundred dollars besides all damages caused by such neglect or refusal and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state for that purpose.

Penalty for officer refusing to turn over money, books, etc., to successor.

THE BOARD OF ALDERMEN—GENERAL POWERS AND DUTIES.

SECTION 44. The legislative powers of the city of Manitowoc shall be vested in a board of aldermen. The mayor and aldermen of said city, when assembled, shall constitute the board of aldermen. In the proceedings thereof each member present shall be entitled to a vote, provided that the mayor shall vote only in case of a tie vote by the aldermen present. Two-thirds of all the aldermen-elect shall constitute a quorum for the transaction of business, whether the mayor shall be present or not. Less than two-thirds of all the aldermen may meet and adjourn from time to time until a quorum is present.

Board of aldermen; how constituted; general powers and duties.

SECTION 45. The board of aldermen shall prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public. It shall determine the order and rules of its proceedings and keep a record thereof, which shall be open to the inspection of every citizen at all reasonable times and hours. It shall have power to preserve order and propriety in its proceedings, and may adopt such by-laws, rules and regulations for its own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members and to impose and enforce penalties for non-attendance. The board of aldermen shall be the judge of the election and qualifications of its members.

Time and place of meetings; record to be kept of proceedings.

SECTION 46. Special meetings of the board of aldermen may be called and held upon the ap

Special meetings, how called; object and time to be stated.

plication in writing signed by three aldermen and addressed to the clerk of said city, stating the object of such meeting and the time when the same is to be held, which shall not be less than twenty-four hours from the time when the clerk shall receive such application. The clerk shall forthwith call the meeting required by giving personal verbal notice to all the aldermen except those who signed the call, and to the mayor, informing each of them of the object of said meeting and the time when the same is to be held, and shall file such application in his office and make a memorandum thereof in the journal of proceedings.

Style of ordinances; same to be published

SECTION 47. The style of all ordinances shall be: "Be it ordained by the mayor and board of aldermen of the city of Manitowoc." Every ordinance, rule, by-law or regulation of said city except those which relate to the government of the board of aldermen, shall be published one week in some newspaper published in the city before the same shall be in force. All ordinances shall be signed by the mayor or acting mayor and attested by the clerk, and the seal of said city affixed.

Board of aldermen: powers of enumerated.

SECTION 48. The board of aldermen shall have control and management of the finances and all property of the city, and shall likewise in addition to the powers herein vested in them by other provisions of this act, have power to make, enact, ordain, establish, enforce, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city as they shall deem expedient, declaring and imposing penalties, and enforcing the same against any person 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 and effect of the law, provided, that they are not repugnant to the constitution and laws of the United States, or to the constitution of the state of Wisconsin, and for that purpose shall have power and authority by ordinance, regulation or by-laws:

Finances.

1st. To manage and regulate the finances and regulate, preserve and dispose of the property, real and personal belonging to the city.

2nd. To adopt all legal and requisite measures for levying and collecting taxes and assessments. Levying and collecting taxes.

3rd. To regulate the use of locomotive engines within the city; to direct and control the location of railroad tracks, and to require railroad companies to construct and maintain at their own expense such bridges, viaducts, tunnels, and to provide such other conveyances at public railroad crossings, as the board of aldermen may deem necessary. Locomotives and railroad tracks.

4th. To establish and regulate a fire department within said city and prescribe the duties of the officers and members thereof; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner; and if such owner of buildings shall refuse to procure suitable ladders and fire buckets after reasonable notice, the board of aldermen may procure and deliver the same to him, and in default of payment therefor may recover of such owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous material; to direct the safe construction of a place for the deposit of ashes; to regulate the manner of putting up stoves and stovepipe; to prevent bonfires and the use of fireworks and firearms within the limits of said city or such part thereof as they may think proper; to compel the inhabitants of said city to aid in the extinguishment of fires, and pull or break down and raze such buildings in the vicinity of fires as shall be directed by the aldermen or any two of them who may be at the fire, or by the mayor or chief engineer of the fire department, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the city; to construct and preserve reservoirs, pumps, wells and other water works and regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as it may deem proper. Fire department.

Ladders and fire buckets.

Storage of gunpowder.

Fireworks and firearms.

Extinguishment of fires.

Reservoirs and pumps.

5th. To declare what are nuisances, and to prevent, abate and remove the cause, and to make Abatement of nuisances.

- the expense of removing the same, when incurred by the city, a legal charge and lien against the real estate whereupon the same was situated, and to take such measures for the public health as it may deem proper; to compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous houses or places to cleanse, remove or abate the same as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.
- Public health.**
- Gaming.** 6th. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city.
- Riots and disturbances.** 7th. To prevent any riots, disturbances or noisy and disorderly assemblages, suppress and restrain disorderly houses, or groceries or houses of ill-fame, shows and exhibitions, and to regulate and prevent the use of fireworks and firearms, and the shooting of firearms or crackers.
- Destitute children.** 8th. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.
- Incumbering of streets.** 9th. To prevent the incumbering of streets, side and crosswalks, alleys or other public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood or other materials or substances whatever.
- Horse racing.** 10th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the city.
- Running at large of cattle.** 11th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal so found going at large in violation of the ordinances or by-laws of said city; to establish pounds and appoint pound masters and describe their powers and duties.
- Running at large of dogs.** 12th. To prevent the running at large of dogs and authorize the destruction of the same in a summary manner when at large contrary to the

ordinances of the city, and to impose a tax upon the same.

13th. To prevent any person from having, bringing or depositing within said city any putrid carcasses or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or any putrid or unsound meats, 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.

14th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation, to regulate the speed of vessels navigating the river of said city and to require all sail vessels to be towed or tugged through the bridge over said river.

Boards of health.

15th. To regulate the building of wharves, docks and ferries and to provide for the security and protection of the same.

Wharves and docks.

16th. To order and regulate the building of bridges and provide for the security and protection of the same, provided, that the location thereof shall be determined by a vote of the legal electors at any election held for that purpose.

Bridges.

17th. To prevent all persons from riding, leading or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to the sidewalks.

Damaging sidewalks.

18th. To compel the owners or occupants of lots or buildings to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and in default to authorize the removal of the same by some officer of the city or other person at the expense of such owner or occupant, and to make or cause to be made the expense thereby incurred a lien upon the real estate.

Removal of snow, etc.

19th. To restrain drunkards, immoderate drinking and obscenity in the streets or public places of said city, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Drunkenness and obscenity.

20th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.

Police, watchmen and firemen.

- Shade trees.** 21st. To protect shade and other trees, and monuments in said city.
- River and harbor.** 22d. To provide for removing out of the Manitowoc river or harbor any driftwood, piles, timber, filth or other substances, and to remove and to prevent encroachments of any kind in said river or harbor within said city.
- Street grades.** 23d. To establish the grade of all streets in said city, and to lay out, alter, open, widen and repair grades, pave or otherwise improve streets, avenues, lanes, alleys, sewers, side and crosswalks.
- Ward boundaries.** 24th. To alter the boundaries of wards and increase the number thereof.
- Streets and alleys.** 25th. To vacate or discontinue streets, lanes, alleys and sewers.
- Insurance.** 26th. To insure the public property of said city.
- Actions at law.** 27th. To direct in the prosecution and defense of actions in which said city may be a party.
- Books and records.** 28th. To procure the necessary blank books for records, accounts, orders, etc., and such stationery as may be required for city purposes.
- Accounts.** 29th. To audit and allow all accounts against the city and to draw orders on the treasury for the payment of the same.
- Contagious diseases.** 30th. To regulate, prevent and control the landing of persons from boats, vessels, cars or other conveyances, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.
- Licenses.** 31st. To license, regulate or prevent the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, concert, or theatrical performances, billiard tables or bowling saloons; to grant licenses for selling spirituous, vinous or fermented liquors, and regulate and license taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, ale, or beer, and to revoke the same for a violation of the conditions thereof; to prescribe the amount to be paid for such license, and the time when such license shall expire.
- Cartmen and hack owners.** 32d. To license and regulate cartmen, runners, porters, hack, cab, truck, omnibus and stage owners and drivers, and all carriages or vehicles used for the transportation of passengers, merchandise, goods or articles of any kind, common criers, hawk-

ers, peddlers, pawnbrokers and auctioneers; to prohibit non licensed persons from acting in either of such capacities; and to require the owners to mark and number the drays, carts, carriages or vehicles in such manner as the board of aldermen shall direct.

33d. To make, ordain and pass ordinances, by laws and regulations for the police of the city, and to enforce such rules for the observance of laws, ordinances and regulations and the laws of the state, by punishment of fine or imprisonment in the county jail of Manitowoc county, or both, in the discretion of the magistrate or court before whom conviction may be had.

Police regulations.

34th. To require any officer to furnish reports, information or estimates whenever deemed proper by the board of aldermen.

Official reports.

35th. To make and prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fireproof shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fireproof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty *per cent.* of the value thereof, and to prescribe the manner of ascertaining such damages.

Fire limits.

36th. To regulate or prohibit the keeping of any lumber yard and the placing and piling or selling of lumber, timber, wood or other combustible material within the fire limits of said city.

Lumber yards.

37th. To regulate the measure and inspecting of lumber, cord and firewood, shingles, timber, posts, staves, headings and all building materials, and to appoint inspectors and prescribe their duties.

Measure and inspection of lumber, etc.

38th. To make, establish and regulate public ponds, pumps, wells, cisterns and reservoirs, and to provide for the erection and maintenance of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water.

Public pumps and reservoirs.

39th. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Street lighting.

Sealing of weights and measures.

40th. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standard of such weights and measures shall be conformable to those established by law in this state.

Moving buildings on public streets.

41st. To prescribe and regulate the manner of moving buildings through public streets and to require parties moving the same to give security for damages which may be recovered against said city on account thereof.

Breweries and tanneries.

42d. To direct the location and management of and regulate breweries, tanneries and packing houses, and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit within the city and the distance of one mile therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Public markets.

43d. To establish and erect public markets, determine their location, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers.

44th. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city; to restrain and punish the forestalling of poultry, fruit and eggs; and to cause the seizure and destruction or other disposition of tainted or unwholesome meats, butter, vegetables, fruit or provisions.

Vagrants.

45th. To authorize the arrest, fine or imprisonment of all persons not having visible means of support and are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespass-

sing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune telling, place of cock fighting or other place of device; and all persons who go about for the purpose of gambling or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

46th. To let by proposal to the lowest bidder all contracts for services or work and materials, and order payment for the same, except as otherwise provided for by this act. Contracts.

47th. To make all regulations necessary and proper for the support of the poor. Support of poor.

48th. To provide by ordinance for the division of the city into assessment districts, and when so divided there shall be one assessor appointed for each assessment district. In the formation of such assessment districts no ward shall be subdivided. Assessment districts.

49th. To provide by ordinance for the creation of 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 direct the management and distribution of such fund and the proceeds thereof. Relief of firemen.

SECTION 49. The board of aldermen shall have power to preserve the harbor, to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and provide against the casting or depositing therein of any earth, ashes or other filth, piles, logs or floating matter; to prevent and remove all obstructions therein and to punish the authors; to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the wharves and streets of the city by boats, Preservation of harbor.

vessels, rafts or other crafts, and the disposition of the sails, yards, anchors and appurtenances thereof while entering, abiding in or leaving the harbor, and to regulate and prescribe by ordinances, or through their harbormaster or other authorized officer, such a location of every boat, vessel, or other craft or float, and such changes of station in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, or as near as may be, of all such boats, vessels, crafts or floats, and may impose penalties not exceeding one hundred dollars for any offense against any such ordinance and by such ordinances charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat or other vessel, craft or float. The harbor of the city shall include the piers and so much of Lake Michigan as lies within the distance of one mile into the lake, and the Manitowoc river so far as it lies within the limits of the city. The said board of aldermen shall also have power to establish and construct and regulate landing places, wharves, piers and basins, and to fix rates for landing, wharfage and dockage, and to use for the purpose aforesaid any public landing or any property belonging to or under the control of the city.

FINANCES AND EXPENDITURES.

Moneys and credits to be deposited with treasurer; board of aldermen to control.

SECTION 50. All moneys, credits and demands belonging to the city of Manitowoc shall be kept by and deposited with the city treasurer, and be under the control of the board of aldermen and shall be drawn out only upon the order of the mayor and clerk, authorized by a vote of the board of aldermen, and in no other manner. Every warrant drawn on the treasurer shall be numbered in the regular order of the current series of general warrants, and shall refer to the resolution under which it was drawn and the object for which it was drawn. Two-thirds of all the aldermen-elect voting in the affirmative may, when in their judgment public interest requires the advancement or payment of money for a special purpose, appropriate money for such purpose.

SECTION 51. All accounts or demands against the city, before the same shall be acted upon, shall be verified by affidavit. Such affidavit shall be annexed to or endorsed on such account or demand, and presented and preserved therewith. The mayor, clerk or any of the aldermen, when such account, claim or demand shall be presented to him, may administer the oath required in this section, and may examine the claimant, on oath, as to the items of such account or claim. Upon the final disposition of any such account or claim, the same shall be endorsed as follows, to-wit: If allowed in full, the word "allowed" shall be endorsed thereon. If allowed only in part, the amount allowed and the amount disallowed shall be briefly endorsed thereon, and if entirely disallowed, the word "disallowed" shall be endorsed thereon, which endorsement shall be signed by the mayor. All votes taken on the allowance of any claim shall be recorded by the clerk.

Accounts to be verified by affidavit; who may administer oath.

SECTION 52. Every account or claim against said city presented to the board of aldermen in any year shall be numbered from one upwards in the order in which it shall be presented, and the name of the person in whose favor such account shall be made out, and the time of presentation thereof, shall be indorsed thereon, and a memorandum of every such account or claim, giving its number, the name of the claimant therein, and the amount thereof, and also the final disposition of such account or claim, and of the warrant and the number thereof issued in payment of such account so allowed, in whole or in part, shall be entered in the records of the proceedings of the board of aldermen. Such account or claim, together with the affidavit presented therewith, the report of the committee if any, recommending the allowance or disallowance of the same, shall be filed and preserved in the office of the city clerk.

Accounts to be numbered consecutively; clerk to keep record of.

SECTION 53. No account or claim against said city shall be paid until the same shall be presented to the board of aldermen and audited and allowed by them as provided in this act.

Claims not to be paid until audited by board of aldermen.

SECTION 54. No action shall be maintained by any person or corporation against the city of Manitowoc upon any account, claim, demand or cause of action, wherein any money, judgment or judgment for damages is demanded until such

Claims to be first presented to board of aldermen before action can be brought.

person or corporation shall have first presented his accounts, claim, demand or other cause of action to the board of aldermen for allowance or adjustment.

SECTION 55. The determination of the board of aldermen disallowing, in whole or in part, any claim of any person, shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, unless an appeal be taken from the decision and determination of such board as in this act provided.

SECTION 56. In case any person shall present his claim or demand and the board of aldermen shall disallow the said claim in whole or in part, the board of aldermen shall not again consider or allow said claim.

SECTION 57. When any claim against the city shall be disallowed in whole or in part by the board of aldermen, such person may appeal from the decision of said board disallowing said claim to the circuit court of Manitowoc county by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision and by executing a bond to the said city, with sufficient surety, to be approved by said clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant in the circuit court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the board of aldermen, with its decision thereon, and shall transmit the same together, with the bond and all the papers in the case, to the clerk of the circuit court of Manitowoc county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in said court; provided, however, that whenever an appeal is taken from the allowance made by the board of aldermen upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by the board of aldermen exclusive of interest on such allowance, the appellant shall pay the costs of the appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceed the sum recovered, judgment shall be

Disallowance of claim in whole or part a bar to action, when.

Claim disallowed, not to be again considered.

Appeal from disallowance of claim, how made.

rendered against appellant for the amount of such excess.

SECTION 58. In all actions in which the city of Manitowoc is a party, in the circuit court, the successful party shall not recover to exceed twenty-five dollars costs exclusive of disbursements. This section shall not be construed to limit the amount of costs the successful party is entitled to recover on appeal to the supreme court.

Limitation of costs in actions against city.

SECTION 59. All forfeitures, fines and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become a part of the general fund; but the board of aldermen shall have power, whenever in its opinion justice shall be promoted thereby, to remit such fines, forfeitures and penalties or any part thereof.

Fines and penalties, etc., to be paid into treasury and become part of general fund.

SECTION 60. Whenever the board of aldermen shall be of the opinion that the interests of the city require the expenditure of money for any extraordinary or special purpose which in its opinion can not be paid from any funds in the city treasury, it may make an estimate of the sum necessary to be raised for said purposes and for each of them, if there be more than one object, and to state the amount and the object for which it is required, together with its reasons for its opinions, and cause such statement and estimate to be published in all the papers published in said city, and shall give notice therein that on a day and at a place or places therein specified, a special election will be held at which the question whether the said sum or sums shall be raised or not will be submitted to the qualified voters of their determination. Said statement and notice shall be published once in each week for three successive weeks preceding the day of election. The board of aldermen shall designate in said notice where the polls will be held in each ward, and the said polls shall be held and the said election be conducted in the same manner as charter elections, and the aldermen of each ward shall be inspectors thereof. The ballots to be cast at said election shall be written or printed, or partly written or partly printed; on the inside thereof the object for such special tax,

Expenditure for extraordinary purposes to be submitted to voters for determination.

and on the margin and opposite to such object or statement shall be placed the words "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite each one of those several objects or statements shall be placed the word "for" or "against," and the same shall be deposited in a box similar to the boxes required to be used at said charter election. False swearing and fraudulent voting shall be punished in the same manner as at other elections for county or state officers.

Special elections, votes to be canvassed and results declared.

SECTION 61. The board of aldermen, within one week after said election, shall meet and canvass the votes received, or the returns thereof, and the result or results thereof shall be entered upon the records of the board of aldermen and if a majority of all the votes cast at said election shall be for the raising of said tax, or for one or more of said objects, it shall be the duty of the said board of aldermen, to cause the said sums of money to be assessed, levied and raised in and by the next assessment roll at the time the next annual tax is levied and raised.

Borrow money, special authority required.

SECTION 62. Said city shall have no power, except where especially authorized thereto by law to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said city incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in said city in the year in which such debt or liability was incurred.

Appropriations; how passed over mayor's veto.

SECTION 63. Should the mayor refuse to approve any ordinance or resolution appropriating money two-thirds of all the aldermen-elect voting in the affirmative shall have power to re-pass such ordinance or resolution appropriating money or creating a debt or liability, notwithstanding the objections of the mayor.

TAXATION.

Powers of board of aldermen to levy and collect taxes.

SECTION 64. For the discharge of any legal debt of the city, or expenditure authorized by

the board of aldermen, under any of the provisions of this act or of any ordinance of this city, or to defray the current expenses thereof, the board of aldermen shall have power by ordinance or resolution:

1st To annually levy and collect a tax on all real and personal property in the city made taxable by the laws of the state, to defray the contingent and other general expenses of the city, and pay the interest annually on the bonded indebtedness thereof, which tax shall constitute the general fund.

Contingent and general expenses.

2d. To annually levy and collect a tax not exceeding two *per centum* on the assessed valuation for that year of all taxable, real and personal property in any of the wards of said city for the purpose of creating a special fund for such ward, to be expended strictly for ward purposes, as by this act provided.

Special fund for ward purposes.

3rd. To annually levy and collect such tax for the support of common schools of said city as is now required of towns under the laws of this state.

Support of schools.

SECTION 65. Real estate exempted from taxation by laws of this state shall be subject to special taxes for the building of streets, sewers and sidewalks, except property belonging to the United States or to this state.

Exempted property subject to special taxes, when.

SECTION 66. The assessor or assessors of said city shall between the first day of May and the last Monday of June in each year, assess all the taxable property of said city. Such assessment and the returns thereon shall in all things be in accordance with the general laws of this state, except as herein otherwise provided.

Assessor to complete assessment, when.

SECTION 67. The mayor, city clerk, city assessor or assessors and one alderman from each ward of the city, to be selected by the aldermen from such wards, or in case of their disagreement, by the mayor, shall constitute the board of equalization. The mayor shall be president, and the city clerk, the clerk of said board. Each member of said board shall receive for his services, the same *per diem* compensation as is authorized by law to be paid to assessors.

Board of equalization: how constituted; compensation of.

SECTION 68. The board of review shall meet at the rooms of the board of aldermen on the first Monday of July in each year, for the purpose of

Meeting of board of review; when held; continuance of.

examining, correcting and equalizing said assessment roll. At least one week's notice of such meeting shall be given by the city clerk, by publishing said notice in the official papers of the city and by posting such notice in at least three public places in each ward of said city. Said board may adjourn from day to day until it has heard all parties appearing; provided, that the time for hearing said objections shall not be extended more than ten days from the first meeting of said board.

Powers and duties of board of review; owner to have notice of intention to increase assessment.

SECTION 69. Each assessor shall lay before said board his assessment roll and all sworn statements of the valuation of property made by others and delivered to him. The said board shall examine carefully all such rolls, statements and valuations of property, real and personal, and shall examine all parties under oath who wish to be heard. The said board may and shall, when it deems the valuation of any property assessed too high or too low on the assessment roll, raise or lower the same as the case may be, whether the person assessed appear before it or not, and it may also place upon the said roll any property that it may know to be left off from said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; and, provided further, that in all cases, if said board shall raise the amount of such assessment on any property, the owner thereof, if a resident of such town, shall be duly notified of such intention in time that such owner may be heard before such board in relation to the value thereof. All changes of the assessment roll by said board shall be recorded by the clerk and the minutes of its proceedings shall be filed and preserved in the office of the city clerk.

Certificate of equalization to be attached to assessment roll.

SECTION 70. When the assessment roll shall have been received, corrected and equalized, the board of equalization shall attach thereto its certificates signed by the mayor and countersigned by its clerk, that it has so equalized and corrected the same, and the said board shall deliver the said roll as completed, and all the sworn statements and valuations of personal property to the city clerk, which latter shall be filed and preserved by said clerk.

SECTION 71. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

Error or informality not to vitiate tax.

SECTION 72. On or before the third Monday of November in each and every year the board of aldermen shall, by resolution to be recorded by the clerk, levy such sum or sums of moneys as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Annual tax levy; when and how made.

SECTION 73. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes in a book to be known as the tax roll, placing opposite the several sums set down as valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning such fraction as a cent, and deliver the same to the treasurer on or before the second Monday in December in each year. Such tax roll before being delivered to the treasurer shall be compared by the clerk with the assessment roll and to it he shall append his certificate that the same has been compared by him and that the total valuation of all real and personal property in said assessment roll has been copied into such tax roll; and the said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and the assessment was just and equal. The collection fees received by the city treasurer shall be credited to the general fund of the city.

Assessment roll; clerk to complete and deliver to treasurer on or before second Monday in December.

SECTION 74. The city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday in De-

Assessment roll, clerk to deliver duplicate copy to treasurer with certificate, when.

ember in each year. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been compared by him and that the said assessment roll, and the whole thereof has been copied into such tax roll; and the said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Warrant;
mayor and
clerk to make
commanding
treasurer to
collect taxes.

SECTION 75. To each assessment or tax roll so delivered shall be annexed a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer thereof, requiring and commanding him to collect the taxes and assessments in said roll specified, and to make due returns thereon according to law.

Assessment roll
and warrant
prima facie
evidence of
tax.

SECTION 76. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of
taxes: treas-
urer to publish
notice of. Col-
lection by dis-
tress, when.

SECTION 77. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in the official paper or papers published in said city that such tax list (describing for what purpose such tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Taxes to be
lien upon lands
until paid.

SECTION 78. All taxes and assessments, general and special, levied under the provisions of this act or the laws of the state, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and on all personal property of any person or body politic, corporation or association assessed for personal taxes, from the time of the equalization of the assessment roll by the board of equalization until such tax shall be paid, and no sale or transfer of such

real or personal estate shall effect such lien. Any personal property belonging to the person taxed may be taken and sold for the non-payment of taxes upon personal property.

Personal property may be taken, when.

SECTION 79. It shall be the duty of the county treasurer of the county of Manitowoc to settle semi-annually, with the treasurer of the city of Manitowoc and pay over to him all moneys belonging to said city arising from the sale of lots and lands returned by said city treasurer to said county treasurer for the non-payment of taxes.

County treasurer to settle semi-annually with city treasurer.

EMINENT DOMAIN.

SECTION 80. For the purpose of laying out, altering or widening streets, lanes, alleys, public grounds, parks, cemeteries, sites for school buildings and other public buildings, and procuring lands to be used for the purposes of drainage and water distribution and other public municipal purposes not herein enumerated, the city of Manitowoc, shall have power to condemn lands under the provisions of section 927 and sections 895 to 903 inclusive, of the revised statutes of Wisconsin for the year 1878, and the several acts amendatory thereof, and every citizen of said city interested in said proceedings shall have all the rights of notice, hearing an appeal and other rights and remedies conferred by said sections of the revised statutes.

Right of eminent domain; city to have for purposes specified.

CITY IMPROVEMENTS.

SECTION 81. The board of aldermen shall have authority to establish the grade of all the streets and alleys of the city and to change and re-establish the same as it may deem expedient; provided, that whenever it shall change or alter the permanently established grade of any street, any person sustaining damages to his property abutting on such street by such change or alteration of grade, shall have the right to recover such damages in the manner set forth in this act.

Grade of streets; board of aldermen to establish. Damages for altering.

SECTION 82. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked

Established grades; clerk to keep record of.

until the grade thereof is established and recorded in the manner herein set forth.

Carriage-ways and sidewalks, streets to be divided into.

SECTION 83. The streets shall be divided into a carriage way and a sidewalk on each side thereof; and the sidewalk shall be for the use of persons on foot, and no person shall be allowed to encumber the same with boxes or other material, but such sidewalk shall be kept clear for the use specified herein.

Grading and paving streets and alleys, power to. Limitation as to.

SECTION 84. The city may cause streets and alleys to be opened, leveled, graded, re-graded, graveled, re graveled, macadamized, paved and re-paved with wood, stone or other materials, or improved in any other manner, and may cause such streets and alleys to be swept and cleaned; provided that no street shall be graded, graveled, macadamized or paved where the expense would exceed five hundred dollars, except upon the vote of two thirds of all the aldermen elected.

Grading and paving of streets, expense in first instance to be charged to abutting lots in proportion to benefits.

SECTION 85. In the first instance the grading, graveled, paving, planking, macadamizing or improving of any street or alley, and the construction of crosswalks where there is no intersection of streets, shall be chargeable to the lots or parcels of land fronting or abutting upon such street or alley, in proportion to the benefits accruing to such lots or parcels of real estate by reason of such improvement; provided, however, that the total amount so assessed to the abutting real estate as benefits shall not exceed the entire cost of such improvement; and provided further, that in no case shall the amount so assessed to any parcel of abutting real estate exceed the benefit accruing to such real estate by such improvements except in case of sidewalks

Construction of crosswalks, etc., expense of to be charged to wards.

SECTION 86. The expense of improving all street crossings and of constructing all crosswalks at the intersection of streets or alleys, and across public grounds, shall be paid by the ward in which the same are located. The expense of maintenance, re-laying, keeping in repair and cleaning of streets in all cases where such streets have been constructed to the established grade, and graveled, planked, macadamized or paved as required by the board of aldermen, shall be paid out of the ward fund of the ward in which such streets are located.

SECTION 87. Before the board of aldermen shall change or alter any established grade or shall order any work to be done on any street, in whole or in part, at the expense of the abutting real estate, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of the abutting real estate, by such change or alteration of grade, the entire cost of the contemplated work or improvement, upon the street, the benefits and damages that will accrue to the several parcels of the abutting real estate by such work or improvement, and the amount that should be assessed under the provisions of this act to each parcel of such abutting real estate, as benefits accruing thereto by such contemplated work or improvement.

Changes in established grades; how ordered.

SECTION 88. The board of public works shall make and file in the office of the city clerk a report showing their determination on the questions required to be considered by them under the provisions of the last preceding section.

Determination; board of public works to file report of.

SECTION 89. Notice shall be given by the board of public works by publication in the official newspaper of the city at least once in each week for two successive weeks that such report is open for review at the clerk's office and will be so continued for a space of twenty days after the date of such notice, and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session at said clerk's office at an hour to be named, to hear all objections that may be made to such report. No irregularity in the form of such report nor of said notice, shall effect the validity of the same if it fairly contains the information required to be conveyed thereby. At the time and place specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, shall reduce to writing all objections that may be made and all evidence that may be offered to sustain the same and shall have power to review, modify and correct said report as they may deem just; and thereupon a complete and final report shall be made and filed by said board of public works with the city clerk, together with all objections and evidence taken before them, to sustain the

Notice to be given of time when board of public works will hear objections, etc.

Final report.

same, and the proof of publication of said notice; but no irregularity in the form of said report or manner of conducting the proceedings by said board of public works shall effect the legality of their said report.

Report of board of public works; confirmation or rejection of.

SECTION 90. The city clerk at the next regular meeting of the board of aldermen after the filing of said report, shall place the same before the board of aldermen for consideration and said board of aldermen may confirm or correct the same or refer the report back to the board of public works for further consideration.

Benefits, board of aldermen to determine amount of.

SECTION 91. Subject to the limitations hereinbefore mentioned, the board of aldermen may determine the amount to be paid by the abutting real estate as benefits on account of the improvement of a street, and the amounts that shall be paid by the city at large or out of the ward fund of the ward in which said improvement is made.

Publication of final determination.

SECTION 92. When a final determination shall have been reached by the board of aldermen and the report of the board of public works as made by them or as changed or modified by the board of aldermen, shall have been confirmed, the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate abutting on the street, in case of the change of an established grade; and the benefits to be assessed to the abutting real estate in case of a proposed improvement.

Appeal from determination of board of aldermen; how taken.

SECTION 93. If the owner of any parcel of land abutting on the street mentioned in said notice feels himself aggrieved by reason of the determination made by the board of aldermen, he may within twenty days after the date of such determination appeal therefrom to the circuit court and such appeal shall be taken, tried and determined and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect such contract; but the amount assessed against the lot in question for benefits shall be collected as herein provided, notwithstanding such appeal; and in case the appel-

lant shall succeed, the difference between the amount charged by the determination of the board and the amount adjudged to be paid as benefits accruing to the parcel of real estate affected by such appeal shall be paid by the city at large

SECTION 94. The appeal given by the last section from the report of the board of public works, as confirmed by the board of aldermen, shall be the only remedy of the owner of any parcel of land or any person interested therein, affected by said improvement, for the redress of any grievance he may have by reason of making such improvements, or by reason of the change in the established grade covered by said report.

No remedy beyond appeal.

SECTION 95. When any of the works before mentioned shall have been ordered to be done, and the plans for the same containing a description of the work, materials to be used, and such other matters as will give an intelligent idea of the work required shall have been filed with the city clerk, where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as the board may think the interests of the city demand, not less, however, than once a week for two successive weeks. The board of public works shall prepare or cause to be prepared a printed form for the contract, with sureties required, and furnish the same to all persons desiring to bid, and no bid shall be considered unless accompanied by a contract with sureties as prescribed by the form so furnished, completed, with the exception of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement.

Public improvements; bids to be advertised for in official paper.

SECTION 96. The board of aldermen shall have power to reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition; otherwise, the contract shall be let by the board of aldermen to the lowest responsible bidder. The contract shall not take effect until the sureties shall have been approved by the mayor.

Bids may be rejected or contract let; when.

SECTION 97. Whenever any work has been done under contract, as provided in this act, and the same shall have been approved by the board of

Certificates to be given upon approval of work done.

public works, the contractor shall be entitled, if his contract so provides, to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable to said lot. Said certificate shall be in such form as the board may prescribe. The amount chargeable to the city or ward shall be paid as the contract for the work may provide.

Certificate to be conclusive evidence, when; when to be included in tax levy.

SECTION 98. After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and may be transferred by endorsement; provided, however, that this shall not effect any appeal from the report of the board of public works as confirmed by the board of aldermen. If said certificates are not paid before the making out of the next tax roll the same may be filed with the city clerk, and when so filed the clerk in making out the next tax roll shall include an amount sufficient to pay said certificates with interest thereon at the legal rate from the date of such certificate to the time when the city treasurer is required to make return of delinquent taxes, as a tax against the lots or parcels of land described in such certificates respectively; and thereafter the same proceedings shall be had as in the case of other taxes, and the city after its said return of delinquent taxes shall have been made shall pay to the owner of any such certificate its amount with interest as aforesaid.

Time and manner of payment.

SECTION 99. Whenever a contract is let for doing any work specified in this act chargeable to the abutting real estate, it may provide that the amounts so chargeable shall be paid to the party doing the work after the completion and acceptance thereof, wholly in cash or in certificates as mentioned in section 97 and 98 of this act, or in improvement bonds as hereinafter provided, or that the same shall be paid partly in cash and partly in such certificates or bonds.

Bonds; payment of improvements in, how.

SECTION 100. As soon as the amount chargeable to the abutting real estate is finally determined, the board of aldermen may, if they shall elect to pay for such improvements in whole or in part in bonds, cause a notice to be published in the official paper 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 now on file with the city clerk; that it is proposed to issue bonds chargeable to the abutting real estate to pay the special assessments for such work, and such bonds will be issued covering 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 assessment on their property, describing the same, on presentation of the certificates, or before the next tax roll shall be made out for said city.

Form of notice.

SECTION 101. After the expiration of said thirty days, the board of aldermen may issue improvement bonds covering all of the assessments except such as the owners have filed notice of election to pay as stated in the last preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the 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.

Bonds; issued in payment of improvements, when.

SECTION 102. 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 to exceed six *per cent.* *per annum.*

Bonds; conditions of.

SECTION 103. 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.

Clerk to prepare statement.

SECTION 104. The city treasurer shall pay the interest on, and principal of, the said bonds as the same become due, and charge the amount to the proper fund.

Treasurer to pay interest and principal.

SECTION 105. In each year after the issuing of said bonds when the tax roll for the year is pre-

One-fifth of special assessment with interest to be paid annually.

pared, one-fifth of the special assessment on each parcel of property covered by said bonds, with interest at the rate specified in said bond, on the amount of said special assessment then unpaid, 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.

Bonds to be conclusive proof of validity of proceedings.

SECTION 106. 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 the taking and of the validity of all the proceedings on which the same are based.

Board of park commissioners, establishment of; powers and duties.

SECTION 107. The board of aldermen shall have authority to establish a board of park commissioners, to prescribe their powers, and fix their compensation; and shall have full power to legislate with reference to public parks. Provided, however, that no park shall be established at the expense of the city, unless the same has first been submitted to a vote of the electors at an annual city election and there is a majority vote in favor of the same.

Street lighting, expense of to be charged to ward.

SECTION 108. The expense of lighting streets shall be paid out of the several ward funds in proportion to the actual cost to the city, of lighting said wards respectively; and the city shall annually levy a sufficient amount of taxes in each ward to pay for the expense of lighting the same.

Exemption from tax for street improvements, what property to be.

SECTION 109. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or to the state of Wisconsin. All taxes levied upon any park or public ground, by virtue of this act, shall be paid by the wards on that side of the Manitowoc river where said park or public grounds are situated.

Vacation of streets and alleys, petition for, how granted.

SECTION 110. The board of aldermen shall have power to vacate any street or alley or any block or part of a block in said city upon a written peti-

tion signed by twenty or more resident freeholders of the ward in which such street, alley or block is situated, provided that two-thirds of the aldermen elect shall be required to vote in favor of any such application before it shall be granted. Whenever, by deed or re-survey any two or more lots in any block have been subdivided so as to change the front of said lots from one street to another street, said lots shall have been deemed re-surveyed and replatted and shall be taxed for the purpose of improving streets and sidewalks on such streets on which they abut after subdivision, but lots so subdivided shall be at least one hundred feet long.

SIDEWALKS.

SECTION 111. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Sidewalks to be laid to street grade, when.

SECTION 112. The board of aldermen may, from time to time, by resolution establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets.

Sidewalks, standard of to be fixed.

SECTION 113. Whenever a street shall be improved for the first time, or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement and shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving streets. But the construction of the sidewalk shall be done by the owners of abutting lots or parcels of land or at their expense as hereinafter provided.

Sidewalks, grading of to be a part of street improvement; owner to construct.

SECTION 114. Whenever the board of aldermen shall deem it necessary to construct any sidewalk within said city they shall require the street commissioner to notify the owner or occupant of any lot or parcel of land adjoining such contemplated sidewalk, by publishing such notice for two weeks in the official paper or papers in said city, that such sidewalk must be built within ten days after the date of such notice, at the proper cost and charge of such owner. If

Sidewalks, construction of on petition; notice for how given.

such work is not done within such time and in the manner described in such notice, the said street commissioner shall cause the same to be done by letting the contract to the lowest responsible bidder, and charge the expense thereof to the lot or lots properly chargeable therewith. He shall also be required to report to the board of aldermen the amount charged on each lot, which report shall be verified by affidavit, and upon examination and acceptance of such report by the board of aldermen, certificates shall be issued to the person or persons having made such sidewalk in the same way as provided in sections 97 and 98 of this act, provided, that before the said board of aldermen shall order the construction of any sidewalk a petition signed by at least one half of the resident owners of the lands or lots abutting on the line of such proposed sidewalk shall be presented to the board of aldermen and allowed by a vote of a majority of all the aldermen-elect. Such votes shall be taken by the ayes and nays and entered upon the record of the proceedings of the said board.

Sidewalks,
repair of how
ordered; street
commissioner
to make, when.

SECTION 115. It shall be the duty of the street commissioner to see that the sidewalks of the city are kept in good repair, and he shall give notice in writing to the owner or occupant of any lot or parcel of land, if they reside in the city of Manitowoc, of any damaged or dangerous places such street commissioner may find in the sidewalk in front of such lot or parcel of land, and requiring him to repair such sidewalk within twenty-four hours from the date of such notice; and a copy of such notice shall also be filed in the office of the city clerk. If the owner or occupant of such lot or parcel of land does not live in the city of Manitowoc, or cannot be found, then the said street commissioner shall post such notice to be given to such owner or occupant at some conspicuous place on said lot or parcel of land, which shall be deemed a sufficient notice for all purposes required by this section. If the owner or occupant of such lot or parcel of land shall fail to repair or re-build such damaged or dangerous places, then the said street commissioner shall cause the repairs or re-building to be made, the cost and expenses of which shall be ascertained by affidavit of the person

making the same, and certified to by the street commissioner having the supervision thereof, and after being approved and allowed by the board of aldermen shall be a legal charge and tax against such lot or parcel of land and entered on the next annual tax roll as delinquent street tax, as prescribed in this act.

SEWERS.

SECTION 116. The city of Manitowoc shall have full power to construct systems of sewerage, but shall not enter upon such construction until the city shall have been divided into sewerage districts, and a plan shall have been adopted in the manner hereinafter specified; provided, that it shall not be necessary before any part of the system is constructed that the plan shall be determined upon in all its details, but it shall be settled so far as it relates to that portion of the city upon which the construction is to be commenced.

Sewers, system of to be determined before entering upon construction of.

SECTION 117. The board of public works shall cause diagrams of the plans of sewerage for each district to be prepared, showing the lots and parcels of land, the main sewers, minor sewers, manholes, catch basins and all other matters pertaining to the system.

Sewerage districts, board of public works to prepare plans of.

SECTION 118. On the completion of such diagram notice shall be given in the official paper of the city substantially in the following form:

Sewerage plans; notice of completion of and to hear objections to, how given.

Notice is hereby given: That a plan for sewerage for the district bounded as follows: [give boundaries] has been prepared and is now open to inspection at the office of the city clerk; that all persons owning or interested in real estate in said district are entitled to examine the same at any time within thirty days after the first publication of this notice and file objections to said plan; that on the . . . day of . . . , 18. . . this board will be in session at said clerk's office at the hour of . . . o'clock, . . M , to consider any objections that may have been filed, and all persons desiring to be heard before the board can then be heard.

Dated

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Board of Public Works.

The date for hearing specified shall be within thirty days after the last publication of said notice which shall be published at least once in each week for four successive weeks.

Board of aldermen may approve or reject.

SECTION 119. At the time and place specified for said hearing the board of public works shall take and consider all objections made to the plan as proposed and shall take down in writing any testimony that may be offered to sustain such objections. When the board shall have concluded its hearing they shall report the proposed plan with all objections offered and the evidence taken thereon, to the board of aldermen. The board of aldermen shall then examine the same and may approve the plan as proposed or change it in such manner as they may think proper and approve as changed or modified by them, or may reject the plan and direct the board of public works to propose a new plan, in which case the same proceedings shall be had as before.

Duplicate plans to be filed with clerk and register of deeds.

SECTION 120. When the plan for any sewerage district is finally determined, complete diagrams of the same shall be prepared in duplicate and certified to be correct by the board of public works; one of which diagrams shall be filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

Proposed sewers; report to be made, when.

SECTION 121. On or before the first Monday of March in each year the board of public works shall present to the board of aldermen a report of the sewers necessary or advisable to be constructed during the ensuing year. The board of aldermen shall, as soon as practicable consider said report and may approve the same or make such additions or changes as to them may seem best, and adopt the report as changed or modified. No sewer shall be constructed during the ensuing year except such as shall have been determined upon in the manner aforesaid, except by a vote of three-fourths of all the members of the board of aldermen.

Contracts for sewers, how let.

SECTION 122. After the board of aldermen shall have ordered the construction of any sewer the board of public works shall advertise for and receive bids to do the work so ordered, having first procured to be carefully prepared and put on file in the office of the city clerk for the examination and guidance of bidders, plans and specifications

describing the particular work to be done and the kinds and qualities of materials to be used as directed by the board of aldermen and shall let the contract to the lowest responsible and reliable bidder; provided, however, that the board of public works shall have the right to reject all bids and re-advertise for proposals if they believe none of the bidders are responsible or if they believe any agreement has been entered into between bidders to prevent competition; and provided further, that the contract shall not be binding till the same shall have been approved by the board of aldermen and signed by the mayor and countersigned by the clerk.

SECTION 123. Such contract may, at the option of the city, except as herein otherwise provided, require the contractor to receive as payment for so much of the work as has been assessed against the lots opposite to the front of which any such sewers shall extend, certificates against such lots respectively or improvement bonds, and the residue of such contract shall be paid out of the proceeds of the general sewerage tax to be levied on the real estate and personal property within the sewerage district by the board of aldermen on the recommendation of the board of public works.

Payments either in certificates or bonds.

SECTION 124. After any contract for the construction of any sewer to be paid for in whole or in part by such 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 its whole length, and which have not been before so assessed for sewerage purposes, at the rate of twenty-five cents per lineal foot of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on either side of said sewer, except corner lots which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and the subdivisions of corner lots constituting the actual corner of 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 lot or corner subdivisions thereof on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such

Assessments for sewer construction, board of public works to make; corner lots, how assessed.

corner lots or corner subdivisions thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than fifty 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 abutting thereon on each side thereof. Whenever any lot which, as originally platted, fronts or abuts on any sewer, is subdivided, and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Apportionment of sewer tax upon notice of subdivision of property, when.

SECTION 125. Whenever any lot or parcel of land shall be subdivided by sale or any other contract, after the assessment of benefits accruing to it by a system of sewerage shall have been made, and before such system shall have been fully carried out and extended to such lots assessed, and the assessment on such work paid, any party interested may give notice to the board of such subdivision and in such case or when said board shall in any other way become cognizant of the fact of such subdivision, they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; but if by neglect of the owners of the lot so divided no such apportionment shall be made, then the entire lot shall be liable for the entire tax.

Sewers in street and alley crossings, catch-basins, etc., cost of to be paid from sewerage fund.

SECTION 126. The cost of all sewers in streets and alley crossings, and of all sewers in excess of fifty cents per lineal foot, chargeable to the lots and lands as provided in section 124 of this act, of all catch basins for receiving water from the gutters; and of overflow pipes connecting them with the sewers, of all temporary catch-basins, and of repairing and cleaning sewers, and all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all costs of constructing sewers not provided for by special assessment, shall be paid out of the fund of the proper sewerage district. All cleaning and repairing of sewers and catch-basins and all temporary work necessary to be done

as above stated, shall be done by the street commissioner under the direction of the board of aldermen.

SECTION 127. The board of public works shall report to the board of aldermen on or before the first day of November each year, as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the board of aldermen are authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of two and one-half mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected; and the city treasurer is hereby directed and required to keep a separate and distinct account for each sewerage district.

Money required for sewerage purposes, board of public works to report, when.

SECTION 128. Any person to whom a contract is awarded for the construction of a sewer shall receive in payment certificates against the lots, parts of lots or parcels of land so as hereinbefore directed to be assessed, so far as the same will go, in liquidation of the amount of such contract, and shall be entitled to receive city orders for the balance due, payable only out of the fund of the proper district; and it shall be the duty of the board of public works, after the completion of any contract and acceptance of the work, to deliver such certificates on the request of the person entitled to receive them; and where any sum is found to be due a contractor over and above the amount of certificates so to be issued and received in part payment, to certify such excess to the board of aldermen, who may direct an order to be drawn on the proper fund for the payment thereof. All certificates of special assessments for building sewers shall be signed by the mayor and countersigned by the clerk of said city.

Liquidation of contracts; city orders to be issued for work in excess of certificates.

SECTION 129. All contracts entered into for the construction of sewers shall be with sureties, and before going into effect shall be approved as to form and the sufficiency of the sureties by the mayor and city attorney.

Sureties, mayor and city attorney to approve.

Superintend-
ence and ap-
proval of,
work.

SECTION 130. In all cases the work shall be subject to the superintendence and direction of the board of public works; and no contractor shall be entitled to recover compensation for any work executed by him in any form of action, unless such work shall have been approved by said board; provided, that said board may, from time to time, as the work progresses, at their discretion, grant to any contractor for a fewer an estimate of the amount and proportionate value of the work already done, withholding in all cases twenty-five *per centum* of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty-five *per centum* from the proper fund.

Water and gas
service pipes,
laying of,
when. Notice
to, how given.

SECTION 131. Whenever the common council shall order the paving or repairing of any street in the city in which water pipes, gas mains or sewers, or either of them, shall have been previously laid and constructed, they may also, by resolution, require the board of public works to cause water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street, from the main sewer, water and gas mains in such street, to the curb line on either side of the street at intervals not less than twenty feet, along the whole length of such paved street, except at street and alley crossings, and the board of public works shall thereupon give notice to the owners or occupants of the property adjoining such paved street, by publication thereof for six days, in the official papers, requiring them to do such work opposite their respective lots, according to the plan and specification to be before prepared and on file in the office of said board, showing the location and the size and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes, and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice the said board may procure the same to be done; and charge and assess the expense thereof, to the lots or parts of lots fronting upon such work in the manner following: Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the

intervention of a contract; the board of public works shall keep an accurate account of the expenses of the work so done by them or by their order in front of each lot, sub-division or parcel of land, whether the work be done by contract or without the intervention of a contract, and report the same to the board of aldermen, and the amount so reported shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or re-paved by order of the board of aldermen unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the board of aldermen, be first laid and constructed in that portion of such street so to be paved or re-paved.

SECTION 132. It shall be the duty of the said board of public works to see that proper drains and sewers are constructed from every lot in said city which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner; and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient.

Private drains and sewers.

SECTION 133. The said board of public works shall describe the location, arrangement, form, materials and construction of every drain and sewer for every lot in the city emptying into the public sewers, and shall determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board, and shall be executed strictly in compliance with their orders; but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage in any district, and shall be charged upon the lot or lots for the benefit of which such private sewer shall be constructed.

Location, arrangement and materials.

SECTION 134. The said board of public works shall have at the office of the city clerk, ready for the examination of the parties interested, the specifications of any private drains or sewers so ordered to be constructed, and they shall give to the lot owners six days' notice in the official papers to construct the same, designating therein a reasonable time within which the work shall be

Specifications to be filed for examination.

completed; and in case any lot owner neglects to do the work required of him to be done, within the time specified in said notice, they shall advertise for proposals and let the same by contract; and at the completion of the contract, shall give to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots.

City to let contract, when.

Powers of contractor.

SECTION 135. Any person who has taken such contract from said board of public works to construct a private drain or sewer from any lot, shall be authorized to enter upon such lot and construct thereon such drain or sewer, and shall have free ingress or egress upon the same with men for that purpose, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Permits for connecting private drains; who to grant; charge for.

SECTION 136. No private drain shall be connected with any public sewer without the said board of public works first issuing their permit for such connection; and there shall be paid for such permit into the general fund of the sewerage district, by the owner of any lot from which a private drain is let into a public sewer, an amount to be fixed by said board proportioned to the size of such private drain, but not less than two and one-half and not more than five dollars for every drain from any lot or parcel of a lot; and in case such amount is not paid it shall be a lien upon such lot, and collected as the other special assessments, and shall be collected as other taxes on real estate are collected, provided, that no charge shall be made for the permit herein referred to, when the connection for which it is used is made before the sewer is finished in front of the premises to be connected.

Connections with public sewers; when required, penalties.

SECTION 137. No person is required to make connection until building, and no person shall break open or make connections with any public sewer, except by the consent and under the direction of the board of public works, and any person who shall do so, or who shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five thousand dollars, or imprisoned in the county jail not to exceed three months.

SECTION 138. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets of said city, and through any breakwater into any lake, and also in any highways of the county, whether within the limits of said city or not; provided, that it shall be the duty of such contractor to repair such streets, alleys, breakwaters and highways, and to restore the same to the former condition upon the completion of such sewers.

Contractor to restore streets, etc., to former condition.

SECTION 139. Either of the duplicate diagrams filed as the final determination for a plan of sewerage for any district after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of such proceedings to establish the plan of sewerage, shown on such diagram, and the regularity and legality of the proceedings to establish such plan of sewerage shall not thereafter be called in question in any court.

Diagrams; conclusive proof, when.

SECTION 140. When a plan of sewerage has been finally determined upon, it shall not be changed, except by a vote of three fourths of all of the members of the board of aldermen, in favor of the same. Such change shall be by ordinance passed at a regular meeting after the same shall have been published, at least once in each week, for two successive weeks, in the official paper of the city.

Sewerage plans, how changed.

SECTION 141. When such change shall have been determined upon duplicate diagrams shall be prepared, certified and filed as before showing the plan of sewerage as changed, and after nine months from the date of such filing, the said duplicate shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; the expense of any change rendering useless any existing sewer shall be paid out of the general fund.

Diagrams of changes to be filed; conclusive proof, when.

SECTION 142. 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

Payment of contract; bonds may be issued for, when.

constructed, if the board of aldermen deems it for the best interest of the property owners affected by the special assessment for the constructing of said sewer, may cause a notice to be published in the official paper of the city once in each week for six successive weeks, substantially in the following form:

SEWERAGE ASSESSMENT BONDS.

Form of notice. Notice is hereby given that a contract has been let for the construction of a sewer as follows: [describe location of sewer]; 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 said 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 presentation of the certificates in the manner stated, that said bonds will be a charge upon the particular lots only against which said special assessments are claimed.

Dated

.....
City Clerk of the City of Manitowoc.

Sewerage
bonds, term of
and interest.

SECTION 143. The city shall have power to issue 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 bond 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 board of aldermen may think proper to insert. The bonds shall be signed by the

mayor, countersigned by the clerk, and sealed with the corporate seal of the city.

SECTION 144. Said bonds may be sold by the board of aldermen 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 with accrued interest.

Bonds not to be sold at less than par value.

SECTION 145. 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 manner following: The city clerk shall in each year for five years next 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 interest on the whole amount of said special assessment on such parcel of land then unpaid at the rate specified in the bond. Said tax shall be treated in all respects as any other city tax, and when collected shall be credited to the sewerage fund of the city.

Payment of principal and interest, how.

SECTION 146. 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.

No action to be brought to avoid tax.

BRIDGES.

SECTION 147. The board of aldermen shall have power and authority to order and regulate the building of bridges across the Manitowoc river in said city of Manitowoc, to repair and rebuild and provide for the security and protection of the same; provided, that no bridge shall be nearer the mouth of said Manitowoc river than Eighth street.

Bridges, building of.

SECTION 148. All bridges built under the provisions of this act shall be built in such style and manner that they may be opened for the purpose of allowing steam or sailing vessels to pass up or down said river; provided, that if any such bridge shall be built high enough above the water to enable the hull, cabin and pilot house of any tug boat to pass under said bridge, the board of aldermen may order by ordinance or otherwise that such tug boats shall lower or lay down their

Same to open to permit passage of vessels.

smoke stacks so as to pass under such bridge without requiring the opening of the same; and the said board of aldermen may also limit by ordinance the time allowed to any steam or sailing vessel in passing the bridge and may levy and collect fines for the violation of such ordinance.

How paid for.

SECTION 149. All bridges built under the provisions of this act, and all repairs and re-building of such bridges, shall be paid for out of the general funds in the treasury of said city. And the board of aldermen are authorized and empowered to assess, levy and collect by taxation the necessary sums of money to pay for such building, re-building or repairing of such bridges.

Contracts,
how let.

SECTION 150. Whenever the board of aldermen shall have determined to build, re-build or repair any such bridge, they shall cause plans and specifications thereof to be made and filed in the office of the city clerk and shall then direct such clerk to advertise in the several newspapers printed in the city of Manitowoc and such other papers as they may deem necessary for the interests of said city, at least four weeks, for sealed proposals for the building, re-building or repairing of such bridge according to such plans and specifications, stating in such notice the time when the bridge or the work thereon must be completed and the time or times at, and the manner in which payment will be made. The provisions of section 95 of this act, so far as applicable and not contrary to the provisions of this section, shall be observed in regard to such notice; the form of contract and sureties in all contracts for bridge work, and the provisions of section 96 of this act shall control in the acceptance of bids and the approval of sureties relating to all work upon bridges; provided, however, that all work done upon any bridge or bridges in the city of Manitowoc which will not cost, according to the estimate of the board of aldermen, to exceed one hundred dollars, may be done by order of the board of aldermen without the intervention of a contract under the supervision of a committee of said board or any proper person appointed by them.

Proceedings
upon petition
to construct
bridge.

SECTION 151. Whenever a petition signed by at least two hundred legal voters of the city of Manitowoc, praying for the construction of any

bridge shall be submitted to the board of aldermen, it shall be the duty of said board to inquire into the expediency and probable cost of the building of such bridge; and they shall submit to the electors at the next general or city election, or at a special election called for that purpose, the question whether such bridge shall be built or not. The ballots used at such election shall be written or printed, or partly written or printed, as follows: "For street bridge," or "Against street bridge." The election shall be conducted, the votes counted, canvassed and returned as prescribed for the election of city officers, and if it shall appear that the majority of the votes cast at such election shall be in favor of building said bridge, then the said board of aldermen shall forthwith proceed to prepare or cause to be prepared plans and specifications, and advertise for proposals in the same way as if the building of such bridge had been ordered by the board of aldermen according to the provisions hereinbefore contained in this act; but if a majority of the votes cast at such election shall be against the building of such bridge, such bridge shall not be built or contracted for to be built within two years after the date of such election.

SECTION 152. The costs and expenses of surveying the streets and alleys of said city and of the construction of the bridges over creeks and ravines, the banks of which are so high or so far apart that the intervening space cannot be filled for a sum not exceeding fifty dollars, and of the repairing, cleaning and tending all bridges in the city and the cost and expense of cleaning springs, creeks and reservoirs shall be chargeable to and payable out of the general fund of said city.

General fund,
what shall be
chargeable
thereto.

HARBORS AND DOCKS.

SECTION 153. The board of aldermen by ordinance may designate and establish dock lines on the Manitowoc river within the boundaries of said city, conforming as near as practicable to the original meander and surveys thereof, but shall not locate them inside the original meander lines; may provide for the protection of the banks of any and all creeks and streams of water empty-

Dock lines to
conform to
original
meander; pro-
tection of
harbor.

ing into said river so as to prevent sand and other obstructions from washing into said river; may provide for docking the banks of said river, and for requiring the owners of docks to repair and make the same conform to the established line and require the filling of lots abutting on such dock; may require the several owners of lots, parts of lots or parcels of land abutting on said river or any such creek or stream of water to fill the same in such a manner and within such time as such aldermen shall direct, and to make such other protections on any such lot or parcel which may be necessary to prevent obstructions from working into said river.

Docks, construction or repair of; city to do, when.

SECTION 154. If the owner or owners of any such lot or lots shall refuse, within the time specified by said aldermen, to build or repair or change or alter such docks or other protections, or otherwise comply with the provisions of any ordinance enacted pursuant to the last preceding section, the aldermen may let such docking, repairing or altering of docks and filling or other specified protection for such lot or lots by contract to the lowest bidder for the same; and when such work shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price which shall be from that time a lien upon said lot or lots and shall be in like form and of like force and effect and collectible and payable in like manner as certificates issued in cases of street work; but no part of the expense of any such work shall be paid by the city.

Dredging; contracts for, how let.

SECTION 155. The board of aldermen shall have power to provide for dredging the Manitowoc river on both sides thereof from the established dock line to the center of the river. They shall let by contract such dredging as may be required from the center of the river to within thirty feet of the established dock line. Such dredging to be done in such manner and to such depth and within such time as the aldermen may direct, the compensation for such work to be paid out of the general fund; and said board may require the several owners of lots or parcels of lands abutting on said river to do such dredging as may be required opposite his respective lot or lots to the distance of thirty feet from the estab-

lished dock line, in such manner and to such depth and within such time as the board of aldermen may direct; and the earth excavated from the bed of said river within said thirty feet may be deposited upon such lot or lots.

SECTION 156. If any owner of such dock lot shall refuse or neglect within the time specified by said aldermen to do such dredging, the board of aldermen may let such dredging by contract to the lowest bidder for the same, and when it shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price of the work, which certificate shall from that time be a lien upon said lot or lots the same as other special assessments, shall be in like form and of like force and effect, and collectible and payable in like manner as certificates issued in cases of street work.

Proceedings upon owners' default.

MISCELLANEOUS.

SECTION 157: All actions brought to recover any penalty or forfeiture under this act or the ordinances, by laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Actions to be brought in the corporate name.

SECTION 158. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Manitowoc county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by such judgment; and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may in its discretion enter a further judgment that the defendant pay the costs of prosecution and that he be held in imprisonment in the said jail until such costs be paid or he be otherwise discharged by due course of law.

Judgment in actions brought to recover penalty.

Residence not to work, incompetency of judge or jury.

SECTION 159. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

General laws to be in force unless otherwise provided.

SECTION 160. The general laws of the state of Wisconsin for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, streets, roads and bridges, the punishment of offenders and the collection of penalties shall be in force in said city except as in the charter of said city it is otherwise provided. But no general law of this state shall be construed to amend, repeal or modify the provisions of this act unless such purpose be expressly set forth in said law.

Reward for criminals.

SECTION 161. Whenever any heinous offense or crime has been committed against life or property within said city, the mayor, with the concurrence of two-thirds of all the aldermen, may offer a reward for the apprehension and delivery or conviction of such criminal or perpetrator of such crime; provided, that in no case shall the reward so offered exceed the sum of five hundred dollars.

Contracts to contain provisions requiring precaution against accidents.

SECTION 161. Whenever the city shall be a party to a contract for any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in the contract therefor substantial covenants requiring each contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of such street, alley, highway or other public grounds for which the city might be liable; and it shall also be provided in such contracts that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agents, employes or workmen.

Licenses, manner of issuing.

SECTION 163. Every license issued in said city by the authorities thereof, under and by virtue of the laws of the state of Wisconsin, the provisions of this charter or the ordinances of said city,

shall be signed by the mayor and clerk and sealed with the corporate seal; but no such license shall be issued by said mayor and clerk until the person applying for same shall have deposited with said clerk the receipt of the city treasurer for the amount to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors until the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, and such other bond as the board of aldermen may require, which bond shall be approved by the mayor. It shall be the duty of the mayor and clerk to report to the board of aldermen at each regular meeting thereof the licenses issued by them and not before reported, and the board of aldermen shall, by vote, approve or disapprove of the same. If the board of aldermen disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the board of aldermen, and such license shall thereafter be void. The board of aldermen, when license is not approved, shall refund a fair proportion of the license money paid.

SECTION 164. The salaries to be paid to the several city officials shall not in any year exceed the sums named as follows: Salary of the city treasurer, eight hundred dollars; city marshal, five hundred dollars; city clerk, five hundred dollars; city attorney, five hundred dollars.

Salaries; maximum amount fixed.

SECTION 165. The mayor, city clerk or city attorney may administer the oath of office to the several city officials, including inspectors of elections. The city treasurer may administer the oath required by this act to any party presenting a claim or demand to the board of aldermen for allowance and payment. No fee shall be charged for administering the oath of office to any city official.

Oath of office; who may administer.

SECTION 166. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any aldermen or other officer violating the provisions of this section shall be liable to pay a penalty of not less than twenty-five nor more than one hundred dollars; to be recovered in a

Officers not to be interested in contracts.

civil action by the city, and when collected to be paid into the city treasury.

Published proceedings to be evidence of regularity of improvements ordered.

SECTION 167. All acts, orders and resolutions of the board of aldermen of the city of Manitowoc ordering the improvement or grading of streets, heretofore or hereafter made, which shall have been or be duly recorded in the proceedings of said board of aldermen and published with the proceedings of said board, are hereby ratified, confirmed and declared to be as valid and of as full force and virtue as if said orders or resolutions ordering streets to be improved or graded had been done by ordinance. The record of the board of aldermen shall be *prima facie* evidence that the facts therein recited were duly performed according to law and that the records of said proceedings were duly published.

Recording ordinances.

SECTION 168. The board of aldermen of the city of Manitowoc are hereby authorized to procure and keep a book or books in which shall be recorded all of the ordinances adopted by said board of aldermen. The certificate of the city clerk attached to ordinances therein recorded, certifying that same have been duly passed and published, shall be *prima facie* evidence of the facts therein recited. Such book or books of ordinances shall be received as *prima facie* evidence of the facts therein recited in all courts of the state.

Contracts, when to take effect.

SECTION 169. All contracts to which the city is a party shall before taking effect, be signed by the mayor, countersigned by the city clerk, and sealed with the corporate seal of the city.

Justices, office of.

SECTION 170. Any justice of the peace elected in any of the wards of the city may hold and keep his office and place of business at any place to be selected by him within the limits of said city.

Injuries; city not primarily liable, when. Action for how brought.

SECTION 171. Whenever any injury shall happen to person or property in the city of Manitowoc by reason of any defect or incumbrance in any highway, street, alley, sidewalk or public ground or from any other cause for which the city may be liable and such defect, incumbrance or other cause of such injury shall be caused by, arise from, or be produced by the wrong, default or negligence of any person, party or other corporation, such person, party or other corpora-

tion so guilty of such wrong, default or negligence, shall be primarily liable for all damages arising from such injury; but the city of Manitowoc shall be sued, if at all, in the same action with the person, party or other corporation so primarily liable and shall be complained against as if primarily liable. If the city of Manitowoc in any such action shall answer that it is not primarily liable, alleging who is primarily liable, and the verdict or finding shall be that the city of Manitowoc is liable, but not primarily, then the court shall enter judgment for the amount stated in the verdict or finding against all the defendants against whom the verdict shall be found or finding made; but the court shall stay execution against the city of Manitowoc until execution against the party or parties found to be primarily liable shall have been returned unsatisfied in whole or in part. When such execution shall have been so returned, then such judgment may be enforced against the city of Manitowoc for whatever amount shall then remain uncollected or unpaid thereon.

SECTION 172. This act shall take effect and be in force from and after its passage and publication; provided, however, that each one of the present officers of the city shall continue in office with all the powers conferred by this act until the expiration of his term of office or until his successor is elected and qualified.

Officers to
continue until
expiration
of term.

Approved March 27, 1891.