

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1897.

No. 543, A.]

[Published May 6, 1897.

## CHAPTER 361.

AN ACT relating to use and ownership of waterworks and lighting works by cities and villages.

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

Authorizing cities and villages to make contracts for light and water.

SECTION 1. Whenever any city or village in this state shall legally pass or adopt any ordinance authorizing any person or persons, corporation or corporations, to construct and operate any system of waterworks, or any system or systems of lighting, or both, in such city or village, and shall legally make and enter into a contract or contracts with such person or persons, corporation or corporations, for the use of water for fire protection, and other purposes, or for the use of lights of any kind furnished by such lighting system or systems, or both, it shall be lawful for such city or village, to levy upon the taxable property of such city or village, in each year, an amount sufficient to pay for the use of such water and lights, during such year. When any such contract or contracts have heretofore been made or shall hereafter be made, the common council of such city or the board of trustees of such village, as the case may be, shall cause the amount agreed to be paid annually by such contract or contracts,

to be levied upon the taxable property of such city or village, in pursuance with the terms of such contract or contracts, and the same shall be collected with other city and village taxes, as the case may be, for such year. Such amount, when so collected, shall constitute a separate fund or funds, and shall be kept separate and apart from the other funds of said city or village, and the same shall be paid out only for the purposes mentioned in such contract or contracts, and as therein provided.

SECTION 2. Any city or village in this state, organized under a special charter, may grant to any person or persons, corporation or corporations, the right to construct and operate in such city or village a system of waterworks, or a system of lighting, or both, and such city or village may make and enter into a contract or contracts with such person or persons, corporation or corporations, for such use of water for fire protection and other purposes, or for lighting, or both, as the common council of such city or the board of trustees of such village may deem necessary, after having been legally authorized to enter into the same, notwithstanding that the special charter by and under which such city or village was incorporated, contains a limitation as to the amount which may be expended for the use of water or for lighting in such city or village, and when any contract or contracts have heretofore been made or shall hereafter be made by such city or village, with such person or persons, corporation or corporations, the common council of said city or the board of trustees of such village, shall cause to be annually levied upon the taxable property in such city or village, an amount sufficient to pay for the use of said water in such city or village, or for lighting, or both, in pursuance of the terms of such contract or contracts, notwithstanding any limit that may be contained in the special charter of such city or village, and the same shall be collected with the other city or

May grant right to persons or corporations to construct and operate lighting or waterworks.

village taxes for such year. Said amount, when so collected, shall constitute a separate fund and shall be kept separate and apart from the other funds of such city or village, and the same shall be paid out only for the purposes mentioned in said contract or contracts, and as therein provided.

May go beyond the limit fixed in certain cases.

SECTION 3. In all cases where any city or village is organized under any special charter which fixes a limit to the indebtedness that may be incurred by such city or village for the use or rental of water or lighting, and such city or village has entered into a contract or contracts with any person or persons, corporation or corporations, for the use or rental of water or lights, or both, which requires the payment by such city or village of the full amount authorized by such special charter, and the common council of such city or the board or trustees of such village deem it necessary, on account of the growth of such city or village, or for the reason that the supply of water or lights in such city or village should be increased, the common council of such city or the board of trustees of such village, may enter into a contract or contracts for an increase of the supply of water or lights therein, notwithstanding the limitation in such special charter, and may annually levy upon the taxable property of such city or village and collect the cost of such increase of water supply or lights in the same manner that the amount authorized by such special charter is levied and collected, notwithstanding the limitation in such special charter, and said amount when so collected, shall be paid out in the same manner as the amount authorized to be levied and collected under such special charter, or in such manner as shall be agreed upon by the common council of such city or the board of trustees of such village and such person or persons, corporation or corporations.

SECTION 4. In all cases where any system of waterworks or lighting has been, or may here-

after be constructed, in any city or village in this state, by any person or persons, corporation or corporations, and such person or persons, corporation or corporations, shall have heretofore executed, or shall hereafter execute any bond or bonds and secure the payment of the same by a mortgage upon, or trust deed of such system of waterworks or lighting, such city or village may purchase of such person or persons, corporation or corporations, all of the interest and equity of redemption of such person or persons, corporation or corporations, in such system of waterworks, or lighting, or both, and take possession thereof and operate the same. If it shall be necessary or desirable for such city or village, in making such purchase of such interest and equity of redemption in such system of waterworks or lighting, or both, to issue the bonds of such city or village, the proposition or propositions for the purchase of such interest and equity of redemption and the issuing of such bonds, shall be submitted to the electors of such city or village at a special election to be called for that purpose. The notice of such election shall be given by the clerk of such city or village for the time, and as required in the case of charter elections in such city or village, and shall state fully the proposition or propositions to be submitted to the electors, the character and amount of the bonds to be issued, and the form of the ballot to be cast at such special election. If a majority of the ballots cast at such election shall be in favor of the purchase of the interest and equity of redemption of such person or persons, corporation or corporations, in such system of waterworks or lighting, and the issuing of such bonds, the common council of such city or the board of trustees of such village, may thereupon enter into a contract or contracts for the purchase of, and purchase such interest and equity of redemption in such system of waterworks or lighting, in pursuance with the terms of such proposition or propositions so submitted

Relating to the purchase of lighting or waterworks by the city or village.

to such electors. The purchase by any city or village of the interest and equity of redemption of any person or persons, corporation or corporations, in any system of waterworks or lighting, as above provided, shall not in any way or manner create any liability on the part of such city or village to pay, satisfy or in any way discharge any bonds issued, or any mortgage or trust deed upon such system of waterworks or lighting, executed by any person or persons, corporation or corporations owning such system of waterworks, or lighting, prior to the purchase of such interest and equity of redemption by such city or village, nor shall the amount of such bonds and mortgage or trust deed, or any portion thereof, be, or be deemed to be, in any way or manner, an indebtedness of, or a liability against such city or village, nor shall the amount of such bonds be deemed, or be construed to be an indebtedness of such city or village within the meaning of section 3, of article 11, of the constitution of this state as amended. The provisions of this section shall be applicable in all cases where any city or village has heretofore, or may hereafter reserve to itself, in any franchise granted by it, for the construction or operation of a system of waterworks or lighting, the option and right to purchase such waterworks or lighting works.

How appli-  
cation for  
franchise shall  
be acted upon  
by the com-  
mon council.

SECTION 5. Whenever an application shall be made to any common council of any city or to the board of trustees of any village, for a franchise to construct and operate a system of waterworks, or of lighting, in such city or village, such common council or board of trustees may, in its discretion, submit such application to the electors of such city or village at a special election to be called for that purpose, and such common council or board of trustees shall so submit such application to the electors of such city or village if, at or before the expiration of the publication of such franchise as required by chapter 148, of the laws of 1893, a petition requesting such sub-

mission, signed by at least twenty per cent. of the electors of such city or village, as appears by the poll list of the last general election, shall be presented to such common council or board of trustees. The notice of such election shall be given by the clerk of such city or village for the time, and as required in the case of charter elections in such city or village. Such notice shall state the form of the ballot to be cast at such election. If a majority of the ballots cast at such election shall be in favor of granting such franchise, the same shall be granted by such common council or board of trustees. If a majority of the ballots so cast shall be against granting such franchise, such franchise shall not be granted by such common council or board of trustees. No part of this act shall apply to cities of the first class, or towns containing an unincorporated village.

SECTION 6. All acts or parts of acts, in so far as they are in conflict with the provisions of this act, are hereby repealed. Repealing  
section.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1897.