

ing to Sargent's plat thereof, on the east side of said river and some suitable point on government lot three (3) of section seventeen (17), township twenty-two (22) north, of range six (6) east, on the west side of said river; and for such purpose may erect piers, drive piles, build embankments and approaches in said river and on the banks thereof, suitable and necessary for the proper construction and maintenance of said bridge and enjoy all the rights hereby granted or intended to be granted.

SECTION 2. This act shall take effect and be in force from and after publication.

Approved July 9, 1907.

No. 151, A.]

[Published July 11, 1907.

## CHAPTER 493.

AN ACT to create sections 925—21b, 925—31b, 925—38b, 925 29a, 925—31c, 925—121a, 925—90a, 925—171a of the statutes relating to the organization and government of cities and of common councils.

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

SECTION 1. There are added to the statutes of 1898 new sections to read:

\* \* \* \* \*

Approved July 9, 1907.

(In effect from and after date of publication.)

the same or substantially the same proposition shall not be again submitted within two years thereafter.

(Ch. 124, 1907.)

**City boundary surveys; record, effect and test.** SECTION 925—21b. All cities whether organized under a general or special charter are hereby continued as bodies corporate by the name and style which they now bear, until the same is duly changed. The district or territory now embraced within the limits and boundaries of such cities, as now described, shall continue to be the boundaries of such cities until changed by law. Any city may direct a survey of its present boundaries to be made, and when properly attested such survey may be filed in the office of the register of deeds in the county or counties in which such city is located and when so filed such survey and plat shall be prima facie evidence of the facts therein set forth, and after the lapse of one year such a survey and plat shall be conclusive evidence of such facts. Any citizen may, by appropriate legal procedure, test the correctness of said survey and plat. The time such action is pending shall be excluded from the above limitation of time. Subsequent extensions of the boundaries of such cities may be surveyed and such surveys filed in the manner above provided and may be tested in the same manner and with like effect as a survey and plat of the original boundaries.

(Ch. 493, 1907.)

**Cities of the first class: aldermen.** SECTION 925—22a.  
1. In each city of the first class in the state, whether operating under a general or special charter, there shall be elected to the common council as members thereof, twelve aldermen at large and one alderman from each ward and such aldermen shall constitute the sole legislative body of such city. The powers and salary of the aldermen shall be the same as now or is subsequently provided. The aldermen elected at large, after the first election, shall be elected for a term of four years, the aldermen from the wards shall be elected for a term of two years. At the first election of aldermen at large, there shall be twelve elected, the six having the largest number of votes to hold for a term of four years and the second six to hold for a term of two years, when their successors are to be elected for a term of four years.

**Notice of election when petitioners determine.** 5.  
 \* \* \* It shall be the duty of the council and the proper officers of any city of the fourth class to give notice of, call for and order the election at the next election and thereafter at each succeeding election, the officer or officers whose title of office is specified in such petition.

**Petitioners may choose either elective or appointive method—exceptions.** 6. Such petition may include one or more or all of the officers of such city, and the notice of and the order for the election shall follow and include the officer or officers named in the petition, and upon like petition, signed by a majority of the electors asking therefor, any common council, *of any city of the fourth class* by ordinance duly passed may provide for the appointment by the mayor with the concurrence of the council of any officers of such city excepting the office of mayor, aldermen, treasurer, supervisor or justice of the peace.

(Ch. 604, 1907.)

**Terms of city officers; division of aldermen into classes.**  
 SECTION 925—26a. In cities of the second, third and fourth classes, the terms of office of all city officers hereafter chosen by the electors, except aldermen of cities governed by special charter, shall be two years; and also except supervisors, who shall be elected annually, and their term of office shall be for one year, unless otherwise provided for in cities operating under special charters, provided this act shall not affect the term of office of any city officer which exceeds two years; *and provided further, that the common council may, by ordinance adopted and published at any time previous to the publication of notice of the election at which aldermen are to be elected, provided for the division of the aldermen into two classes, one class to be elected for one year, and the other for two years, so that the terms of office of only one-half the aldermen shall expire in any one year; and thereafter the term of office of all such aldermen shall be two years.*

(Ch. 7, 1907.)

**Officers: clerk's certificates of election and qualification.** SECTION 925—29a. To the person elected to any office the city clerk shall issue a certificate of election. To the person appointed, a certificate that such person has qualified for the

position to which such a person is appointed, which certificate shall be filed with the secretary of the commission or board to which such a person has been appointed. Thereupon such appointee shall be deemed to be qualified to act as a member of such board or commission.

(Ch. 493, 1907.)

**Vacancy in mayor's office.** SECTION 925—31b. A vacancy in the office of mayor shall be filled by the common council, the person selected to hold office until the first Tuesday in April, succeeding, when the vacancy shall be filled by an election. The person so elected by the common council shall be elected in the same manner as the president of the common council.

(Ch. 493, 1907.)

**Salaries; no additional pay.** SECTION 925—31c. No officer or employe receiving a salary from any city, whether organized under general or special law, shall receive for service of any kind or nature rendered such city any compensation therefor other than the salary fixed and provided for such office. This act shall apply to all officials now serving or hereafter elected or appointed to public place.

(Ch. 493, 1907.)

**President of council; election; acting mayor.** SECTION 925—38a. In cities of the first class the council at its first meeting after its organization biennially shall choose from their number a president, by viva voce vote upon a roll call, who shall preside over the meetings of the common council during two years. The vote by which a president of the council is elected shall be entered upon the minutes of the proceedings of the council. No election shall be valid unless the vote is so entered. In case of a vacancy in the office of mayor, or during his absence or inability from any cause to perform the duties of his office, the president of the council shall have and exercise all the powers and discharge all the duties of mayor until he shall resume his office or the vacancy be filled by an election. When so acting such president shall be styled "acting mayor," but as acting mayor he shall not have authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatsoever which the mayor has refused to sign and communicated his refusal to the council.

(Ch. 190, 1907.)

**Confirmation of appointments.** SECTION 925—38b. The appointments to public office by the mayor of all cities shall be subject to confirmation by the common council, unless otherwise provided by law. An appointee to any office rejected by the common council shall be ineligible for appointment to the same office for one year thereafter.

(Ch. 493, 1907.)

**Common council to fill vacancies in mayoralty and council.** SECTION 925—40m. In cities of the second, third and fourth classes, where a vacancy shall occur in the office of mayor by reason of his death, resignation or permanent removal from the city, the council shall forthwith proceed to fill such vacancy, by the election of a qualified elector of the said city to hold such office until the first Tuesday in April succeeding when the vacancy shall be filled by an election. If the person so elected is a member of the common council the vacancy thus created in the common council shall be filled by a majority of the council and the appointee to hold until the first Tuesday in April succeeding, when the vacancy shall be filled by an election.

(Ch. 12, 1907.)

**Style of ordinances; unfinished business.** SECTION 925—49a. In cities of the first class the aldermen elected from the various wards and the aldermen at large, when elected in any city, shall constitute the common council and the style of all ordinances shall be “the common council of the city of—— do ordain.” The common council shall be a continuing body, and unfinished business pending before it shall not lapse or go down with the council year, but all pending business before the common council, or any committee thereof, at the termination of any council year, shall be considered as pending before the common council of the next succeeding council year, or the corresponding committee thereof, and may be acted upon and disposed of by the council of such succeeding year as if no change in the council had taken place, by the expiration of a council year.

(Ch. 190, 1907.)

**Cities of 5,000, or over, may order wires under ground.** [SECTION 925—52.] 31. To establish and alter the grade of streets and sidewalks; regulate the manner of using the streets

heretofore provided for in cities of the second, third or fourth class by the officers or board of any such policemen's pension fund shall be continued pursuant to the provisions of law existing at the time such pensions were ordered and provided for. Any pending or ungranted claim heretofore existing or made for a pension on or out of any policemen's pension fund heretofore existing, is hereby continued, and if established or allowed, shall be paid out of the fund herein provided for pursuant to the provisions of law existing at the time such claim arose.

(Ch. 671, 1907.)

**Sections 925—52h to 925—52v, inclusive, amendatory of city charters.** SECTION 925—52v. The provisions of this act shall be amendatory of the charters of all cities of the second or third class in this state, and any provisions in any such charters in conflict herewith are hereby superceded, and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are repealed; provided, however, that this act shall in no way affect or apply to the provisions of any act or law in reference to another department in any of said cities.

(Ch. 671, 1907.)

**Claims against cities under general law; tort cases.** SECTION 925—58. No action shall be maintained by any person against any city organized under the provisions of this chapter upon any claim or demand of any kind or character whatsoever, until he shall have first presented his claim or demand to the council for allowance and the same shall have been disallowed in whole or in part; provided, that the failure to pass upon such claim or demand within sixty days after its presentation shall be deemed a disallowance thereof; *provided further that on appeal from the disallowance in whole or in part of any claim or demand founded upon tort no bond shall be required to perfect the appeal.*

(Ch. 663, 1907.)

**Deposits with bids: certified check.** SECTION 925—90a. In all such cities wherein parties bidding on or submitting proposals for doing public work, are required by law or ordinance to deposit a certain amount of money as a guaranty of good faith, a certified check for the amount payable to the

board of public works or other proper city officer, may be accepted by said board in lieu of money.

(Ch. 493, 1907.)

**Repeal.** SECTION 925—97a, statutes of 1898, chapter 389, laws of 1905, and chapter 459, laws of 1905, are repealed.

(Ch. 499, 1907.)

**Cities fourth class; water systems adopted prior to chapter 40a, authority to extend.** SECTION 925—100.

1. The board of public works, before laying any water pipe along any street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as such lot or parcel of land will be, in the judgment of said board, specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section :

2. \* \* \* No lot, parcel of land or part thereof shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

3. Before making such assessment they shall give notice by publication in the official city paper to the owners of such lots or parcels of the time when and place where they will meet to hear objections to the proposed assessment, and they shall make no assessment of benefits upon such lots, nor any apportionment of any part of the cost of laying such pipe between different lots, until after such hearing. The owner of any such lot may appear at such time and place and be heard upon the question of assessment and apportionment.

4. *In cities of the fourth class wherein a water system was constructed and water pipes laid along the public streets, previous to the adoption of chapter 40a, statutes of 1898, by said city for its government, entirely at the public expense, the common council may by a majority vote of all the members thereof, cause water mains to be extended from such system along the public streets and alleys as they may direct at the expense of such city, the same to be constructed as other public works as provided by such statutes.*

(Ch. 260, 1907.)

**Repeal.** SECTION 925—113 of the statutes is repealed.

(Sec. 1, Ch. 480, 1907.)

**Cities of first class: claim settlements.** SECTION 925—121a. Whenever a claim against a city of the first class shall be settled by the common council, the reason for such action must be stated in writing and signed by the committee and entered upon the minutes of the proceedings of the common council. Whenever such settlement is made upon the recommendation of the city attorney or his assistant, or other legal officer; the reason therefor must be stated in writing, signed and filed with the city clerk, and published with the proceedings of the common council.

(Ch. 493, 1907.)

**City, river and harbor improvement bonds; petitions for popular vote.** SECTION 925—133. The council shall have authority to issue bonds for the following purposes only:

1. Building school-houses and for public libraries.
2. Building bridges.
3. Erecting public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Street improvements which are to be paid for by the city.
6. Waterworks, sewers and drains, lighting works for streets, public buildings and hospitals and in cities of other than the first class for the construction and operation of lighting works to supply the city and its inhabitants with electric or other light.
7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings and for a city market place.
8. Purchase of toll bridges and approaches, and for the purchase of a site for and the construction, maintenance or acquiring of public docks, wharves and the approaches thereto, and for dredging, docking, river and other harbor improvements.
9. Such other purposes as are authorized by these statutes. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city. In case of bonds issued for street improvements, school purposes, water works, *lighting works for streets and public buildings*, hospitals, dredging, docking, river and other harbor improvements, sewerage, parks and public



of the statutes, shall be issued, and further proceedings in regard thereto shall be taken, in accordance with the provisions of this act.

(Ch. 235, 1907.)

**Cities other than first class: membership of reviewing boards.** SECTION 925—139. 1. In cities of the first class, the mayor, clerk, tax commissioner and assessor or assessors shall constitute a board of review, and in all other cities the mayor, \* \* \* city clerk and such other *officer or officers, other than assessors*, as the common council shall, by ordinance, determine shall constitute a board of review.

2. In all cities except those of the first class the common council, shall, by ordinance, fix the salaries of the members of the board of review. \* \* \*

(Ch. 371, 1907.)

**Between side walk and curb—park commissioners to control.** SECTION 925—171a. The park commissioners of all cities shall under the direction of the common council have the same jurisdiction and control for park purposes over that part of public streets, lying and being between the curb and the sidewalk as such commission have over the public parks and may cause trees to be planted and cared for, and the proper surface to be sodded, planted or otherwise cared for in the same manner park lands are cared for.

(Ch. 493, 1907.)

**Posted notices required for proposed street alterations.** SECTION 925—180. Notice shall be given by the board of public works \* \* \* that such report is open for review at their office and will be so continued for the space of \* \* \* *ten 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 \* \* \* *ten days*, said board will be in session to hear all objections that may be made to such report. *Such notices shall be published in the official newspaper of the city at least once and one copy of such notice shall be posted in each block of the part of the street proposed to be improved or the grade of which it is proposed to change. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made five days prior to the date of hearing objections as aforesaid. No irregularity in the*