

THE  
LAWS OF WISCONSIN,

TOGETHER WITH THE  
JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE  
TWENTY-EIGHTH ANNUAL SESSION OF THE WISCONSIN  
LEGISLATURE,  
IN THE YEAR 1875.

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*By AUTHORITY.*

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MADISON, WIS.:  
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1875.

## MEETINGS.

Meeting of  
council and  
general rules  
therefor.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such time and places as they shall appoint, and the mayor may call special meetings by notice of at least twenty-four hours, to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, as [or] for unnecessary absence from the sessions of the board.

## POWERS OF COUNCIL.

Council to have  
control of fi-  
nances.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in the city; and shall, likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city for the suppression of vice, for the prevention of crime, and for the benefit of the trade,

General pow-  
ers of council.

commerce and health thereof, and for carrying into effect the powers vested in said common council, and to declare and impose penalties and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and regulations, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law:

(1.) To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses or other houses or places for the dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than fifty dollars, nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the 1st day of May; *provided, however*, when any such license is applied for after that date, the same may be granted to expire on the first day of May, next following, on the applicant paying pro rata therefor.

(2.) To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys.

To regulate  
places where  
liquors are sold.

Proviso.

Billiard ta-  
bles, etc.

Shows.

(3.) To license, tax, regulate, suppress, and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

(4.) To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Gambling.

(5.) To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to

Riots, noise,  
etc.

authorize the destruction of all instruments used for the purpose of gaming.

Unwholesome  
places.

(6.) To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries,  
tanneries, etc.

(7.) 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 limits and the distance of two miles therefrom, distilleries, slaughter houses, 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.

Streets, alleys,  
etc.

(8.) To prevent the encumbering of streets, sidewalks, lanes or alleys, with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

Horse racing.

(9.) To prevent horse-racing and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen, or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

Gunpowder.

(10.) To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder, and other combustible and dangerous material.

Bathing.

(11.) To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Cattle, horses,  
etc.

(12.) To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such ani-

mals for a violation of any ordinances in relation thereto.

(13.) To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. Dogs.

(14.) To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins, or substance of any kind, and on his default to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substances.

(15.) To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water. Pounds, pumps water-works, etc.

(16.) To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. Lamps.

(17.) To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city and to prescribe their compensation. Omnibuses, hacks, etc.

(18.) To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses or other establishments. Runners.

(19.) To establish and regulate boards of health, and define their powers and duties. Health.

(20.) To provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of morality, and exempt burial grounds, set apart for public use, from taxation. Hospitals and cemeteries.

(21.) To erect or establish one or more pest-houses, hospitals and dispensaries, and control and regulate the same. Post-houses.

(22.) To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations, and enforce the same within the city and not exceeding two miles beyond the city limits. Contagious diseases.

- Nuisances. (23.) To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.
- Markets. (24.) To establish public markets 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.
- Bread. (25.) To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.
- Sidewalks. (26.) To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.
- Fireworks. (27.) To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to any citizen thereof.
- Vagrants. (28.) To restrain and punish vagrants, mendicants street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.
- Butchers. (29.) To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.
- Hay, fuel, lime, etc. (30.) To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector.

(31.) To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Rubbish.

(32.) To regulate the construction of piers and wharves extending into Fox and East Rivers within the limits of the city. Piers and wharves.

(33.) To establish wharf and dock lines upon the banks of Fox and East Rivers within said city, and to restrain and prevent encroachment upon said rivers, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city or either ward, wharves at the foot of the streets along the bank of said rivers. Wharf and dock lines.

(34.) To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Police.

(35.) To regulate the times, places and manner of holding public auctions and vendues. Auctions.

(36.) To tax, license and regulate auctioneers, distillers, brewers, and pawn-brokers, and to tax, license, regulate and restrain hawkers and peddlers, and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. Peddlers, etc.

(37.) To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds. Trees and monuments.

(38.) To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

(39.) To provide for and regulate the construction of gutters or sewers within said city. Gutters and sewers.

(40.) To control, regulate, repair, amend, and clear the streets and alleys, bridges, and side and cross-walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said Streets, bridges and sidewalks.

city, and protect the same from injury by vehicles used thereon.

Jurisdiction  
of police jus-  
tice.

(41.) The police justice elected under this act shall have exclusive jurisdiction as justice of the peace, for two years or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine under all laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

Police court.

(42.) The police justice shall hold a police court in said city at such place as the common council shall designate and provide.

Streets, alleys,  
etc.

(43.) To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein.

Lumber.

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

Steam engines.

(45.) To provide for the inspection and regulation of stationary steam engines and boilers.

Fines.

(46.) To impose fines for all violations, within the limits of said city, of the general laws of this state, when, in their judgment, it is necessary for the peace and good order, or for the health of said city.

Rivers and  
harbors.

(47.) To preserve the rivers and harbors; 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 punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof.

Vagrants.

(48.) To authorize the arrest, fine and imprisonment as vagrants, of all persons, who, not having visible means to maintain themselves, and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thorough-

fare or public place to beg or receive alms; also keepers, exhibitors or visitors at any gaming-table, gambling-house, or other place of device; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theatre, or other public entertainment, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

(49.) To regulate or prohibit the carrying or wearing by any person under his clothes or concealed Concealed weapons. about his person, of any pistol, sling-shot, or knuckles, bowie-knife, dirk-knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

(50.) To make, ordain, amend and repeal all such Ordinances, by-laws, etc. ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor and shall be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times, and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt Manner of passing ordinances, by-laws etc.

or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council.

When ordinance shall take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Mayor may veto acts of council.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by section two of this chapter to consider said veto and objections; and in case the council shall not, within one week after receipt of such objection, or such filing with the clerk, re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him, within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

When vote may not be reconsidered.

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Ordinances, etc., to be referred to committees.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

Powers of council not to bar suits.

SECTION 9. The powers conferred upon the said council to provide for the abatement or removal of

nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gun-powder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds and money, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Council to examine and adjust accounts of officers.

Officers to exhibit books, vouchers, etc.

## CHAPTER V.

### OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR OTHER PUBLIC PURPOSES.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Any ten or more freeholders residing in the ward, may by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for public use for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth in such petition the courses and distances, metes

Opening of streets, alleys, etc.,—mode of procedure.