

THE
LAWS OF WISCONSIN

PASSED AT THE

ANNUAL SESSION OF THE LEGISLATURE OF 1882.

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
DAVID ATWOOD, STATE PRINTER.
1882.

SECTION 2. The accounts for books purchased under this act, the prices being fixed and certified by the trustees of the state library, shall be audited by the secretary of state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1882.

[No. 41, A.]

[Published March 6, 1882.]

CHAPTER 86.

AN ACT to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison and the several acts amendatory thereof.

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

CHAPTER 1.

CITY OF MADISON—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Dane, hereinafter described, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and fifty-six, shall be a city by the name of Madison, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Madison, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

SECTION 2. All of section six (6) except the east half of the southeast quarter; all of section seven (7) except the east half of the northeast fractional quarter, in township number seven (7) north, of range number ten (10) east; lots three (3) and four (4) in the southeast quarter of section twelve (12); also the southeast quarter of the southeast quarter of section twelve (12); all of sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24); all of the south fractional half of section fifteen (15); the east fractional half of section twenty-two (22); the east fractional

members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as it may seem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER IX.

WATER WORKS.

Authorized to
construct water
works.

SECTION 1. The common council is hereby authorized and empowered to construct, maintain and operate a system of water works for fire protection and for the supply of pure and wholesome water for public and private use in said city; for that purpose it may acquire such real estate for the erection of buildings, for sinking wells or building reservoirs and for laying mains and pipes as it may deem necessary and proper. It may also provide for the erection of such buildings, the purchase of all necessary engines, pumps and machinery, and for the purchase and laying of pipes and for the supply of such other apparatus and fixtures as shall be required to construct, maintain and operate such water works on the most approved methods and in the most efficient manner; provided, that if it be found practicable said water shall be supplied by direct pressure, and from artesian wells.

To lay mains,
etc.

SECTION 2. The said council shall have power to lay water mains and pipes in and through all the pub-

lic grounds, streets and alleys of said city; to construct jets and hydrants for public use, and fountains at such places in said city as it shall deem proper. And said council, its officers, agents and servants, are authorized to enter upon any land or water within the limits of said city for the purpose of making examinations or surveys in the performance of their duties under this chapter; and generally to acquire all real and personal property, and made all contracts, and to perform all work that may be deemed necessary and proper from time to time in the construction and operation of the water works provided for in this chapter.

SECTION 3. Whenever any real estate or any easement therein or use thereof, shall, in the judgment of said council, be necessary for the construction and operation of said works, and for any cause an agreement for the purchase thereof cannot be made with the owner of the same, the said council shall thereupon proceed to take such real estate, easement or use as provided in chapter five of this act for taking lands for public squares, grounds, streets and alleys, except that no petition shall be necessary therefor, and that no part of the costs and expenses incurred in taking and paying for such property shall be assessed against the owners of property who may be benefited thereby unless the common council shall so expressly determine and direct; but all the other provisions of said chapter five shall apply to the taking of such real estate, easement or use, for the construction of such works as far as the same may be applicable.

May take real estate.

SECTION 4. There is hereby created for the said city a separate fund, to be called the water fund; there shall belong to such fund all bonds and proceeds thereof, authorized to be issued for the construction of water works, the proceeds of all taxes levied for the construction and operation of said water works, all water rates assessed and collected for water, proceeding from such water works and all other moneys and property in any way derived by the said city in aid of said water works, or appropriated by the said common council to the same. And all money in the sinking fund of said city at the time of the passage of this act, held for the payment of the principal and interest of the bonded indebtedness of said city, shall be transferred from said sinking fund to said water fund, whenever provision shall have been made for refunding such indebtedness. Said water fund is hereby exclusively devoted and appropriated to the construction, main-

Water fund—how raised and expended.

tenance and operation of said water works for the ensuing five years, or until said works shall have been wholly completed as nearly as practicable in accordance with the general plan mapped out by the city surveyor, approved by the council, and on file in the office of the city clerk; but if during that period the amount provided and set apart by section 6 of chapter 7 of the charter for the payment of the principal and interest of the bonded indebtedness of said city, including the bonds issued for water works, shall not be sufficient for the payment of such interest when the same shall accrue, there is hereby appropriated from said water fund a sufficient sum to supply such deficiency, and the city treasurer is hereby required to transfer from said water fund to said sinking fund a sufficient sum of money to pay such deficiency for any year when the same may exist. On the expiration of said five years or on the completion of said water works there shall be transferred annually thereafter from said water fund to the sinking fund of said city for the payment of the principal of the bonded indebtedness of said city, including the bonds issued for water works, the sum of five thousand dollars until said bonded indebtedness shall be wholly paid and discharged. Said water fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him on vouchers drawn upon the same in the manner provided in this act; and said city treasurer and the sureties on his official bond shall be liable for the safe keeping and disbursement thereof. And it shall be the duty of said treasurer to report to the common council quarterly the amounts of receipts and disbursements of the preceding quarter with a detailed statement of the same; which report after being submitted to the common council shall be filed in the office of the city clerk.

Clerk to keep accounts.

SECTION 5. It shall be the duty of the clerk of said city to keep separate accounts of all the funds, receipts and payments on account of said water works, and a separate record of all the contracts made by the common council touching said water works, and of the estimates of the cost of such contracts, and of all work done and all money paid out on account of such water works, and generally to keep separate books for said water fund, and water works, as he is or may be required by law or by the ordinances of said city to keep of other property, funds and interests of said city.

SECTION 6. The said water works and all the grounds, buildings, fixtures, machinery and other things appertaining thereto shall be under the control of the common council. Upon the completion of said works or as soon as deemed necessary the common council shall elect a superintendent who shall hold his office for the term of one year, or until his successor is elected and qualified; and the council shall make further provisions by ordinance for the employment of such other assistants, agents and servants as may be necessary and proper for the successful operation and management of said works, and fix the salary or compensation of said superintendent and other employes.

Water works to be under control of council.

SECTION 7. The common council shall have power to make and enforce by-laws, rules and regulations in relation to said water works; and before the actual introduction of water, the council shall make by-laws, rules and regulations for the supply of water, fixing uniform water rates to be paid for the use of water furnished by the said water works, and regulating the manner of distributing and supplying water for use or consumption, and for withholding or shutting off the same for cause, and shall have power from time to time to alter, modify or repeal such by-laws, rules and regulations. All rates and charges for the use of water shall be payable in advance in such manner as the common council shall prescribe.

Shall make and enforce by-laws.

SECTION 8. Any person who shall wilfully or maliciously injure or destroy any portion of the works, fixtures or other property belonging or appertaining to said water works, or who shall wilfully pollute or otherwise injure any water supplied by said water works, or who shall wrongfully interfere with or open any hydrants or waste any water therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for destroying property.

SECTION 9. It shall be the duty of the common council, and it is hereby empowered, from time to time, to pass such ordinances as may be deemed necessary or expedient for the management and protection of said water works, and regulating and controlling the supply and use of water therefrom; and the council is hereby empowered when it shall deem it for the best interests of the city, to appoint a board of three water commissioners, to take the entire charge and

To pass ordinances.

management of said water works, to appoint a superintendent and other employes and fix their compensation, and to supervise and control the supply and distribution of water throughout the city, and generally to discharge the duties imposed upon the common council by this chapter, under the general control and supervision of said council; but such commissioners shall receive no compensation for their services; provided, that nothing herein contained shall be construed as authorizing said common council to enter into any arrangement with any person or persons, or private corporation, for the erection or control of such water works for the supply of water for said city of Madison.

May advertise
for proposals.

SECTION 10. The common council may advertise for proposals for furnishing materials and constructing said water works, receiving separate proposals for such parts thereof as shall be deemed advisable, and may accept such proposals as shall appear to be most advantageous and best for the city, taking into account the capacity of pumping engines and machinery, to perform the greatest amount of service with a given quantity of fuel, and require security that the pumping engines and machinery shall perform the service represented for at least one year, and the city reserves the right to reject any or all bids.

CHAPTER X.

MUNICIPAL COURT—JURISDICTION.

Jurisdiction.

SECTION 1. In addition to the powers and jurisdiction heretofore conferred by law in criminal matters upon the municipal court, the said municipal court of Dane county, and the judge thereof, shall be vested with exclusive jurisdiction to hear, try and determine all complaints, and conduct all examinations in criminal cases instituted or arising within the city, and with exclusive jurisdiction to hear, try and determine all complaints or prosecutions for offenses against the charter or any of the by-laws or ordinances of the city of Madison, and with all criminal jurisdiction heretofore conferred by law upon the police court of the city of Madison or the municipal court of Dane county, and with exclusive jurisdiction to hear, try and determine all civil actions to which the city shall be a party and which would otherwise be cognizable before justices of the peace, and no justice of the peace in said city shall exercise any jurisdiction conferred upon the municipal court by this act.