CHAPTER 4.

DUTIES OF OFFICERS.

Section 1. The mayor, when present, shall preside over the meetings of the common council, and see that the laws of the state and the laws and ordinances of the city are duly enforced, and that all officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all duties imposed upon him by this act or by the ordinances or resolutions of the common council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the common council only in case of a tie vote. The mayor shall have power to veto any ordinance or resolution passed by the common council, as hereinafter provided, except such resolutions as are by this act especially exempted from such veto power; and shall have power to command and direct the chief of police and the policemen of the city at all fires, riots, disturbances of the peace and tumultuous assemblages, and may, for disobedience of his orders or misconduct of any member of the police force, verbally or in writing, suspend such member of the police force and stop his pay until the common council shall take final action on the order of suspension.

Section 2. The common council at its first meeting in each year after the annual election, or as soon thereafter as practicable, shall elect one of its members president, who, in the absence of the mayor, shall preside over the meetings of the common council; and who, in case of the absence of the mayor from the city or his inability to discharge the duties of his office for any reason, or in case the office of mayor shall become vacant, shall act as mayor and discharge all the duties and have all the powers of his office, except as hereinafter limited. In case the mayor and president shall both be absent, from any meeting of the council, the council may elect one of their own members, temporary president who shall preside over such meeting, and while so acting shall have the power and discharge the duties of mayor, and shall be styled "acting mayor," but provided that such temporary president shall not sign any city order, and that neither such president nor temporary president shall sign any bond, certificate of appropriation or resolution appropriating money for any purpose, or any instrument for payment of any money, except such president, while acting as mayor may sign city
orders for payment of salaries of officers and accounts allowed by the common
council.

Section 3. The clerk shall keep the corporate seal and all papers and records of the
city, and keep a record of proceedings of the common council, at whose meetings it
shall be his duty to attend; he shall keep an accurate and detailed account of the financial condition of the city and of each ward as the common council may prescribe.
He shall so keep the books of said city that every subject of taxation shall be entered under its proper head, as state, county, schools, bridges, and the like. He shall make copies of assessments of the city when required by the common council, and shall make and complete all tax rolls. He shall also keep an accurate account with the city treasurer, and charge him with all taxes levied and sums paid into the treasury. He shall make out a list of all outstanding city bonds and coupons, to whom, when and where payable.
He shall report to the common council as often as the common council shall require, an estimate of the expenses of the city and of the several wards, and of the revenue necessary to be raised for the current year, and shall countersign all contracts made in behalf of the city, and unless they be so countersigned they shall have no validity; he shall countersign all orders drawn on the city treasury by order of the common council, and shall keep a correct record of the same; he shall be clerk of the board of review, and shall attend the meetings of such board, and keep a correct record of the proceedings thereof; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages as filed shall be as valid and legal as if the same had been filed in any town clerk's office in any town, and copies of all papers filed in his office, and transcripts from the records in his office and of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. The clerk shall have power and authority to administer oaths and affirmations. The city clerk of the city of Menasha shall have power to appoint a deputy clerk and remove him at pleasure. The deputy clerk, in the absence of the clerk shall perform all the duties of the clerk. His salary shall be paid by the clerk, who shall be responsible for the faithful performance of his duties.

Section 4. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements,
in such manner as the common council may direct; all money of whatever description
raised by tax, license, fine, penalty, forfeiture, or otherwise for city purposes, shall be
paid into the city treasury; he shall collect all taxes and assessments which may be
levied or assessed upon the real and personal property in the city, and exercise the
same powers when not prescribed by this act, as control and govern the treasurers of
towns; and he shall be subject to the same liabilities; he shall pay all orders drawn on
the treasury by order of the common council, or as is otherwise authorized, out of the
proper funds; he shall report to the common council quarterly, and as often as the
common council shall require, a full and detailed account of all receipts and expendi-
tures after the date of the last quarterly report, which statement shall be filed with the
city clerk; and at the expiration of his term of office, shall hand over to his successor,
all moneys, books, and property in his possession belonging to said city. The books
kept by said treasurer shall be open to inspection by any person at all reasonable times.
He shall receive such compensation only as is hereinafter provided. No person shall
be eligible to hold the office of treasurer for two successive terms.

Section 5. The city attorney shall conduct all law business of said city and the de-
partments thereof, unless relieved by the common council, and all other legal business
in which the city shall be interested, and when so ordered by the common council, he
shall furnish written opinions on all subjects submitted to him by the mayor or coun-
cil, or any department of the corporation; it shall also be his duty to draft all ordinan-
ces, bonds, contracts, leases, conveyances, and such other instruments in writing as
may be required by the common council, and to perform such other duties as may be
prescribed by the ordinances of the city or by any resolution of the common council.

Section 6. The city surveyor shall be a practical surveyor and engineer; he shall keep
his office at some convenient place within the city, and the common council shall pre-
scribe his duties and fix his fees and compensation for any service performed by him.
All surveys, profiles, and estimates made by him for the city shall be the property of the
city and shall be carefully preserved in the office of the surveyor and open to inspection
of all parties interested; and when required by the common council, he shall file copies
of plans, profiles and estimates with the city clerk, and all books and papers appertain-
ing to said office shall be delivered over by the surveyor, at the expiration of his term of
office, to his successor or the common council.

Section 7. The chief engineer of the fire department shall in all cases have control of
the different fire companies of the city, their engines, steamers and fire apparatus, and
also the direction and control thereof, when called out on duty subject only to the com-
mon council; he shall see that the engines, steamers and apparatus of the fire depart-
ment are kept in perfect order and readiness for immediate use, and cause all necessary
repairs to be made without letting the same by contract, and report the same to the
common council for approval and allowance; he shall use his utmost endeavors in pre-
venting and subduing fires and controlling the firemen thereof; he shall perform such
other and further duties as are prescribed in other provisions of this act, and by the
ordinances of the common council.

Section 8. The superintendent of schools shall be ex officio, president of the board
of education, and in cases of a tie shall give the casting vote; he shall have the superin-
tendence of all the public schools, school houses, books and apparatus; he shall visit all
the schools as often as his duty will require, and pay special attention to the classifica-
tion of the pupils in the several schools, and to the apportionment among the classes of
the prescribed studies; he shall carefully observe the teachings and discipline of all teach-
ers employed in the public schools, and shall report to the board whenever he shall find
any teacher deficient or incompetent in the discharge of his or her duties; he shall at-
tend all meetings of the board of education, when required and shall keep the board
constantly informed of the condition of the public schools, and changes required in the
same.

Section 9. The chief of police shall attend all meetings of the common council and
shall perform such duties as shall be prescribed by this act or by any ordinance of the
city for the preservation of the peace, for the health of the city and the collection of
fines and license money; he shall possess the powers of constable at common law or by
the laws of this state, and shall receive like fees and be subjected to the same liabilities;
it shall be his duty to execute and return all writs and process to him directed, and
when necessary in criminal cases, or for the violation of any ordinance of said city or
law of this state, may pursue and serve the same in any part of the state of Wiscon-
sin; he shall under the direction of the mayor, be chief executive of the police depart-
ment; he shall repair to all fires, riots and tumultuous assemblages, 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 said city or the laws of
this state, and, within reasonable time bring such person before competent authority
for examination; he shall have power to direct the policemen to any place where he
shall deem their service necessary: he shall promptly report to the mayor all com-
plaints against the policemen and cause to be obeyed all rules and regulations prescri-
bled for the police department; and he, or some policemen, shall be keeper of the lock-up
and keep the keys thereof.

Section 10. It shall be the duty generally of all policemen appointed by the common
council to faithfully perform such duties as shall be prescribed by the ordinances, laws
and resolutions of the common council for the preservation of the public peace and health
of the city, and they shall possess all common law and statutory powers of constables;
they shall faithfully abide by all ordinances prescribing the manner and extent of their
duties and the time in which such duties are to be performed; they shall perform
all duties for the city required, under such regulations as the common council shall pre-
scribe.

Section 11. The mayor, sheriff of Winnebago county, each and every alderman, jus-
tice of the peace, chief of police, policemen and constable, 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, of all citizens; and if any person shall refuse to aid in maintaining the peace
when so required, every person shall forfeit and pay a fine of twenty-five dollars ($25.00).
It shall be lawful for the mayor and aldermen, chief of police, every policeman or con-
stable of the city to arrest forthwith any person within the city, who shall be drunk,
disorderly, riotous or doing any act which shall, by this act, be construed to be a misde-
meanor, or by warrant, to arrest any person whom they, or any of them, shall find com-
mitting any violation of the laws of this state, or any ordinance of the city, and to take
such person before a justice of the peace of the city, or if it be out of office hours, or for
any other good reason an examination or trial cannot be had, to confine such person so
arrested in the police station or common jail of Winnebago county until such time as an
examination or trial can be had.

Section 12. The several fire wardens of the city shall examine as to the construction
of all chimneys, fire places, hearths, stoves, stove pipes, ovens, smoke stacks, boilers
and fire apparatus used in and about any building, and shall have power to prevent
the improper construction thereof; and may cause them to be removed and placed in
a safe and secure position; they shall prevent the depositing or keeping of ashes or any
combustible material in any place except such as is safe; and they shall perform other
and such further duties as may be ordered or prescribed by the common council.

Section 13. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of this state and shall qualify in the same manner, except that their official bond shall be approved by a majority of the common council; and in addition thereto they shall have concurrent jurisdiction in all cases arising under this act, the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. Their fees shall be governed by the general laws concerning the fees of justices of the peace, but they shall not be furnished or paid by said city, nor shall they receive any perquisites or compensation from said city, except so far as the city may become liable to them for fees as the party to a suit before them. They shall as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested; and shall account for and pay over to the treasurer of said city, all fines, and penalties collected by them, and belonging to said city, within ten days after receiving the same and take his receipt for the same.

Section 15. The superintendent of the poor shall have the same powers and shall perform the same duties in relation to the care and support of the poor, as supervisors of the several towns, under the general laws of the state; provided, however, that he shall keep such accounts as the common council may direct, and at all times be subject to, and obey all orders and resolutions of the common council, concerning his duties and care and support of the poor, and shall report from time to time as the council shall direct.

Section 16. No member of the common council shall be directly or indirectly interested in any contract made with or in behalf of said city, and no officer of said city, shall directly or indirectly purchase or be interested in the purchase of any city or school order or certificate of indebtedness for less than the face thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) or imprisonment in the county jail for not more than six months or both, in the discretion of the court.

Section 17. The city treasurer shall receive the compensation provided for in this act and no more. The assessors and members of the board of review and inspectors and clerks of election shall receive such compensation as shall be fixed and allowed by the general laws of this state.
Section 18. The mayor, clerk and assessors of said city of Menasha and one other person to be appointed by the common council shall constitute the board of review of the city of Menasha. The members of the board of review shall have the same compensation per day as the assessors. The time for which the members of the board of review shall receive compensation, shall not exceed fifteen days. The mayor shall be chairman ex officio of said board.

Section 19. The assessors shall not receive compensation for a longer time than fifty days for making the assessment of real and personal property of said city.

CHAPTER 5.

GENERAL POWERS AND DUTIES OF COMMON COUNCIL.

Section 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Menasha do ordain," etc. The majority of the aldermen elect shall constitute a quorum. The common council shall annually meet on the second Tuesday of April after the annual municipal election at the council rooms in said city, and at such other times as they, by resolution or any rule adopted shall appoint. The mayor, or a majority of the common council, for any good reason may call special meetings, by notice to each of the members to be served personally or to be left at their usual place of abode. The common council shall determine the rules of its own proceeding, and to be the judge of the election and qualification of its members, and shall have power to compel the attendance of absent members.

Section 2. The common council shall have the control and management of all the finances except school moneys, as hereinafter provided, and of all the property of the city; and shall likewise, in addition to the power 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 and by-laws, for the government and good order of the city, for the suppression of vice and for the prevention of crime, and for the benefit of trade, commerce and health thereof, and as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons 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