to the duties and powers of assessors and city clerks in all matters relating to the as-
assessment of taxes, shall apply to and be in force in said city, except as otherwise pro-
vided in this act.

CHAPTER 8.

IMPROVEMENT OF STREETS.

Section 1. The common council of the city of Menasha, shall have power to es-
tablish the grade of streets, alleys, gutters, sidewalks, etc., of said city, and to change
and to re-establish such grade as it shall deem expedient; provided, that whenever it
shall change or alter the grade of any street the city shall be liable to any person who
shall have sustained damages by such change or alteration of grade for the damages
so sustained.

Section 2. The common council shall have power to cause sidewalks, curb stones and
gutters to be built, rebuilt, or repaired, of such material and in such manner as it may
direct, and to assess the cost thereof against the particular lot or lots in front of which
such work shall have been done. Such work may be done or required to be done with-
out any petition therefor, upon the filing with the city clerk of a plan and specifications
of the work to be so done, and the passage of an order or resolution by the common
council, describing the location of the lots or lands in front of which such work shall be
done, and naming the owners thereof, if known, and containing a description of the
work and naming the time in which it shall be done, which shall not be less than one
week from the time notice of such order or resolution shall be given, either by service of
copies thereof upon the owners of such lands personally, or by leaving a a copy with
the occupants of the building on such lot or lots, if they shall be occupied, or by publica-
tion of such order or resolution in the official paper of the city, if there be one, if not,
then in some other newspaper published in said city, or posting up in five (5) of the most
public places in said city at least one week before such work is required to be done, or
improvement made. The affidavit of the officer serving such order describing the man-
ner of such service, or the affidavit of the printer, of the publication of such order, shall
be prima facie evidence of such service. If after the time mentioned for the perform-
ance of such work in such order, such work or any part thereof shall not have been
done, the common council may cause such work to be done by contract or by men in
its employ, and shall charge the particular cost of such work done in front of or contigu-
ous to any lot or parcel of land as a special assessment against the respective lot or
lots, in front of or contiguous to which such work shall have been done, and such
assessment shall be collected as other taxes are collected.

Section 3. All sidewalks shall be kept in repair and free and clear from all obstruc-
tion at the expense of the lot adjoining or abutting thereon, and of the owner or owners
thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair,
and free and clear as aforesaid; and the same shall be so out of repair for the space of
twenty-four hours, the superintendent of streets shall cause the same to be done, and
charge the same thereof to to such lot or lots respectively; provided, however, that no
sidewalk shall be so repaired at the expense of the lot, when the cost of such repair
shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except
in the same manner as required for the building of a new sidewalk. The superintendent
of streets after he shall have repaired any such sidewalk, shall make out an itemized
statement of the costs of such repairs, specifying the lot or lots, parcel or parcels of land
adjacent to which such repairs were done, verified by his oath, and shall deliver
the same to the city clerk.

Said clerk shall present all such statements to the council at its first meeting in No-
vember of each year, and the council shall levy and assess the amount of such cost of
such material and work upon the lot or parcel of land adjacent to which work was done
or material furnished, or both, as the case may be, and said amount shall be a special
tax against and lien on said property; and the same shall be inserted in the tax roll
and collected as other taxes.

Section 4. It is hereby made the duty of every owner of any lot or lots or tracts of
land within the said city, and they are hereby required to keep and maintain the side-
walks in front of and adjacent to their respective lots, in good repair and free and clear
of all obstructions including ice and snow, and the existence of defects in such side-
walks for the space of twenty-four hours, shall be notice to the owners of adjacent lots
of their need of repair, and no other or further notice need be given.

Section 5. The common council shall have power and authority to grade, gravel,
plank or pave with any kind of pavement or construct or fix with any kind of ma-
terial any street or alley in the city of Menasha, and construct and dig all the necessary
ditches or gutters, and charge the cost and expense thereof to the center of the street
or alley to any lot or lots fronting or abutting on such street or alley when such im-
provement is ordered by the common council in the same manner as is provided in
section two (2) of this chapter.

Section 6. Whenever the general interests of the city require deep cutting or extra-
ordinary filling in grading any street, and the owners of the lots or lands fronting on
such deep cutting or filling shall deem themselves aggrieved thereby, and shall repre-
sent to the common council in writing that the expense of such excavation or filling
will exceed the proportion that should be charged upon the adjacent property, the
council may, in its discretion, order such cutting or filling to be done under the direc-
tion of the superintendent of streets, and shall in such order fix the amount justly
chargeable to such lots or lands, and such sum shall be assessed thereon and collected
as other special assessments; provided, that such representation shall be made before
the time fixed for the performance of such work.

Section 7. The expense of all improvements in construction or repair of streets at
their intersection with streets or alleys and across public grounds and to the middle of
streets and alleys adjacent to public grounds, and the building and repairing of
crosswalks, and the laying and repairing of drains to carry the surface water at the inter-
section of streets, the construction and repair of sidewalks, curbstones and gutters,
adjointing any public ground or square, and the construction and repair of sewers
across streets and alleys and adjacent to public grounds, and the construction and re-
pair of bridges shall be paid by the city at large.

Section 8. The council may cause any streets or parts of streets to be paved or
macadamized at the expense in whole or in part of the adjacent lots, upon a petition in
writing therefor, signed by at least a majority of all the owners of real estate bounding
both sides, and of the owners of at least half the frontage of each street, or part of
street to be so improved. If the council shall determine that such improvement be made
it shall cause to be made by some competent person, a plan and specification of the
work to be done, and an estimate of the average cost per foot of frontage on each lot,
for the construction of the same to the center of the street. Such estimate shall in-
clude the cost of any cutting or filling necessary, and it shall be filed in the office of
the city clerk for the inspection of all parties interested.

Section 9. Before proceeding to execute such proposed improvement, the council shall
consider and determine what proportion of the costs of such improvement should be
paid by the lot owners, owning the respective lots fronting or bounding such streets,
which shall be of uniform proportion and shall assess the amount so determined upon
each such lot or tract of land as a special tax, specifying the amount, and shall thereupon
cause notice to be published in the official paper, if there be one, if not, in some news-
paper published in said city, that such assessment has been made, and that a time and
place to be named in such notice, not less than one week from the publication thereof,
the council will meet to review such assessment, that all persons interested will
then be heard in objection to the proposed assessment, and any tax payer of said city
shall be deemed interested. It shall be sufficient to state briefly in such notice the nature
of the proposed improvement, and the locality; and no further or other assessment shall
be necessary. At the meeting mentioned in such notice the council shall hear such ob-
jections as may be offered, and may review and modify such assessment, preserving
uniformity throughout in such a manner as it may deem just, and for the purpose of such
review may adjourn from time to time, as may be necessary; provided, no such assess-
ment shall be increased without notice to the lot owners, if residents of said city.

Section 10. Such assessments as finally adjusted shall thereupon be levied and as-
essed upon the respective tracts of land as a special tax, and inserted in the first annual
tax roll made out thereafter and collected as other special taxes.

Section 11. In all cases mentioned in this chapter wherein the common council is au-
thorized to cause improvement or repair to be made of any kind, the council may, in its
discretion, cause the same to be done by men in its employ, and may procure the neces-
sary material therefor, or may let the same by contract. If let by contract it shall be
to the lowest possible bidder, and notice of the time within which bids will be received
shall be given by publication in the official paper if there be one, if not, in some news-
paper published in the city, at least one week prior to the expiration of such time, and in
all cases the council may require bonds from contractors in such amount and penalty as
it may direct for the faithful performance of contracts awarded to them.

Section 12. Whenever any sidewalk or part of any sidewalk shall in the judgment
of the common council, declared by a resolution to that effect, be in a dangerous con-
dition to persons passing over it, for want of being repaired or re-made, it shall have
power to order the same to be forthwith repaired or re-made; and thereupon forthwith
to employ fit persons to repair or re-make the same for a fair price, and charge the
expense thereof to the lots, parts of lots or parcels of land, abutting thereon by a spe-
cial assessment and such assessment shall be a valid charge and lien upon such lots,
parts of lots or parcels of land, without any estimate notice, letting or proceeding pre-
liminary to the doing of such work, except the resolution of said council so declaring
such walk to be dangerous.

Section 13. Whenever the superintendent of streets shall deem it necessary to
remove the snow or ice in front of any lot or piece of land in said city, and the owner
or occupants thereof shall neglect to remove the same for the space of twenty-four
hours, the said superintendent shall remove or cause such snow or ice or both to be re-
moved, and charge the same to the lot or lots, without any notice to any owner or
occupant of said lot or lots, and it shall be the duty of the said superintendent after he
shall have removed said snow and ice from in front of any lot or piece of land, when the
same is completed to make out an itemized statement, duly verified, of the costs of
such removal of ice and snow, or both, as the case may be, specifying the lot or lots,
parcel or parcels, of land adjacent to which such snow or ice, or both were so removed,
and shall deliver the same to its city clerk. Said clerk shall present all such state-
ments to the city council, on or before the first meeting in November of each year, and
the council shall levy and assess the amount of such cost of such work upon the lot
or tract of land adjacent to which such removal of such ice and snow, or either has
been done, and said amount shall be a special tax, and the same shall be inserted in the
next tax roll and collected as other taxes.

Section 14. The common council may, whenever it deems it advisable by ordinance,
provide for a uniform system of sewerage, and by such ordinance or any ordinance
amending or extending such sewerage, provide for connecting the different sewers in
the city, built and hereafter to be built and apportion the cost of the same.

Section 15. If a sidewalk on or in front of any lot shall become injured or destroyed
by the burning of any building or property, or in consequence thereof, and the same
shall not within a reasonable time be repaired or rebuilt by the owner of such lot, the com-
mon council may rebuild or repair such sidewalk at the expense of the lot without no-
notice or letting to the lowest bidder.

Section 16. When the common council shall deem any lot injurious to public health
by reason of stagnant waters, or from other causes, it may order that such nuisance be
abated, by draining or filling such lot; or in any other manner, by the owner or occu-
pant, and upon their failure so to do, the council may abate or cause to be abated, at
the expense of such lot, by taking the same proceedings as are herein required for the
building of the sidewalk.

Section 17. Sewers, drains, gutters or ditches may be ordered dug, made, or repaired
9 by the common council at the cost, charge and expense of the lots which it may deem
10 benefited thereby, and it shall apportion such cost, charges and expenses among and on
11 such lots, in such proportion or amount as it shall deem the same benefited thereby.
12 Such work may be done by the city or let by contract to some other party.
13
14 Section 18. Lots shall be liable as in this chapter provided, for the improvement of
15 the streets to the center of the street on which they abut or join, and the corner lots
16 for all sidewalks up to the crossings, or cross walk.
17
18 Section 19. All real estate shall be liable for the taxes and assessments provided
19 for and authorized to be assessed in this chapter, in manner and form aforesaid; includ-
20 ing any real estate belonging to the state of Wisconsin.
21
22 Section 20. The city shall not be liable for any damages arising or growing out of
23 any sidewalks, streets, drains, sewers, gutters or ditches, or bridges in said city, being
24 in a defective or dangerous condition, or out of repair, unless it be shown that previous
25 to the happening of the same, one of the aldermen of the city of Menasha, had knowl-
26 edge thereof, and no knowledge of such condition of the same shall be presumed, un-
27 less the defect existed three weeks before such damages accrued; provided, however,
28 that nothing herein contained shall be so construed as to mean that knowledge is to
29 be presumed because such three weeks had elapsed.
30
31 Section 21. Anything required to be done under any of the provisions of this chap-
32 ter by the common council, may be done by order, resolution or ordinance.
33
34 Section 22. All work provided for in this chapter shall be done under the supervis-
35 ion of the superintendent of streets, unless otherwise provided, and to the acceptance
36 of the common council, and in all cases wherein the council is authorized to do any
37 work, or cause the same to be done, and to assess the whole or any part of the cost
38 thereof upon the adjacent lots, the expense of such work and material used may in the
39 first instance be paid out of the general fund.
40
41 The superintendent of streets, or persons doing any such work, shall keep an accurate
42 account of the cost of all labor and materials expended upon improvements or repairs,
43 the whole or any part of which is chargeable to the adjacent lands, and before the first
44 day of November in each year, shall report fully the same with itemized statements of
45 accounts to the council, and if found correct, the council shall levy and assess the amounts
46 so chargeable upon the respective tracts and land assessable, therefor, as a special tax,
47 and the same shall be inserted in the tax roll for such year and collected as other city
48 taxes.
Section 23. All the directions given in this chapter shall be deemed directory only, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter shall in any way affect the validity of the proceedings had thereunder.

Section 24. All proceedings had under the provisions of this chapter or attempted to be had under the same, shall in all courts be deemed presumed and taken to have been regular and it shall be taken and presumed that all the provisions of said chapters were complied with until the contrary is shown.

Section 25. The common council shall have power to vacate any plat or part of plat upon petition of all the property holders interested therein; provided, that notice of application for vacating said plat shall have been published for three successive weeks prior thereto in a newspaper published in said city, or posting up notices in three public places in said city.

CHAPTER 9.

OPENING STREETS, ALLEYS, ETC.

Section 1. The common council shall have power to lay out and open public, squares, streets and alleys, and to change and widen and extend the same; to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses. For such purposes it may take private property in the following manner: Whenever twenty or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the wards where such petitioners reside, for the public use for any of the purposes herein mentioned, specifying in such petition the purpose for which said lands were required, and the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the name shall be known to the petitioners. If the common council shall determine that the prayer of such petition should be granted, it shall cause an accurate survey and plat of such land to be made and filed with the city clerk, and it may purchase or take by donation from such owners, such ground as may be needed, by agreement with the owners, and to take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare their purposes to take the same and therein by metes and bounds or other appropriate description, describe the lands proposed to be taken, defining separately each