Section 11. The city of Menasha shall be entitled to the use of the common jail of said county, for the commitment thereto, of any person found guilty of violating any of the ordinances, by-laws or resolutions of said city of Menasha under this act.

CHAPTER 13.

BOARD OF HEALTH.

Section 1. It shall be the duty of the mayor of the city of Menasha to appoint annually, on the third Tuesday in April, or within one week after entering upon the duties of his office, a committee consisting of four (4) aldermen one from each ward, who shall be known as the board of health of said city, and whose duty it shall be to examine into and consider all measures necessary for the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Section 2. Said board shall choose one of their members president, who shall preside at all meetings of said board and shall perform such other duties as are herein prescribed or may be required of him by any ordinance or resolution of the common council of said city.

Section 3. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules, regulations and proceedings of said board, in a book to be provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of said city shall be received as evidence in all courts and places.

Section 4. The common council shall have power to appoint and at pleasure to remove a health officer for said city, to define his general duties, and in case of necessity, to provide for the necessary assistance to him, and to fix the compensation of such appointees and employees. The board shall have power to authorize such health officer to exercise any or all of the powers conferred on them, and all directions and orders of the health officer made under such authority of the board of health, shall have the same force and effect as if made by the said board.

Section 5. The said board of health and health officer, or any person acting under their orders, shall have authority to enter into and examine at any time, all buildings,
lots and places of all descriptions within the city for the purpose of ascertaining the
condition thereof so far as the public health may be effected thereby.

Section 6. The board of health shall give all such directions and adopt all such measures
for cleansing and purifying all such [buildings, lots and other places, and for causing
the removal therefrom of all nauseous substances producing a disagreeable smell or
tending to cause sickness or disease, as in their opinion shall be deemed necessary,
and they may do or cause to be done whatever in their judgment shall be needful to
carry out such measures. Every person who shall disobey any orders of the board
of health which shall have been personally served upon him requiring him to abate or
purify any premises owned or occupied by him in the manner or at the time de-
scribed in the order, shall, on complaint of the board of health, or any member
thereof, or any person serving such order before any justice of the peace of said city,
be liable to arrest and summary trial and punishment by fine not less than ten dollars
($10.00) nor more than fifty dollars ($50.00), or by imprisonment not exceeding three
months, or by both such fine and imprisonment in the discretion of the court.

Section 7. It shall be lawful for the board of health, in all cases where they may
deem it necessary for the more speedy execution of their orders, to cause any such
nuisance or nuisances to be removed at the expense of the city, and also to cause any
such nuisance or nuisances which may exist upon the property of non-resident owners
upon property, the owners of which cannot be found or are unknown and cannot be
ascertained, to be abated or removed in like manner at the expense of the city, and the sum
or sums so expended in the abatement or removal of such nuisance or nuisances in such
cases shall be a lien in the same manner as any tax upon real estate, upon the lots or
premises from or upon which such nuisances shall be abated or removed; the board of
health by their president shall certify to the city clerk the description of such property,
and the cost of abating or removing such nuisance or nuisances thereon, and the city
clerk shall insert the amount of such cost in the next tax roll of said city thereafter as
a special tax to be collected, as other taxes in said roll are collected and payment thereof
may be enforced in like manner as other special taxes upon real estate are levied and
collected in said city; provided, that the common council shall, from time to time, on
application of said board of health, appropriate and set apart out of the general fund
of said city, such means as the council in its discretion shall deem necessary for the
purposes of this chapter; and the expenses which the said board are authorized by this
section to incur, shall be paid exclusively out of the funds so provided by said city,
and said board shall not be authorized to create any liability on the part of said city in
excess of the sums which shall have been appropriated and set apart as aforesaid for
their use.

Section 8. It shall be the duty of the board of health, by resolution to direct any bed-
ding, clothing, putrid or unsound beef, pork, fish, hides, or skins of any kind, or any other
articles found within said city, which in their opinion will be dangerous to the health of
the inhabitants thereof, to be destroyed or buried, and they may employ such persons as
they may deem proper to remove or destroy such articles, and every person who shall in
any manner resist or hinder any person so employed, shall be deemed guilty of a mis-
demeanor, and on conviction thereof shall be punished by a fine of not less than three
dollars ($3) nor more than one hundred dollars ($100), or imprisonment not exceeding
three months, or both. It shall also be their duty to procure suitable places for the re-
ception of persons sick of any pestilential or infectious disease, and in all cases where
sick persons cannot otherwise be provided for, to procure for them proper medical and
other attendance and provisions, and to forbid and prevent any communication with
any house or family infected with any contagious disease except by physicians and
nurses.

Section 9. It shall be the duty of the board of health, on complaint being made to
them, or whenever they shall deem any business, trade, or profession, carried on by
any person or persons, or corporation in the city of Menasha, detrimental to the public
health, to notify such person or persons or corporation to show cause before the board
of health, at a time and place specified in such notice, why such business, trade or profes-
sions should not be discontinued or removed, which notice shall not be less than three days
(except that in cases of epidemic or pestilence, the board of health may, by general
order, direct a shorter notice, not less than twenty-four hours), and may be served by
leaving the same at the place of business, trade or residence of the parties to be affect-
ed thereby. Cause may be shown by affidavit, and if, in the opinion or the board of
health, no good and sufficient cause be shown why such business, trade or profession
should not be discontinued or removed, the board shall order the said parties to discon-
tinue or remove the same within such time as the board may deem reasonable and
necessary, and the order of the board shall be final and conclusive.

Section 10. Any person or persons failing or refusing to obey such lawful order of the
board of health, shall be deemed guilty of a misdemeanor, and, upon conviction thereof
shall be punished by a fine not less than ten dollars ($10) nor more than one hundred dollars ($100), or by imprisonment of not more than three months, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she or they shall continue such business, trade or profession after the expiration of the time specified in the order of the board of health, for the discontinuance or removal of the same.

Section 11. In all trials for the violation of the provisions of this chapter, the ex-parte affidavit of service of any order, notice or requirement of said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of service, shall be deemed and taken as prima facie evidence of due service of such order, notice so requirement, in all trials in any court.

Section 12. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury and credited to the contingent fund.

Section 13. The board of health during the prevalence of Asiatic cholera, or of any epidemic disease, shall have power, when by them it is deemed necessary, to take possession of and occupy, as temporary hospitals, any building or buildings insaid city; but the city of Menasha shall pay for the use of such property so taken, a just compensation.

Section 14. It shall be the duty of each and every practicing physician in the city of Menasha:

1st. Whenever required by the board of health of said city to report to said board at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physicians for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease.

2nd. To report in writing to said board of health every patient he shall have, laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease.

3rd. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Section 15. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this chapter, shall be considered guilty of
3. misdemeanor, and on conviction thereof, shall be punished by a fine of not less than
4. ten dollars ($10) nor more than one hundred dollars ($100) for each offense.

Section 16. The common council of said city shall, in making their annual estimates
2. and levying for the expenses of the city government, estimate and provide such sums
3. as may be necessary for the compensation of such officers and all other employes which
4. the said board of health are authorized to appoint by this chapter, and for all other
5. necessary expenses incurred by said board in the performance of the duties prescribed
6. in this chapter and such expenses shall be audited and allowed and paid as other ex-
7. penses of said city.

Section 17. The common council of the city of Menasha shall have power to further
2. define the duties of the board of health, and to pass such ordinances in aid of the pow-
3. ers of the board of health as may tend to promote and secure the general health of the
4. inhabitants of said city.

Section 18. It shall be the special duty of the members of the police force of said
2. city, and of all magistrates and civil officers, and all citizens of the state to aid, to the
3. utmost of their power, the board of health and the officers mentioned in this chapter,
4. in the performance of their respective duties, and on requisition of the president of said
5. board of health officers, it shall be the duty of the police of said city to serve the notices
6. of said board, and to perform such other duties as such board may require.

CHAPTER 14.

BONDED INDEBTEDNESS.

Section 1. The outstanding and existing indebtedness against the town of Menasha
2. upon the unpaid bonds, with the coupons attached, heretofore issued by said town of
3. Menasha to the Wisconsin Central railroad company and the Milwaukee & Northern
4. railroad company, shall be apportioned between said town and city in the ratio of one-
5. fourth (\(\frac{1}{4}\)) to said town and three-fourths (\(\frac{3}{4}\)) to said city, and shall be paid by said town
6. and city in such pro rata shares; provided, said city shall not be required to pay any
7. portion of such bonded indebtedness where it has already provided and paid its pro
8. rata share thereof, or to pay any larger proportion of said coupons so attached to
9. said bonds than the proportion herein above named, and upon the payment of the same
10. shall be discharged from any further liability or payment upon said coupons, and all