

CHAPTER 20
MISCELLANEOUS PROVISIONS

TABLE

20-01	Nuisances
20-02	Superlighting districts
20-04	State submerged lands, strip ceded
20-045	State lands ceded for filling and utilizing for harbor purposes
20-05	Bonds for breakwaters
20-06	Lands ceded to United States
20-065	State lands ceded for purpose of utilizing in aid of navigation
20-07	Title to certain submerged lands
20-08	Power to cede submerged lands to county
20-09	Submerged state lands ceded
20-10	Public parks or grounds exempt from taxation
20-11	Ordinances continued in effect; actions not abated
20-12	Ordinances, violation of; judgment and procedure
20-13	Charter not affected by general law except when so expressed
20-15	General charter law provisions
20-16	Proceedings in which the city is a party
20-17	City not liable for certain defects in public street
20-18	Fire department relief association
20-19	Police relief association

20-01. Nuisances. The powers conferred upon the common 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. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license, within the limits of said city, are declared and shall be deemed public or common nuisances.

(HISTORY: S. 16, Ch. 144, L. 1875.

20-01 am. File #090157, June 16, 2009, eff. Sept 1, 2009.)

20-02. Superlighting Districts. 1. PETITION.

a. Upon petition of 2/3 or more of the frontage on both sides of any continuous length of street or of contiguous lengths of several streets, the common council may designate said length of street or contiguous lengths of several streets a superlighting district for the purpose of affording, in fully developed districts, brighter street lighting facilities than are provided under the standard street lighting system, or of affording, in undeveloped districts, street lighting service in advance of that to which the development of the district entitles it; provided, however, that the portion of each street included as the whole or a part of any superlighting district shall be not less than 800 feet in length; and provided further, that no superlighting district shall be so created as to leave a portion of street less than 1,200 feet in length differing in intensity of lighting or in character of lighting installation from both contiguous portions of the same street, or, at a street end, from the contiguous portion of the same street.

b. After the creation of a superlighting district, said district may be enlarged, reduced, or divided into 2 districts upon petition of 2/3 or more of the property on both sides of any continuous length of street desiring to be added to, taken from, or divided from the said superlighting district; provided, however, that the said enlargement, reduction or division will leave the resultant district or districts in full conformity with the requirements of par. a.

2. TYPE OF LIGHTING. The lighting service provided for superlighting districts shall employ the lamp locations, character of post or other support, mounting height and type of fixture standard for the character of street in question under the standard street lighting system as established by common council resolution file No. 11112 adopted June 14, 1916, or acts amendatory thereto; except that, should the intensity desired be greater than can, in the judgment of the commissioner of public works, be obtained by good engineering practice at the standard mounting height applicable to the portion of the street in question, then the next higher standard mounting height shall be employed.

20-02-3 Miscellaneous Provisions

3. PETITION SIGNERS. The parties competent to sign a petition on behalf of the respective frontage shall be as follows:

a. For vacant or underdeveloped property, the leaseholder, if any; otherwise the owner.

b. For property occupied by a residence structure housing 6 or more families, the leaseholder of the entire property, if any; otherwise the owner.

c. For residence property other than included in pars. a or b, the head of each family there residing, each in proportion to the floor area occupied by the respective family.

d. For nonresidence property not included in par. a, the occupants of the ground floor of such property, each in proportion to the respective floor area occupied.

4. DEFINITIONS. a. For the purposes of this section, "residence property" shall be defined as premises including a structure the ground floor of which is devoted wholly or primarily to residence purposes.

b. For the purposes of this section, an "occupant" of nonresidence property shall be understood to be any corporation, partnership or other business entity. Any member of such business entity entitled by virtue of his office or of special authorization to bind the business entity may sign on behalf of such occupant.

5. VERIFICATION; ESTIMATES. No petition shall be acted on by the common council until it bears the notation of the city clerk as to whether or not the signatories thereto are competent to sign for at least 2/3 of the frontage of the district specified in the petition; nor until it bears the notation of the commissioner of public works as to whether or not the service petitioned for is in accordance with the requirements of subs. 1 and 2 nor until the commissioner of public works has furnished to the common council an estimate of the cost of such additions or changes in the existing streetlighting service as may be involved in affording the superlighting facilities petitioned for; together with an estimate by the said commissioner of the amount that will be required to remove the said superlighting facilities at any time when funds for their operation may cease to be provided and reinstall the standard streetlighting service for

said district; together with an estimate by the said commissioner of the cost of the additional energy and maintenance involved in providing said superlighting service for a period terminating on that 31st day of December which follows not less than one year nor more than 2 years subsequent to the date estimated by the commissioner of public works to be the date on which the said superlighting facilities can be placed in service.

6. FUNDS. a. If the petition be found in all respects to conform to the requirements of this section, the common council may by resolution create the superlighting district petitioned for, exactly designating in said resolution the boundaries of such superlighting district; but the creation of such superlighting district shall be null and void unless, within 30 days after the passage of the resolution creating such district, there shall be paid to the city treasurer on behalf of the petitioners a sum equal to the estimated costs of installation, of removal, and of maintenance and operation up to the December 31 named in the estimate of the commissioner of public works; and unless, with such payment to the city treasurer, there is filed a list of the names, addresses and amounts contributed by each of those financing the cost of the said superlighting facilities. The city treasurer shall promptly communicate to the common council the fact that the proper sum has been duly paid, and shall also transmit the above list of those financing this cost; which communication and list shall be entered in the journal of proceedings of the common council.

b. If the actual cost of installation of the superlighting facilities be found to be less than the amount estimated by the commissioner of public works, or if the date on which the said superlighting facilities are actually placed in operation is subsequent to the date estimated by the commissioner of public works, the excess in payment made to the city treasurer shall, upon written advice by the commissioner of public works to the city treasurer stating the amount of such excess payment, be credited as a partial payment on maintenance and operation costs for the period immediately following that December 31 up to which maintenance and operation costs have been prepaid.

7. COST ESTIMATE. Between September 15 and October 1 of each year, the commissioner of public works shall transmit to the common council a separate estimate for each superlighting district of the cost of providing for said district the superlighting facilities during the next calendar year. Unless the common council shall by resolution establish, for any superlighting district, the cost at a different figure than that estimated by the commissioner of public works, the estimate of the commissioner shall fix the cost to be charged for the superlighting facilities during the ensuing calendar year.

8. NOTICE BY CITY CLERK. a. On or before October 31 of each year the city clerk shall send written notice to each of the parties of record as contributing to the initial installation cost of each superlighting district a statement advising the sum total of money which must be paid on or before November 30 to ensure continuance of the superlighting facilities of said district during the ensuing calendar year.

b. In the event that the costs of maintenance and operation of the superlighting facilities for any given superlighting district are not paid to the city treasurer in advance for the ensuing calendar year on or before the last day of November, the city treasurer shall so notify the common council and the commissioner of public works. Such notification to the common council shall serve automatically to terminate the existence of the superlighting district as such at the expiration of the period for which operation and maintenance costs have been prepaid; and the commissioner of public works is authorized and instructed, without necessity for specific action of the common council therein, to remove the superlighting facilities and restore the facilities required to afford the standard lighting service, charging the cost thereof to the amount held on deposit as the estimated cost for such removal and restoration.

c. The initial payment and each subsequent annual payment for each district shall be paid as a lump sum. No feature of this section shall be construed as implying any obligation for any city official to collect or receive payment from individual subscribers.

9. PARTIAL REIMBURSEMENT. Should advances be made in the standard of street lighting service afforded at public expense, or

should the more intensive development of a superlighting district or any portion thereof entitle said district or portion to a higher quality of standard street lighting service than the said district or portion was entitled to at the time the district was created, then the annual charge for superlighting service shall be correspondingly reduced, so as to represent only the difference in maintenance and operation cost between the standard street lighting service and the superlighting service. As such advances are made in the character of streetlighting service to which a superlighting district or portion thereof is entitled as its share of the standard service, the common council is authorized to provide, through the proper city officers, for the partial reimbursement to the contributors of record of the original cost of installing the facilities. Such reimbursement shall apply only to the superlighting facilities which would now be required to provide the standard street lighting service, and shall be figured at the original cost of these facilities less 6% depreciation for each 12 month period or portion thereof that the facilities have been in service. The reimbursement shall be made to all contributors of record in proportion to their original contribution. (*Ch. Ord. 19, File #34465, Apr. 25, 1927.*)

20-04. State Submerged Lands, Strip Ceded.

1. FOR PUBLIC PURPOSES. The right, title and interest of the state of Wisconsin in and to a strip of submerged land fifteen hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway Company; for its south boundary, the south line of Wisconsin Street in said city extended easterly into Lake Michigan and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven north, range twenty-two east, in the first ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of

20-04-2 Miscellaneous Provisions

public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179 of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and also the right, title and interest of the state of Wisconsin in and to a strip of submerged land six hundred feet in width along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway Company, and the shore line of said lake; for its north boundary, the south line of Wisconsin Street of said city extended easterly into Lake Michigan; for its south boundary, the extended harbor entrance of said city of Milwaukee in the third ward of said city of Milwaukee, are hereby granted and ceded to said city of Milwaukee, to be held and used by said city forever for public purposes; provided, that said second strip of land, hereby ceded and granted, shall not be sold by said city of Milwaukee to any private party, nor used by it for any other than a public purpose or purposes, but such city may convey any portion of said second strip of land to the United States government for governmental use. (S. 1, Ch. 284, L. 1923.)

2. RIPARIAN RIGHTS. Nothing in this act contained shall be construed to divest or otherwise affect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan, but all such riparian rights and privileges shall remain vested in such abutting or upland owners, subject only to the use of the land hereby granted to said city of Milwaukee for the purpose of its system of public parks and boulevards, and if any part of said land shall be diverted from use by said city for the sole purpose of a public park or

boulevard, as hereinbefore provided in Section 1 [Ch. 200, L. 1897], and the right of said city therein so cease and determine, the title to said land shall be thereupon vested in and apportioned among such abutting or upland owners or their assigns, to the same extent as if such land were a natural accretion outward from the shore of said lake, and any land which may be between the right of way of the Chicago and Northwestern Railway Company as described in the several conveyances thereof to said company, and said easterly face of said railroad breakwater, shall not be used by said railway company for any purpose whatsoever, except that of a slope or embankment to protect the roadbed or tracks on said right of way. (S. 2, Ch. 200, L. 1897.)

3. SUBMERGED LANDS, FILLING AND IMPROVING. a. The board of park commissioners shall annually expend and use in the filling in and improving and maintaining of said strip of land hereby granted, extending from the north line of section fifteen (15), town seven (7) north, range twenty-two (22) east, in the eighteenth ward of said city of Milwaukee, to the south line of Wisconsin Street extended in the third ward of said city, so as to make the same into a public park or boulevard, a sum not less than one-third of the amount authorized by law to be levied upon the taxable property of said city, set apart to be used for filling in and improving and maintaining submerged lands placed under the management and control of park commissioners; and the balance of said tax said board shall annually expend and use in filling in and improving and maintaining any other strip or strips of submerged or partly submerged land granted or which may hereafter be granted to such city, so as to make the same into a public park or boulevard.

b. The Chicago and Northwestern Railway Company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard, remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way as described in the several conveyances thereof, and said easterly face of said railway breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners. (S. 1, Ch. 309, L. 1921.)

20-045. State Lands Ceded for Filling and Utilizing for Harbor Purposes.

1. TO CITY OF MILWAUKEE. All the right, title and interest of the state of Wisconsin in and to the lands on the easterly side of the city of Milwaukee in Milwaukee county, Wisconsin, and extending into Lake Michigan and bounded on the west by the original shore line of Lake Michigan as the same existed at the time the state of Wisconsin acquired title to the submerged lands of Lake Michigan, on the north by the south pier of the harbor entrance, on the south by the north line of Russell Avenue extended easterly, and on the east by a line beginning at a point in the north line of Russell Avenue extended and distant two thousand fifty-two and fifty-five hundredths feet easterly from the east line of Beulah Avenue, thence running northerly to a point in the easterly face of the south pier of the harbor entrance and distant fifteen and four tenths feet easterly of United States monument number three hundred eight, whether any part or parcel thereof may be, at the time of the passage and publication of this act, dry or submerged under the waters of Lake Michigan, are hereby ceded, granted and confirmed to the city of Milwaukee, a municipal corporation, for the purpose of improving, filling and utilizing the same for harbor purposes and in aid of navigation, in any manner the said city may deem expedient, and particularly, but without by such specific enumeration limiting the aforesaid purposes, for the purpose of establishing and maintaining thereon breakwaters, bulkheads, piers, wharves, docks, slips, basins, warehouses, transfer sheds, structures, roads, highways, railroads, railway terminals, lake and rail facilities and spurs for shipping, airports and other harbor facilities, including the right to lease, either for exclusive or common use, such particular parcel or parcels of said lands as said city may deem expedient to any party or parties for any purpose or use requiring, involving or connected with the construction, maintenance, operation or use of any of the aforesaid harbor or navigation facilities. (S. 1, Ch. 381, L. 1931.)

2. FOR PUBLIC USE. That portion of said lands above described lying between Wilcox street extended and Russell avenue extended, being unnecessary for purposes of navigation or other public uses or to preserve

to the people the enjoyment of the waters upon or adjacent thereto, and the use hereinafter authorized neither injuriously affecting nor resulting in any impairment of the interest of the public in said waters but being in the interest of the public and in aid and improvement of the public use of the waters and lands for purposes of navigation and other public uses, and for the protection of the public docks, wharves, and harbor facilities which may be constructed adjacent thereto, the said city of Milwaukee is hereby authorized and empowered to fill in and reclaim, or agree to fill in and reclaim or cause to be filled in and reclaimed, any or all of said lands, and to convey to the owner or owners of the shore land adjacent thereto any or all of said lands in fee simple, either before or after filling in and reclaiming the same, in exchange for and in settlement of damages, in whole or in part, for the taking of lands of said owner or owners on the main land between said harbor entrance and Wilcox Street extended which said city may deem necessary and more advantageous for use by it for the purposes set forth in subsection [sub.] 1 hereof, and such owner or owners are authorized and empowered to fill in and reclaim any unfilled portions of said land and, in aid of commerce and navigation, to construct dock and wharf facilities on any of said land and to use any or all of said land for any proper purpose. (S. 1, Ch. 285, L. 1923.)

20-05. Bonds for Breakwaters. Whenever the electors of any city have heretofore voted in favor of the issuance of city bonds for the purpose of obtaining money with which to pay the entire cost of constructing breakwaters to protect the property and streets adjoining the waters where such proposed breakwaters is to be constructed, or for the purpose of making lands for public parks by the construction of such breakwater, or for both such purposes, and bonds heretofore issued by the city council for such purpose, have been sufficient to only partially construct such breakwaters, the city council is authorized to issue bonds to complete the construction of such breakwaters and to let the contract for such purpose without creating a special assessment district and without causing to be made an assessment of benefits and damages. All bonds issued, or which may hereafter be issued, in accordance

20-06 Miscellaneous Provisions

with this section, are hereby declared valid and legal notwithstanding any irregularities in the procedure preceding or subsequent to said vote. (S. 1, Ch. 569, L. 1921.)

20-06. Lands Ceded to United States. 1. BY COUNCIL RESOLUTION. All the right, title and interest of the state of Wisconsin in the lands hereinafter described is hereby granted and ceded to the United States of America; provided that this grant and cession shall not become operative until the consent of the city of Milwaukee, a municipal corporation, shall have been duly given by a resolution of its common council, and a copy of such resolution, duly certified by the city clerk of said city, shall have been filed with the secretary of state in his office at the city of Madison, state of Wisconsin.

2. LANDS DESCRIBED. The lands to which this act refers are described as follows: Beginning at a point distant south eighty-nine degrees, thirty-two minutes, seventeen seconds east two thousand eight hundred sixty-eight and fifty-six hundredths feet; north zero degrees, twenty-seven minutes, forty-three seconds; east six hundred fifty-one and nine hundredths feet, north eighty-seven degrees, sixteen minutes, thirty-nine seconds, east four hundred sixty-five and two hundredths feet, from the northwest corner of the south one-half fractional section thirty-three township seven north, range twenty-two east; being a point on the north pier of the harbor entrance in the extension of a line passing through United States government monuments numbers 305 and 307 on said north pier and distant four hundred sixty-five and two hundredths feet easterly from United States government monument number 307; running thence north zero degrees, forty-five minutes, one second west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence south eighty-seven degrees, sixteen minutes, thirty-nine seconds west seven hundred fourteen and thirteen hundredths feet along a line parallel to the north pier of the harbor entrance, as determined by a line passing through United States government monuments numbers 305 and 307, to a point on the rubble-mound breakwater; thence south zero degrees, forty-five minutes one second east one thousand one

hundred sixty-five and twenty-four hundredths feet to a point on the north pier of the harbor entrance, being a point in the line passing through the United States government monuments numbers 305 and 307 and distance two hundred forty-nine and eleven hundredths feet westerly from United States government monument number 307; thence north eighty-seven degrees; sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet along the line passing through United States government monuments numbers 305 and 307 to the point of beginning, excepting that portion of the north pier of the harbor entrance lying within the area herein described, being a parcel of land mainly submerged, in the north one-half fractional Section Thirty-Three, township seven north, range twenty-two east in the third ward of the city of Milwaukee and containing nineteen acres. (S. 1, Ch. 150, L. 1929; S. 15, Ch. 516, L. 1929.)

20-065. State Lands Ceded for Purpose of Utilizing in Aid of Navigation. (See appendix VII for the text of Ch. 76, L. 1973, and 1985 Wisconsin Act 327 which supersedes the provisions of s. 20.065.)

20-07. Title to Certain Submerged Lands.

1. WATER PURIFICATION PLANT. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the first and eighteenth wards of the city of Milwaukee, described as follows, to wit: A strip of land fifteen hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Gladden and Lockwood's addition, in the first ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of LaFayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of Section Fifteen, extended to the shore of Lake Michigan in the first and

eighteenth wards of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee to be held and used by said city as part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee nor used for any other purposes than as a public park and boulevard. Provided further, that the city of Milwaukee is hereby authorized to build, operate and maintain a water purification plant on that portion only of the aforesaid grant of land lying adjacent to Lake Park, and that if, when and after said city shall build, operate and maintain a water purification plant over and on the portion of said land hereinbefore provided for, such building, operation and maintenance shall not be deemed or construed a violation of the aforementioned public park and boulevard provision of this section. (S. 1, Ch. 261, L. 1933.)

2. RIPARIAN RIGHTS. Nothing in this act contained shall be construed to divest or otherwise affect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan, but all such riparian rights and privileges, shall remain vested in such abutting or upland owners, subject only to the use of the land hereby granted to said city of Milwaukee for the purpose of its system of public parks and boulevards, and if any part of said land shall be diverted from use by said city for the sole purpose of a public park or boulevard, as hereinbefore provided in section one [sub. (1)] above and the right of said city therein so cease and determine, the title to said land shall be thereupon vested in and apportioned among such abutting or upland owners or their assigns, to the same extent as if such land were a natural accretion outward from the shore of said lake. (S. 2, Ch. 191, L. 1897.)

20-08. Power to Cede Submerged Lands to County. The city of Milwaukee is hereby authorized and empowered to cede, grant, or lease to the county of Milwaukee for purposes of public parks or parkways, all or any part of such submerged lands extending into Lake Michigan at any time heretofore ceded to said city by the state of Wisconsin for said purposes, with the exception of such submerged lands as may have been previously

ceded to the city of Milwaukee by said state for harbor and terminal purposes, waterworks, water purification purposes, and purposes other than parks and parkways. (S. 1, Ch. 297, L. 1937.)

20-09. Submerged State Lands Ceded. 1. All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land seventeen hundred feet in width lying along and adjacent to the shore of Lake Michigan in Milwaukee county, Wisconsin, and bounded on the north by the north line of Russell Avenue in the city of Milwaukee extended easterly, and on the south by the center line of section 14, town 6 north, range 22 east, in said Milwaukee county extended easterly, is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes, provided, that the city of Milwaukee may grant and cede all of its right, title and interest in and to any portion of said land to the county of Milwaukee for the same purposes.

2. The land so ceded to said city of Milwaukee as in the aforesaid section [sub. (1)] provided shall be held and used in such manner as the laws of the state of Wisconsin having reference to like purposes and uses heretofore enacted may provide. (S. 1, Ch. 265, L. 1931; S. 2, Ch. 560, L. 1921.)

20-10. Public Parks or Grounds Exempt from Taxation. Any and all lands owned or possessed exclusively for the public use as public parks or grounds by any city or village in this state shall hereafter be exempt from taxation. Any certificate or certificates of sale of such lands for unpaid taxes now or hereafter held by any county board may be canceled by vote of a major part of the supervisors of such board, in the discretion of such board, and upon application therefor by a city or village having possession of such lands. (S. 1, Ch. 71, L. 1903.)

20-11. Ordinances Continued in Effect; Actions not Abated. 1. All ordinances, regulations or resolutions now in force in the city of Milwaukee, and not inconsistent with this act [Ch. 184, L. 1874], shall remain in force under this act until altered, modified or repealed by the common council after this act shall take effect.

20-12 Miscellaneous Provisions

2. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. (*S. 5, 6, Subch. 20, Ch. 184, L. 1874.*)

20-12. Ordinances, Violation of; Judgment and Procedure. In all cases of convictions in actions brought to recover a penalty imposed under the provisions of any ordinance passed by any city in the state of Wisconsin of the first class, whether organized under the provisions of the general law or operating under a special charter granted by the legislature of this state, to recover a penalty or forfeiture for the violation of any of the ordinances, rules, regulations or by-laws of any such city, the court or magistrate having jurisdiction of such action, shall enter judgment for such penalty or forfeiture, together with the costs of prosecution, against the defendant, and shall also enter a judgment that such defendant be imprisoned in the county jail or the house of correction of the county in which such city shall be situated, until such judgment be paid, but in such cases the court shall limit the time of imprisonment, which in no case, however, shall exceed the term of six months, and shall forthwith commit the defendant accordingly. (*S. 1, Ch. 199, L. 1897.*)

20-13. Charter Not Affected by General Law Except When So Expressed. No general law of this state, contravening the provisions of this act [Ch. 184, L. 1874], shall be considered as repealing, amending or modifying the same, except such purpose be expressly set forth in such law. (*S. 14, Subch. 20, Ch. 184, L. 1874.*)

20-15. General Charter Law Provisions. In any case, whether occurring heretofore or hereafter, where the common council of any city incorporated by special act shall have undertaken and assumed to adopt in whole or in part the provisions of the general city charter law of this state, and such city and its officers shall have assumed thereafter in good faith to act under, and to exercise the powers conferred by, the provisions of law so assumed to be adopted, any question of the validity of such assumed adoption and of the ordinance

and proceedings therefor may be tested by certiorari or by any other proper action or proceedings brought directly for the purpose of vacating or setting aside the same at any time within three months after such assumed adoption, but not thereafter. No such assumed adoption nor any ordinance or proceeding for such adoption of the whole or any part of such general city charter law shall be in any manner called in question or held to be invalid in any action or proceeding except one brought directly for that purpose within the time hereinbefore limited therefor, unless the same shall have been duly vacated or set aside by a court of competent jurisdiction. (*S. 926a Stats. 1911.*)

20-16. Proceedings in Which the City is a Party. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Milwaukee, in any proceeding or action in which the city shall be a party in interest. (*S. 4, Subch. 20, Ch. 184, L. 1874.*)

20-17. City not Liable for Certain Defects in Public Street. 1. WHEN CAUSED BY ANOTHER. Whenever any injury shall happen to persons or property in the said city of Milwaukee, by reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable; and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation. (*S. 1, Subch. 20, Ch. 184, L. 1874.*)

2. **SECONDARY LIABILITY.** Whenever any injury shall happen to person or property in said city of Milwaukee, at any place in said city where work of any kind or nature is being done in or on any street or sidewalk by any person or party under contract with said city, or with the commissioner of public works, in the name of the city, in consequence of any neglect or default of such person or party in

doing such work or improperly fencing or otherwise guarding such street or sidewalk to prevent accident while such work is going on, such person or party doing such work and guilty of such neglect or default shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or party so primarily liable. (S. 56, Ch. 324, L. 1882.)

20-18. Fire Department Relief Association.

1. ORGANIZATION. The members of the paid fire department of the city of Milwaukee, shall, on or before the first day of June, A.D. 1885, form an association, and shall organize, under the provisions of Sections 1987 and 1988 of the revised statutes, and shall adopt by-laws and regulations for the government thereof, and when so organized and the officers thereof shall have been duly elected and shall have qualified according to the by-laws of such corporation or association, the city treasurer of the city of Milwaukee, shall, upon receiving written notice of such organization, and of the election and qualification of the officers of such association, pay over to the treasurer thereof, the whole amount of the fund in his or her hands as city treasurer, known as the "Firefighters Relief Association," created and held by virtue of Chapter 37, of the Laws of 1878; and thereafter such fund shall be the property of such corporation or association, and shall be held, enjoyed and disposed of, by it, subject to its by-laws and regulations.

2. PAYMENT OF FUNDS. The city treasurer of the city of Milwaukee shall pay to the treasurer of such corporation for the benefit of the persons entitled to relief from such corporation, on or before the first day of March in each year, one-eighth of the amount of all fire insurance rate, now annually paid into the treasury of the city of Milwaukee, under Section 6, of Chapter 14, of the Charter of the city of Milwaukee, being Chapter 184, of the Laws of 1874, and the various laws amendatory thereof.

3. OFFICERS. No person shall be elected to or hold any office in the fire department relief association unless the person is a member of the fire department relief association. If a person's membership in the association is terminated while the person holds any office of the association, the person's term of office shall thereupon be terminated, and the members of the association who are entitled to vote, as provided in the association's bylaws, shall immediately elect a successor.

(HISTORY: Ch. 176, L. 1885.

20-18-1 am. File #950107, May 16, 1995; eff. Aug. 2, 1995.

20-18-3 am. File #950107, May 16, 1995; eff. Aug. 2, 1995.

20-18-3 rc. File #071616, April 9, 2008; eff. June 30, 2008.)

20-19. Police Relief Association. The city attorney shall serve as legal advisor to the police relief association at no cost to the association.

(HISTORY: S. 6 thru 8, Ch. 137, L. 1889.

S. 3, Ch. Ord. 51, File #48549, Jan. 25, 1932.

S. 1, Ch. 311, L. 1965.

Ch. Ord. 313, File #64-4440-b, June 15, 1965.

20-19 rc. File #981390, Jan. 19, 1999; eff. April 6, 1999.

20-20 rp File #000877, Nov. 8, 2000; eff. Jan. 29, 2001.)

20-- Miscellaneous Provisions

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