

# REVISED LAWS

# MINNESOTA

## 1905

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EDITED AND ANNOTATED BY  
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**693. Actions between towns, etc.**—Actions and proceedings between towns, or between a town and an individual or corporation, shall be begun, tried, and conducted in the same manner, and a judgment therein shall have a like effect, as in similar actions and proceedings between individuals. (1005)  
20-74, 59.

**694. Actions, in what name**—In all actions or proceedings the town shall sue and be sued in its name, except where town officers are authorized to sue in their official names for its benefit. In every action against a town, process and papers shall be served on the chairman of the town board, or, in his absence, on the town clerk; and such chairman shall attend to the defence of such action, and lay before the voters at the first town meeting a full statement of the facts relating thereto, for their direction in defending the same. (1006, 1008)

13-383, 355.

**695. Filing claims—Demand**—No action upon any claim or cause of action for which a money judgment only is demandable, except upon town orders, bonds, coupons, or written promises to pay money, shall be maintained against any town, unless a statement of such claim shall have been filed with the town clerk. No action shall be brought upon any town order until the expiration of thirty days after payment thereof has been demanded.

**696. Judgments against towns**—When a judgment is recovered against a town, or against any town officer in an action against him in his official name, no execution shall be issued thereon; but, unless reversed or stayed, it shall be paid by the town treasurer upon demand, and the delivery to him of a certified copy of the docket thereof, if he has in his hands sufficient town money not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to the town levied for the purpose of paying such judgment, execution may issue, but only town property shall be liable thereon. (1012)

**697. Tax to pay judgment**—If a judgment for the recovery of money is rendered against a town, and is not satisfied or proceedings thereon stayed before the next annual town meeting, upon presentation of a certified copy of the docket of such judgment to such town meeting the town board shall add to the tax levy for said year the amount of such judgment. (1013)

## CHAPTER 9

### VILLAGES AND CITIES

**698. Villages and boroughs**—Until reorganized as provided in § 699, the several villages and boroughs existing as such, at the time of the taking effect of the Revised Laws, under special legislative charter, or under any general law, shall continue thereunder and in all things continue to be governed by such general or special laws: Provided, that any village or borough of either class, having the requisite population, may reorganize as a city in the mode hereinafter prescribed. (1198)

**699. Surrender of charter—Reincorporation**—Any village or borough organized under general law or special charter may relinquish the same, and thenceforth be governed as herein provided. The council or other governing body may propose such relinquishment by a resolution ordering a special election thereon. Notice of such election, and the conduct thereof, shall be as prescribed by law for other special village elections. The ballots used shall bear the printed words, "For reincorporation—Yes—No," with a square after each of the last two words, in one of which the voter may insert a cross to

express his choice. If a majority of the votes cast be in the affirmative, said governing body shall declare the result by resolution, a certified copy of which shall be filed with the county auditor, and another with the secretary of state. Thereupon the former charter shall cease, and the applicable provisions of this chapter be substituted therefor; the name and boundaries of the corporation remaining unchanged. But until after the election next ensuing, as herein provided, the officers of such former organization shall continue in the discharge of their official duties, being governed therein, so far as practicable, by this chapter. (1198)

37-322, 34+164; 38-186, 36+454; 38-222, 37+95; 74-180, 77+38, 106.

VILLAGES

700. What territory may be incorporated—Territory not already incorporated, which has been wholly or partly platted into lots, with a view to village occupancy, and which has a resident population of not more than three thousand nor less than two hundred, may be incorporated as a village in the manner hereinafter prescribed. But the unplatted part of such territory must adjoin the platted portion, and be so conditioned as properly to be subjected to village government. (1200; '03 c. 208 s. 1)

57-526, 59+972; 61-146, 63+613; 76-469, 474, 79+510; 87-195, 91+465; 90-271, 96+40.

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701. Census—Petition for election—Twenty-five or more of the voters residing within said territory may petition the county board to call an election for the determination of such proposed incorporation. They shall first cause to be taken a census of the resident population, and, if found to be within the numbers specified in § 700, the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of such territory, the quantity of land embraced therein, the number of actual residents thereon, and the name of the village proposed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified, and that the statements made in the petition are true. (1201; '03 c. 208 s. 2)

73-225, 231, 75+1050.

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702. Notice of election—If the county board approve said petition, it shall cause a copy thereof, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries described. The time shall be not less than twenty nor more than thirty days after such posting, and the place within the limits of the proposed village. If there be a qualified newspaper published within said limits, there shall also be two weeks' published notice of such election. (1202, 1203)

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703. Inspectors—Ballot—Return—The board shall also appoint three inspectors, residents of said territory, who shall act as judges of said election, and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballot shall bear the words, "For incorporation—Yes—No," with a square after each of the last two words, in one of which the voter shall make a cross to express his choice. The inspectors shall at once make and file with the county auditor a certificate declaring the time and place of holding said election, that they have canvassed the ballots cast thereat, and the number cast both for and against said proposition. The certificate shall be signed and verified by at least two of said inspectors to the effect that the statements thereof are true. (1202, 1204, 1205)

704. Papers filed—Incorporation, when effected—The auditor shall attach said certificate to the original petition, with a copy of the resolution appointing said inspectors, and the original proofs of the posting and publication of the election notice, and file the whole, as one document, in his office. If the certificate show that the majority of the votes cast were in the affirmative, he shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the incor-

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poration shall be deemed complete. If the vote be adverse, no subsequent petition shall be entertained within one year next after said election. (1206)

**705. Election of officers—Expenses—**Upon the filing of said copy with the secretary of state, said inspectors of election shall give notice of a meeting of the resident voters for the organization of such village and the election of its officers, fixing therein the date and hour of the meeting, which shall be at least ten days, and not more than twenty days, thereafter. Such notice shall be posted and published as in case of the original election. The voters present at the appointed hour and place, by a majority vote taken viva voce, shall appoint two judges and one clerk of the election, who shall take the oath, and be governed in the conduct of the election, so far as practicable, by the laws regulating the choice of town officers. They shall open the polls by proclamation, and receive all lawful votes offered by resident voters during a period of at least six hours, and until 7 o'clock p. m. They shall give to each officer chosen a certificate of his election, and such officers, having qualified according to law, shall forthwith assume their official duties. All proper expenses of the incorporation, organization, and election shall be a charge upon said village. (1208)

**706. General powers and duties—**Villages so organized, and all others governed by this chapter, shall possess and may exercise, under their respective corporate names, the rights and powers, and be subject to the duties, of municipal corporations at common law, with perpetual succession. Each shall be capable of contracting, of suing and of being sued, and of pleading and being impleaded in the courts, may have a common seal, and alter the same at the pleasure of the council, and have power to take, purchase, lease, and hold such real and personal property, either within or without its corporate limits, as the purposes of the corporation may require. And it may sell, lease, and convey any of such property when no longer needed for corporate use. (1206)

**707. Extending boundaries—**Whenever the owner of land abutting upon any village, or a majority of the owners of platted land so abutting, shall petition the council to have such land included within the village, the council by ordinance may so extend the village boundaries as to include the same. But no such ordinance shall take effect until a certified copy thereof is filed with the secretary of state. ('99 c. 66; '03 c. 99)

**708. Separate election and assessment districts—**Any such village, not heretofore constituted a separate election district, may become such by the vote of a majority of its electors voting upon the question at a special election called for the purpose, or at a general election in the notice whereof the question is plainly submitted. The result of said vote shall be certified to the county auditor, and, if favorable to the change, by him to the secretary of state. The last-named certificate being received and filed, the change shall at once take effect, and thereafter the electors of said village shall have no vote in the affairs of the town in which the village lies, and said village shall in such case become a separate assessment district, and be so certified by the county auditor to the state auditor. (1209, 1211; '97 cc. 52, 124)

**709. Joint property, etc.—**If there be within said village any real estate purchased or improved with taxes theretofore levied upon property both within and without the village boundaries, the same shall be and remain the joint property of the town and village. It shall be lawful to hold the meetings and elections of said town within such village, and for any town officer to keep his office therein, notwithstanding the division into separate election or assessment districts. (1209; '97 c. 124)

**710. Apportionment of money and debt—Taxes—**Upon the separation of such village from the town for election and assessment purposes, if there be in the town treasury any money in excess of its then floating indebtedness, such proportion of the excess as the total assessed valuation of the property within said village bears to the entire valuation of the town shall belong to such village, and may be recovered by action. The computation of such sum shall be made upon the last preceding valuation for purposes of taxation. All

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town taxes previously levied upon property within said village, and not yet collected, shall, when collected, be credited and paid to the village. And if there be bonded indebtedness of such town, the county auditor shall apportion the same, upon the same basis, and as often as necessary shall extend a tax upon the property assessable in the town and village, respectively, sufficient to meet the proportion chargeable upon each, with interest. (1210; '97 cc. 124, 135)

**711. Elections—Officers—Terms—Vacancies—**The village election shall occur annually on the second Tuesday of March, when the resident electors shall choose the following named officers for terms beginning the first Tuesday in April next succeeding, to wit: A treasurer, and a village council composed of a president, a clerk, and three trustees, and if said village is a separate election district an assessor, all for the term of one year. Also two constables, and, if there be no municipal court established in the village, two justices of the peace, all for the term of two years. All officers chosen, having qualified as such, shall hold until their successors qualify. Vacancies in office may be filled for the remainder of the year by the village council. (1216, 1219, 1260)

83-119, 122, 85+933.

**712. Notice—Judges and clerk—Hours—**The village council shall cause ten days' posted notice of such election to be given; specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. The council shall also, within twenty days of the election, appoint two judges and one clerk for each voting district of the village; all to be resident voters, but not candidates for any village office. They shall be sworn to faithfully discharge their duties as such, and shall open the polls by proclamation, and keep them open from 10 o'clock a. m. until 4 o'clock p. m. of said day. If the judges and clerk, or any of them, fail to appear or refuse to serve, the electors present at the hour for opening may supply their places by viva voce vote. (1216; '01 c. 60)

35-176, 28+144; 83-119, 85+933.

**713. Returns—Canvassing—Notice—**The judges and clerk shall forthwith count the votes cast, proclaim the results, and record the same in a book provided for the purpose. Such book, with the ballots cast, shall thereupon be returned to the clerk. Within two days after the election the council shall meet as a canvassing board, and declare the results appearing from said returns. A plurality of votes shall elect, and in case of a tie the election shall be determined by lot, in the presence of the board, and under its direction. The clerk shall forthwith give written notice to each person chosen of his election to the office named, and shall also certify the results of said election to the county auditor. (1216; '01 c. 60)

38-222, 225, 37+95.

**714. Town meeting laws applied—Illegal voting, etc.—**Except as otherwise provided in § 713, all village elections shall be conducted, and the results ascertained, in the manner provided by law for town meetings; and, except as so modified, all laws regulating the holding of town meetings, canvassing and certifying the results thereof, and relating to the duties of judges and clerks of election, and to voting and the challenging of votes, and every statute prescribing or punishing offences in respect to illegal voting, bribery, fraud, corruption, official delinquency, or other offences at or concerning elections, which are applicable to town meetings, are hereby extended to village elections. (1217)

38-222, 225, 37+95.

**715. Special elections—**Special elections may be ordered by the council, upon its own motion or upon the petition of fifty resident voters, of which at least ten days' posted and one week's published notice in a newspaper published in said village, if there be one, shall be given, clearly setting forth the questions submitted. Judges and clerks shall be appointed, the vote taken, and the results ascertained, declared, and certified as in the case of annual elections: Provided, that no proposal so submitted shall be deemed carried

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without such a majority in its favor as may be required by law in the particular instance; and provided, further, that in case of a tie the proposal shall be deemed lost. (1217; '01 c. 85)

83-119, 85+933.

**716. Assessor—Town taxes, etc.**—The assessor shall assess and return all property taxable within the village, if a separate assessment district, and the assessor of the town shall not include in his return any property taxable in such village. (1218; '99 c. 33)

**717. Treasurer—Duties, bond, accounts, etc.**—The treasurer shall give such bond as the council may require. He shall collect, receipt for, and safely keep all moneys belonging to the village, and shall promptly enter, in a book to be provided for the purpose, an account of all moneys received and disbursed by him as treasurer; showing the sources and objects thereof, with the date of each transaction. He shall pay out no money except upon the written order of the president of the council, attested by the clerk, which orders, being paid and canceled, he shall retain as his vouchers. Such accounts and vouchers shall be exhibited to the council upon its request, and he shall deliver to his successor all books, papers, and money belonging to said village. And one week before the annual election, he shall make out and file with the clerk for public inspection a detailed account of his receipts and disbursements, with the sources and objects of each. (1219, 1223; '99 c. 33 s. 2; '03 c. 190)

See 1905 c. 74

**718. Clerk—Bond—Deputy**—The clerk shall give bond to the village, conditioned for the faithful discharge of his official duties, in such sum as the council shall approve. With the consent of the council, he may appoint a deputy, for whose acts he shall be responsible, and whom he may remove at pleasure. Such deputy may discharge any and all of the duties of the clerk, except that he shall not be a member of the council. (1264; '95 c. 270)

**719. Same—Duties—Compensation**—The clerk shall give the required notice of each annual and special election, record the proceedings thereof, notify chosen officials of their election or appointment to office, and certify to the county auditor all appointments and the results of all village elections. He shall keep:

1. A minute book, noting therein all proceedings of the council, all petitions and communications addressed thereto, all bills presented, and the full titles of all ordinances adopted.

2. An ordinance book, in which he shall record at length all such ordinances, all by-laws, rules, and regulations passed by the council, and all commissions, permits, and licenses issued. And when so recorded, he shall enter upon the margin of the minute book, opposite the record of adoption, a reference to the book and page of such record.

3. A finance book, on which he shall enter all the money transactions of the village, including the dates and amounts of all receipts, and of all orders drawn upon the treasurer, with their respective sources and objects.

He shall act generally as the clerk, recorder, and bookkeeper of the village, be the custodian of its seal and records, countersign its official papers, post and publish notices, ordinances, and the like, and perform such other appropriate duties as may be imposed by ordinance or other direction of the council. For his services he shall receive such compensation as may be fixed at the beginning of his term by resolution of the council. For certified copies, and for filing and entering, when required, chattel mortgages and other papers not relating to village business, he shall receive the fees allowed by law to town clerks. (1264; '99 c. 115)

**720. Constables—Duties—Compensation**—Constables shall give bonds to the village, to be approved by the council, similar to those required of town constables, and be governed by the same laws. They shall obey all lawful orders of the council, or the president thereof, and diligently enforce all laws and ordinances for the preservation of the peace. They may arrest, with or without a warrant, and forthwith take before a village justice, any person engaged in the commission of a public offence, and may command, if neces-

sary, the assistance of bystanders. They shall receive for their services the same fees allowed to other constables, and, for special services to the village, such compensation as the council may fix. (1265)

**721. Peace officers**—The president and the trustees shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village, and may command the assistance of all persons, under such penalties as may be prescribed by the by-laws and ordinances. (1270)

**722. Justices—Powers—Duties—Fees**—Village justices of the peace shall possess all the powers of those elected by the towns, and be governed in the exercise thereof by the same laws, in all respects, except that their official bonds shall run to the village, and be approved by the council. They may also hear and determine accusations made against persons for the violation of any ordinance, by-law, or regulation of the village, and, upon conviction, may impose the penalties prescribed. They shall have such other jurisdiction and authority as is by this chapter conferred or implied, and receive for their services the fees allowed by law to justices of the towns. (1259; '95 c. 53; '97 c. 151)

93-199, 101+72.

**723. Prosecutions by village**—All prosecutions for violation of the ordinances, rules, or by-laws of any village shall be brought in the name of the village, upon complaint and warrant, as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed to the village marshal, or the sheriff or any constable of the county or village, but the marshal shall serve no such process except within the village. (1252)

91-277, 97+972.

**724. Pleading—Evidence—Judgment**—It shall be a sufficient pleading of the by-laws, rules, or ordinances of a village to refer to the section and number or chapter thereof. They shall have the effect of general laws within the village, and need not be given in evidence upon the trial of civil or criminal actions. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty, or forfeiture imposed, with the costs; and the judgment shall also direct that, in default of payment, the defendant be committed to the common jail of the county for such time, not exceeding ninety days, as the court shall see fit. The commitment shall state the amount of judgment, the costs, and the period of commitment. Every person so committed shall be received by the keeper of the jail, and kept, at the expense of the county, until lawfully discharged. The committing court may release the defendant at any time upon payment of such fine and costs. (1252, 1253)

83-456, 458, 86+457.

**725. Appeals**—Appeals may be taken to the district court in the same manner as from judgments of justices of the peace in civil actions, but, if taken by the defendant, he shall give bond to the village to be approved by the court, conditioned that, if the judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal. In case of such affirmance, execution may issue against both defendant and his sureties. Upon perfection of such appeal, defendant shall be discharged from custody. (1254)

69-349, 72+564.

**726. Fines, fees, etc.**—All fines, forfeitures, and penalties recovered for the violation of any ordinance, rule, or by-law of the village, and all moneys paid for licenses and permits, shall be paid into the village treasury. Every court or officer receiving the same, within thirty days thereafter, shall make return thereof under oath, and be entitled to duplicate receipts therefor, one of which shall be filed with the village clerk. (1255, 1258)

**727. Council—Powers—Ordinances**—The village council shall be composed of five members, of whom three shall be a quorum, and shall have power

to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

1. *Procedure—Salaries*—To regulate the mode of its own procedure, and to fix the compensation of its employees, when not otherwise prescribed.

2. *Books, stationery, etc.*—To procure the books required to be kept by village officers, and such furniture, property, stationery, and printing as shall be necessary for village purposes.

3. *Actions at law*—To provide for the prosecution or defence of actions or proceedings at law in which the village may be interested, and employ counsel therefor.

4. *Attorney—Street commissioner, etc.*—To appoint, when necessary, a village attorney, a poundmaster, a street commissioner, one or more keepers of cemeteries, one or more fire wardens, a marshal, and one or more policemen. Every such appointee shall give such bond as the council may require, conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys by him officially received.

5. *Buildings*—To control and protect the public buildings, property, and records, and insure the same.

6. *Village plat*—To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded.

7. *Fire prevention*—To establish a fire department, appoint the officers and members thereof, and prescribe their duties; to provide fire engines and other fire apparatus, engine houses, pumps, water mains, reservoirs, and other waterworks; to compel the inhabitants to aid in the extinguishment of fires, and to raze such buildings in the vicinity of a fire as any two or more members of the council present may direct, for the purpose of preventing its communication to other buildings; to establish fire limits within which wooden or other combustible buildings shall not be erected; to require owners or occupants of buildings to provide and keep on their premises suitable ladders and fire buckets, and, after reasonable notice to, and refusal by, such owner or occupant, to procure and deliver the same to him, and assess the cost thereof as a special tax upon such real estate, to be collected as other village assessments are collected; to regulate the storage of gunpowder and other dangerous materials; to require the construction and use of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village; to authorize fire wardens at all reasonable times to enter into and examine lots, inclosures, and buildings, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and, generally, to take such measures for the prevention or extinguishment of fires as may be necessary or proper.

8. *Streets—Sewers—Sidewalks—Public grounds*—To lay out, open, change, widen, extend, or vacate streets, alleys, parks, squares, and other public ways and grounds, and to grade, pave, and repair the same; to establish and maintain drains, canals, and sewers, and to alter, widen, or straighten watercourses; to lay, repair, or otherwise improve, or to discontinue, sidewalks, paths, and cross-walks; to prevent the incumbering of streets or other public ways or grounds with vehicles, railway cars or engines, building material, or other substances; to prevent racing or the immoderate riding or driving of animals or vehicles in the village, or the use of sidewalks for other than pedestrian purposes; to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and, in default thereof, to authorize such removal at the owner's expense. But no street or alley shall be vacated except upon petition as in this chapter provided.

9. *Animals—Rate of speed—Licenses*—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding, and sale thereof; to establish pounds, and regulate and protect the same; to require the fastening or confinement of animals while in the streets or alleys of the village, and to prescribe the place

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05 - 167

727(8)  
09 - 127  
09 - 441  
101-M - 220

and manner thereof; to regulate the speed of electric or steam engines or cars running in or through the village; to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large; to license public porters, solicitors, or runners, cartmen, hackmen, omnibus drivers, and guides, and establish regulations for their conduct as such; and to prevent unnecessary noise or other disorder.

10. *Markets*—To establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

727(10)  
05 - 286

11. *Cemeteries—Parks, trees, etc.*—To purchase and hold cemetery grounds within or without the village limits, to inclose, lay out, and ornament the same, and to sell and convey lots therein; to establish public parks, parkways, and walks, and inclose, improve, ornament, and protect the same; and to provide for and regulate the setting out and protection of trees, shrubs, and flowers in the village, or upon its property.

727(11)  
09 - 441.

12. *Amusements, peddlers, etc.*—To prevent or license and regulate the exhibition of circuses, theatrical performances, or shows of any kind, and the keeping of billiard tables, pigeonhole tables, and bowling alleys; to restrain or license and regulate auctioneers, transient dealers, hawkers, and peddlers; and in all such cases to fix the price of said license, and prescribe the term of its continuance, and to revoke such license when, in the opinion of the council, the good order of the village requires it: Provided, that the council, in its discretion, may refuse to grant a license for any of the above purposes, and the term of no such license shall extend beyond the annual election next after the granting thereof.

727(12)  
09 - 84

13. *Gaming and other vices—Liquors*—To prohibit gift enterprises, all gambling devices, and all playing of cards, dice, or other games of chance or skill for the purpose of gaming; to restrain and punish vagrants, tramps, mendicants, prostitutes, and persons guilty of lewd conduct; and to license and regulate or prohibit the selling, bartering, disposing of, or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to revoke any license for the sale of such liquors already granted whenever the council, after a hearing of the case, shall deem it proper.

727(13)  
09 - 263  
09 - 487

14. *Libraries*—To establish and maintain public libraries and reading rooms, purchase books and periodicals therefor, and make needful rules for the safekeeping and handling of the same.

15. *Removal of officers*—To remove any officer appointed or elected by the council, whenever, in its judgment, the public welfare will be promoted thereby.

16. *Jail*—To purchase, lease, or build, and to maintain, a watchhouse or other place for the confinement of offenders against the rules, ordinances, and by-laws, and for the temporary detention of suspected persons.

17. *Board of health, etc.*—To establish a board of health, with all the powers of such boards under the general laws; to provide hospitals, and regulate the burial of the dead; to define nuisances, and prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous building or place, to remove, abate, or cleanse the same; to direct the location and management of slaughterhouses, and to prevent the erection, use, or occupation of the same, except as authorized; to prevent the bringing, depositing, or leaving within the village of any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome matter therefrom; to provide for the cleaning, and removal of obstructions from, any river, stream, lake, slough, or watercourse within the village; and to prevent the obstruction or retarding of the flow of waters therein, or the fouling of the same.

18. *Reservoirs*—To provide, and regulate the use of, wells, cisterns, reservoirs, waterworks, and other means of water supply.

19. *Lighting streets*—To erect lamp-posts and lamps, and provide for lighting any portion of the village streets or grounds by gas, electricity, or other means.

727(19)  
05 - 169

20. *Harbors and docks*—To establish harbor and dock limits; to regulate

727(19)  
09 - 218

the location, construction, and use of piers, docks, wharves, and boathouses on navigable waters; and to fix rates of wharfage.

21. *Taxes—Bonds—Fiscal statement*—To levy and collect taxes, including poll tax and assessments, audit claims against the village, and direct orders to issue for their payment; to refund, wholly or in part, any tax or special assessment unjustly or illegally collected; to authorize village bonds to be issued in the cases provided by law; and, generally, to manage the financial concerns of the village. And they shall prepare and cause to be publicly read at the annual village election a detailed statement showing the amount in the treasury at the beginning of the year, when and from what sources all moneys paid into the treasury during the year were derived, and when, to whom, and for what purpose all money expended was paid, with the balance then in the treasury, which statement shall be recorded in the minute book and preserved in the recorder's office.

22. *Penalties for violation*—To declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offence, and to prescribe penalties therefor: Provided, that no such penalty shall exceed a fine of one hundred dollars, or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period has expired. (1224; '97 c. 25)

See 1905 c. 138

Subd. 4 (82-420, 85+155). Subd. 7 (94-128, 102+216). Subd. 8 (45-4, 47+166; 50-551, 555, 52+931; 83-275, 86+103). Subd. 13 (29-445, 457, 13+913; 33-102, 22+442. See 83-456, 86+457).

728. *Meetings of council—Compensation, etc.*—Regular meetings of the council shall be held at such times as may be prescribed by the by-laws. Special meetings may be called by two members by writing filed with the clerk, who shall notify the members of the time and place thereof in the manner prescribed by the by-laws. The president, and in his absence any trustee whom the council may select, shall preside, and all meetings shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish non-attendance, and shall be judge of the election and qualification of its members. The president and trustees shall receive one dollar for each day employed as such officers, not to exceed ten dollars in any year. (1272)

729. *Ordinances, how enacted*—All ordinances, rules, and by-laws shall be enacted by majority vote of all the members of the council, shall be signed by the president and attested by the clerk, and published once in a newspaper in the county, or, if there be none such, shall be posted in three conspicuous places in the village. Proof of such publication, by affidavit of the printer or foreman in the office of said newspaper, or of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance, and the same shall be prima facie evidence of the facts therein stated. All ordinances shall be suitably entitled, and in this style: "The village council of ..... do ordain as follows." (1267)

82-420, 85+155.

See 1905 c. 26

730. *Execution of instruments*—Every contract, conveyance, license, or other written instrument shall be executed on the part of the village by the president and clerk, with the corporate seal affixed, and only in pursuance of authority therefor from the council. (1273)

731. *Contracts—Members excluded—Bids*—No member of a village council shall be directly or indirectly interested in any contract made by such council, and every violation hereof shall be a misdemeanor. And all contracts involving an expenditure of one hundred dollars or more, if not to be paid from road or poll tax, shall be let to the lowest responsible bidder, after public notice of the time and place of receiving bids. (1269)

45-4, 8, 47+166; 73-146, 75+1042; 93-336, 101+495.

732. *Control of streets*—Each village shall constitute one road district, over which the officers of the town in which it is situated shall have no control.

07 729 - 174  
07 - 193

09 732 - 189

All poll and other road taxes raised within the village shall be expended under the direction of the council. But the county or town board may make such appropriations from its road fund as it shall deem proper for the construction or repair of bridges within such village. (1250, 1261; '97 c. 234)

38-186, 188, 36+454; 83-275, 86+103.

**733. Vacating streets**—On petition of a majority of the owners of land abutting on a street or alley in any village, the council may, by resolution, vacate the same, if it shall appear for the interest of the public so to do; first giving one week's published and posted notice of a hearing to be had thereon. A certified copy of such resolution may be filed for record with the register of deeds. (1246; '02 c. 57)

09 - 733 - 381

**734. Benefit assessments—Cost of land, etc.**—The cost of laying out, widening, extending, or opening any street, lane, alley, square, or other public ground or place, of constructing, opening, altering, enlarging, or extending any drain, canal, or sewer, of widening or straightening any watercourse, or of improving any harbor, by any village governed by this chapter, including all damages and expenses incurred by the village in acquiring lands for such purposes by condemnation or otherwise, may be assessed, by a majority vote of the village council, upon such property within the village as it shall determine to be specially benefited by the improvement. (1244, 1245)

734  
101-M - 220  
734 (23)  
09 - - 127

**735. Same—Street improvements**—The council of any such village may cause any street therein, or any part thereof not less than sixteen rods in length, to be graded, paved, or otherwise improved, or any sidewalk, sewer, or gutter to be built, upon a petition therefor signed by three-fourths of all owners of real estate bounding both sides, and by the owners of at least one-half the frontage of the street or part of a street to be improved, or may order any sidewalk, sewer, or gutter to be built on one side of a street, upon like petition, if signed by the owners of at least one-half the frontage on such side; and, without any petition, it may order any sidewalk, sewer, or gutter previously built to be put in repair when necessary. The cost of such improvements, or any part thereof not less than half, may be levied, by resolution of the council, upon the lots or parcels of ground on the street, or side thereof, so improved. (1247; '95 c. 72; '99 c. 90)

45-4, 47+166.

735  
05 - 330  
07 - 193

**736. Deficiency—Instalments**—If the tax so levied proves insufficient to pay the cost, or the proportion thereof assessed to such property, the council may levy an additional tax thereon to make good the deficiency. And if the petitioners for the improvement so request in their petition, the council, in its discretion, may make such assessment payable in five annual instalments, and may issue and sell bonds for the aggregate of such instalments, the proceeds thereof to be used in paying for the improvement. (1247; '99 c. 90)

736  
05 - 330

**737. Mode of assessment—Collection**—The assessments authorized in §§ 734-736 shall be made by resolution of the council, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known, and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessment, or any part thereof. On October 10 next following, if any of the assessments be not previously paid to the village treasurer, the clerk shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall be enforced, collected, and paid over to the village treasurer as in the case of other village taxes: Provided, that the owner of land assessed for a sidewalk improvement may discharge such assessment by laying or repairing the walk to the satisfaction of the council. (1245, 1248, 1249)

737  
05 - 330

**738. Claims, how audited and paid—Interest—**No money demand against such village shall be paid until audited and allowed by the council, nor otherwise than by an order drawn upon the treasurer therefor. Such demand shall be made out in items, and be verified by an attached affidavit that the claim is just and correct, and that no part of it has been paid. The clerk shall indorse thereon the word "Disallowed," if such be the fact, or, "Allowed in the sum of \$.....," if approved in whole or in part; specifying in the latter case the items rejected. Such accounts and affidavits shall be filed by the clerk, and consecutively numbered throughout the year. Each claim allowed shall also bear the number of the order drawn for its payment, and the clerk shall take and preserve a receipt for each order issued. Orders presented to the treasurer and not paid for want of funds, shall be so marked, and paid in the order of their presentation, and shall bear interest at the rate of six per cent. from the date of such presentation. (1231, 1262)

**739. Taxpayer's appeal—**No order shall be issued or signed for the payment of any claim until ten days after the allowance thereof, within which time any five taxpayers of the village may appeal from such allowance to the district court of the county. To effect such appeal, they shall pay to the clerk a fee of fifty cents, and serve upon him a notice setting forth the fact of the appeal, the claim referred to, and the date and amount of its allowance, and thereafter no order shall issue until the appeal is determined. The clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court the original affidavit and claim, with a certified copy of the minutes of all council proceedings relating thereto. Upon proof being filed with said clerk of the service of said notice, the court shall have jurisdiction of said claim, and of the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board. ('01 c. 221)

**740. Financial report—**The council shall make an annual report showing the items and nature of all accounts, and to whom allowed, together with a detailed statement of the financial concerns of the village. Such report shall be filed with the clerk, and a copy shall be posted at the time and place of the annual election. (1262)

**741. Tax levy—**Annually on or before September 15 the council shall determine by resolution the amount of corporation taxes to be assessed, which shall not exceed two per cent. of the assessed valuation of the property taxable in the village. Before levying a tax for any special purpose, the council may submit the question of levying the same to the voters at a general or special election, and it shall be bound by the vote thereon. On or before October 10 in each year the clerk shall certify all such resolutions to the county auditor. (1251, 1557)

61-233, 63+628.

**742. Dissolution, how accomplished—**Any village governed by this chapter may be dissolved by a majority vote of its electors, cast at a special election called for the purpose. Such election shall be duly held whenever a number of the voters equal to one-third of those voting at the preceding village election shall petition the council therefor. The ballots used shall bear the printed words "For dissolution," and "Against dissolution," with a square after each, in which the voter may indicate his preference by a cross. The election shall be called and conducted, and the result thereof certified to the county auditor, as required in the case of a vote upon a proposed issue of town or county bonds. If the dissolution be carried, the auditor shall certify the vote to the state auditor and to the secretary of state, and at the end of six months after the date of such election the village shall cease to exist as such. (1274, 1275)

**743. Same—Settlement of affairs—**Within said six months the council shall dispose of the village property, adjust all claims against the village, settle with the treasurer and other village officers, and cause the assets of the village to be applied to the payment of its debts. If anything remain, it shall designate the manner in which the same shall be used, and, if any debts be unpaid, shall levy a tax sufficient for such payment, the proceeds of which, when col-

lected, shall be paid by the county treasurer to the creditors in proportion to their several claims until all are discharged. (1275)

744. **Water and light plants**—Any village, whether governed by this chapter or otherwise, may erect waterworks and lighting plants for supplying water and light for public purposes, or for the private use of its inhabitants, or both, and may conduct and control the same, and fix and collect proper and uniform charges for such private supply, or it may purchase or lease any such works or plant already erected, and operate the same for the purposes aforesaid. But no such erection, purchase, or lease shall be made without approval by the voters of the village, such as is required by law for the issuing of village bonds for like objects. The proposal so to do, and a proposal to issue bonds to raise money therefor, may be submitted either separately, or as a single question. (1225; '03 c. 29)

	744
05	- 100
05	- 105
05	- 334
07	- 306

See 1905 c. 228

73-225, 230, 75+1050; 83-275, 86+103; 93-336, 101+495.

745. **Connecting street railways**—The council of any such village may grant to individuals or corporations the right to construct street railways upon its streets, and to operate the same by other than steam power, for the purpose of connecting such village with outside places or territory. But nothing herein shall authorize any exclusive franchise for such purpose, nor any franchise for more than twenty-five years. All such franchises heretofore granted, and all acceptances thereof, are hereby confirmed. ('03 c. 139)

CITIES

746. **How classified**—Cities are hereby divided, for legislative purposes, into classes as follows:

	746 (2)
09	- - 121
09	- - 155
	746-759
09	- - 137
	746-765
09	- - 236
09	- - 264
09	- - 486
	746-775 *
09	- - 172
09	- - 174
09	- - 180
09	- - 185
09	- - 205
09	- - 206
09	- - 383
09	- - 385

First class. Those having more than fifty thousand inhabitants.

Second class. Those having twenty thousand, and not more than fifty thousand, inhabitants.

Third class. Those having more than ten thousand, and not more than twenty thousand, inhabitants.

Fourth class. Those having not more than ten thousand inhabitants.

Changes in classification resulting from any future state or national census shall not take effect until the first Monday in January next after the taking thereof. Meanwhile the council or other governing body shall take measures for the election of proper officials, and for dividing the city into wards, if necessary, and otherwise prepare for the coming change. (Const. art. 4 s. 36)

747. **Existing charters preserved**—Until otherwise provided in accordance with this subdivision, all cities existing at the time of the taking effect of the Revised Laws shall continue to be governed by the laws then applicable thereto.

	747-758
07	- 17
	747
101-M	- 293
103-M	- 318

748. **Home rule charters—Patrol limits**—Any city incorporated prior to November 8, 1898, or any village, whenever incorporated, desiring to be organized as a city, may frame a city charter for its own government in the manner hereinafter prescribed: Provided that, in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority. ('03 c. 238 ss. 1, 5)

81-79, 83+498.

	748
07	- 373
07	- 375
	748-755
05	- 29
	748-756
09	- - 170
09	- - 172
09	- - 177

749. **Board of freeholders**—Whenever the judges of the judicial district in which such city or village is situated shall deem it for the best interests of the municipality so to do, they may appoint a board of freeholders to frame such charter, composed of fifteen members, each of whom shall have been a qualified voter of such city or village for five years last past; and, upon presentation to them of a petition requesting such action, signed by at least ten per cent. of the number of voters of such municipality, as shown by the returns of the election last held therein, they shall appoint such board. The members shall severally hold office for the term of four years, or until they cease to be such resident voters and freeholders, and vacancies in said board shall be filled

	749
07	- 373
	749
09	- - 137
09	- - 423

by appointment of said judges for the unexpired terms. Upon the expiration of each four-year term, the judges shall appoint a new board. Every appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within thirty days a written acceptance and oath of office shall be deemed to have declined such appointment, and his place shall be filled as though he had resigned. The judges shall make such rules with reference to such board, and require such reports, as may appear desirable or necessary. ('03 c. 238 ss. 2, 3)

07 750 - 216

**750. Compensation—Expenses**—The members of such board shall receive no compensation, but the board may employ an attorney and stenographer to assist in framing such charter, and their reasonable compensation and the cost of printing such charter, when so directed by the board, shall be paid by such city or village. Such expenditures, however, shall not exceed five hundred dollars. ('01 c. 129; '03 c. 350)

07 751 - 373

09 751 - 137

**751. Proposed charter, how framed**—Within six months after such appointment, the board of freeholders shall deliver to the chief executive of said city or village the draft of a proposed charter, signed by at least a majority of its members. Such draft shall fix the corporate name and the boundaries of the proposed city, and provide for a mayor, and for a council consisting of either one or two branches; one in either case to be elected by the people. Subject to the limitations in this chapter provided, it may provide for any scheme of municipal government not inconsistent with the constitution, and may provide for the establishment and administration of all departments of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done before the adoption of sec. 33, art. 4, of the constitution. It may omit provisions in reference to any department contained in special laws then operative in said city or village, and provide that such laws, or such parts thereof as are specified, shall continue in force therein. It may prescribe methods of procedure in respect to the operation of the government thereby created, and the duties thereunder of all courts and officers of the district and county in which the city is situated, which duties such courts and officers shall perform. And by such charter the city may be authorized to acquire, by gift, devise, purchase, or condemnation, any property, within or without its boundaries, needed for the full discharge of any public function which it is permitted to exercise. Nothing in this section shall authorize a change of boundaries. ('03 c. 238 ss. 4, 5, 9)

07 752 - 6  
07 - 7  
07 - 235

**752. Limit of bonded indebtedness**—No such charter shall permit the issue of any bonds of the city whereby its aggregate bonded indebtedness would be made to exceed ten per cent. of the last assessed valuation of the property taxable therein; and no such charter of a city of the first class shall permit the issue of its bonds, except to fund maturing bonds, when thereby its aggregate bonded indebtedness would be made to exceed five per cent. of such assessed valuation, unless the charter provide that before such issue the approval of a majority of the electors voting upon the question at a general or special election be first obtained. But any such charter may provide that certificates of indebtedness or bonds issued before its adoption shall not be counted as part of such aggregate bonded indebtedness if (1) held in a sinking fund maintained by such city or village; or (2) issued for the purchase, construction, maintenance, extension, enlargement, or improvement of water and lighting plants, or either, owned and operated by such city or village, or the acquisition of property needed in connection therewith; or (3) for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued. And any such charter may provide that the city may issue certificates of indebtedness or bonds to any limit prescribed therein, without approval of the voters, if such issue be for either of the last two mentioned purposes, or for the purpose of extending, enlarging, or improving water and lighting plants, or either, owned and operated by such city, or of acquiring property needed in connection therewith, or for the purpose of funding floating

indebtedness incurred by the city or village before the adoption of the charter. ('03 c. 238 s. 9)

**753. Regulation of franchises**—Such proposed charter may provide for regulating and controlling the exercise of privileges and franchises in or upon the streets and other public places of the city, whether granted by the city or village, by the legislature, or by any other authority; but no perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted, unless the proposed grant be first submitted to the voters of the city or village, and be approved by a majority of those voting thereon, nor in such case for a period of more than twenty-five years. ('03 c. 238 s. 9)

**754. Charter, how submitted—Ballots**—Upon delivery of such draft, the council or other governing body of the city or village shall cause the proposed charter to be submitted at the next election thereafter. Such election may be a general election, or a special election called for that purpose only, or for that and other purposes, and held prior to or at the same time with the next general election, as such governing body may determine. If at the same time with a general election, the voting places and the election officers shall be the same for both elections. The ballot shall bear the printed words, "Shall the proposed new charter be adopted? Yes—No," with a square after each of the last two words, in which the voter may place a cross to express his choice. And if any part of such charter be submitted in the alternative, the ballot shall be so printed as to permit the voter to indicate his preference in each instance by inserting a cross in like manner. If any charter so submitted be rejected, the board may propose others from time to time until one is adopted. ('03 c. 238 ss. 4, 10)

81-189, 83+536; 86-136, 90+160.

**755. How adopted—Judicial notice**—If four-sevenths of those lawfully voting at such election shall declare in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof were submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. The certificates provided for in sec. 36, art. 4, of the constitution, being deposited and recorded as thereby required, said charter shall take effect at the end of thirty days from the date of the election, and shall then supersede all other charter provisions relating to such city or village. Thereupon the courts shall take judicial notice of said new charter, and, upon the election of officers thereunder; the officials of the former corporation shall deliver to them the records, money, and other public property in their control. ('03 c. 238 ss. 5, 8)

81-220, 83+984.

**756. Amendments**—The board of freeholders may propose amendments to such charter, and shall do so upon the petition of five per cent. of the voters of the city, setting forth in substance the amendment desired. Amendments shall be submitted as in the case of the original charter, and the proposal shall be published for at least four weeks in not exceeding three newspapers of general circulation in such city. The form of ballot and mode of voting shall be similar to those used upon the adoption of such charter, the general nature of each amendment being briefly indicated. If three-fifths of those lawfully voting at such election shall declare in favor of any amendment so proposed, the same shall be certified, deposited, and recorded, and shall take effect, as in the case of the original charter: Provided that, if it be proposed that any amendment shall take effect at a specified time, it shall take effect as proposed. ('03 c. 238 s. 6)

See 1905, c. 253

**757. Alternative proposals**—In submitting a charter or an amendment to the voters any alternative section or article may be presented and voted on separately, without prejudice to other articles or sections of the charter or any amendments thereto. ('03 c. 238 s. 7)

**758. Succession—Subsisting rights**—The new city so organized shall be in all respects the legal successor of the former corporation, and no charter so

07 754 - 373  
09 754 - 214

07 755 - 373

07 756 - 199  
07 - 373  
98-M - 113  
107-NW 728

07 757 - 373

adopted, nor any amendment thereof, shall prejudice any subsisting right, lien, or demand against the city or village superseded, or affect any pending action or proceeding to enforce the same. All rights, penalties, and forfeitures accrued or accruing to such former corporation, all property vested therein or held in trust therefor, all taxes and assessments levied in its behalf, and all its privileges and immunities not inconsistent with the new charter, shall pass to said successor. And all ordinances, resolutions, and by-laws in force at the adoption of such new charter, and not in conflict with its provisions, shall continue in force until duly altered or repealed. ('03 c. 238, s. 5)

PROVISIONS RELATING TO CERTAIN CITIES

**759. Replacing sidewalks**—Whenever a sidewalk in any city of the first class decays or becomes otherwise unsafe, the council thereof, by a four-fifths vote of its members, and without any petition from property owners therefor, may cause the same to be removed and replaced by a new walk, of the same or different material, and assess the cost thereof upon abutting property as in the case of a walk first laid. ('03 c. 213 s. 1)

760  
05 - 316  
07 - 180

**760. Employment bureaus**—Any city of the first class may establish and conduct an employment bureau, and provide by ordinance or otherwise for its regulation and maintenance by the city. ('01 c. 151)

**761. Elevator operators—License—Penalties**—No person shall operate a passenger elevator in any city of the first class without being licensed so to do by the building inspector. The inspector shall examine the applicant as to his knowledge of the construction of elevators, and his experience and ability in their operation, and, if he be found qualified, shall license him to run elevators in such city for one year. The licensing officer shall receive twenty-five cents for each license issued. No person shall employ or permit a person not the holder of a license to operate any passenger elevator under his control. Every violation of this section shall be a misdemeanor. ('01 c. 195; '02 c. 45)

762  
05 - 103  
05 - 335  
07 - 22  
02-'03  
09 - 374

**762. Park funds**—The board of park commissioners of any city of the first class may receive and accumulate all moneys arising from the operation and control of parks, and may use the same in the improvement and maintenance of parks. ('03 c. 4)

763  
05 - 103  
05 - 335  
07 - 22  
07 - 440  
09 - 485

**763. Parks, etc., outside limits**—The board of park commissioners of any city of the first class may acquire by gift, devise, purchase, or condemnation, for parks or parkways, lands lying outside the city limits, and adjacent to lands devoted to parks and parkways within such limits; and such board may so acquire lands for parkways along the shores of a lake or stream lying partly or wholly without such limits, if such lake or stream be near or connected with a lake lying wholly or partly within such limits, on the shores of which a park or parkway has been acquired or projected: Provided, that no tract so acquired by purchase or condemnation shall exceed forty acres. ('95 c. 244; '01 c. 139)

**764. Art commission**—The council of any city of the first class may establish by ordinance a city art commission; of five resident members, to be appointed by the mayor, one each from lists, of three persons each, presented to him as follows: One by the oldest incorporated society of fine arts, or other similar body, of the city, one by the library board thereof, and one by the park board. The other two shall be selected, one from the resident painters, sculptors, and architects, and one from the citizens generally. If any such list be not submitted within thirty days after request so to do from the mayor, he shall appoint without such recommendation. The terms of members shall begin January 1 next after appointment. The first board shall serve for one, two, three, four, and five years, respectively, as designated by the mayor, and thereafter the term of each shall be five years, and until his successor qualifies. Vacancies shall be filled for the unexpired terms by like appointments. After such commission is established, the city shall acquire no work of art, nor shall any such work be placed in any public place therein, unless the design and location thereof be by such commission approved; neither shall any work of art possessed by the city be removed, replaced, or altered without such ap-

proval. The mayor or council may request such commission to pass upon the design of any municipal building, bridge, approach, gate, fence, lamp, or other structure to be erected upon any public ground of the city, and upon any proposed grading, platting, or laying out of public grounds or ways; and in such cases the decisions of the commission shall be binding, and shall be obeyed. If the commission shall fail to decide upon any matter within sixty days after such request, its decision may be dispensed with, and in cases of emergency the mayor or council may prescribe a shorter time. The term "work of art," as used herein, shall embrace all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches, gates, and other permanent structures for ornament or commemoration. Nothing herein shall apply to any building or grounds owned by the state, or require any library or park board to accept any work of art to be displayed upon property under its control. ('01 c. 154)

**765. Contracts for water and light**—Any city of the second or third class, if it have no water system of its own, may contract with a private person or corporation to supply its inhabitants with water for public and private use, for such period, not exceeding thirty years, and upon such conditions, as its council may determine; and, as a part of such contract, it may authorize the laying, maintenance, and operation of mains, hydrants, connections, and other appliances in the streets and other public grounds. In like manner, any such city not owning a lighting system may contract for the public and private lighting thereof for a period not exceeding fifteen years, and may authorize the placing of poles, wires, and other necessary lighting apparatus in the streets and public grounds. Any such contract may be extended from time to time for periods not exceeding the limits herein fixed. ('03 c. 185)

05	765	
07	-	376
07	-	67
	-	452

#### PROVISIONS RELATING TO VILLAGES AND CITIES

**766. Eminent domain**—All cities and villages may exercise the right of eminent domain for the purpose of acquiring private property for any public use for which it is authorized by law to take or hold the same by purchase or gift. (1240-1245; '03 c. 388)

85-76, 88+423.

05	766	
07	-	213
	-	291
	766	
09	-	327
105-M	-	85

**767. Gifts to municipalities**—Any city or village may accept a grant or devise of real property situated within its limits, and of personal property for improving and equipping the same, and may maintain and administer such property for the benefit of its citizens, in accordance with the terms prescribed by the donor: Provided, that nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the council adopted by a two-thirds majority of its members, expressing such terms in full. ('03 c. 22)

	767	
07	-	22
	767	
101-M	-	298
112-NW	-	216

**768. Damages—Notice of claim—Limitation**—Every person who claims damages from any city, village, or borough for loss or injury sustained by reason of any defect in a street, road, bridge, or other public place, or by reason of the negligence of its officers, agents, or servants, shall cause to be presented to its council or other governing body, within thirty days after the alleged loss or injury, a written notice stating the time, place, and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given, or if commenced within ten days thereafter, or more than one year after the occurrence of the loss or injury. ('97 c. 248)

	768	
105-M	-	85

Constitutional (72-539, 75+745. See 82-127, 84+788). Applicable to injuries to property as well as to person (30-545, 16+410). Not applicable to actions for death by wrongful act (87-237, 91+843); or to action by servant of municipality (104+231). Mandatory and applicable to all cities, villages and boroughs (72-539, 75+745; 78-200, 80+962; 74-157, 76+1029). Supersedes similar provisions in charters (80-415, 83+375; 80-414, 83+376; 86-26, 90+8). Object to give municipal officers notice so that they may investigate promptly and determine advisability of resisting or settling claim (80-415, 83+375; 84-341, 87+917; 77-76, 79+653; 74-157, 76+1029; 30-545, 16+410; 66-14, 68+178). Place of accident must be described with reasonable certainty (76-20, 78+868; 40-446, 42+350). Amount claimed to be stated. Demand for "other relief"

(72-539, 75+745). Sufficient although it contains inaccuracies, if it conveys necessary information to proper person (40-446, 42+350). Error in address immaterial if service on proper person (52-364, 54+735). Signature of claimant with initials of husband sufficient (81-519, 84+458). To whom directed and how served (76-20, 78+868; 74-157, 76+1029; 76-456, 79+519; 84-205, 87+615; 77-76, 79+653; 87-484, 92+401; 90-158, 95+908; 86-26, 90+8). Claimant not concluded by amount claimed (84-341, 87+917). Meaning of "any defect in any bridge, etc." (38-536, 38+621; 54-279, 56+80). Pump-house included in "public works" (82-127, 84+788).

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**769. Judgment against municipality—Payment—**No execution shall issue on a judgment for the recovery of money against a city, village, or borough, except as hereinafter provided. Upon delivery of a certified copy of the judgment, the treasurer of such municipality shall pay it out of any moneys in or coming into his hands not otherwise appropriated, unless collection thereof be stayed on appeal, always retaining a sufficient sum to pay necessary current expenses; and, if he fails so to do, he and his bondsmen shall be liable for the amount. In case there be no such treasurer, then, upon delivery of such certified copy and an affidavit of the judgment creditor, his agent or attorney, showing the amount due, and that the judgment has not been stayed on appeal, the county treasurer shall pay such judgment out of the funds of the municipality in or coming into his hands, taking receipt therefor. (1499; '03 c. 123 s. 1)

**770. Tax levy—Execution—**When a judgment against a city, village, or borough is unpaid at the time of the annual tax levy, unless the proper officers thereof have otherwise provided sufficient funds to pay the same before the time for collection of such tax levy, they shall levy a tax to pay such judgment, and certify the same, and the purpose thereof, to the county auditor. If the judgment be not paid within twenty days after the time fixed by law for the county treasurer to pay over to the treasurer of the municipality the moneys in his hands belonging to it on account of such annual tax levy, execution may issue on such judgment, but only the property of such municipality shall be liable thereon. If there be no officers of the municipality to levy such tax, the judgment creditor may apply to the county auditor, who, upon being satisfied that the judgment has not been paid or stayed, shall levy and extend the tax. (1500, 1501, 1503, 1504; '03 c. 123 s. 2)

**771. Codification of charter, etc.—Evidence—**Any city or village may cause its charter, and all general and special laws, ordinances, resolutions, rules, and by-laws in force therein, to be codified, printed, and published, and may declare, by ordinance, such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts. ('01 c. 296)

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**772. Assessment abandoned or excessive—**Whenever any special assessment shall have been levied upon real estate to defray the cost of a proposed local improvement, and the improvement shall be abandoned, or the total amount of the assessment shall exceed the cost of the improvement, the municipality shall be liable to the owner in the first case for the amount of the assessment paid by him, and in the second case for such proportion of the excess as the amount of the assessment paid by him bears to the total assessment, and it is hereby made the duty of the proper authorities to make refundment. ('01 c. 120)

**773. Transient dealers—**No person, without permission granted by vote of the council, shall engage temporarily in the business of selling goods in any city or village, unless such goods have been duly assessed for taxation within the state for the current year. No such permission shall be granted by the council until the applicant shall have paid to the treasurer such sum as it may require, not exceeding fifty dollars per week, for the period for which permission is sought, which sum shall be fixed upon consideration of the kind, amount, and value of the goods offered. A transient dealer violating any provision of this section shall be guilty of a misdemeanor, and the fact that such goods are not listed for taxation in the county shall be prima facie proof that they are not assessed for taxation in the state. ('01 c. 304; '02 c. 52)

**774. Deposit of public funds**—The council of any village, or of any city of the fourth class, may designate as a depository of city or village funds such national, state, or private banks as it may deem proper. Each shall give bond to the municipality, in at least double the amount authorized to be deposited therein, to be approved by the council, conditioned to repay all sums deposited therein upon proper demand therefor, and for the performance of such other duties as the council may require. And such council from time to time may require the city or village treasurer to deposit all or any part of the public funds in his hands in such banks, and to withdraw the same when so directed. No such deposit shall be made for a time extending beyond the term of the council then in office, and all the terms and conditions of deposit shall be set forth in the resolution designating the several depositories, which resolution shall be filed with the clerk or recorder. The treasurer shall not be liable on his bond for any money so deposited by direction of the council, and lost through the failure, bankruptcy, or other default of such bank. All interest accruing upon such deposits shall belong to the city or village. ('03 c. 18)

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**775. Roads outside city or village**—The council of any village or of any city of the fourth class may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it, and of bridges thereon, whether they are within or without the county in which it is situated. ('99 c. 110; '03 c. 9')

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CHAPTER 10

PUBLIC INDEBTEDNESS

**776. Scope of chapter**—The provisions of this chapter shall not be construed as relating to the debt of the state, or to current and ordinary public expenses, but only to the authorized indebtedness, payable with interest at future and stated times, of cities, villages, boroughs, counties, towns, and school districts; and the terms "municipal corporation," "corporation," and "municipality," as herein used, shall embrace any or all of said bodies.

**777. Net indebtedness defined**—The words "net indebtedness," as used herein, shall mean the sum of all outstanding money obligations of the corporation referred to, after deducting:

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1. Orders or warrants drawn upon the treasurer, and payable forthwith.
2. Certificates of indebtedness and bonds issued for the creation or maintenance of a permanent improvement revolving fund.
3. Obligations incurred in acquiring land for streets, parks, or other public improvements, and payable from the proceeds of assessments levied upon property especially benefited by such improvements.
4. Bonds issued for the purchase or construction of public waterworks, or for the enlargement, protection or distribution of the water supply, for the establishment of public lighting, heating, or power plants, and for the acquisition and equipment, by purchase or otherwise, of street railways, telegraph or telephone lines, or any other public convenience from which a revenue is or may be derived.
5. The amount of all money, and the face value of all securities, held as a sinking fund for the extinguishment of corporate debts other than those enumerated in this section.

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**778. Assessed value defined**—The words "assessed value," as used herein, shall mean the latest valuation for purposes of taxation, as finally equalized, of all property taxable within the municipality referred to.

**779. Charter powers not modified**—Nothing herein shall be construed as abrogating any restriction imposed, or as modifying or extending any power conferred, upon a city, village, or borough, by any provision of its charter

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