

No. 21, S.]

[Published May 19, 1921.

**CHAPTER 242.**

AN ACT to consolidate, renumber and revise chapters 64bb, 64c and part of 64cc of the statutes, relating to cities; to amend, repeal, consolidate, revise and arrange in appropriate sequence the sections, subsections and provisions of said chapters; to assemble in said chapters as consolidated pertinent provisions from other chapters of the statutes; to transfer from said chapters as consolidated to other chapters or parts of the statutes sections, subsections and provisions that logically belong in such other chapters or parts; to withdraw from the statutes provisions relating to cities of the first class under special charter and continuing said provisions in force as a part of the session laws creating or amending the same; and to remove obsolete matter from and to correct inconsistencies and inaccuracies in the sections, subsections and provisions of said chapters 64bb, 64c and part of 64cc for the purpose of providing a general charter applicable to all cities of the state except cities of the first class under special charter.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The numbers and titles of chapters 64bb and 64c of the statutes are consolidated, renumbered and revised to read:

**CHAPTER 62. CITIES, GENERAL CHARTER LAW.**

SECTION 2. There are added to the statutes four new sections to read:

62.01 SAVING CLAUSE. That no inconvenience may arise by reason of change of government of cities from special charter to general charter, or by reason of the revision of the general charter law, it is declared that:

(1) All vested rights, pending actions and prosecutions, and existing judgments, claims, and contracts, both as to individuals and bodies corporate, shall continue as though no change had taken place.

(2) Processes issued, or proceedings commenced under special charters or under the general charter law shall be unaffected by the revision, and all such proceedings commenced or pending when sections 62.01 to 62.26, inclusive, are enacted may be continued and concluded under and by virtue of such charter, or the general law applicable at the time they were commenced.

(3) Ordinances in force, so far as not inconsistent herewith, shall continue in force until altered or repealed.

(4) All offices, the terms of office and the manner of selection of officers shall continue until changed by ordinance adopted by a two-thirds vote of all the members of the council to conform to chapter 62 of the statutes.

(5) Nothing herein shall change the time for paying taxes as provided in any special city charter until the council shall by ordinance change the same to conform to general law.

62.02—REPEAL OF SPECIAL CHARTERS. All special charters for cities of the second, third or fourth classes are hereby repealed and such cities are hereby incorporated under chapter 62 of the statutes. The city clerk shall forthwith certify the boundaries of such city to the secretary of state, who shall file the same and issue to such city a certificate of incorporation as of the date when said chapter 62 became effective, and record the same.

62.03 FIRST CLASS CITIES EXCEPTED. (1) The provisions of chapter 62 of the statutes shall not apply to cities of the first class under special charter.

(2) Any such city may adopt by ordinance the provisions of chapter 62 of the statutes or any section or sections thereof, which when so adopted shall apply to such city.

62.04 INTENT AND CONSTRUCTION. It is declared to be the intention of the revision of the city charter law, to grant all the privileges, rights and powers, to cities which they heretofore had unless the contrary is patent from the revision. For the purpose of giving to cities the largest measure of self-government compatible with the constitution and general law, it is hereby declared that sections 62.01 to 62.26, inclusive, shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of such cities and the inhabitants thereof.

SECTION 2a. Section 925—251 of the statutes is repealed.

SECTION 3. Section 925—1 of the statutes is renumbered to be section 62.05 and is amended to read:

62.05 CLASSES OF CITIES. (1) \* \* \* Cities \* \* \* shall be divided into four classes for administration and the exercise of corporate powers as follows:

(a) Cities \* \* \* of one hundred and fifty thousand population \* \* \* and over shall constitute cities of the first class.

(b) Cities \* \* \* of forty thousand \* \* \* and \* \* \* less than one hundred and fifty thousand population shall constitute cities of the second class.

(c) Cities \* \* \* of ten thousand \* \* \* and \* \* \* less than forty thousand population shall constitute cities of the third class.

(d) Cities \* \* \* of less than ten thousand population shall constitute cities of the fourth class.

(2) \* \* \* Population \* \* \* of cities shall be determined by the last national \* \* \* census except in newly incorporated cities when a census is taken as provided by law. \* \* \* Cities \* \* \* shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law. \* \* \*

SECTION 4: Section 925—7 of the statutes is renumbered to be subsection (1) of section 62.06 and is amended to read:

62.06 INCORPORATION. (1) POPULATION REQUIRED. \* \* \* In addition to the method provided in section 61.58 any district containing a population of fifteen hundred or more, \* \* \* and \* \* \* consisting of, or containing an incorporated or unincorporated village, \* \* \* may become \* \* \* a city. Territory of the area and density of population required by section 61.01 constitutes an unincorporated village. Unless the required population is shown by the last national census, a census shall be taken as provided in section 61.02 and a record thereof attached to the petition.

SECTION 5. Section 925—8 of the statutes is renumbered to be subsection (2) of section 62.06 and is revised to read:

62.06 (2) PETITION. Petition for submission of the question to the electors of the district shall be in writing signed by one hundred or more persons, each an elector and taxpayer of said district, and in case territory adjacent to said village is included in the district, written consent of a majority of the electors and the owners of at least one-third of the taxable property in such adjacent territory shall accompany the petition. The number of electors shall be determined by the poll list of the last general election and the taxpayers and amount of taxable property by the last assessment roll. The petition shall be filed with the clerk of the village, if incorporated, otherwise with the clerk of the town con-

taining the greater portion of the population of the district.

SECTION 6. Section 925—9 of the statutes is renumbered to be subsection (3) of section 62.06 and is amended to read:

(62.06) (3) REFERENDUM. \* \* \* *At the next* \* \* \* regular meeting \* \* \* the trustees of such village or the town board of such town \* \* \* shall by resolution provide for a referendum to the electors of the said district. \* \* \* Such resolution shall determine the number and boundaries of wards of the proposed city, \* \* \* the time of voting, \* \* \* which shall not be earlier than six weeks thereafter, \* \* \* and \* \* \* the voting place for electors in adjacent territory if any, \* \* \* and \* \* \* may direct \* \* \* a census in the manner provided in section 61.02. \* \* \*

SECTION 7. Section 925—10 of the statutes is renumbered to be subsection (4) of section 62.06 and is amended to read:

62.06 (4) NOTICE OF REFERENDUM. \* \* \* Notice of the referendum \* \* \* shall be given by publication of \* \* \* the resolution in \* \* \* a newspaper published in \* \* \* such village, if there be one, otherwise in a \* \* \* newspaper designated in the resolution, once \* \* \* a week for four successive weeks, the first publication to be not more than four weeks before the referendum. \* \* \*

SECTION 8. Section 925—11 of the statutes is renumbered to be subsection (5) of section 62.06 and is amended to read:

(62.06) (5) CONDUCT OF REFERENDUM; RETURN. \* \* \* The referendum \* \* \* shall be conducted in the same manner as elections for village trustees, and the form of the ballot shall be "for a city \* \* \*" or "against a city \* \* \*". The inspectors shall make return to the clerk of such village or town.

SECTION 9. Section 925—12 of the statutes is renumbered to be subsection (6) of section 62.06 and is amended to read:

(62.06) (6) CERTIFICATE OF INCORPORATION. \* \* \* If a majority of the votes are cast in favor of \* \* \* a city \* \* \* the clerk shall certify the fact to the secretary of state, together with the result of the census \* \* \* if any, and \* \* \* a description of the legal boundaries of the district, whereupon the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose.

SECTION 10. Section 925—13 of the statutes is renumbered to be subsection (7) of section 62.06 and is amended to read:



(62.06) (7) CITY POWERS. \* \* \* *Every city \* \* \* thus incorporated shall thenceforth be a body corporate and politic, with \* \* \* the powers and privileges of a municipal corporation at common law and \* \* \* conferred by this chapter and generally by these statutes. \* \* \**

SECTION 10a. Section 925—263 of the statutes is renumbered to be subsection (8) of section 62.06 and is revised to read:

(62.06) (8) EXISTING ORDINANCES. Ordinances in force in the territory or any part thereof, so far as not inconsistent with the provisions of chapter 62, shall continue in force until altered or repealed.

SECTION 11. Section 925—15 of the statutes is renumbered to be subsection (9) of section 62.06 and is amended to read:

(62.06) (9) INTERIM OFFICERS. \* \* \* All \* \* \* officers of \* \* \* the village or town embracing the territory thus incorporated as a \* \* \* city shall continue \* \* \* in their powers and \* \* \* duties \* \* \* as theretofore \* \* \* until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been chosen and qualified all oaths of office and other papers shall be filed with the \* \* \* clerk, *with whom the petition was filed, who shall deliver them with the petition to the city clerk when he shall have qualified.* \* \* \*

SECTION 12. Section 925—16 of the statutes is renumbered to be subsection (10) of section 62.06 and is amended to read:

(62.06) (10) FIRST CITY ELECTION. \* \* \* Within ten days after \* \* \* incorporation of \* \* \* the city, \* \* \* the \* \* \* board \* \* \* with the clerk of which the petition was filed shall fix a time for the first \* \* \* city election, designate the polling place or places, \* \* \* and \* \* \* name three inspectors of election for each \* \* \* place. \* \* \* Ten days' previous notice of the \* \* \* election \* \* \* shall be given by the \* \* \* clerk by publication in \* \* \* the newspaper selected under subsection (4) hereof \* \* \* and by posting \* \* \* notices in three public places in \* \* \* such city, but failure to give such notice shall not invalidate the election. \* \* \* The election shall be conducted as is prescribed by chapter 5, except that no registration of voters shall be required. \* \* \* The inspectors shall \* \* \* make returns to such board \* \* \* which shall \* \* \* within one week after such election, can-

vass \* \* \* *the returns and declare the result. The \* \* \* clerk shall notify the \* \* \* officers elect \* \* \* and issue \* \* \* certificates of election. If the first election shall be on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within ten days and hold until the regular city election and the qualification of their successors, and the terms of their appointees shall expire as soon as successors qualify. \* \* \**

SECTION 13. Section 927—m of the statutes is renumbered to be subsection (11) of section 62.06 and is amended to read:

(62.06) (11) REORGANIZATION AS VILLAGE. \* \* \* *If the population of \* \* \* the city, \* \* \* shall fall below one thousand \* \* \* as determined by the \* \* \* United States census, the \* \* \* council \* \* \* may upon petition of fifteen per cent of the \* \* \* electors \* \* \* submit \* \* \* at any general or \* \* \* city election the question whether \* \* \* the city shall \* \* \* reorganize as a village. If three-fifths of the votes cast on the question are for \* \* \* reorganization \* \* \* the mayor and \* \* \* council \* \* \* shall file a certified copy of the \* \* \* return in the office of the register of deeds and \* \* \* the clerk of the circuit court, \* \* \* and shall immediately call an election, to be conducted as are village elections, for the \* \* \* election of \* \* \* village officers \* \* \*. Upon the \* \* \* qualification of such \* \* \* officers, the board of trustees shall declare the \* \* \* city \* \* \* reorganized as a village, whereupon the reorganization shall be effected. The clerk shall forthwith certify a copy of such declaration to the secretary of state who shall file the same and indorse a memorandum thereof on the record of the certificate of incorporation of the city. \* \* \* Rights and liabilities of the city shall continue \* \* \* in favor of or against \* \* \* the village. Ordinances, so far as within the power of the village, shall remain in force until changed.*

SECTION 13a. Section 61.58 of the statutes is amended by striking out the word "patent" in the twelfth line thereof and by inserting the words "certificate of incorporation" and by striking out the figures and words "sections 925—5, 925—12 and 925—13" where they occur in the thirteenth line and by inserting in place thereof the figures and words "subsection (6) of section 62.06".

SECTION 14. Sections 925—17, 925—18, 925—19 and the first sentence of section 925—20 of the statutes are consolidated and renumbered to be subsection (1) of section 62.07 and amended to read:

62.07 ANNEXATION AND DETACHMENT OF TERRITORY. (1) ANNEXATION PROCEDURE. \* \* \* Territory \* \* \* adjacent to any city \* \* \* may be annexed to such city in the manner following: \* \* \*

(a) *A petition therefore shall be presented to the council (1) signed by \* \* \* a majority of the electors in such adjacent territory and by the owners of \* \* \* one-third of the taxable property thereof according to the last tax roll, \* \* \* or (2) if no electors reside therein \* \* \* by the owners of \* \* \* one-half of \* \* \* said taxable property, \* \* \* or (3) by a majority of the \* \* \* electors and \* \* \* the owners of one-half of the real estate in assessed value. \* \* \**

(b) *An ordinance annexing such territory to the ward or wards named therein shall be introduced \* \* \* at \* \* \* a regular meeting of the \* \* \* council after the filing of \* \* \* the petition, \* \* \* be published \* \* \* once \* \* \* each week for four successive weeks in \* \* \* the official \* \* \* paper and thereafter be adopted at a regular meeting by three-fourths of all the members of the council. \* \* \**

SECTION 15. Section 925—21a of the statutes, except the last two sentences is renumbered to be subsection (2) of section 62.07 and is revised to read:

(62.07) (2) DETACHMENT PROCEDURE. Territory may be detached from any city and be attached to the town or towns to which it shall be adjacent and be made taxable therein in the manner following:

(a) A petition therefor describing the territory to be detached and naming the town or towns to which it shall be annexed shall be presented to the council signed by a majority of the owners of three-fourths of the taxable real estate in a section adjacent to the boundary lines of said city and which it is proposed to detach.

(b) An ordinance detaching such territory and annexing the same to such town or towns shall be adopted by three-fourths of all the members of the council.

(c) The council may, or if a petition signed by five per cent of the electors of the city demanding a referendum thereon be

presented to the council within ninety days after the passage of the ordinance, the council shall cause the question to be submitted to the electors of the city at the next ensuing city election, and the ordinance shall not take effect nor be in force unless a majority of the electors voting thereon shall approve the same.

SECTION 16. Section 925—21 and subsection 1 of section 925—21ab of the statutes are consolidated and renumbered to be subsection (3) of section 62.07 and amended to read:

(62.07) (3) TIME OF TAKING EFFECT. *No ordinance authorized by subsections (1) and (2) of section 62.07 \* \* \* shall operate to \* \* \* attach or detach the territory until ninety days after the \* \* \* passage of the ordinance by the council, or in case of referendum, ninety days after its approval. At that time a certificate signed by the mayor and city clerk describing the territory attached or detached, the boundaries of the city after such alteration, and naming the town or towns to which the detached territory was annexed, shall be filed in the office of the secretary of state. The validity of the proceedings \* \* \* shall not be \* \* \* collaterally attacked in any court of this state, nor in any manner \* \* \* called in question \* \* \* in any such court unless the \* \* \* proceeding therefor be commenced before the ordinance shall become operative. \* \* \**

SECTION 17. Subsection 2 of section 925—21ab and section 925—21b of the statutes are consolidated and renumbered to be subsection (4) of section 62.07 and amended to read:

(62.07) (4) RECORD OF CITY BOUNDARIES. *The duty to file the certificate required by subsection (3) of this section shall be a continuing duty until performed as to all alteration of boundaries subsequent to incorporation. \* \* \** Any city may direct a survey of its present boundaries to be made, and when properly attested such survey may be filed in the office of the register of deeds in the county or counties in which such city is located and when so filed such survey and plat shall be prima facie evidence of the facts therein set forth, and after the lapse of one year such a survey and plat shall be conclusive evidence of such facts. Any citizen may, by appropriate legal procedure, test the correctness of said survey and plat. The time such action is pending shall be excluded from the above limitation of time. Subsequent extensions of the boundaries of such cities may be surveyed and such surveys filed in the manner above provided and may be

tested in the same manner and with like effect as a survey and plat of the original boundaries.

SECTION 18. Section 925—14 of the statutes is renumbered to be section 62.08 and subsection (1) thereof is amended to read:

62.08 ALTERATION OF WARDS. \* \* \* (1) Any city \* \* \* may change the numbers and boundaries of its wards, create new wards, or consolidate old ones by an ordinance introduced at a regular meeting of *the* \* \* \* council, published in the official paper \* \* \* once in each week for four successive weeks, and thereafter adopted by a *two-thirds* vote of \* \* \* all the members of the council; but no further such change shall be made in any such ward for \* \* \* two years except by adding thereto territory newly *attached to* \* \* \* the city. \* \* \*

SECTION 19. Sections 925—23 and 926—107 of the statutes are consolidated and renumbered to be subsection (1) of section 62.09 and amended to read:

62.09 OFFICERS. (1) ENUMERATION AND CHANGE. (a) \* \* \* The officers \* \* \* shall be a mayor, treasurer, clerk, comptroller, attorney, *engineer*, \* \* \* one or more *assessors*, \* \* \* one or more justices of the peace, one or more constables, \* \* \* a \* \* \* *health commissioner or board of health*, street commissioner, *a board of police and fire commissioners, except in cities where not applicable, chief of police*, chief of the fire department, a board of public works, a board of *education or of school commissioners, except in cities where not applicable*, \* \* \* two aldermen and one supervisor from each ward, and such other officers or boards *as are created by law or by* \* \* \* the \* \* \* council. \* \* \*

(b) The council by a two-thirds vote, may dispense with the offices of street commissioner, engineer, comptroller, *constable*, and board of public works, and provide that the duties thereof be performed by other officers or board, by the council or a committee thereof. \* \* \* The \* \* \* council may, by ordinance, adopted by a two-thirds vote of all its members, and *approved by the electors at the general or special election*, provide that there shall be one \* \* \* *alderman* from each ward, \* \* \* and may also, in like manner, provide that, *whatever the number of aldermen*, the supervisor of each ward shall be \* \* \* *the alderman or one of the aldermen*. \* \* \*

*office dispensed with under this paragraph may be recreated in like manner, and any office created under this section may be dispensed with in like manner.*

SECTION 19a. Section 959—41p of the statutes is repealed.

SECTION 20. Sections 925—27, 926—170, 926—161, 925—249, 961 and the last sentence of section 925—38b of the statutes are consolidated and renumbered to be subsection (2) of section 62.09 and revised to read:

62.09 (2) ELIGIBILITY. (a) No person shall be eligible to a city office who is not at the time of his election or appointment a citizen of the United States and of this state, and, except as to engineer in all cities and city attorney in cities of the fourth class, an elector of the city, and in case of a ward office, of the ward, and actually residing therein.

(b) Except as otherwise expressly provided in these statutes, no alderman shall during the term for which he is elected be eligible to any other city office except mayor.

(c) No person shall be eligible to any city office who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power, or other public service to or for such city, or who is a stockholder in any corporation which has any such contract. Any such office shall become vacant upon the acquiring of any such interest by the person holding such office.

(d) An appointee by the mayor requiring to be confirmed by the council who shall be rejected by the council shall be ineligible for appointment to the same office for one year thereafter.

SECTION 21. Section 925—25 and the first sentence of section 925—38b of the statutes are consolidated and renumbered to be subsection (3) of section 62.09 and revised to read:

(62.09) (3) MANNER OF CHOOSING. (a) The mayor, treasurer, comptroller or officer performing the duties of comptroller, aldermen, supervisors and justices of the peace shall be elected by the voters. In case the whole number of justices of the peace provided for by this subsection shall not have been elected, the mayor of such city may appoint the remaining number of justices who shall hold their offices until the first of May following the next succeeding judicial election.

(b) The other officers shall be selected in the manner in force at the time of the enactment of chapter 62 of the statutes until the method of their selection shall be changed in the manner fol-

lowing: (1) The council may fix the method of their selection by ordinance approved by the electors. Such ordinance may provide for appointment by the mayor only upon confirmation by the council. (2) The council shall submit the question of changing the method of selection of any such other officer upon petition therefor by fifteen per cent of the electors, and if a majority of the electors voting thereon vote for the method specified in such petition such officer shall thereafter be so selected. (3) In cities of the fourth class, upon petition therefor by thirty per cent of the electors filed with the clerk not less than fifteen days before any regular city election, any such other officer shall be elected by the people at the succeeding election and thereafter. Upon like petition signed by a majority of the electors the council may by ordinance provide for appointment by the mayor subject to confirmation by the council. (4) The number of electors shall be taken to be the number voting at the preceding city election as appears from the poll lists.

(c) Appointments by the mayor shall be subject to confirmation by the council unless otherwise provided by law.

SECTION 22. Sections 925—34, 925—35 and 925—29a of the statutes are consolidated and renumbered to be subsection (4) of section 62.09 and amended to read:

(62.09) (4) QUALIFYING. (a) \* \* \* Every person elected or appointed to any office shall take and file the official oath within ten days after notice of his election or appointment.

(b) \* \* \* The treasurer, comptroller, justices of the peace, \* \* \* *chief of police* and such others \* \* \* as *the statutes or the council* may direct, shall execute and file an official bond in such sum as the council may determine, with two or more sureties. The council may at any time require new and additional bonds of any officer. All official bonds must be approved by the mayor, and when so approved shall be filed within ten days after the officer executing the same shall have been notified of his election or appointment, and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose. \* \* \*

(c) *When an appointive officer has filed the oath, and bond if required, the clerk shall issue to him a certificate of appointment. If the appointment is to a board or commission the appointee shall file the certificate with the secretary thereof.* \* \* \*

SECTION 23. Sections 925—28, 925—26 and 925—26a of the

statutes are consolidated and renumbered to be subsection (5) of section 62.09 and revised to read:

(62.09) (5) TERMS. (a) The regular term of office of mayor and aldermen shall commence on the third Tuesday of April succeeding their election. The regular terms of other officers shall commence on the first day of May succeeding their selection unless otherwise provided by ordinance or statute.

(b) Except as otherwise specially provided the regular term of elective officers except supervisors shall be two years. The term of supervisors shall be one year unless otherwise provided pursuant to paragraph (d) of subsection (2) of section 59.03. The council may by ordinance provide a different term for such officers or any of them, and may provide that the term of one of the aldermen next elected in each ward shall be for one year only and that the terms of aldermen thereafter shall expire in alternate years.

(c) The council may, by a record vote of two-thirds of all the members, by ordinance adopted and published previous to publication of the notice of the election at which aldermen are to be elected, provide for a division of the aldermen into two classes, one class to be elected for two years and the other for four years, and thereafter the term of aldermen shall be four years.

SECTION 24. Parts of sections 925—30, 925—31c and 926—21 of the statutes are consolidated and renumbered to be subsection (6) of section 62.09 and revised to read:

(62.09) (6) COMPENSATION. (a) Salaries shall be paid the mayor or aldermen only when ordered by a vote of three-fourths of all the members of the council. Salaries heretofore established shall so remain until changed by ordinance.

(b) The council shall at its first regular meeting in February, fix the amount of salary of each officer entitled to a salary who may be elected or appointed during the ensuing year which shall not be increased or diminished during his term of office. In cities newly incorporated the compensation of the first officers may be fixed during their terms.

(c) Salaries shall be paid at the end of each month unless the council shall at any regular meeting by ordinance order payment semimonthly.

(d) No officer receiving a salary shall receive for services of any kind rendered the city any other compensation, but he may receive moneys from a pension fund.



SECTION 25. Section 925—54 of the statutes is renumbered to be paragraph (a) of subsection (7) GENERAL PROVISIONS OF section 62.09.

SECTION 26. Sections 925—48, 925—264 and 926—146n of the statutes are consolidated and renumbered to be paragraph (b) of subsection (7) of section 62.09 and revised to read:

(62.09) (7) (b) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the mayor shall perform such duties as shall be required of them by the council. Officers whose powers and duties are not enumerated in chapter 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the council.

SECTION 27. There is added to the statutes a new paragraph to subsection (7) of section 62.09 to read:

(62.09) (7) (c) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

SECTION 28. Section 962 of the statutes is renumbered to be paragraph (d) of subsection (7) of section 62.09.

SECTION 29. Section 925—254 of the statutes is renumbered to be paragraph (e) of subsection (7) of section 62.09 and amended to read:

(62.09) (7) (e) \* \* \* The general laws for the punishment of bribery, misdemeanors and corruption in office shall \* \* \* apply to \* \* \* city officers \* \* \*.

SECTION 29a. Section 959—140 of the statutes is renumbered to be paragraph (f) of subsection (7) of section 62.09 and is amended to read:

(62.09) (7) (f) \* \* \* Whenever \* \* \* a city official in his official capacity \* \* \* proceeded against or obliged to proceed before any court, board or commission, \* \* \* to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such \* \* \* proceeding, or the \* \* \* council \* \* \* has ordered \* \* \* the proceeding discontinued, the \* \* \* council \* \* \* may \* \* \* provide for \* \* \* payment to such \* \* \* official such sum \* \* \* as \* \* \* it \* \* \* sees fit, to reimburse \* \* \* him for the expenses reasonably incurred for costs and attorney's fees. \* \* \*

SECTION 30. Sections 925—38 and 925—40 of the statutes are consolidated and renumbered to be subsection (8) of section 62.09 and amended to read:

(62.09) (8) MAYOR. (a) \* \* \* The mayor shall be the chief executive officer. \* \* \* He shall take care that \* \* \* city ordinances \* \* \* and state laws are observed and enforced and that all city officers and employes \* \* \* discharge their \* \* \* duties.

(b) He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the council.

(c) \* \* \* He shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the clerk and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If he disapproves he shall file his objections with the clerk, who shall present them to the council at its next meeting. A three-fourths vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

(d) Except in cities that have adopted subsection (6) of section 62.13, he shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all policemen, and he may, in any city, appoint watchmen to serve without pay, and in case of riot or other emergency, appoint as many special policemen as may be necessary. \* \* \*

(e) \* \* \* The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, \* \* \* choose from its \* \* \* members a president, who, in the absence of the mayor, shall preside at \* \* \* meetings of \* \* \* the council, and during the absence or inability of the mayor \* \* \* shall \* \* \* have \* \* \* the power and \* \* \* duties of the mayor, \* \* \* except that he shall not have \* \* \* power to \* \* \* approve an act of the council which the mayor has disapproved by filing objections with the clerk. He shall when so officiating be styled "Acting Mayor". \* \* \*

SECTION 31. Section 925—43, the first sentence of section 925—125 and section 925—152 of the statutes are consolidated and renumbered to be subsection (9) of section 62.09 and amended to read:

(62.09) (9) TREASURER. (a) \* \* \* The \* \* \* treasurer shall collect all city, county and state taxes, receive all moneys belonging to the city or which by law are directed to be paid to him, \* \* \* and pay over the money in his hands according to law.

(b) He shall keep a detailed account *in suitable books* \* \* \* in such manner as the council shall direct. *He shall keep in a separate book an account of all fees received.* His books shall at all reasonable times be open to inspection. \* \* \*

(c) He shall *each month at the first meeting of the council and as often as it shall require* make \* \* \* to the council \* \* \* a *verified report* \* \* \* of \* \* \* *moneys received and disbursed and of the condition of the treasury.* Ten days \* \* \* before each regular city election he shall \* \* \* file in the \* \* \* clerk's office a full and minute *verified report* of \* \* \* moneys received and disbursed, \* \* \* tax certificates, vouchers and other *things* \* \* \* of pecuniary value in his \* \* \* custody, and of all \* \* \* transactions \* \* \* of his office from the date of the *preceding* like report. \* \* \*

(d) He shall receive no fees or \* \* \* *other compensation* except the salary fixed \* \* \* prior to his election, *except that in case of a sale by him of goods or chattels for payment of taxes he shall receive such fees as are allowed constables therefor.* \* \* \* All *other* fees collected by him shall be paid into the \* \* \* treasury at the end of each day. \* \* \*

SECTION 32. Section 925—45 and the first clause of the second sentence of section 925—125 of the statutes are consolidated and renumbered to be subsection (10) of section 62.09 and revised to read:

(62.09) (10) COMPTROLLER. (a) The comptroller shall monthly report in writing to the council at its first meeting the condition of outstanding contracts and of each of the city funds and claims payable therefrom, and shall each year on or before October first file with the clerk a detailed statement of the receipts and disbursements on account of each fund of the city and of each ward or other financial district during the preceding fiscal year, specifying the source of each receipt and the object

of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(b) He shall each month and as often as reported examine the treasurer's accounts as reported and kept, and attach thereto a report to the council as to their correctness and as to any violation by the treasurer of his duty in the manner of keeping accounts and disbursing moneys.

(c) He shall examine each claim presented against the city, and determine whether it is in proper form, and if it is on contract, whether authorized and correct. For these purposes he may swear witnesses and take testimony. If he finds no objection he shall mark his approval on the claim. If he disapproves in whole or in part, he shall report to the council his reasons. He shall in all cases report evidence taken. No claim shall be considered by the council or be referred to a committee until it has been so examined and reported on.

(d) He shall keep an indexed claim book showing as to each claim, its number, name of claimant, date of filing, amount of claim, date of comptroller's report, whether approved and for how much, date of allowance or disallowance by council, amount allowed, date and number of order issued to pay, and date of cancellation of such order.

(e) He shall examine and countersign all city orders before they shall be valid, but shall sign no order before the money is in the treasury to pay the same.

(f) He shall countersign all contracts with the city if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract shall be valid until so countersigned.

(g) He shall each year make a list of all certificates for the payment of which special taxes are to be levied, in time for the same to be inserted in the tax roll, and certify its correctness.

SECTION 33. Section 925—41, the last clause of the second sentence and the last sentence of section 925—125 and section 925—261 of the statutes are consolidated and renumbered to be subsection (11) of section 62.09 and amended to read:

(62.09) (11) CLERK. (a) \* \* \* The \* \* \* clerk shall have the care and custody of the corporate seal and all papers and records of the city.

(b) \* \* \* *He shall attend \* \* \* the meetings of the council and keep a full record of \* \* \* its proceedings.*  
\* \* \*

(c) *He shall enter at length, immediately after it goes into effect, every ordinance in an "ordinance book", with proof of publication, date of passage and page of journal where final vote is recorded. He shall keep a record of all licenses and permits granted and record all bonds, in appropriate books. \* \* \**

(d) *He shall draw and sign all orders upon the treasury, except as otherwise \* \* \* provided by law, \* \* \* and keep a full \* \* \* account thereof in appropriate books. \* \* \* He shall carefully preserve all receipts filed with him. \* \* \**

(e) *He shall keep an accurate account with the treasurer and charge him with all tax lists presented to him for collection and with all \* \* \* moneys paid into the treasury:*

(f) *He shall keep all papers and records in his office open to inspection at all reasonable hours. \* \* \**

(g) *Within thirty days after the close of each fiscal year he shall \* \* \* publish \* \* \* in the official \* \* \* paper a \* \* \* statement showing the receipts and disbursements \* \* \* as to each fund during the \* \* \* preceding fiscal year. This shall not apply to cities operating under section 63.10. \* \* \**

(h) *He shall \* \* \* have power to administer oaths and affirmations \* \* \* under these statutes.*

(i) *He \* \* \* may in writing filed in his office appoint a deputy, who shall act \* \* \* under his direction, and in \* \* \* his absence or disability or in case of a vacancy \* \* \* shall perform \* \* \* his duties. The deputy shall receive such compensation as the council shall provide. \* \* \* The clerk and his sureties shall be liable \* \* \* on his official bond for the acts of such deputy.*

\* \* \*

SECTION 34. Sections 925—42, 925—260 and 926—160 of the statutes are consolidated and renumbered to be subsection (12) of section 62.09 and revised to read:

(62.09) (12) ATTORNEY. (a) The attorney shall conduct all the law business in which the city is interested.

(b) He shall keep a docket of all actions in courts of record to which the city is a party, in which shall be entered in brief all steps taken and which shall be open to inspection at all reasonable hours.

(c) He shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) He shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) He shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

SECTION 34a. Section 925—259 of the statutes is renumbered to be subsection (13) of section 62.09 and is amended to read:

(62.09) (13) POLICE. \* \* \* *The chief of police \* \* \* shall have command of the police force of the city under the direction of the mayor. It shall be his duty to obey all lawful written orders of the mayor or common council. \* \* \* The chief and each policeman \* \* \* shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; \* \* \* shall arrest with or without process and with reasonable diligence \* \* \* take before the police justice or other proper court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars. \* \* \* They shall collect \* \* \* the same fees allowed to constables for similar services.*

SECTION 35. Sections 925—46a, 925—46 and 925—47 of the statutes are consolidated and renumbered to be section 62.10 of the statutes and revised to read:

62.10 OFFICIAL NEWSPAPER. (1) In cities of the second and third class, the clerk shall, on or before the second Tuesday of April, advertise in the official city newspaper, or if there be none, in a newspaper published in the city, for separate proposals to publish in English (a) The council proceedings, and (b) the city advertising, respectively, for the ensuing year, inviting bids from all daily newspapers which have been published

regularly in such city for the two years preceding, if there be more than one such paper, otherwise from all newspapers which have been published regularly at least once a week for such period, also stating the security required with each bid, which shall be previously fixed by the council, and requiring delivery of the bids in writing, sealed, at the clerk's office by twelve o'clock noon of the first Tuesday of May. At that hour, the clerk shall, in the presence of the mayor or an alderman, open the bids and enter them in a record kept for that purpose. No bid from other than a newspaper legally invited to bid, or for more than the legal rate for like work, shall be of any effect. The paper making the lowest effective bid for either the council proceedings or the city advertising shall be awarded the contract therefor. If two or more effective bids are for the same price, and no lower effective bid is filed, the clerk shall transmit such tie bids to the council at its next meeting and the council shall designate the successful bid. If no effective bid shall be received, the council may direct the clerk to readvertise as before. Each successful bidder shall execute a contract in accordance with the bid and file such bond for its performance as the council shall require. No such paper shall receive more or less than the contract price nor any other compensation for the work. The paper securing the contract for the city advertising shall be the official city newspaper.

(2) In cities of the fourth class, the council, at its first meeting or as soon as may be, shall designate one or more newspapers published in the city, if any, otherwise published in the county and having a general circulation in the city, for publication of the council proceedings and as the official city newspaper for the publication of the city advertising for the ensuing year. The council shall fix the price at not to exceed the legal rate for like work. In cities in which no newspaper is published, all proceedings and advertising, required to be published, shall be posted in three public places in the city.

(3) The publisher, before the claim for the publication is audited, shall file with the clerk proof of publication by affidavit of the printer or foreman, attached to a copy of the matter published, stating the date or dates of publication. Such affidavit shall be conclusive evidence of publication for the purpose of audit.

(4) If for any reason any city shall at any time be without an

official city newspaper, matters required to be published may be published in any newspaper in the city designated by the council, at not more than the legal rate for like work, or if there be none such, shall be posted for a like length of time in two public places in each ward.

SECTION 36. Section 925—49 of the statutes is renumbered to be subsection (1) of section 62.11 and amended to read:

62.11 COMMON COUNCIL. (1) HOW CONSTITUTED. \* \* \* The mayor and aldermen shall \* \* \* be the common council. \* \* \* The mayor shall not be counted in \* \* \* computing a quorum, majority or other proportion under the requirements of law for the same, and shall not vote \* \* \* except in case of a tie.

SECTION 37. Section 925—50 of the statutes is renumbered to be subsection (2) of section 62.11 and is amended to read:

(62.11) (2) TIME OF MEETING. \* \* \* The council shall \* \* \* meet \* \* \* at least once a month, and on the first Tuesday \* \* \* unless a different day be fixed by the council. More frequent regular meetings may be established by the council, and the mayor may call a special meeting by \* \* \* written notice to each \* \* \* member \* \* \* delivered to him personally or left at \* \* \* his usual \* \* \* abode at least six hours \* \* \* before the meeting. Following a regular city election the new council shall first meet on the third Tuesday of April.

SECTION 38. Section 925—51 of the statutes is renumbered to be subsection (3) of section 62.11 and is revised to read:

(62.11) (3) PROCEDURE. (a) The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(b) Two-thirds of the members shall be a quorum, except that in cities having not more than five aldermen a majority shall be a quorum. A less number may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary to a confirmation.

(c) Meetings shall be open to the public; and the council may punish by fine members or other persons present for disorderly behavior.

(d) The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any



liability or charge against the city or any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal.

(e) The council shall in all other respects determine the rules of its procedure.

(f) The style of all ordinances shall be: "The common council of the city of ..... do ordain as follows:"

SECTION 39. Section 925—46t and subsection (68) of section 925—52 of the statutes are consolidated and renumbered to be subsection (4) of section 62.11 and amended to read:

(62.11) (4) PUBLICATION. \* \* \* Proceedings of \* \* \* the \* \* \* council shall be published in \* \* \* *the newspaper \* \* \* designated under section 62.10* in such manner as the \* \* \* council shall direct. \* \* \* Ordinances \* \* \* shall \* \* \* be published in the official *city newspaper within fifteen days of passage, and shall not be in effect until so published.* \* \* \*

SECTION 40. Section 925—52 of the statutes, except subsection (6), the second paragraph of subsection (29), subsections (34), (47), (55), (58), (59), (65), (67), (68), and (76), is renumbered to be subsection (5) of section 62.11 and is revised to read:

(62.11) (5) POWERS. Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

SECTION 40a. Section 1411—5 of the statutes is amended by adding at the end thereof the following: "Cities may in such manner enforce quarantine in the city or within five miles of the limits."

SECTION 41. Section 925—120 of the statutes is renumbered to be subsection (1) of section 62.12 and is revised to read:

62.12 FINANCE. (1) FISCAL YEAR. The calendar year shall be the fiscal year.

SECTION 42. Section 925—142 of the statutes is renumbered to be subsection (2) of section 62.12 and is revised to read:

(62.12) (2) BUDGET. On or before October first, each year, each officer or department shall file with the city clerk an itemized statement of disbursements made to carry out the powers and duties of such officer or department during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or department during such year, and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.

SECTION 43. Sections 925—53, 925—76, 925—95c and 925—243 and the clause of subsection 1 of section 927—1 between the last semicolon, and the last comma of the statutes are consolidated and renumbered to be subsection (3) of section 62.12 and revised to read:

(62.12) (3) ACCOUNTING. The city treasurer shall keep separate all special funds, and shall keep a separate account with the general fund for each officer or department through which disbursements are made from the general fund to carry out the powers and duties of such officer or department. The council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller.

SECTION 44. Section 925—142a of the statutes is renumbered to be subsection (4) of section 62.12 and is revised to read:

(62.12) (4) TAX LIMITATION. The tax levied by the council for any one year for municipal purposes, together with all other taxes required to be levied, shall not exceed three and one-half per cent of the assessed value of the real and personal property in the city in that year, except that in addition a special tax for school purposes not exceeding eight mills on the dollar of such assessed value may be levied.

SECTION 45. The first sentence of section 925—132 of the statutes is renumbered to be subsection (5) of section 62.12 and is amended to read:

(62.12) (5) LICENSE MONEYS. \* \* \* Moneys received for licenses \* \* \* may be used \* \* \* *for such purpose* as the council shall direct *in the absence of specific appropriation by law.*

SECTION 46. Sections 925—121, 925—122, 925—123, and 925—124 of the statutes are consolidated and renumbered to be subsection (6) of section 62.12 and revised to read:

(62.12) (6) DRAWING OUT FUNDS; APPROPRIATIONS; DEBTS.

(a) City funds shall be drawn out only by authority of the council and upon order of the mayor and clerk, countersigned by the comptroller, if there be one. Each order shall specify the purpose for which it is drawn, and be negotiable.

(b) The council shall not appropriate nor the treasurer pay out (1) Funds appropriated by law to a special purpose except for that purpose, (2) funds for any purpose not authorized by the statutes, nor (3) from any fund in excess of the moneys therein.

(c) No debt shall be contracted against the city nor evidence thereof given unless authorized by a majority vote of all the members of the council.

SECTION 47. Section 925—127 of the statutes is renumbered to be paragraph (a) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) CITY DEPOSITORIES. (a) \* \* \* The council may designate \* \* \* a bank or banks *within this state with which city funds* \* \* \* shall be deposited, and \* \* \* when the money is so deposited the treasurer and his bondsmen shall not be liable for \* \* \* loss \* \* \* by reason of the failure of the depository. \* \* \*

SECTION 48. Section 925—128 of the statutes is renumbered to be paragraph (b) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) (b) \* \* \* The council may contract with *the depository for interest on the deposits, and such interest shall be paid into the treasury.* \* \* \*

SECTION 49. Section 926—175m of the statutes is renumbered to be paragraph (c) of subsection (7) of section 62.12 and is revised to read:

(62.12) (7) (c) The council shall designate the security to be required of the depository, to be approved by the mayor and comptroller. The city may accept as such security its own bonds or mortgage certificates. When it shall appear by proof in any court of record that such depository has defaulted in any of its covenants with the city, such court may cancel such bonds or certificates, or any fraction thereof, in amount equal to the dam-

age arising by reason of the default, or, if the council so requests, order sold a sufficient amount to make good the default.

SECTION 50. Section 925—129 except that part of the last sentence beginning with the word “provided” of the statutes is renumbered to be paragraph (d) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) (d) \* \* \* The council may \* \* \* provide that all moneys in the \* \* \* *treasury* at the end of each month \* \* \* *over a \* \* \* specified sum \* \* \** be deposited \* \* \* in a special account, \* \* \* *subject to check of the treasurer \* \* \* countersigned by the comptroller, and that when \* \* \* the balance in the general fund \* \* \** falls below such specified sum, \* \* \* *a check may be drawn to replete it. \* \* \** No change in this regard *which will increase the liability of the treasurer’s bondsmen* shall be made *after his bond is filed. \* \* \**

SECTION 51. Section 925—134 of the statutes is renumbered to be paragraph (a) of subsection (8) of section 62.12 and is amended to read:

(62.12) (8) (a) CLAIMS. \* \* \* All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf, and filed with the clerk, who shall deliver the same to the comptroller for examination. \* \* \* *The comptroller* shall within thirty days thereafter examine such claim or demand and return the same to the clerk with his report thereon in writing, who shall place the same before the council for action at its next meeting.

SECTION 52. Section 925—135 of the statutes is renumbered to be paragraph (b) of subsection (8) of section 62.12 and is revised to read:

(62.12) (8) (b) Claims for regular wages or salary may be by pay roll, verified by the proper official, and filed and allowed in time for payment on the regular pay day.

SECTION 53. Sections 959—40, 959—41L, 959—41m and the last clause of section 959—41 beginning with the words “and said” of the statutes are consolidated and renumbered to be subsection (1) of section 62.13 and revised to read:

62.13 POLICE AND FIRE DEPARTMENTS. (1) COMMISSIONERS. Each city shall have a board of police and fire commissioners consisting of five citizens, three of whom shall constitute a quorum. The mayor shall annually, between the last Mon-

day of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The members of the board shall receive no compensation. The board shall keep a record of its proceedings.

SECTION 54. Section 959—41<sub>0</sub> of the statutes is renumbered to be subsection (2) of section 62.13 and revised to read:

(62.13) (2) EXCEPTION. Subsection (1) shall not apply to cities of less than four thousand population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

SECTION 55. The first two lines of section 959—41 and the first sentence of section 959—45 of the statutes are consolidated and renumbered to be subsection (3) of section 62.13 and revised to read:

(62.13) (3) CHIEFS. The board shall appoint the chief of police and the chief of the fire department, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

SECTION 56. The third, fourth, fifth and sixth lines of section 959—41 and section 959—46 of the statutes are consolidated, renumbered and revised to read:

(62.13) (4) SUBORDINATES. (a) The chiefs shall appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the clerk.

SECTION 57. Sections 959—42 and 959—43 of the statutes are consolidated and renumbered to be paragraph (b) of subsection (4) of section 62.13 and revised to read:

(62.13) (4) (b) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and educational qualifications, habits, reputation, and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense.

SECTION 58. The first paragraph of section 959—44 of the statutes is renumbered to be paragraph (c) of subsection (4) of section 62.13 and amended to read:

(62.13) (4) (c) \* \* \* The examination \* \* \* shall be \* \* \* free for all citizens of the United States over twenty-one and under fifty-five years of age, with proper limitations as to residence, health, habits and character. \* \* \* *They* shall be practical in their character, and relate to those matters which will fairly test the \* \* \* capacity of the candidates \* \* \* *for* the positions \* \* \* they seek, \* \* \* and may include tests of manual skill and physical strength. The board shall control \* \* \* examinations and may designate *and change examiners, who may or may not be \* \* \* otherwise in the official service of the city, \* \* \* and whose compensation, \* \* \* shall be \* \* \* fixed by the \* \* \* board and paid by the city.*

SECTION 59. Section 959—45, except the first sentence, of the statutes is consolidated and renumbered to be subsection (5) of section 62.13 and is revised to read:

(62.13) (5) SUSPENSIONS AND REMOVALS. (a) The board may suspend a chief upon its own initiative or pending investigation of written charges made by an elector of the city and filed with the president of the board. The board shall not remove a chief except upon such written charges.

(b) The board or the chief may suspend a subordinate for cause. If the chief suspends a subordinate he shall immediately report the same in writing, with the cause, to the president of the board. Any elector of the city may file written charges against a subordinate with the president of the board, and pending investigation thereof the board may suspend such subordinate. Only upon such written report or charges shall a subordinate be removed.

(c) Every person, chief or subordinate, against whom charges are filed shall be entitled to a copy thereof and shall have an opportunity to be heard in his own defense. Such hearing shall be public, and both the accused and the complainant may be represented by attorney and may compel the attendance of witnesses by subpoena which shall be issued by the president of the board on request and be served as are subpoenas in justice court.

(d) If the board shall determine that the charges are not sustained, the accused, if he has been suspended, shall be immedi-

ately reinstated. If the board shall determine that the charges are sustained, the accused, by order of the board, may be suspended, reduced in rank, or removed, as the good of the service may require.

(e) Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the board.

(f) Further rules for the investigation of charges may be made by the board.

(g) No person shall be deprived of compensation while suspended pending investigation.

(h) Any person suspended, reduced or removed after investigation may appeal from the order to the circuit court by serving written notice thereof on the secretary of the board within ten days after the order is filed. Within five days thereafter the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in said court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than fifteen days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence was the order of the board reasonable? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to his pay as though in continuous service. If the order of the board is sustained it shall be final and conclusive.

SECTION 60. Section 959—40m of the statutes is renumbered to be subsection (6) of section 62.13 and revised to read:

(62.13) (6) OPTIONAL POWERS OF BOARD. (a) The board of fire and police commissioners shall have the further power: (1) To organize and supervise the fire and police departments and to prescribe rules and regulations for their control and management. (2) To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision,

exclusive of the erection and control of the police and fire station buildings. (3) To audit all bills, claims and expenses of the fire and police departments before the same are paid by the city treasurer.

(b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than thirty days prior to a regular city election a petition therefor, signed by electors equal in number to not less than twenty per cent of the total vote cast in the city for governor at the last general election, shall be filed with the clerk, he shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of sections 6.22 and 6.23, and the question shall be "Shall subsection (6) of section 62.13 of the statutes be adopted?"

SECTION 61. The second paragraph of section 959—44 of the statutes is renumbered to be subsection (7) of section 62.13 and revised to read:

(62.13) (7) COMPENSATION. The salaries of chiefs and subordinates shall be fixed by the council. All other moneys of any nature received by them shall be accounted for in the manner provided in paragraph (a) of subsection (9) and paragraph (a) of subsection (10), respectively, and the chiefs shall make verified reports thereof to the council quarterly. Unless the council otherwise provides, in cities of the fourth class rewards for the apprehension of criminals may be retained by the person entitled thereto. Such salaries when so fixed may be increased but not decreased by the council without a previous recommendation of the board. The council may provide that the salaries shall increase with length of service, and nothing herein shall interfere with the power of the council to grant a pension to persons provided in subsections (9) and (10).

SECTION 62. Sections 925—72, 925—74 and 925—75 of the statutes are consolidated and renumbered to be subsection (8) of section 62.13 and revised to read:

(62.13) (8) FIRE DEPARTMENT. The council may provide by ordinance for either a paid or a volunteer fire department, and for the management and equipment of either insofar as not otherwise provided for by law.

SECTION 63. Section 925—52h, the first two sentences of subsection 1 of section 925—52i, except the last clause beginning with



the words "and any and all", the portions of sections 925—52L and 925—52m making income of the fund a part of it, and the first sentence of section 925—52m of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) POLICE PENSION FUND. (a) *Sources of the fund.*  
 (1) Each city of the second or third class shall have a police pension fund. There shall be paid into such fund the following: One per cent of receipts from licenses; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness, rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; receipts from sales of unclaimed property; and earnings upon the deposit, loan or investment of said fund.

SECTION 64. The last clause of the second sentence of section 925—52i, the second sentence and down to the semicolon of the third sentence of section 925—52m of the statutes are consolidated and renumbered to be subdivision (2) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (2) The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount or value of which does not exceed fifty thousand dollars.

SECTION 65. The third sentence of section 925—52m beginning with the word "provided" and part of the second sentence of section 959—46k of the statutes are consolidated and renumbered to be subdivision (3) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (3) When the amount in said fund shall be fifty thousand dollars, it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from licenses, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

SECTION 66. The last three sentences of subsection 1 and subsection 2 of section 925—52i of the statutes are renumbered to be subdivision (4) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (4) Should the council estimate the income to be available for the payment of pensions to be less than the amount required, the council shall place in the annual levy for the ensuing year an amount equal to the deficiency, and this amount when collected shall be paid into the fund.

SECTION 67. The first three sentences of section 925—52j, and the last clause beginning with the word “provided” of section 925—52t of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) *Board of trustees.* (1) The mayor, treasurer, comptroller, and the chief and three active subordinates of the department, shall be the board of trustees of the said pension fund. The three subordinates from the department shall be elected annually, by ballot, at least three days before the annual election of officers of the board. Each subordinate of the department shall be entitled to vote for such three members of the board upon one ballot, and the three persons receiving the highest number of votes shall be elected. The members of the board shall receive no compensation for service thereon.

SECTION 68. The last three sentences of section 925—52j of the statutes are renumbered to be subdivision (2) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (2) The board shall annually select from its members a president and a secretary, and shall fill vacancies in such offices. The city treasurer shall be ex officio treasurer of such board, and as such, custodian of the fund and all securities and property belonging thereto. He shall keep books of account thereof in such manner as the board shall direct. Such books shall always be open to inspection by the board or a member thereof. The city treasurer shall be liable on his official bond for the performance of such duties.

SECTION 69. The first sentence of section 925—52k, section 925—52l, except the portion making income of the fund a part of it and section 925—52o of the statutes are consolidated and renumbered to be subdivision (3) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (3) The board shall have exclusive control and management of the fund. The moneys therein shall be paid out only upon warrant signed by the president and countersigned by the secretary of the board. No such warrant shall be drawn except upon order of the board duly recorded in its proceedings. The board may invest the funds or a part thereof in the name of the board in interest-bearing bonds of the United States, or of this state, or of any county or municipality in this state, and may sell such securities.

SECTION 70. The last clause of the second sentence beginning with the words "and shall hear" of section 925—52k, section 925—52n, except reference to rules, and the first sentence of section 925—52t of the statutes are consolidated, renumbered to be subdivision (4) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (4) The board shall hear and decide all applications for pensions, and shall have power to compel witnesses to attend and testify before the board thereon and upon all matters connected with the fund, in the same manner as provided by law for taking testimony before notaries public. Any member of the board may administer oaths to such witnesses.

SECTION 71. The last two sentences of section 925—52k, except the clause beginning with the words "and shall hear", the part of section 925—52n relating to rules, and the second sentence of section 925—52t down to the semicolon are consolidated and renumbered to be subdivision (5) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (5) The board shall make the needful rules for its government, the conduct of its proceedings, and the management of the fund. It shall cause its secretary to keep a record of all its proceedings. It may appoint a clerk, and provide for the payment from the fund of clerk hire, printing, and other necessary incidental expenses.

SECTION 72. Section 959—46o and part of the first clause of the third sentence of section 925—52r of the statutes are consolidated and renumbered to be the introductory subdivision of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) *Pensions.* The provisions of subsection (9) shall apply only to members of the department regularly receiving compensation for their services. Persons shall be entitled to pensions only as follows:

SECTION 73. Sections 925—52p and 959—46L of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (1) Disability. If any member of the department, while contributing to the fund, shall, within the hours when he was required to be on active duty, and while engaged in the performance of duty, be injured, or contract a disease due to his occupation, and be found upon examination by a medical officer, if any ordered by the board, or by a licensed physician ordered by the board, to be permanently disabled, physically or mentally, by reason thereof, so as to render necessary his retirement from service in such department, the board shall retire him and order payments to him monthly of a sum equal to one-half his monthly compensation at the date of his retirement.

SECTION 74. Sections 925—52q and 959—46m and the last clause of the third sentence of section 925—52r of the statutes are consolidated and renumbered to be subdivision (2) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (2) Death. If such injury or disease shall result in death, or if after retirement upon a pension or after ten years service and while in the service, any member of the department shall die from any cause, and shall leave surviving a widow, a child under the age of sixteen years, or a dependent parent, the board shall order monthly pension as follows: (a) To the widow, one-third of the monthly compensation of the deceased at the time of his death or retirement on pension, unless she shall have married him after his retirement on pension. (b) To the guardian of each such child, six dollars, until it is sixteen years of age. (c) To the dependent parent, only in case no widow is entitled to pension, the amount a widow would have received, to be paid to but one parent, to be determined by the board. (d) If the widow dies or remarries, her allowance shall be paid to the guardian of any minor children under the age of sixteen years until they reach that age. (e) The total monthly pension paid all beneficiaries shall not exceed one-half the monthly compensation of the deceased at the date of his death or retirement, and if this is insufficient to pay the full schedule it shall be pro rated on the basis of the schedule. (f) If at any time the moneys available shall be insufficient to meet all pension requirements, each beneficiary shall be paid a pro rata amount. When the fund is replenished such beneficiaries as are still entitled to pension shall be paid all withheld amounts.

SECTION 75. The first sentence of section 925—52r of the statutes is renumbered to be subdivision (3) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (3) *Service*. A member of the department who has served twenty-two years or more may apply to be retired or may be retired on motion of the board. Upon such retirement, or upon discharge after such service, the board shall order to be paid him a monthly pension equal to one-half his monthly compensation at such time.

SECTION 76. The second sentence of section 925—52r of the statutes is renumbered to be subdivision (4) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (4) *Light duty*. The board on recommendation of the chief may assign any retired pensioner to light duty in the department.

SECTION 76a. The last two sentences of section 925—52u are renumbered to be subdivision (5) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (5) *Law governing*. All pensions shall be paid in accordance with the law that was or shall be in force at the time the claim arose.

SECTION 77. Section 925—52s of the statutes is renumbered to be paragraph (d) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (d) *Exemption*. Money due or to become due to any pensioner or beneficiary from the pension fund shall be exempt from any process, or order of any court of this state, upon account of any claim or demand against any such pensioner or beneficiary.

SECTION 78. Section 925—52w of the statutes is renumbered to be paragraph (e) of subsection (9) of section 62.13 and revised to read.

(62.13) (9) (e) *Fourth class cities*. In cities of the fourth class, the council may annually and from time to time provide by ordinance for the pensioning, out of the general fund or otherwise, of members of the police department who have served for a term of twenty years or more, and shall have reached the age of fifty-five years, or who shall be disabled or superannuated, and for the widows and orphans of deceased members. Such pension shall not exceed one-half the salary of such officer at the time of his pensioning or death.

SECTION 79. Section 959—46e, except the last clause, section 959—46f, the first sentence of section 959—46i, the clause of the last sentence of section 959—46i beginning with the words “and until,” and the first sentence of section 959—46k of the statutes are consolidated and renumbered to be paragraph (a) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) FIREMAN'S PENSION FUND. (a) Each city having a paid fire department shall have a firemen's pension fund. There shall be paid into such fund the following: Receipts from taxation of fire insurance companies or agents; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness; rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; and earnings upon the deposit, loan or investment of said fund.

SECTION 80. The second sentence and the first clause of the third sentence of section 959—46i of the statutes are renumbered to be paragraph (b) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (b) The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount of value of which does not exceed fifty thousand dollars.

SECTION 81. Part of the third sentence of section 959—46i beginning with “provided” and to the words “and until” and part of the second sentence of section 959—46k of the statutes are consolidated and renumbered to be paragraph (c) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (c) When the amount in said fund shall be fifty thousand dollars it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from taxation of fire insurance companies or agents, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

SECTION 82. The last sentence of section 959—46k of the statutes is renumbered to be paragraph (d) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (d) Should the income to be available for the payment of pensions be less than the amount required, the city treasurer shall on the first day of March pay into said fund from income tax receipts an amount equal to the deficiency.

SECTION 83. The last clause of section 959—46e, and sections 959—46g, 959—46h, 959—46j, 959—46n, 959—46p, 959—46q, 959—46r, 959—46s, 959—46t, 959—46u, and 959—46v of the statutes are consolidated to be paragraph (e) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (e) The provisions of paragraphs (b) to (d) of subsection (9) shall apply to the firemen's pension fund, except that a member joining the fire department after July 1, 1917, shall not retire after twenty-two years of service and be entitled to a pension, unless he is discharged, has become superannuated in the judgment of the board, is injured or physically or mentally incapacitated sufficiently for retirement in the judgment of the board.

SECTION 84. Section 925—78 of the statutes is renumbered to be subsection (1) of section 62.14 and is amended to read:

62.14 BOARD OF PUBLIC WORKS. (1) HOW CONSTITUTED; TERMS. \* \* \* There shall be a department known as the "board of public works" to consist of three commissioners. In cities of the \* \* \* second class \* \* \* the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices one, two and three years, respectively, and thereafter for three years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer; \* \* \* provided, that the council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officers or boards as the council shall designate. *The words "board of public works" wherever used in this chapter shall include such officers or boards as shall be designated to discharge its duties.*

SECTION 85. Section 925—79 of the statutes is renumbered to be subsection (2) ORGANIZATION of section 62.14.

SECTION 86. Section 925—82 of the statutes is renumbered to be subsection (3) of section 62.14 and is amended to read:

(62.14) (3) COMPENSATION. \* \* \* The commissioners of public works in cities of the \* \* \* *second* class shall \* \* \* receive a salary, but \* \* \* in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.

SECTION 87. Section 925—84 of the statutes is renumbered to be subsection (4) RULES FOR, BY COUNCIL of section 62.14.

SECTION 88. Section 925—85 of the statutes is renumbered to be subsection (5) QUORUM; RECORD; REPORT of section 62.14.

SECTION 89. Section 925—86 of the statutes is renumbered to be paragraph (a) *In general* of subsection (6) DUTIES AND POWERS, of section 62.14.

SECTION 90. Section 925—87 of the statutes is repealed.

SECTION 91. Section 925—88 of the statutes is renumbered to be paragraph (b) of subsection (6) of section 62.14 and is amended to read:

(62.14) (6) (b) *Unusual use of streets*. \* \* \* No building shall be moved through the streets or any obstruction be placed therein without a written permit therefor granted by the board of public works, *except in cities where the council shall, by ordinance, authorize some other officer or officers to issue a permit therefor*; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.

SECTION 92. Section 925—89 of the statutes is renumbered to be paragraph (c) *Restoring streets* of subsection (6) of section 62.14.

SECTION 93. Section 925—80 of the statutes is repealed.

SECTION 94. Section 926—171 of the statutes is withdrawn from the statutes.

SECTION 95. Section 925—81 of the statutes is renumbered to be subsection (7) of section 62.14 and is amended to read:

(62.14) (7) RECORDS OF CITY ENGINEER. \* \* \* The city engineer shall keep on file in his office, \* \* \* in the office of the city clerk, a record of all his official acts and doings and also



a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any building belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to his successor or to the board of public works. \* \* \* Whenever requested, the engineer shall make a report of all doings of his department to the board of public works.

SECTION 96. Section 925—90, except the last two sentences; sections 925—186, 925—279, 925—280, 925—90a and 959—30d, except second and last sentences of the statutes are consolidated and renumbered to be subsections (1), (2), (3) and (4) of section 62.15 and revised to read:

62.15 PUBLIC WORKS. (1) CONTRACTS FOR; HOW LET. All public work, the estimated cost of which shall exceed five hundred dollars, shall be let by contract to the lowest responsible bidder; all other public work shall be let as the council may direct. The council may also by a vote of three-fourths of all the members elect provide by ordinance that any class of public work or any part thereof may be done directly by the city without submitting the same for bids.

(2) PLANS AND SPECIFICATIONS; FORM OF CONTRACT; BOND. When the work is required or directed to be let to the lowest responsible bidder, the board of public works shall prepare plans and specifications for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required and file the same with the city clerk for the inspection of bidders, and shall also prepare a form of contract and bond with sureties required, and furnish a copy of the same to all persons desiring to bid on the work.

(3) ADVERTISEMENT FOR BIDS. After the plans, specifications and form of contract shall have been prepared the board of public works shall advertise for proposals for doing such work by publishing a notice in the official newspaper for such length of time as it may think the interest of the city demands, not less than once a week for two successive weeks. No bid shall be received unless accompanied by a contract and bond with sureties, as prescribed

by the form furnished, completed with the exception of the signatures on the part of the city. The city by resolution may provide that in lieu of the foregoing provision the bidder may accompany his bid with a certified check equal to five per cent of the bid payable to the city as a guaranty that if his bid is accepted he will execute and file the proper contract and bond within time limited by the city. In case the successful bidder shall fail to execute such contract and bond the amount of the check shall be forfeited to the city as liquidated damages. The notice published shall inform bidders of this requirement.

(4) SURETIES; JUSTIFICATION, WHEN SURETIES NOT REQUIRED. The sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property not by law exempt from execution. A certified check in amount equal to five per cent of the bid, and a provision in the contract for the retention by the city of twenty per cent of the estimates made from time to time may be accepted in place of sureties.

SECTION 97. Sections 925—187, 925—282, 926—157 and the last two sentences of section 925—90 of the statutes are consolidated and renumbered to be subsection (5) of section 62.15 and revised to read:

(62.15) (5) REJECTION OF BIDS. The power to reject any and all bids shall exist unless expressly waived. The board of public works may reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition. The council may, if it be of the opinion that the bids are fraudulent, collusive or excessive, by resolution adopted by two-thirds of its members, reject all the bids received and order the work done by the city directly under the supervision of the board of public works and the provisions of subsections (2) and (3) of section 61.54 shall apply to the performance of such work.

SECTION 98. Section 925—91 of the statutes is renumbered to be subsection (6) INCOMPETENT BIDDER of section 62.15.

SECTION 99. Section 925—90b of the statutes is renumbered to be subsection (7) of section 62.15 and is amended to read:

(62.15) (7) PATENTED MATERIAL OR PROCESS. \* \* \* Any public work, \* \* \* whether \* \* \* chargeable in whole or in part to \* \* \* the city, or to any \* \* \* lot or lots or parcels of land therein, \* \* \* may be done by the use of a patented article, materials or process, in whole or in part, or in

combination with articles, materials, or processes not patented, \* \* \* *when* the city shall have obtained from the owner of \* \* \* *the* patented article, materials or process, before advertising for bids *for such work*, \* \* \* *an* agreement to furnish to any contractor, desiring to bid upon such work as a whole, the right to use \* \* \* *the* patented article, materials and processes in the construction of said work, and also to furnish to any contractor \* \* \* *the* patented article itself upon the payment of what the authorities of said city charged with the duty of letting a contract for such public work \* \* \* shall determine to be a reasonable price therefor, which price shall be publicly stated and furnished upon application to any contractor desiring to bid on said work.

SECTION 100. Section 925—90c of the statutes is renumbered to be subsection (8) of section 62.15 and is amended to read:

(62.15) (8) ALTERNATIVE PLANS AND SPECIFICATIONS. \* \* \* Different plans and specifications *for any public work may be prepared by the proper authorities* requiring the use of different kinds of materials, \* \* \* whether patented or not, thereby bringing one kind of article, material or process in competition with one or more other kinds of articles, materials or processes designed to accomplish the same general purpose, and \* \* \* bids *received* for each such kind of article, material or process, and thereafter \* \* \* a contract *let* for one kind of article, material or process; provided, that before any contract is let *all* the bids received \* \* \* shall be \* \* \* opened, and considered before the kind of article or process to be used in such work \* \* \* shall be decided upon by the proper city authorities, and thereupon the proper city authorities shall first determine which kind of article, material or process shall be used in the work, \* \* \* and \* \* \* the contract shall be let to the lowest responsible bidder for the kind of article, material or process so selected for use in the proposed public work \* \* \*.

SECTION 101. Section 925—281, the first two sentences of section 926—105, and the second sentence of section 959—30d of the statutes are consolidated and renumbered to be subsection (9) of section 62.15 and are revised to read:

(62.15) (9) GUARANTY. Any contract for doing public work may contain a provision requiring the contractor to keep the work done under such contract in good order or repair for not to exceed five years. The inclusion in the contract of any such provi-

sions shall not invalidate any special assessment or certificate thereof or tax sale certificate based thereon.

SECTION 102. Section 925—94 of the statutes is renumbered to be subsection (10) **PROGRESS ESTIMATES; DEPOSIT; DEFAULT; COMPLETION BY CITY** of section 62.15 and is amended by striking out the words “or such other officers as shall be designated to discharge its duties” where they occur in the second line and by inserting the word “time” after the word “from” in the third line.

SECTION 103. Section 925—222 of the statutes is repealed.

SECTION 104. Section 925—92 of the statutes is renumbered to be subsection (11) **STREET OBSTRUCTION** of section 62.15.

SECTION 105. Sections 925—93 and 925—221 of the statutes are consolidated and renumbered to be subsection (12) of section 62.15 and revised to read:

(62.15) (12) **CONTRACTS; HOW EXECUTED.** All contracts shall be signed by the mayor and clerk, unless otherwise provided by resolution or ordinance, and approved as to form by the city attorney. No contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an indorsement thereon showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder.

SECTION 106. There is added to the statutes a new subsection to be numbered and to read:

62.16 **STREET IMPROVEMENT AND REPAIR.** (1) **DEFINITIONS.** The word “street” as used in this section shall include “court” and “alley”. The phrase “to improve” when used in connection with street paving or work shall include “to level, grade, regrade, gravel, regravell, macadamize, pave and repave with asphalt, concrete, brick, stone, wood or other material or to improve in any other manner, and also the construction of a permanent curb or gutter, or both,” and the words “street improvement” shall include any such work.

SECTION 107. Section 925—172 of the statutes is renumbered to be paragraph (a) *Establishment; damage* of subsection (2) **GRADE** of section 62.16 and is amended by striking out the words “provided that” where they occur in the third line and by striking the prefix “sub” from the word “subchapter,” also by changing the semicolon which follows the word “expedient” to a period.

SECTION 108. Section 925—173 of the statutes is renumbered to be paragraph (b) *Record* of subsection (2) of section 62.16.

SECTION 109. Section 925—177 of the statutes is renumbered to be subsection (3) of section 62.16 and is amended to read:

(62.16) (3) CROSSWALK AND MAINTENANCE EXPENSE. \* \* \* The expense of all crosswalks at the intersection of streets \* \* \* and across public grounds shall be paid by the city at large. \* \* \* The expense of maintenance, \* \* \* keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade and *improved* \* \* \* as required by the council, shall be paid out of the general fund of the city; \* \* \* *but the provisions of this section shall not be construed as prohibiting the city from including in any contract for street improvement the provision authorized by subsection (9) of section 62.15.*

SECTION 110. Subsection 1 of section 925—175, section 925—176, subsections 1 and 2 of section 925—176b and section 959—30b of the statutes are consolidated and renumbered to be paragraph (a) of subsection (4) of section 62.16 and revised to read:

(62.16) (4) OPENING, GRADING AND PAVING OF STREETS. (a) *City may cause; expense; petition.* The city may cause streets to be opened, improved, swept, sprinkled and cleaned. The expense of such work or improvement may be paid in whole or in part by the city or by the property to be benefited thereby as the council shall direct, but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto by such improvement, except in the case of sidewalks. Where the expense of any such improvement is made chargeable to particular property the city shall in no case be responsible for the payment therefor, except in cases when the cost of the improvement exceeds the benefits. No street shall be improved where the expense exceeds five hundred dollars except upon the vote of two-thirds of all the members of the council, unless the owners of more than one-half of the frontage of the lots upon that part of any street to be improved shall petition the council to improve such street or part of street. If, upon petition therefor, the council determines to improve a street or part of street with macadam the work may be done directly by the city without the intervention of a contractor.

SECTION 111. Subsection 2 of section 925—175 of the statutes is repealed.

SECTION 112. Subsection 3 of section 925—176b of the statutes is renumbered to be paragraph (b) *Cost of curb and gutter*

when credited of subsection (4) of section 62.16, and is amended by striking out the word "such" in the first line thereof.

SECTION 113. Section 925—203 of the statutes is renumbered to be paragraph (c) *Sidewalk grade; when included* of subsection (4) of section 62.16.

SECTION 114. The third and fourth sentences of section 926—105 of the statutes are consolidated and renumbered to be paragraph (d) of subsection (4) of section 62.16 and revised to read:

(62.16) (4) (d) *Additional security; guaranty clause.* Any contract for paving a street containing a clause requiring the contractor to keep the work in good order and repair for a period not exceeding five years may provide for the retention by the city of ten per cent of the contract price during such period as a guaranty for the performance of such contract, in addition to the bond required by section 62.15.

SECTION 115. Sections 925—186a and 959—30k of the statutes are consolidated and renumbered to be paragraph (e) of subsection (4) of section 62.16 and amended to read:

(62.16) (4) (e) *Specifications.* (1) \* \* \* Specifications for laying street pavements may require that any material therein shall be of a specified kind of standard, naming it, or material, which in the opinion of the board of public works, \* \* \* shall be equal to the material thus specified; the decision of such board \* \* \* on such questions to be conclusive. (2) \* \* \* Two or more separate specifications based upon physical or chemical characteristics may be prepared providing for pavements or wearing surfaces *for streets* composed in whole or in part of different kinds of the same material, and separate bids may be called for thereon, and the contract let to the lowest responsible bidder for the pavement or wearing surface composed in whole or in part of the particular kind of material selected by the board of public works. \* \* \*

SECTION 116. Section 959—30c of the statutes is renumbered to be paragraph (a) of subsection (5) of section 62.16 and is amended to read:

(62.16) (5) ALTERNATIVE TYPES OF PAVEMENTS. (a) *Specification.* \* \* \* *The city may also improve streets in the manner prescribed in this subsection.* Whenever \* \* \* any city shall \* \* \* direct \* \* \* that any street \* \* \* be improved with \* \* \* a permanent pavement \* \* \* the council may require the board of public works to \* \* \* pre-

pare and report to the council detailed specifications for a suitable foundation for the pavement proposed to be laid, and for a wearing surface of not less than three of the accepted kinds of modern city pavements, whether patented or not. The council may change or amend such specifications in any particular, and may adopt the same as reported or as so changed and amended. *After the specifications shall have been adopted the council shall direct the board of public works to advertise for bids in the manner prescribed by section 62.15.*

SECTION 117. Subsections 1, 2, 3, and 4 of section 959—30e of the statutes are renumbered paragraph (b) of subsection (5) of section 62.16, and amended to read as follows:

(62.16) (5)(b) *Selection; kind.* (1) \* \* \* When the city clerk shall have received the bids and report of the board of public works thereon, he shall fix a time when the council will hold a meeting to consider the kind of pavement to be laid on such street or alley, and five days prior to such meeting he shall publish in the official paper a notice that such matter will be considered at such meeting, and post a similar notice in each block of the part of the street \* \* \* to be \* \* \* *improved*, such posted notices to be printed in type not smaller than pica. (2) \* \* \* *At such meeting* the \* \* \* council may, by the \* \* \* vote of a majority of all the \* \* \* *members*, select a certain kind of the kinds of pavement for which a bid or bids have been received, and award the contract therefor to the lowest responsible bidder on \* \* \* *the kind of pavement so selected.* \* \* \*

SECTION 118. Section 925—178 of the statutes is renumbered to be paragraph (a) of subsection (6) of section 62.16 and is amended to read:

(62.16) (6) ASSESSMENT OF BENEFITS AND DAMAGES. (a) *By board.* \* \* \* Before the council shall change or alter any established grade or order any work to be done on any street at the expense of the real estate to be benefited thereby, it shall order the board of public works \* \* \* to view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such change or alteration of grade, the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this \* \* \* chapter to each parcel of such real estate as benefits accruing thereto by such contemplated work or improvement.

SECTION 119. Section 925—179 of the statutes is renumbered to be paragraph (b) *Report filed*, of subsection (6) of section 62.16 and is amended by striking therefrom the last three words, namely, “the preceding section” and by inserting in place thereof the words “paragraph (a)”.

SECTION 120. The first sentence of section 925—180 of the statutes is renumbered to be paragraph (c) *Notice*, of subsection (6) of section 62.16; the second, third and fourth sentences of section 925—180 of the statutes are renumbered to be paragraph (d) *Publication and posting*, of subsection (6) of section 62.16; the fifth sentence of section 925—180 is renumbered to be paragraph (e) *Irregularity*, of subsection (6) of section 62.16; the sixth sentence of section 925—180 is renumbered to be paragraph (f) *Hearing before board; final report filed*, of subsection (6) of section 62.16; and is amended by inserting the words “proof and” before the word “affidavit” where said word occurs the second time in said sentence; and the seventh and eighth sentences of section 925—180 are renumbered to be paragraph (g) *Immaterial errors; oaths* of subsection (6) of section 62.16.

SECTION 121. Section 925—181 of the statutes is renumbered to be paragraph (h) *Notice; hearing before council* of subsection (6) of section 62.16 and is amended by striking out the words “at large” where they occur in said section; also by striking the word “common” where it occurs as the last word of the second line of said section.

SECTION 122. Section 925—182 of the statutes is renumbered to be paragraph (i) *Final determination* of subsection (6) of section 62.16 and is amended by striking out the last line of said section, namely: “at large, or the ward fund of the wards in which said improvement is made”.

SECTION 123. Section 925—183 of the statutes is renumbered to be paragraph (j) *Notice of final determination* of subsection (6) of section 62.16.

SECTION 124. Section 925—184 of the statutes is renumbered to be paragraph (k) of subsection (6) of section 62.16 and is amended to read:

(62.16) (6) (k) *Appeal by landowner.* \* \* \* If the owner of any parcel of land affected by such determination \* \* \* feels himself aggrieved thereby \* \* \* he may, within twenty days after the date of such determination, appeal therefrom to the circuit court of the county in which such city or some



part thereof is situated by causing a written notice of appeal to be served upon the clerk of such city and by executing a bond to the city in the sum of one hundred fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against him. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the matter before the council, with its decision thereon, and shall transmit the same with all the papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court, \* \* \* and costs awarded as provided in paragraph (d) of subsection (1) of section 62.25. \* \* \* In case any contract shall have been made for making the improvements said appeal shall not affect said contract, but a certificate or improvement bond, as the case may be, against the lot in question for the amount of benefits assessed to such lot shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate or bond so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate or bond shall be paid by the city. \* \* \*

SECTION 125. Section 925—185 of the statutes is renumbered to be paragraph (1) *Remedy exclusive* of subsection (6) of section 62.16.

SECTION 126. Section 925—266 of the statutes is renumbered to be paragraph (a) *Exemption* of subsection (7) SPECIAL ASSESSMENT of section 62.16 and is amended by adding at the end thereof the following words “except as provided in paragraph (b)”.

SECTION 127. Sections 959—35 and 959—35a of the statutes are consolidated, renumbered and revised to read:

(62.16) (7) (b) *Limitation*. Assessments of benefits on any parcel of land in any city of the third class for paving any street with a pavement having a concrete foundation or for the curbing or resurfacing of such street shall not exceed, including prior assessments of benefits for street improvements an amount equal to three dollars per square yard of that part of the carriageway directly in front of the property and lying between the curb and the center of the carriageway.

SECTION 128. Section 959—38 of the statutes is renumbered

to be paragraph (c) of subsection (7) of section 62.16 and is amended to read:

(62.16) (7) (c) *Against corporate property* \* \* \* Whenever \* \* \* a special assessment \* \* \* shall have been \* \* \* made \* \* \* *against any parcel of real estate* \* \* \* owned or *controlled* \* \* \* by or on behalf of any corporation doing business in this state, a \* \* \* statement of the amount of such assessment and of the time when \* \* \* *made* may be signed by the city clerk and certified by him under the seal of the city as having been duly \* \* \* made, and upon the filing of such certificate in the office of the clerk of the circuit court of the county in which such *real estate* \* \* \* is located the *assessment* \* \* \* shall be a lien *thereon* \* \* \* and may be foreclosed \* \* \* in such court in the same manner as liens of mechanics and others upon real property may be foreclosed therein. The certified statement of *the city clerk* \* \* \* *when* so filed, \* \* \* shall be prima facie evidence of the \* \* \* validity of such assessment.

SECTION 129. Section 925—223 of the statutes is renumbered to be subsection (8) of section 62.16 and is amended to read:

(62.16) (8) SERVICE PIPE. (a) *Expense.* \* \* \* Whenever the council, *state highway commission, or county board* shall declare its intention to \* \* \* improve any street in which water, gas, or heat mains and sewers, or *any* \* \* \* of them, shall have been previously laid \* \* \* or are to be laid, \* \* \* *the council* \* \* \* shall also by resolution require water, heat, *sewer* and gas service pipes \* \* \* to be first laid in such street, at the cost of the property fronting therein, *except as herein provided*, from the \* \* \* sewer, water, heat and gas mains in such street to the curb line on either or both sides thereof, at such intervals as the council shall direct along that part of said street \* \* \* to be improved, except at street and alley crossings. *Such work may be done by contract or by the city directly without the intervention of a contractor, under the supervision of the board of public works, or in the case of service pipes of a municipal owned utility under the supervision of the board or officers charged with the management of such utility.* \* \* \* *The* \* \* \* board or officers under whose supervision such service pipes shall be laid \* \* \* shall keep an accurate account of the expenses of putting in *the same* \* \* \* in front of each lot or parcel of land, whether the work be done by con-

tract or otherwise, and report the same to the comptroller \* \* \* who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other \* \* \* taxes upon real estate.

(b) *Public service corporation.* \* \* \* Whenever the council, *state highway commission or county board* shall declare its intention to \* \* \* improve any street in which water or gas mains of any *privately owned public utility* shall have been previously laid \* \* \* or are about to be laid \* \* \* *the council* \* \* \* shall \* \* \* by resolution require, subject to review as provided in section 1797m—87, water and gas service pipes to be first laid in such street, at the cost of such utility, *unless the franchise of such utility otherwise provides as to the cost*, from the main to the curb line on each side thereof, at such intervals as the council shall direct, along that part of said street so to be improved, except at street or alley crossings, and may, subject to such review, fix a reasonable time within which such work shall be done by the utility. Notice of such requirement shall thereupon be given to such utility by delivering a copy thereof to the superintendent, or agent in charge thereof, requiring such utility to do such work opposite the lots indicated according to plans and specifications, to be theretofore prepared and filed in the office of the city clerk, showing the location and size and the kind and quality of material of such water and gas service pipes; and if such utility shall refuse or neglect to do the same before the expiration of the time fixed for the \* \* \* improvement of said street so ordered the board of public works \* \* \* may procure the same to be done, in which event said board \* \* \* shall keep accurate account of the expense of constructing such gas or water service pipes, as the case may be, and report the same to the city clerk who shall annually enter in the tax roll as special taxes against such utilities, the total of the amounts so certified to him for such charges, and the same shall be collected in all respects like other city taxes against said utilities, and the city shall have a legal and valid claim for the amount of such special taxes against such utilities. \* \* \* No application for such review shall be effective unless the same

be made and notice thereof filed in the office of the clerk of the city making such requirement within thirty days after service of the notice of such requirement as above provided; and on such review the railroad commission shall make such order as to extension of time for the doing of such work and as to all other conditions affecting such requirement as the commission shall deem reasonable or expedient.

(c) *When laid.* \* \* \* No street shall be \* \* \* improved by order of the council, *state highway commission or county board* unless the water, heat and gas mains and service pipes and necessary sewers and their connections shall, as required under this *subsection* be first laid and constructed in that portion of such street so to be \* \* \* improved.

SECTION 130. Subsection 1 of section 959p of the statutes is renumbered to be paragraph (a) of subsection (9) of section 62.16 and is amended to read:

(62.16) (9) STREET SPRINKLING. (a) *Council may order.* \* \* \* The \* \* \* council \* \* \* may cause any street or portion of a street to be *flushed, or sprinkled with water or oil* during such period as it may order. The board of public works, or *such other officer as shall, by order of the council, have charge of such work,* \* \* \* shall keep an \* \* \* account of the cost *stating the cost of each block separately and* \* \* \* on or before the first Monday of November, present *the same* to the \* \* \* council. \* \* \*

SECTION 131. Subsection 2 of section 959p of the statutes is renumbered to be paragraph (b) *Expense* of subsection (9) of section 62.16 and is amended by striking from the second line thereof the words "or out of the ward funds," and also by striking the word "common" where it occurs at the end of the second line of said subsection. •

SECTION 132. Section 926—10 of the statutes is renumbered to be paragraph (c) of subsection (9) of section 62.16 and is amended to read:

(62.16) (9) (c) *Petition.* \* \* \* Whenever there shall be presented to the council of any \* \* \* city a petition signed by the owners of a majority of the frontage upon any street or part of street in such city praying that the same shall be *flushed, or sprinkled with water or oil* during the term in such petition set forth, not exceeding eight months, such council *shall* \* \* \* order such sprinkling to be done upon such requirements and in

such manner as it shall establish, and shall assess the expense thereof to the owners of the property fronting upon such street or part of street in the same manner as other special charges and in proportion to the frontage of each owner's property thereon, excepting street crossings, which shall be paid for by such city.  
\* \* \*

SECTION 133. Subsection 3 of section 959p of the statutes is renumbered to be paragraph (d) of subsection (9) of section 62.16 and is revised to read:

(62.16) (9) (d) *Who to do work.* Such work may be done by the city under the supervision of such board or officer as the council shall order, and the city may purchase the equipment necessary therefor; or such work may be performed by contract let to the lowest responsible bidder in the manner provided in section 62.15.

SECTION 133a. Section 925—197 of the statutes is renumbered to be section 4225b and is amended to read:

WITHIN NINE MONTHS. SECTION 4225b. \* \* \* Every action or proceeding to avoid any \* \* \* special assessment \* \* \* pursuant to section 62.16, or taxes levied pursuant to the same, or to restrain the levy of such taxes or the sale of lands for the nonpayment of such taxes, shall be brought within nine months from the end of the period of thirty days limited by the city improvement notice provided for by section \* \* \* 62.21, and not thereafter. This limitation shall cure all defects in the proceedings, and defects of power on the part of the officers making the assessment, except in cases where the lands are not liable to the assessment, or the city has no power to make any such assessment, or the amount of the assessment has been paid or a redemption made.

SECTION 134. Sections 959m—1, 959m—2 and 959m—3 of the statutes are repealed.

SECTION 135. Subsections (1) and (2) of section 61.44 of the statutes are repealed.

SECTION 136. There is added to section 61.44 of the statutes a new subsection to be numbered and to read:

61.44 STREET SPRINKLING. (1) The provisions of subsection (9) of section 62.16 shall apply to villages.

SECTION 137. Subsection (3) of section 61.44 is renumbered to be subsection (2).

SECTION 138. Sections 925—240 to 925—246, both inclusive, except section 925—243, of the statutes are repealed.

SECTION 139. Section 926—15 of the statutes is renumbered to be subsection (6) of section 61.41 and is amended to read:

(61.41) (6) \* \* \* In \* \* \* villages incorporated under special charter \* \* \* , when the whole or any part of the cost of a sewer, gutter, or the paving or macadamizing or graveling, or other improvement of any street or alley, is to be paid by special assessments against lots or parcels of land fronting or abutting upon the street or alley in which such sewer or gutter is laid, or upon the street or alley to be paved, macadamized, graveled or otherwise improved, the board of public works, as soon as the assessment against the lots or parcels of land fronting or abutting thereon shall be made, shall give notice to all parties interested by advertisement for not less than one week in the official paper of the \* \* \* village, if any, otherwise in some paper published therein, and if no paper is published therein, then by posting up a notice in at least three public places in said \* \* \* village, one of which shall be posted on the street or alley where the gutter or sewer is to be laid or the street improved, that such assessment had been made and is ready for inspection in their office, that the same will be open for review and correction by the said board at their office for not less than five days after the publication of said notice during certain hours, and not less than two hours of each day, and that all persons interested will be heard by the board in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief for what and in what locality such assessment has been made, and no further notice or publication of such assessment shall be necessary. During the time mentioned in such notice, the board shall hear objections and evidence, and they may correct such assessment during such time and for three days thereafter. In \* \* \* villages not having a board of public works the \* \* \* village board may appoint three persons to act in place of such board with the same powers.

SECTION 140. Sections 959—30a, 959—30f, 959—30g, and 959—30j of the statutes are repealed.

SECTION 141. Sections 959—30, 959—31, 959—32 and 959—33 of the statutes are repealed.

SECTION 142. Sections 925—272 to 925—278, both inclusive, of the statutes are repealed.

SECTION 143. Sections 925—174 and 925—201 of the statutes are renumbered to be respectively subsections (1) PART OF STREET; OBSTRUCTIONS and (2) GRADE of section 62.17 SIDEWALKS.

SECTION 144. Section 925—202 of the statutes is renumbered to be paragraph (a) *Authority of council* of subsection (3) CONSTRUCTION AND REPAIR, of section 62.17 and is amended by adding at the end the following words, “and may order by ordinance or resolution sidewalks to be laid in the manner provided in this subsection.”

SECTION 145. Subsections 1, 2, 3, and 7 of section 925—205 are consolidated and renumbered to be paragraphs (b), (c), (d), and (e) of subsection (3) of section 62.17 and revised to read:

(62.17) (3) (b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the council.

(c) *Notice.* A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered, by the board of public works, or by the street commissioner if the council shall request him to make such service, by personally delivering the same to the owner or his agent, and in case the owner or his agent cannot be found in the city by publishing in the official newspaper.

(d) *Default of owner.* Whenever any such owner shall neglect for a period of twenty days after such service to lay, remove, replace or repair any such sidewalk the city may cause such work to be done at the expense of such owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder.

(e) *Minor repairs.* When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of ten dollars, the board of public works, or street commissioner if so required by the council, may immediately repair such sidewalk, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land, in the manner provided in this section.

SECTION 146. Section 925—204 of the statutes is repealed.

SECTION 147. Subsection 4 of section 925—205 of the statutes is renumbered to be paragraph (f) of subsection (3) of section 62.17 and is amended to read:

(62.17) (3) (f) *Expense.* \* \* \* The board of public works \* \* \* shall keep an accurate account of the expenses of laying, *removing* and repairing sidewalks in front of each lot or parcel of land whether the work be done by contract or otherwise, and \* \* \* report the same to the comptroller who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other \* \* \* taxes upon real estate. *The council may provide that the street commissioner shall perform the duties imposed by this section on the board of public works.*

SECTION 148. Subsection 6 of section 925—205 of the statutes is repealed.

SECTION 149. Section 925—207a of the statutes is renumbered to be paragraph (a) *Expense of construction* of subsection (4) FOURTH CLASS CITIES of section 62.17.

SECTION 150. Section 926—114 of the statutes is renumbered to be paragraph (b) of subsection (4) of section 62.17 and is amended to read:

(62.17) (4) (b) *Repair.* \* \* \* The board of public works of cities of the fourth class \* \* \* shall, at some time during the first ten days of each April and September, publish in the official paper of such city a \* \* \* notice *ordering* \* \* \* all persons owning lands abutting upon any street \* \* \* within ten days from the date of publication of such notice, to place \* \* \* *the sidewalks in front of their premises* \* \* \* in good repair; if, after *said* ten days, \* \* \* the board shall find any sidewalk to be \* \* \* *not in good repair* \* \* \* it shall cause such sidewalk to be repaired and charge the expense thereof to the abutting \* \* \* lot or parcel of land in front of which such sidewalk so repaired shall lie; and no notice, other than the \* \* \* published notice herein \* \* \* provided for shall be necessary to charge the abutting property with the expense of such repair.

SECTION 151. Section 925—206 of the statutes is renumbered to be subsection (5) of section 62.17 and is amended to read:

(62.17) (5) SNOW AND ICE. \* \* \* The board of public works \* \* \* shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abut-



ting lots fail to do so, and the expense of so doing in front of any lot or parcel of land shall be included in the statement to the comptroller required by *paragraph (f) of subsection (3) of this \* \* \* section*, and in his statement to the city clerk and in the special tax to be levied as therein provided. *The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.*

SECTION 152. Section 926—14 of the statutes is withdrawn from the statutes.

SECTION 153. Section 925—205a of the statutes is renumbered to be subsection (6) of section 62.17 and is amended to read:

(62.17) (6) REPAIR AT CITY EXPENSE. \* \* \* Whenever the council shall by resolution or ordinance so determine, \* \* \* sidewalks \* \* \* shall be \* \* \* kept in repair by and at the expense of \* \* \* *the city.* \* \* \*

SECTION 154. Section 925—207 of the statutes is renumbered to be subsection (7) RULES of section 62.17.

SECTION 155. Section 925—176a of the statutes is repealed.

SECTION 156. Section 925—208 of the statutes is renumbered to be subsection (1) of section 62.18 and amended to read:

62.18 SEWERS. (1) CITIES AUTHORIZED TO CONSTRUCT. \* \* \* Cities shall have \* \* \* power to construct systems of sewerage, *including a sewage disposal plant and all other appurtenances thereto, to make additions, alterations and repairs to such systems and plants, and when necessary abandon any existing system and build a new system,* and to provide for the payment of the same \* \* \* by the city, by sewerage districts or by abutting property owners or by any combination of these methods. \* \* \* *Whenever the council shall determine to lay sewers or provide sewerage in any portion of the city it shall so order by resolution which shall describe with reasonable particularity the district to be seweraged.*

SECTION 157. Section 925—209 of the statutes is renumbered to be subsection (2) of section 62.18 and amended to read:

(62.18) (2) SURVEY, PLANS AND SPECIFICATIONS. \* \* \* *When so ordered by the council the board of public works shall cause \* \* \* to be made \* \* \* the necessary survey and plans and specifications of the sewerage for such district which shall conform as near as practicable to a general system of sewerage for such city, and which shall show the location, size, direc-*

*tion and grade of such sewers, the location and size of openings and all other matters essential to such construction, together with the boundary lines of the district and the number of each lot or parcel of land.*

SECTION 158. Section 925—210 of the statutes is renumbered to be subsection (3) of section 62.18 and is amended to read:

(61.18) (3) NOTICE OF HEARING. \* \* \* On the completion of such *plans and specifications* \* \* \* notice shall be given in the official paper of the city substantially in the following form:

Notice is hereby given that *the plans and specifications* \* \* \* for sewerage for the district bounded as follows: ....., \* \* \* *have* been prepared and \* \* \* *are* now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same \* \* \* and file objections *thereto* \* \* \* . On the ..... day of ....., \* \* \* 19...., this board will be in session to consider any objections that may have been filed, and *to hear* all persons desiring to be heard. \* \* \*

Dated ..... | .....  
.....  
.....

Board of Public Works.

The day for the hearing specified shall be within \* \* \* *ten* days after *date* of the last publication of said notice, which shall be published at least once in each week for \* \* \* *two* successive weeks.

SECTION 159. Section 925—211 of the statutes is renumbered to be subsection (4) of section 62.18 and is amended to read:

(62.18) (4) HEARING. \* \* \* On the day specified for said hearing the board shall take up and consider all objections made to the *plans and specifications* as proposed, and take down in writing *minutes* of any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing they shall report the proposed *plans and specifications* with the objections, their rulings thereon and the evidence taken, to the council. The council shall then examine the same and may approve the *plans and specifications* as proposed or change \* \* \* *them* in such manner as they think proper, and approve as changed or modified by them, or may reject the *plans and specifi-*

*cations* and direct the board to propose \* \* \* new plans *and specifications*, in which case proceeding shall be had as before.

SECTION 160. Section 925—212 of the statutes is renumbered to be subsection (5) of section 62.18 and is amended to read:

(62.18) (5) FILING OF PLANS. \* \* \* When the plans *and specifications* for any sewerage system or material alterations thereto are \* \* \* finally determined they shall be prepared in triplicate and submitted to the state board of health for approval. When the same shall have been approved one copy thereof \* \* \* shall be \* \* \* filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

SECTION 161. Section 925—231 of the statutes is renumbered to be subsection (6) EFFECT OF, WHEN FILED, of section 62.18 and is amended by striking out the word "diagrams" where it occurs in two places in the section and insert in place thereof the word "plans."

SECTION 162. Section 925—232 of the statutes is renumbered to be subsection (7) PLANS, HOW CHANGED of section 62.18.

SECTION 163. Section 925—233 of the statutes is renumbered to be subsection (8) NEW PLANS; FILING; EFFECT of section 62.18 and is amended by striking out the word "diagrams" and by inserting in place thereof the word "plans".

SECTION 164. Section 925—216 of the statutes is renumbered to be subsection (9) of section 62.18 and amended to read:

(62.18) (9) ASSESSMENT. \* \* \* Before any contract for work under this \* \* \* section, to be paid for in whole or in part by \* \* \* the property to be benefited thereby shall have been entered into, the board of public works \* \* \* shall make an assessment against such property in the manner provided in this section.

(a) *Linear foot.* All lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for its whole length \* \* \* shall be assessed at an even rate not exceeding two dollars nor less than twenty-five cents per linear foot on each side of the street of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on each side of said sewer, except that corner lots \* \* \* not subdivided in ownership, and subdivisions of such lots, constituting the actual corner of corner lots, subdivided in ownership and irregular lots, shall be entitled to a de-

duction in making such assessments of *such amount as the board of public works shall determine to be reasonable and just under the circumstances of each case*; \* \* \* such deduction to be made in the assessment of the longest street or alley of such corner lots or corner subdivisions thereof or in case of equal street or alley lines thereof in the assessment for the second sewer to which they are liable. \* \* \* Whenever any lot is subdivided which as originally platted fronts or abuts \* \* \* on any sewer and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer shall be assessed for the cost of such sewer. \* \* \* Whenever any sewer is to be constructed in any alley, where the property on one side is platted with the ends of the lots abutting upon the sewer, and on the other side with the side of the lots abutting upon the sewer, there shall be assessed upon the lots so platted abutting lengthwise upon the sewer, such an amount as the assessing board shall determine the property is justly benefited under the circumstances in each case.

(b) *On district. (1) The cost of sewers in streets and alley crossings, the excess of the cost of sewers above the linear foot assessments made pursuant to paragraph (a), of manholes, lamp-holes, flush tanks, and of temporary work in connection with the construction of the sewers in the district shall be assessed justly and equitably upon the lots and parcels of land intended to be benefited thereby in proportion to the benefits which will accrue to each lot or parcel of real estate. (2) The cost of constructing intercepting sewers, force mains and pumping stations may be assessed in whole or in part against the lots and parcels of land in the sewerage district in the manner provided in this paragraph, or be charged in whole or in part against the city at large. (3) Such portion of the costs, which shall have been previously paid by the city, of any intercepting sewer or other sewer improvement without the district, which forms part of the general sewerage system of the city, and which is of special benefit to the lots and parcel of land within the district, may be assessed in whole or in part against said lots and parcels of land in the manner provided in this paragraph, which when collected shall be used to reimburse the city.*

(c) *Schedule; notice; hearing. The board of public works shall*

*file in their office a schedule of the assessments so made and also a statement of the amount to be paid by the city at large, and thereupon such proceedings shall be had before the board and the council in respect to such assessments as is required with respect to assessment of benefits for street improvement by subsection (6) of section 62.16, and the provisions of said subsection except those relating to the posting of notices are made applicable to the assessment made pursuant to the provisions of this section, including the provisions relating to the remedy by appeal from the final determination by the council.*

\* \* \*

\* \* \*

SECTION 165. Section 925—218 of the statutes is repealed.

SECTION 166. Section 925—217 of the statutes is renumbered to be subsection (10) SUBDIVISION OF LOT; APPORTIONMENT OF ASSESSMENT, of section 62.18.

SECTION 167. A new subsection is added to section 62.18 of the statutes to be numbered and to read:

(62.18) (11) CONSTRUCTION OF SEWERS; CONTRACT. After a final determination shall have been reached by the council with respect to the special assessments it shall order the contract for the construction of the sewers in the district to be let in the manner provided by section 62.15.

SECTION 168. Section 925—214 of the statutes is repealed.

SECTION 169. A new subsection is added to section 62.18 of the statutes to be numbered and to read:

(62.18) (12) ADDITION AND ALTERATIONS. The council may by resolution cause a sewer to be constructed along any street or portion thereof as an addition to or alteration of any sewer district. The cost of such sewer shall be assessed against the property abutting on the street or portion of street along which such sewer is laid in the same manner in which benefits on account of street improvement are assessed, and the provisions of subsection (6) of section 62.16 shall be applicable thereto.

SECTION 170. Section 925—213 of the statutes is repealed.

SECTION 171. Section 925—239 of the statutes is repealed.

SECTION 172. Section 925—230 of the statutes is renumbered to be subsection (13) of section 62.18 and is amended to read:

(62.18) (13) SEWERS, WHERE LAID. \* \* \* Any contractor or other person acting under the direction of the board

of public works may lay sewers in and through any alleys and streets, and through any breakwater into any lake and also in any highways of the county, whether within the limits of said city or not; \* \* \* such contractor *shall* \* \* \* repair such streets, alleys, breakwaters and highways and restore the same to their former condition upon the completion of such sewers.

SECTION 173. Section 925—224 of the statutes is renumbered to be paragraph (a) of subsection (14) of section 62.18 and amended to read:

(62.18) (14) SEWER SERVICE LATERALS. (a) *Board shall order.* \* \* \* The \* \* \* board of *public works shall require* \* \* \* *sewer service laterals to be constructed from the street line, or from near the street line of every lot in said city which in their judgment requires it, to the sewer main* \* \* \* and they may require such number of \* \* \* sewer \* \* \* *service laterals to be constructed as they deem expedient.*

SECTION 174. Section 925—225 of the statutes is renumbered to be paragraph (b) of subsection (14) of section 62.18 and is amended to read:

(62.18) (14) (b) *Specifications; supervision.* \* \* \* The said board shall prescribe the location, arrangement, form, materials and construction of every \* \* \* sewer *service lateral* \* \* \* and determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board and be executed in compliance with their orders. \* \* \*

SECTION 175. Section 925—226 of the statutes is renumbered to be paragraph (c) of subsection (14) of section 62.18 and is amended to read:

(62.18) (14) (c) *Construction; cost.* \* \* \* The said board \* \* \* shall advertise for proposals *for the construction of sewer service laterals* and let the same by contract, *or the council may direct such work to be done directly without the intervention of a contract,* and at the completion of the work there shall be assessed upon the lot or parcel of land benefited thereby, the cost of such lateral, *or the average current cost of laying such laterals,* and when the work is done by contract there shall be given \* \* \* to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable

to lots. *The cost of sewer laterals shall not be included in the estimate of the cost of the general plan of sewerage in any district.*

SECTION 176. There is added to the statutes a new paragraph of subsection (15) of section 62.18 numbered and to read: (62.18) (15) HOUSE SEWERS. (a) *Construction; cost.* The council shall, by ordinance, provide for the construction by the lot owner, or by a contractor, or by the city without the intervention of a contractor of house sewers leading from the lot to be sewered to the sewer service lateral when the lot is so used or improved as to make connection with the public sewer desirable. When such work is done by the city or by a contractor the cost of each such house sewer shall be assessed by the board of public works against the lot or parcel of land benefited thereby, and the contractor shall be given a certificate against such lot or lots or parcels of land which shall be proceeded with and shall have like effect as other certificates chargeable to lots.

SECTION 177. Section 925—227 of the statutes is renumbered to be paragraph (b) of subsection (15) of section 62.18 and is amended to read:

(62.18) (15) (b) *Premises may be entered upon.* \* \* \* Any person constructing \* \* \* a \* \* \* house \* \* \* sewer from any lot may enter upon such lot and construct thereon such \* \* \* sewer, and shall have free ingress and egress upon the same with men for that purpose, and may deposit all the necessary building materials and generally do and perform all things necessary to a complete execution of the work.

SECTION 178. Section 925—228 of the statutes is renumbered to be paragraph (c) *Permit to connect* of subsection (15) of section 62.18 and is amended by striking out the word "drain" and by inserting in place thereof the words "house sewer."

SECTION 179. Section 925—229 of the statutes is renumbered to be section 4442—1 of chapter 182 of the statutes and is amended to read:

PUBLIC SEWER; WRONGFUL CONNECTION; INJURY. Section 4442—1. \* \* \* No person shall break open or make \* \* \* connection *with any public sewer* except by the consent and direction of the board of public works. \* \* \* and any person who shall do so, or who shall wilfully or maliciously obstruct, damage or injure any public or private sewer, \* \* \* or wilfully injure any of the material employed or used for the

purposes of sewerage shall be fined not more than five hundred dollars or be imprisoned in the county jail not to exceed three months.

SECTION 180. Section 925—219 of the statutes is repealed.

SECTION 181. Section 926—3 of the statutes is renumbered to be subsection (16) of section 62.18 and is amended to read:

(62.18) (16) SPECIAL SEWER DISTRICT TAX. \* \* \* Any city \* \* \* may \* \* \* levy a special tax of not more than one mill and a half on the dollar of the assessed value of the taxable property in any sewer \* \* \* district \* \* \* for the extension or improvement of the sewer system of such district. \* \* \*

SECTION 182. Section 925—239a of the statutes is renumbered to be subsection (17) of section 62.18 and is amended to read:

(62.18) (17) SPECIAL SEWER TAX. (1) \* \* \* Any city \* \* \* may levy, for a term not exceeding five years, a special tax not exceeding one-fourth of one per cent per annum upon all the property taxable in such city for either of the following purposes: \* \* \* (a) For the planning, construction and completion of a general system of sewers and drains or either of them; \* \* \* (b) for the planning, construction and completion of any change or reconstruction of an established system of sewers and drains or either of them; or \* \* \* (c) for such portion of the expense of such planning, construction and completion as \* \* \* the council may not find it lawful or expedient to charge to the particular property benefited thereby in the manner provided by \* \* \* this \* \* \* section.

(2) Before any such tax shall be levied or any contracts or obligations entered into in contemplation thereof the \* \* \* council shall cause to be made and prepared a plan and specifications for the improvement proposed to be made, together with an estimate by the city engineer \* \* \* of the probable cost of such improvement; and \* \* \* the council shall adopt and cause to be published, together with an abstract of the plan aforesaid and the engineer's estimate thereon, in the official city paper a resolution submitting to the electors of said city the question whether a special sewerage tax in an amount and for a number of years to be specified in said resolution, and not exceeding the limits aforesaid, shall be levied, and shall accompany said publication with a notice that said question will be submitted to a vote of such electors at a time therein to be named. Such vote



shall be taken not more than sixty nor less than twenty days after the publication of the said plans, estimate and resolution, in the manner \* \* \* municipal elections are held, \* \* \* and may be \* \* \* taken either at the regular municipal election or at a special election \* \* \* for the purpose, and in either case the votes shall be received, counted and canvassed by the officers and in the manner prescribed for regular municipal elections. The ballots for such election shall in all cases be upon a separate ticket, and shall read:

	Yes.	No.
For sewerage tax.....		

Said ballots shall be marked in the manner prescribed by chapter 5. If a majority of all the votes cast upon said question shall be in favor of such sewerage tax then the council may advertise for bids and let the contract for such work to the lowest bidder or bidders, if the lowest bid shall be deemed reasonable, and levy an annual tax not exceeding the amount and for the time authorized by the electors, which tax shall be placed upon the tax roll and collected in the same manner as other special charges. No city shall contract to pay more in any one year pursuant to this section than the amount of the special fund available in such year; but the proceeds of any such tax may be anticipated by the issuance of special sewerage bonds in the manner and under the limitations prescribed by *section 62.21*, \* \* \* and such tax when collected may be devoted to a special sewerage bond sinking fund.

SECTION 183. Section 925—239d of the statutes is repealed.

SECTION 184. Section 925—270 of the statutes is renumbered to be paragraph (a) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) STORM WATER SEWER DISTRICTS. (a) Council may make. \* \* \* The \* \* \* council \* \* \* may, by ordinance divide \* \* \* the city into surface or storm water sewer or drainage districts.

SECTION 185. Section 925—271 of the statutes is renumbered to be paragraph (b) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) (b) *Plans and specifications.* \* \* \* Whenever the \* \* \* council \* \* \* shall deem it expedient or necessary for the public health or for other reasons to cause to be constructed surface or storm water sewers or drains in any portion of \* \* \* the city and at the expense of the property benefited they shall make an order that the board of public works \* \* \* prepare and report plans and specifications for the improvement proposed to be made and the entire costs of the contemplated improvement; to view the premises affected by the proposed improvement and determine the damages and benefits which will accrue to each parcel of real estate thereby, and the amount that should be assessed to each parcel of real estate as benefits or damages accruing thereto by such contemplated work or improvement.

SECTION 186. There is added to subsection (18) of section 62.18 a new paragraph to be numbered and to read:

(62.18) (18) (c) *Procedure.* Thereupon such assessment shall be proceeded with in the manner provided by subsection (6) of section 62.16.

SECTION 187. Section 925—289 of the statutes is renumbered to be paragraph (d) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) (d) *City's share of expense; how paid.* \* \* \* The city may levy for a term of not exceeding five years, a special tax not exceeding one-fourth of one per cent of the last equalized assessment of said city, per annum, upon all the property taxable in such city for the payment of the city's portion of said improvement as determined by the \* \* \* council, and may issue general city improvement bonds for the payment of the city's share of said improvement *in the manner* \* \* \* provided by section 62.21 and payable out of the proceeds of said special tax; or may order the same paid out of the general fund of the city or out of the ward fund of such ward or wards as the council may determine.

SECTION 188. Subsection (1) of section 925—100 and the first sentence of section 925—101 and the first clause of section 925—106 of the statutes are consolidated and renumbered to be subsections (1) and (2) of section 62.19 and revised to read:

62.19 WATER AND HEAT PIPES. (1) ASSESSMENT. When the council shall have ordered the laying of any water or heat main or lateral forming part of a plant owned by the city, the

board of public works shall, before laying the same, make an assessment upon the property benefited as provided in this section.

(2) **WATER MAINS.** The board shall assess against the several lots, parts of lots or parcels of land which front upon the proposed line of any water main, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as the board shall determine such lot or parcel of land will be specially benefited thereby, not exceeding one-half of the cost of furnishing and laying a water main of not more than six inches.

SECTION 189. The last sentence of section 925—101 and section 925—102 of the statutes are repealed.

SECTION 190. A new subsection is added to section 62.19 to read:

(62.19) (3) **HEAT MAINS.** The board shall assess against each lot, or part of lot or parcel of land fronting on a proposed heat main such sum as said board shall determine that each such lot or parcel of land is specially benefited thereby.

SECTION 191. Subsection 2 of section 925—100 of the statutes is renumbered to be subsection (4) of section 62.19 and is amended to read:

(62.19) (4) **LIMITATION ON ASSESSMENT.** \* \* \* No lot or parcel of land \* \* \* shall be *assessed* \* \* \* *for* more than one \* \* \* water *main* \* \* \* and \* \* \* one \* \* \* heating \* \* \* *main* laid in the same street or alley.

SECTION 192. A new subsection is created to be numbered and to read:

(62.19) (5) **SERVICE LATERALS.** Before a water or heat service lateral is laid the board of public works shall assess as special benefits against the lot, part of lot or parcel of land to be served by any such lateral a sum equal to the average current cost of laying such laterals.

SECTION 193. Section 925—103 of the statutes is renumbered to be subsection (6) **APPORTIONMENT IF LOT SUBDIVIDED** of section 62.19.

SECTION 194. Sections 925—104 and 925—105 of the statutes are renumbered and revised to read:

(62.19) (7) **SCHEDULE; PROCEDURE.** The board of public works shall file in their office a schedule of the assessments so

made, and thereupon such proceedings shall be had before the board of public works and the council as is required with respect to assessments of benefits for street improvements by subsection (6) of section 62.16, and the provisions of said subsection, except those relating to the posting of notices, shall apply to the assessments made pursuant to this section, including the provisions relating to the remedy by appeal from the final determination of the council.

SECTION 195. Section 925—106 of the statutes is renumbered and revised to read:

(62.19) (8) EXTENSIONS TO EXISTING PLANTS. The expense of laying water and heat mains which are extensions to plants theretofore purchased or constructed shall be defrayed by the city at large, or by the abutting property as the council shall determine. Such work may be done by contract, or the council may provide that the work may be done by the city without the intervention of a contractor.

SECTION 196. Sections 925—99a, 925—99b and subsections (3) and (4) of section 925—100 are repealed.

SECTION 197. Subsection (30) of section 61.34 of the statutes is revised to read:

(61.34) (30) To construct and maintain waterworks for the supply of water to the inhabitants of the village, with the necessary pumping machinery, buildings, reservoirs, mains, pipes and other convenient appliances; and to regulate the mode of construction, the manner of making connections therewith, the rent for the use of water, and all matters necessary to operating such system; and to lay water mains and levy special assessments therefor in the manner provided by section 62.16, except that it shall not be necessary to post notices along the street, and the provisions of said section are made applicable to villages, and powers, and duties conferred therein upon the common council and board of public works shall be exercised by the president and board of trustees, and those conferred upon the clerk or comptroller, by the village clerk. In villages in which no newspaper is published notices required by said section to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is situated. When the village board shall have made an assessment under the power conferred by said subsection upon the board of public works, and a hearing had thereon in the

manner therein provided, the determination of the village board upon such hearing shall be deemed the final determination of the village board and a further hearing pursuant to paragraph (h) of said subsection (6) of section 62.16 shall not be required.

SECTION 198. Sections 925—190, subsection 5 of section 925—205, 925—215, 925—285, 926—118 and subsection 1 of section 959—30h of the statutes are consolidated and renumbered to be subsection (1) of section 62.20 and revised to read:

**62.20 PAYMENT FOR PUBLIC WORK.** (1) **HOW MADE; CERTIFICATES; BONDS.** When any contract is let for street improvement, the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk, and such work or a portion thereof is chargeable to the real estate to be benefited thereby, it may provide that the amount so chargeable may be paid with certificates against the parcels of real estate so benefited, or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and part in special improvement bonds or the proceeds of the certificates for special improvement bonds.

SECTION 199. Sections 925—188, 925—220, 925—234, 925—283, subsection 2 of section 959—30h and section 959—30i of the statutes are consolidated and renumbered to be subsection (2) of section 62.20 and revised to read:

(62.20) (2) **WHEN MADE.** Whenever any work mentioned in subsection (1) has been done under contract and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable thereto. Said certificates shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

SECTION 200. Section 925—189 of the statutes is renumbered to be subsection (3) of section 62.20 and is amended to read:

(62.20) (3) **CERTIFICATES; EFFECT AND PAYMENT OF.** (a) \* \* \* After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and it may be transferred by indorsement.

(b) \* \* \* This shall not affect any appeal from the report of the board of public works as confirmed by the council.

(c) \* \* \* If said certificates are not paid before the first day of November of the year in which they are issued the same may on or before the fifteenth day of November of said year be filed with the comptroller *whose* \* \* \* statement of special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates, with interest thereon at the legal rate from the date of such certificates, to the time when the city treasurer is required to make return of delinquent taxes, and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand.

SECTION 200a. Sections 926—135, 926—136, 926—137 and 926—138 of the statutes are repealed.

SECTION 201. Section 925—284 of the statutes is repealed.

SECTION 202. Section 925—191 of the statutes is renumbered to be subsection (1) of section 62.21 and is amended to read:

62.21 SPECIAL IMPROVEMENT BONDS. (1) NOTICE; PROPOSAL TO ISSUE. \* \* \* As soon as the amount chargeable to the real estate *for the improvement of any street, or the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk,* is finally determined the council may cause a notice to be published in the official paper substantially in the following form:

#### CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for ..... (describe the work and street) and that the expense of said improvement chargeable to the real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments or a part thereof on their property, describing the same, on presentation of the certificates.

SECTION 203. Sections 925—192, 925—193, 925—194, 925—195 and 925—196 of the statutes are renumbered, respectively, to be subsections (2) ISSUE; EXECUTION; RECITALS; (3) TENOR; SALE; PROCEEDS; (4) RECORD OF ASSESSMENTS; (5) PAYMENT OF and (6) COLLECTION OF ASSESSMENT; REDEMPTION of section 62.21, and subsection (3) as renumbered is amended by inserting after the word “issue” and before the word “and” in line four the following “and when issued to pay sidewalk assessments not exceeding five years from date of issue,” and also by striking out the word “common” where it occurs three times in said renumbered subsection.

SECTION 204. Section 925—197a of the statutes is renumbered to be subsection (7) of section 62.21 and is amended to read:

(62.21) (7) FORECLOSURE. (a) *Manner.* \* \* \* The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots or parcels of land against which special assessments have been made, which lien shall take precedence of all other claims or liens thereon, and when issued shall transfer to the holders thereof all the right, title and interest of such city in and to the assessment made on account of the improvement mentioned therein and the liens thereby created, with full powers to enforce the collection thereof by foreclosure in the manner mortgages on real estate are foreclosed.

(b) *Redemption after judgment.* \* \* \* The time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof.

(c) *Commencement; number of owners.* If within ninety days after the commencement of the annual sale of lands for taxes the amount to pay any instalment of principal or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of the bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof, and shall recover, in addition to the amount of said bonds and interest, all costs against the property of the party or parties in default.

(d) *Redemption before judgment.* \* \* \* The owner of any property covered by such bonds, or the holder of a lien thereon or other person interested in the property may redeem the same at any time before judgment by paying to the county clerk

the amount due against such property, together with ten per cent additional thereon, which shall be in full for all costs chargeable to such property in such action.

(e) *Parties.* Any number of the holders of such bonds for any single improvement may join as plaintiffs in any such action, and any number of the owners of or other persons interested in the property covered by the assessment upon which such bonds are issued and on which they are a lien may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon the bonds issued on account of a single improvement such actions may be consolidated. Any holders of bonds for the same improvement who do not join as plaintiffs may be made defendants and their rights adjudicated in the action.

(f) *Lien.* Such bonds shall be equal liens upon the property for the assessments represented by them, without priority one over another, to the extent of the several assessments against the lots and parcels of land against which the special assessment shall have been made.

(g) *Lis pendens.* Upon the commencement of any such action the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure; and thereafter no redemption of any such property from such assessments shall be had without payment of all costs theretofore accrued in such action except as hereinbefore provided.

SECTION 205. Subsection (8) of section 925—205, sections 925—286, 925—287, 925—288, 925—290 to 925—294, both inclusive, and 926—119 to 926—124, both inclusive, of the statutes are repealed.

SECTION 206. Section 925—154 and 925—170 of the statutes are consolidated and renumbered to be the introductory paragraph and paragraph (a) of subsection (1) of section 62.22 and amended to read:

62.22 ACQUISITION OF LANDS. (1) PURPOSES. \* \* \*  
*The city \* \* \* may acquire by gift, purchase or condemnation:*

(a) Lands for streets, alleys, public grounds, parks, cemeteries, municipally owned utilities, sites for school and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes.



SECTION 207. Section 925—97 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 62.22 and is amended to read:

(62.22) (1) (b) \* \* \* Land \* \* \* for \* \* \* waterworks \* \* \* or \* \* \* lighting works, \* \* \* but, if the \* \* \* works are owned by private persons or corporations, the expense \* \* \* of acquiring such \* \* \* lands shall be paid by such \* \* \* owner on a proper conveyance of the lands being made thereto \* \* \*.

SECTION 208. Sections 925—170a, 959—113, 959—61 and 959—62 are consolidated and renumbered to be paragraphs (a), (b) and (c) of subsection (2) of section 62.22 and amended to read:

(62.22) (2) LANDS OUTSIDE CITY. \* \* \* (a) Cities \* \* \* operating sewage disposal plants, may upon a three-fourths vote of the council, acquire by gift, purchase or condemnation lands lying beyond the limits of said cities for the purposes of such plants or for the purpose of carrying away the discharge from the \* \* \* tanks.

(b) \* \* \* The city \* \* \* may acquire by gift, purchase or condemnation \* \* \* lands beyond the limits of \* \* \* the city for public cemetery purposes \* \* \* . Damages may \* \* \* be allowed also to owners of land adjoining that taken for cemetery purposes.

(c) (1) \* \* \* Every city which shall own or possess land beyond its limits for public park purposes, and having a board of park commissioners, may acquire beyond such limits lands for highway and boulevard purposes, to connect said park with some street, highway or boulevard within the limits of such city, and open, widen and extend any street or highway for such purposes.

(2) \* \* \* Whenever any board of park commissioners of any city which owns lands beyond its limits for public park purposes shall, by unanimous vote, adopt a resolution declaring that it is necessary for the public interest to cause a boulevard or highway to be constructed to connect such public park lands with some street, highway or boulevard in the city limits, or to open, widen or extend any street or highway for such purposes, and to take lands therefor, they shall cause to be made a correct and particular description of the lots or parcels of land proposed to be taken and a plat of the proposed highway or boulevard, and shall

file a copy thereof, together with a copy of said resolution, with the register of deeds of the county in which said lands are situated. It shall thereupon be the duty of the city attorney to proceed to condemn such land.

SECTION 209. Section 959—39 of the statutes is renumbered to be subsection (3) of section 62.22 and is amended to read:

(62.22) (3) RIPARIAN RIGHTS. \* \* \* *The city may by gift, purchase, or condemnation* take, injure or destroy any riparian rights or privileges \* \* \* *appurtenant to* land abutting upon Lake Michigan \* \* \* whenever it shall become necessary for \* \* \* the proper construction and use of any highway, street, boulevard, park or other public improvement without taking the lands or any portion thereof to which said riparian rights are appurtenant.

SECTION 210. Section 925—155 of the statutes is renumbered to be paragraph (a) *Petition for opening streets*, of subsection (4) PROCEDURE of section 62.22 and is amended by striking out the word "common" where it occurs in said section.

SECTION 211. The first two sentences of section 925—157 of the statutes are renumbered to be paragraph (b) *Petitions as to alleys* of subsection (4) of section 62.22.

SECTION 212. Section 925—156 and the last three sentences of section 925—157 are consolidated and renumbered to be paragraph (c) of subsection (4) of section 62.22 and amended to read:

(62.22) (4) (c) *Action on petition*. \* \* \* When \* \* \* *the* petition shall be presented to the council it shall \* \* \* be referred to the board of public works, and said board shall make a report to the council stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed *alley or* street, widening, extension or change. Upon the coming in of such report the council may, if the petition be reported sufficiently signed, by a vote of a majority of its members adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute \* \* \* *condemnation* proceedings. \* \* \* Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the

council stating whether or not it is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear \* \* \* that \* \* \* the petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon.

SECTION 213. Section 925—158 of the statutes is renumbered to be paragraph (d) of subsection (4) of section 62.22 and is amended to read:

(62.22) (4) (d) *Proceedings without petition.* \* \* \* The council may, without a petition, \* \* \* by resolution \* \* \* declare it \* \* \* necessary to condemn \* \* \* land, describing it, for \* \* \* any authorized purpose, and direct \* \* \* the city attorney to \* \* \* prosecute condemnation \* \* \* proceedings therefor. \* \* \* If the purpose is the opening, widening, extension, or change of a street or alley, the resolution must be adopted by a vote of four-fifths of all the members. Before adopting the resolution \* \* \* it shall be referred to the board of public works, who shall \* \* \* make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, \* \* \* drain or water pipe, or land to be used for other \* \* \* authorized purposes, and report the same to the council.

SECTION 214. Section 925—165 of the statutes is renumbered to be paragraph (c) *Vacation of streets* of subsection (4) of section 62.22 and is amended by striking out the words "this subchapter" and by inserting in place thereof the word and figures "section 62.22."

SECTION 215. Section 925—168 of the statutes is renumbered to be paragraph (a) of subsection (5) BENEFITS AND DAMAGES of section 62.22.

SECTION 216. Section 959—64 of the statutes is renumbered paragraph (b) of subsection (5) of section 62.22 and is amended to read:

(62.22) (5) (b) \* \* \* At the time of making out the tax roll, next after the filing of any assessment in \* \* \* *proceedings for the condemnation of lands outside the city limits*, the town clerk shall enter in said roll a list of special taxes on account of such assessment, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied on the land described as a special tax and shall be collected the same as other taxes. Such amounts when collected shall be paid over to the city treasurer to be applied in payment of any damages or excess of damages over benefits awarded by such assessment; and in case the amount of such special taxes shall be insufficient to pay all damages or excess of damages over benefits so awarded, then the difference shall be paid out of the \* \* \* *proper* fund of said city. \* \* \* Any such damages or excess of damages over benefits may be paid out of such \* \* \* fund prior to the collection of such special taxes, to be reimbursed therefrom when collected.

SECTION 217. Section 925—169 and 959—69 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (5) of section 62.22 and amended to read:

(62.22) (5) (c) \* \* \* The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation for streets and alleys and public grounds less than five acres in extent, which shall be paid out of the \* \* \* general fund, and the cost of condemnation for other purposes as to which there are special funds \* \* \* shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid. \* \* \*

SECTION 218. Sections 959—17a, 959—17b, 959—17c, 959—17d and 959—17e of the statutes are consolidated and renumbered to be subsection (1) of section 62.23 and revised to read:

62.23 CITY PLANNING. (1) COMMISSION. (a) The council of any city may by ordinance create a "city plan commission," to consist of the mayor, who shall be its presiding officer, the city engineer, the president of the park board, an alderman, and three citizens. In case the city has no engineer or no park board, an additional citizen member shall be appointed so that the board has at all times seven members. Citizen members shall be persons

of recognized experience and qualifications. They shall receive no compensation for service on the commission.

(b) The alderman member of the commission shall be elected by a two-thirds vote of the council, upon the creation of the commission, and during each April thereafter.

(c) The three citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for a period ending one, two, and three years, respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years.

(d) The additional citizen member, if any, shall be first appointed to hold office for a period ending one year from the succeeding first day of May, and thereafter annually during the month of April. Whenever a park board is created, or a city engineer appointed, the president of such board or such engineer shall succeed to a place on the said board when the term of an additional citizen member shall expire.

SECTION 219. Section 959—17f of the statutes is renumbered to be paragraph (a) of subsection (2) of section 62.23 and amended to read:

(62.23) (2) FUNCTIONS. (a) \* \* \* The \* \* \* council \* \* \* shall refer to the \* \* \* city plan commission, for its consideration and report before final action is taken \* \* \* by the council, the following matters: \* \* \* The location and architectural design of any public building; the location of any statue or other memorial; the location, extension, alteration, \* \* \* ornamentation, \* \* \* or parking of any street, \* \* \* park, playground, or other memorial or public grounds; \* \* \* the location and character of \* \* \* lands and buildings for relieving congestion \* \* \* for garden suburbs, \* \* \* or for vacation camps for \* \* \* children within or without the \* \* \* city; and \* \* \* all plats \* \* \* of \* \* \* lands \* \* \* in the \* \* \* city or \* \* \* within one and one-half miles thereof. \* \* \*

SECTION 220. Section 959—17g of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.23.

SECTION 221. Section 959—17h of the statutes is renumbered to be paragraph (c) of subsection (2) of section 62.23 and revised to read:

(62.23) (2) (c) The city plan commission may employ expert

advice and may have made maps showing proposed additions to or changes in the plan of the city.

SECTION 222. Subsection 1 of section 959—17i of the statutes is renumbered to be paragraph (a) of subsection (3) ACQUIRING LAND of section 62.23 and is amended by striking therefrom the first nine words, namely, "Any such city, acting through its commission, or otherwise," and by inserting in place thereof the word "Cities".

SECTION 223. Subsection 2 of section 959—17i of the statutes is renumbered to be paragraph (b) of subsection (3) of section 62.23.

SECTION 224. Subsection 1 of section 959—17j of the statutes is renumbered to be paragraph (c) of subsection (3) of section 62.23 and amended to read:

(62.23) (3) (c) \* \* \* The acquisition and conveyance of lands for \* \* \* *such* purpose \* \* \* is a public \* \* \* *purpose* and is for public health and welfare.

SECTION 225. Subsection (65) of section 925—52 of the statutes is renumbered to be subsection (4) of section 62.23 and amended to read:

(62.23) (4) LAKES AND RIVERS. \* \* \* *The city may* \* \* \* improve \* \* \* lakes \* \* \* *and* rivers \* \* \* within the city and establish the shore lines thereof so far as existing shores are marsh.

SECTION 226. Section 959—17n of the statutes is renumbered to be subsection (5) of section 62.23 and revised to read:

(62.23) (5) INDUSTRIAL DISTRICTS. (a) The council may by ordinance regulate the location of industries and of buildings designed for specific uses, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) Districts may be established and regulations made for each prohibiting or regulating any particular industry or use of buildings therein.

(c) The city plan commission, or if the city has none such, a city plan committee of the council, shall upon request of the council, recommend the district plan and regulations for the city. Tentative recommendations shall first be formulated and public hearings held thereon. After submission of the final recommendations, the council may from time to time change the districts and

regulations, as recommended or as adopted, upon giving at least ten days' notice, by publication in the official paper at least three times in such ten days, of the proposed changes and of hearing thereon, and opportunity to any person interested to be heard. If the owners of twenty per cent of the frontage proposed to be changed, or of the frontage immediately in the rear thereof, or directly opposite thereto, shall protest in writing signed and acknowledged, the change shall require a three-fourths vote of the council.

(d) The continued use of a building or premise for an industry or use for which the same are used at the time any ordinance under this subsection shall take effect, shall not be prohibited, but alteration of or additions to buildings for the purpose of prohibited industry or use may be forbidden.

SECTION 227. Section 959—17p of the statutes is renumbered to be subsection (6) of section 62.23 and revised to read:

(62.23) (6) BUILDING DISTRICTS. (a) The council may by ordinance regulate the size of buildings hereafter erected and the area of yards, courts, and other open spaces, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) To carry out this power, districts may be established, and regulations, which may differ between districts, but shall be uniform for each class of buildings within each district, may be made in the manner provided in paragraph (c) of subsection (5), except that if the city has a board of public land commissioners, the duties therein imposed upon a city plan committee of the council shall rest upon such board.

SECTION 228. Subsections 1 and 2 of section 925—73 of the statutes are renumbered to be subsection (7) of section 62.23 and revised to read:

(62.23) (7) FIRE LIMITS. The council may by ordinance designate general fire limits and regulate for fire prevention, the construction, alteration, enlargement and repair of structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. The council may change such regulations by a three-fourths vote.

SECTION 229. Subsection 3 of section 925—73 of the statutes is renumbered to be subsection (8) of section 62.23 and revised to read:

(62.23) (8) **BUILDING INSPECTOR.** For the enforcement of all ordinances and laws relating to buildings, the council may appoint a building inspector and define his authority.

**SECTION 230.** Section 959—35n of the statutes is renumbered to be subsection (9) of section 62.23 and revised to read:

(62.23) (9) **WIDENING STREETS.** (a) When the council by resolution shall declare it necessary for the public use to widen any street or a part thereof, it may proceed as prescribed in chapter 32 of the statutes, except as herein modified. If the jury shall determine that the taking of the lands is necessary, the council may affirm or reject the verdict by resolution, accurately describing the land. Resolution affirming the verdict shall not be a taking, but shall be an establishment of new future boundary lines.

(b) After such establishment no one shall erect any new structure within the new lines, nor rebuild or alter the front or add to the height of any existing structure without receding the structure to conform to the new lines. No damages shall be received for any construction in violation hereof.

(c) The council may at any time after the establishment of new lines provide compensation for any of the lands to be taken, whereupon such lands shall be deemed taken, and the required further proceedings shall be commenced.

(d) If a structure on lands thus taken is not removed after three months' written notice served in manner directed by the council, the city may cause it to be removed, and may dispose of it and apply the proceeds to the expense of removal. Excess proceeds shall be paid to the owner, and excess expense shall be a lien on the rest of the owner's land abutting on such street, and if not paid shall be assessed against such land and collected as are other real estate taxes. If the owner does not own the adjoining piece of land abutting on the new line, he shall be personally liable to the city for the expense of removal.

(e) Until the city has taken all of the lands within the new lines, it may lease any taken, to the person owning same at the time of taking, at an annual rental of not more than five per cent of the amount paid therefor by the city or of the market value, if donated. Improvements may be maintained on such leased lands until all lands within the new lines are taken, whereupon they shall be removed as provided in paragraph (d). No damages shall be had for improvements made under such lease.



SECTION 231. Subsection (76) of section 925—52 and section 959—35m of the statutes are consolidated and renumbered to be subsection (10) of section 62.23 and revised to read:

(62.23) (10) BUILDING LINES. (a) The council may by ordinance, in districts consisting of one side of a block or more, establish the distance from the street that structures may be erected. The city engineer shall thereupon make a survey and plat, and report the same, with description of any structure then situated contrary to such ordinance, to the council.

(b) The council may by ordinance make such regulation or prohibition of construction on any parts of lots or parcels of land or on any specified part of any particular realty, as shall be for the public health, safety or welfare.

(c) Whenever to carry out any ordinance under this subsection it is necessary to take property for public use, the procedure of chapter 32 of the statutes shall be followed.

SECTION 232. Section 959—17m of the statutes is renumbered to be subsection (11) of section 62.23 and revised to read:

(62.23) (11) VACATION CAMP COURSES. A course of academic and vocational study, including physical training, shall be provided by the city board of education, for vacation camps established under subsection (3).

SECTION 233. Subsection 2 of section 959—17j of the statutes is renumbered to be subsection (12) of section 62.23 and revised to read:

(62.23) (12) FUNDS. Funds to carry out the purposes of this section may be raised by taxation or by bonds issued as provided in sections 67.05, 67.06, 67.07, 67.08 and 67.10.

SECTION 234. The first two clauses of the second sentence of subsection 1 of section 925—61, the second sentence of section 925—62 and the last sentence, except the first clause, of section 925—66 of the statutes are consolidated and renumbered to be subsection (1) of section 62.24 and revised to read:

62.24 POLICE COURT. (1) PRESIDING JUSTICE. A police justice shall be elected every fourth year as other city officers are elected. The council may fix a salary for such justice which shall be in lieu of fees and costs. In case of his absence, sickness or disability, he may, by written order filed in his court, appoint a justice of the peace or a court commissioner in the city to perform his duties during such time.

SECTION 235. The second sentence of section 925—65 of the statutes is renumbered to be paragraph (a) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) JURISDICTION. (a) The police justice shall have within the city the jurisdiction of a justice of the peace and exclusive jurisdiction of offenses against ordinances of the city.

SECTION 236. The first sentence of section 925—66 of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (b) No justice of the peace shall have criminal jurisdiction of offenses committed in the city, nor power to issue warrant for, examine, commit or hold to bail any person charged with an offense therein.

SECTION 237. The second sentence of section 925—66 of the statutes is renumbered to be paragraph (c) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (c) Civil actions, except actions under city ordinances, may be removed to a justice of the peace the same as such actions may be removed from one justice of the peace to another.

SECTION 238. The first clause of the third sentence of section 925—66 of the statutes is renumbered to be paragraph (d) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (d) In criminal actions where affidavit of prejudice shall be filed as provided by section 4809, the police justice shall call in a justice of the peace or court commissioner of the county, to try the case. The officer so sitting shall have the powers and duties of the police justice, and shall receive such compensation as the council shall determine, to be paid by the city.

SECTION 239. Section 925—67 of the statutes is renumbered to be paragraph (e) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (e) The police justice may punish violation of city ordinance by fine or imprisonment, or both, and may sentence any person convicted of violation of city ordinance, or of a misdemeanor, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor.

SECTION 240. Section 925—64 of the statutes is renumbered to be paragraph (a) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) PROCEDURE. (a) The court of the police justice shall be called the "police court." It shall be open daily except Sundays and legal holidays.

SECTION 241. Paragraph (b) of subsection (3) of section 62.24 is added to the statutes to read:

(62.24) (3) (b) The procedure shall be the same as is applicable to justices of the peace, except as otherwise provided.

SECTION 242. Section 925—68 of the statutes is renumbered to be paragraph (c) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) (c) The police justice shall keep a criminal docket wherein shall be entered the substance of every complaint, date of the issuance of warrant, and date and substance of return thereon, plea of the accused, name of the witnesses, names and verdict of the jury, if any, and the judgment.

SECTION 243. Section 925—70, except the first sentence, of the statutes is renumbered to be paragraph (d) of subsection (3) of section 62.24 and revised to read.

(62.24) (3) (d) Juries shall be selected in criminal cases in the same manner as in justice courts except that either side may challenge two talesmen preemptorily.

SECTION 244. Section 925—71 of the statutes is renumbered to be paragraph (e) of subsection (3) of section 62.24 and is revised to read:

(62.24) (3) (e) The taxable costs shall be the same as in justice court, and shall be paid to the justice or officer earning the same unless he is receiving a salary in lieu thereof, when they shall be paid into the city treasury.

SECTION 245. Section 925—69 of the statutes is renumbered to be paragraph (f) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) (f) Forms may be used substantially the same as those prescribed for justices of the peace.

SECTION 246. The last five lines of subsection 1 of section 925—61 of the statutes, beginning with the word "provided", is renumbered to be paragraph (a) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) COUNCIL MAY ABOLISH. (a) The council may by ordinance abolish the police court, and thereupon the jurisdiction of said court shall be exercised by any municipal court located in the city, if any, otherwise by the justices of the peace of the city.

SECTION 247. Section 925—62a of the statutes is renumbered to be paragraph (b) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) (b) In cities having no police court the council may fix the fees or compensation of officers and magistrates for services in actions for violation of city ordinances.

SECTION 248. Subsection 2 of section 925—61 of the statutes is renumbered to be paragraph (c) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) (c) The council may by ordinance re-establish the police court, whereupon a police justice shall be chosen at the next city election. The mayor may appoint a police justice ad interim.

SECTION 249. The first sentence of section 925—61 of the statutes is renumbered to be subsection (5) of section 62.24 and revised to read:

(62.24) (5) EXCEPTION. This section shall not apply to cities having a court or judge with substantially the same jurisdiction as that conferred by subsection (2).

SECTION 250. Section 925—58 of the statutes is renumbered to be paragraph (a) of subsection (1) of section 62.25 and amended to read:

62.25 CLAIMS AND ACTIONS. (1) CLAIMS. (a) \* \* \* No action shall be maintained \* \* \* against \* \* \* a city \* \* \* upon \* \* \* a claim \* \* \* of any kind \* \* \* until \* \* \* the claimant shall \* \* \* first present \* \* \* his claim \* \* \* to the council \* \* \* and it is \* \* \* disallowed in whole or in part. \* \* \* Failure of the council to pass upon \* \* \* the claim \* \* \* within sixty days after \* \* \* presentation \* \* \* is a disallowance. \* \* \*

SECTION 251. Section 925—258 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (b) After disallowing a claim in whole or in part the council shall not thereafter allow the same.

SECTION 252. Section 926—100, except the last two sentences, of the statutes is renumbered to be paragraph (c) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (c) The clerk shall cause to be served on the claimant notice of any disallowance. The notice shall be served

by a police officer, without fees, in the manner of service of summons in justice court. If the claimant be a nonresident the notice shall be sent by registered mail and receipt therefor, signed by the claimant, shall be proof of service.

SECTION 253. Section 925—60 of the statutes is renumbered to be paragraph (d) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (d) The claimant may accept payment of a portion of his claim without waiving right to recover the balance. No interest shall be recovered on any portion of a claim allowed after a city order is drawn and made available to the claimant. If in an action the claimant recovers a greater sum than was allowed he shall recover costs, otherwise the city shall recover costs.

SECTION 254. Section 925—59 and the next to the last sentence of section 926—100 of the statutes are consolidated and renumbered to be paragraph (e) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (e) Disallowance by the council shall bar any action founded on the claim unless brought within six months after service of notice of disallowance.

SECTION 255. Sections 925—260m and 925—269m of the statutes are consolidated and renumbered to be paragraph (a) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) ACTIONS. (a) Damages, if any, in an action against a city officer in his official capacity, except the action directly involve the title to his office, shall not be awarded against such officer, but may be awarded against the city.

SECTION 256. Section 959—35y of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (b) In an action to restrain payment by a city for work performed or material furnished, the plaintiff shall give a bond conditioned for payment to the claimant, if the action is finally determined in the claimant's favor, of damages caused by the delay, including expense incurred in the action, and interest. The bond shall be with two sureties to be approved by the court, and in an amount fixed by the court and sufficient to cover all probable damages.

SECTION 257. Sections 925—55, 925—56 and 925—57 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (c) Actions to recover penalty or forfeiture or to punish violation of an ordinance shall be in the name of the city. In case of conviction the court shall in addition to sentence of imprisonment, if any, enter judgment against the defendant for the costs of prosecution, and for the fine, penalty or forfeiture, if any, and that he be imprisoned in the county or city jail or house of correction not exceeding six months, unless the judgment is sooner paid. The defendant may appeal in the manner of appeals from justice court in actions in which the state is plaintiff, except that if appeal from the trial court directly to the supreme court may be had, the defendant may appeal only to that court.

SECTION 258. Section 925—252 of the statutes is renumbered to be paragraph (d) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (d) No person shall be ineligible to sit as judge, justice or juror in an action to which the city is a party, by reason of being an inhabitant of the city.

SECTION 259. A new section of the statutes is created to be numbered and to read:

ACTION AGAINST CITY OFFICIAL, COST. SECTION 2940b. Costs, if any, in an action against a city officer in his official capacity, except the action directly involve the title to his office, shall not be awarded against such officer, but may be awarded against the city.

SECTION 260. Section 925—253 of the statutes is renumbered to be subsection (1) LAWS IN FORCE of section 62.26 GENERAL PROVISIONS and is amended by striking out the words “this chapter” and by inserting in place thereof the words “chapter 62”; and also by adding at the end thereof the following: “The provisions of sections 61.36, 61.37 and 61.38, shall apply to cities.”

SECTION 261. The second paragraph of subsection (29) of section 925—52 of the statutes is renumbered to be subsection (2) of section 62.26 and revised to read:

(62.26) (2) EQUITY IN LAND. The acquisition or retention by a city of an equity of redemption in lands shall not create any liability on the part of the city to pay any bonds issued or mortgage or trust deed upon such lands executed prior to the acquisition by the city of such equity.

SECTION 262. Section 925—257 of the statutes is renumbered to be subsection (3) FORMS of section 62.26 and is amended by

striking out the words "this chapter" and by inserting in place thereof the words "chapter 62".

**SECTION 263.** Section 925—265 of the statutes is renumbered to be subsection (4) **REWARDS** of section 62.26 and is amended by striking therefrom the word "such" which appears just before the word "city".

**SECTION 264.** Parts of sections 925—30, 925—31c and 926—21 of the statutes, relating to employes, are consolidated and renumbered to be subsection (5) of section 62.26 and revised to read:

(62.26) (5) **EMPLOYES' SALARIES.** The council shall by ordinance fix the compensation of employes, and may by ordinance order the same paid semi-monthly. No employe receiving a salary shall receive from the city any other compensation for services of any kind rendered the city.

**SECTION 265.** Section 925—269 of the statutes is renumbered to be subsection (6) of section 62.26 and revised to read:

(62.26) (6) **CITIES IN MORE THAN ONE COUNTY.** In cities lying in more than one county the following shall apply:

(a) Justices of the peace and police justices shall qualify and have jurisdiction in each county the same as though the city lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of said counties, venue upon appeal or certiorari in civil cases shall be in such county, otherwise in that one of said counties where the cause of action arose, if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In case of removal of a cause, the papers shall be transmitted to the nearest justice of the peace of the city competent to try the same, and if there be none such or he be absent or sick, then to the nearest justice of the peace of the county where a defendant was served and in criminal cases of the county where the offense was committed.

(b) Accused persons may be put in custody of an officer or committed to the jail of the city or of the county where the offense was committed. Persons committed for offenses against city ordinances or upon execution in tort actions shall be committed to the jail of the county in which the action was tried.

(c) Juries may be impaneled of persons qualified as jurors in either county.

(d) Officers of the city, who by law have the powers of constables in the county in which the city is located, shall have such powers in either county.

SECTION 266. Sections 959—36 and 959—37 of the statutes are renumbered to be subsection (7) of section 62.26 and revised to read:

(62.26) (7) CHANGE OF CITY NAME. The name of any city of the fourth class shall be changed if a majority of the electors shall address a written petition therefor to the council designating the new name, and the council shall by a two-thirds vote of all the members adopt an ordinance changing to such new name. The change shall be in effect upon publication of the ordinance in the official paper.

SECTION 267. Section 927 of the statutes is repealed.

SECTION 268. Section 61.65 of the statutes is amended by inserting the figures "61.18" before the figures "61.27" and by inserting the figures "61.34" after the figures "61.27" where said figures occur in said section.

SECTION 269. Sections 61.36, 61.37 and 61.38 of the statutes shall apply to cities of the first class under special charter, except that no action shall be had by any such city under section 61.38, unless the petition therein mentioned be signed by all the owners of lots and land abutting on the portion of the road, street, slip, pier, lane or alley proposed to be discontinued, and two-thirds of the owners of lots and land abutting on the remainder thereof, and not otherwise.

SECTION 270. Section 937b of the statutes is renumbered to be section 1551m.

SECTION 271. A new subsection (1) of section 1411r of the statutes is created to read:

APPLICATION OF SECTION. Section 1411r. (1) The provisions of this section shall continue to apply only to cities operating thereunder at the time of the transfer thereof to chapter 64m.

SECTION 272. Section 925—107 of the statutes is renumbered to be subsection (2) of section 1411r and is amended by striking out the first seven words, namely, "In every city governed by this chapter".

SECTION 273. Section 925—108 of the statutes is renumbered to be subsection (3) of section 1411r.



SECTION 274. Section 925—109 of the statutes is renumbered to be subsection (4) of section 1411r.

SECTION 275. Section 925—110 of the statutes is renumbered to be subsection (5) of section 1411r.

SECTION 276. Section 925—111 of the statutes is renumbered to be subsection (6) of section 1411r.

SECTION 277. Section 925—111a of the statutes is renumbered to be subsection (7) of section 1411r.

SECTION 278. Section 925—111b of the statutes is renumbered to be subsection (8) of section 1411r and is amended by striking out the word “any” and inserting the word “the” where it occurs in the second line of said renumbered subsection and also by striking from said second line the words “which has adopted this chapter”.

SECTION 279. Section 925—112 of the statutes is renumbered to be subsection (9) of section 1411r.

SECTION 280. Section 925—112a of the statutes is renumbered to be subsection (10) of section 1411r.

SECTION 281. Section 925—112m of the statutes is renumbered to be subsection (11) of section 1411r and the figures “1”, “2”, “3”, “4” and “5”, designating subsections are changed respectively to be “(a)”, “(b)”, “(c)”, “(d)” and “(e)”.

SECTION 282. Subsections 1 to 7 of section 925—113 of the statutes are consolidated and renumbered to be subsection (1) of section 40.64 and revised to read:

40.64 CHANGE TO CITY SCHOOL PLAN. (1) REFERENDUM. Any city other than of the first class not operating its schools under the plan provided by this section, and any city which becomes such under section 61.58, may adopt such plan, but only by referendum in each school district the whole or part of which is embraced in such city. The referendum shall be held at special district meetings at the same hour in each district and called and conducted as provided in sections 40.08 or 10.40 as the case may be. The question shall be “Shall the city school plan be adopted?” Unless a majority of the electors voting in each school district vote for adoption, the system shall be unchanged, otherwise the result of the referendum shall be to create one district of all the old districts, the parts of districts lying outside the city being attached thereto for school purposes, and to adopt the provisions of this section. The change, however, shall not take effect except for the selection of the school commissioners, until

the end of the then current school year, and on the succeeding first day of July the several school boards shall settle their accounts with the board of education and deliver all property and records to said board. In case of referendum by special district meetings, the respective clerks shall certify the result to the clerk of each city and town within which any part of any of the districts are located, and if the result is favorable to change, the clerk of each such municipality shall make a record showing the change.

SECTION 283. Subsection (8) of section 925—113 is renumbered to be subsection (2) of section 40.64 and revised to read:

(40.64) (2) BOARD OF EDUCATION. (a) In cities to which this section applies the schools shall be managed by a board of education to consist of one commissioner from each ward and three from the city at large, unless otherwise determined under subsection (3) of this section. In cities of the fourth class the council may by ordinance adopted by two-thirds vote of all the members of the council provide that the board of education shall consist solely of the three commissioners at large.

(b) The commissioners shall be appointed by the mayor and confirmed by the council; or if so determined by ordinance, elected by the council; or if so determined, as provided in subsection (3) of this section, elected by the people. The first commissioners shall be divided by the council into three classes, one of the commissioners at large being in each class, one class to hold for three years, one for two years and one for one year. Thereafter all commissioners shall be selected for a term of three years.

SECTION 284. Sections 925—113m and 925—113n of the statutes are consolidated and renumbered to be subsection (3) of section 40.64 and revised to read:

(40.64) (3) ELECTIVE BOARD. At the referendum under subsection (1) the question shall be submitted "Shall the board of education be elective?" If a majority of the votes cast thereon shall be in the affirmative, the board of education shall be elected at the next regular city election. The board shall consist of seven commissioners from the city at large. The first commissioners shall be divided into classes, the two receiving the highest number of votes to hold for three years, the two receiving the next highest for two years, and the others for one year. Thereafter all commissioners shall be elected for terms of three years. The names of candidates shall be printed on a separate ballot headed

“School Commissioners,” and electors shall be entitled to vote for as many candidates as there are commissioners to be elected.

SECTION 285. Section 10.41 of the statutes is amended to read:

10.41 SEPARATE SCHOOL BALLOTS. Where \* \* \* the election of school officers *in any city is required to be* by a separate ballot, separate official ballots for such officers shall be printed and furnished to the inspectors of election in the several wards in sufficient quantities to supply the electors.

SECTION 286. Section 925—118 of the statutes is renumbered to be subsection (4) of section 40.64 and is revised to read:

(40.64) (4) OFFICES. The city shall provide suitable offices for the school officers.

SECTION 287. Section 925—116 of the statutes is renumbered to be subsection (5) of section 40.64 and is amended to read:

(40.64) (5) AUTHORITY OF BOARD. \* \* \*. The board of education shall have authority:

(a) \* \* \* To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient.

(b) \* \* \* To establish and change from time to time such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require. \* \* \* The school districts *existing \* \* \* at the time any city comes under section 40.64* shall remain until otherwise ordered by the board.

(c) \* \* \* To purchase and preserve such school apparatus as may from time to time be required.

(d) \* \* \* To grade the schools and prescribe the course of study to be pursued therein. \* \* \*

(e) \* \* \* To employ teachers of all grades and fix their salaries.

(f) \* \* \* To prescribe rules of order for the regulation of their own meetings and deliberations, and alter and repeal the same from time to time as they shall see proper.

(g) \* \* \* To appoint all necessary standing and special committees.

(h) \* \* \* To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

(i) \* \* \* To fix the salaries and prescribe the duties of the superintendent of schools, \* \* \* to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and fix the salaries of such assistants; to fix the salary of the secretary of the board and his assistants; prescribe his duties, whether he be the city clerk or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

(j) \* \* \* To contract for and purchase all necessary fuel for the schools and school offices, provide for lighting the same, appoint janitors for the school buildings and school offices and fix their salaries.

(k) \* \* \* To estimate the expenses of the public schools as hereinafter provided.

(l) \* \* \* To exercise all the powers necessarily incident to the powers herein conferred.

SECTION 288. Section 925—118a of the statutes is renumbered to be subsection (6) of section 40.64 and is revised to read:

(40.64) (6) CITIES, THIRD AND FOURTH CLASS; SCHOOL BUILDINGS; SITES; CONSTRUCTION; CONTRACTS. In cities of the third and fourth class the expenditure of all money appropriated for the purchase of a school site, or sites, or for the erection, alteration or repair of school buildings, and for the maintenance of schools, shall be under the direction and authority of the board of education. All work for the erection, alteration or repair of school buildings, the estimated cost of which shall exceed one thousand dollars, shall be let by the board of education to the lowest responsible bidder, in the manner provided by section 62.15, and subject to the provisions of said section, and the board of education shall, for that purpose, exercise the power conferred by said section on the board of public works. The board of education is authorized to provide the necessary plans and specifications, and competent supervision of the work.

SECTION 289. Section 925—117 and the first sentence of section 925—114 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) MEETINGS, OFFICERS, SUPERINTENDENT. (a) \* \* \* It shall be the duty of said board to hold monthly meetings at such times as it shall from time to time prescribe; special

meetings may be held under such rules and regulations as the board may fix. \* \* \* The first meeting of the board each year shall be held on the first Monday in May or as soon thereafter as may be.

SECTION 290. The second, third and fourth sentences of section 925—114 are renumbered to be paragraph (b) of subsection (7) of section 40.64, and is amended by striking out the word “such” where it appears before the word “at” at the beginning of the second sentence, and by inserting in place thereof the word “first”.

SECTION 291. The first and second sentences of section 925—115 of the statutes are renumbered to be paragraph (c) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) (c) \* \* \* The city clerk shall be ex officio secretary of the board.

SECTION 292. The third and fourth sentences of section 925—115 of the statutes are renumbered to be paragraph (d) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) (d) \* \* \* The board shall *annually at its first* \* \* \* meeting, or as soon thereafter as may be, elect a superintendent of schools for the city who shall not be a member of the board. \* \* \*

SECTION 293. Subsections 1 and 3 of section 925—119 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (8) of section 40.64 and amended to read:

(40.64) (8) BUDGET AND TAX LEVY. (a) \* \* \* The board of education shall prior to the first day of October each year make an estimate of the expenses of the public schools for the ensuing year, including all necessary incidental expenses and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk who shall lay the same before the common council at its next regular meeting. It shall be the duty of the common council to consider such estimate, and by resolution determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed shall be included in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. \* \* \* If at the time of \* \* \* *any city coming under section 40.65* the board of education or school board shall have power to levy the city school tax or the district school taxes,

\* \* \* this section shall not apply to such city nor be in force therein until specially adopted by a vote of three-fourths of the members of the council.

SECTION 294. Section 925—119m of the statutes is renumbered to be paragraph (b) of subsection (8) of section 40.64. And subdivision (1) thereof is amended by striking from the second line the words “this subchapter” and by inserting in place thereof the word and figures “section 40.65”.

SECTION 295. Section 926—145 of the statutes is renumbered to be paragraph (c) of subsection (8) of section 40.64 and is amended to read:

(40.64) (8) (c) \* \* \* *Any* school district \* \* \* operating under the general law or a special charter, and including within *its* \* \* \* limits all or any part of \* \* \* *a city of the third or fourth class, is* \* \* \* hereby authorized to levy annually a special tax for school purposes not exceeding eight mills on the dollar of the assessed valuation of all the real and personal property in said \* \* \* school district \* \* \* for that year, in addition to the total tax now authorized to be levied by such \* \* \* school district, \* \* \* and such tax may be levied and collected in the same way as other school taxes are levied and collected in such \* \* \* school district \* \* \*.

SECTION 296. Subsection 2 of section 925—119 of the statutes is renumbered to be paragraph (d) of subsection (8) of section 40.64.

SECTION 297. Section 925—113a of the statutes is renumbered to be section 40.645 and is amended to read:

40.645 CHANGE TO DISTRICT SYSTEM IN FOURTH CLASS CITIES. \* \* \* Upon the presentation of a resolution to the city clerk of any city of the fourth class \* \* \* operating its schools under the provisions of *this section* \* \* \* or a special charter, signed by thirty per cent of the legal voters of such city school district requesting a return to the ordinary district system of school government, \* \* \* it shall be \* \* \* the duty of the city council to submit this question to the electors of the city school district at a special election, duly called, noticed and held pursuant to law. \* \* \* If a majority of the electors of the city school district shall, at \* \* \* *such* special election, \* \* \* vote in favor of said change of school government, \* \* \* the schools of such city school district *after the close*

*of the then school year* shall be administered \* \* \* under the ordinary district form of school government. \* \* \*

\* \* \*

SECTION 298. Subsection (1) of section 40.65 of the statutes is revised to read:

(40.65) (1) In cities having a city superintendent under section 40.64 or subsection (1) of section 62.09, it shall be the duty of such superintendent to examine and license teachers, and under the direction of the board of education to supervise and manage the schools.

SECTION 299. Section 40.64 of the statutes is renumbered to be subsection (3) of section 40.65.

SECTION 300. Section 925—46m of the statutes is renumbered to be section 40.665 SCHOOL BOARDS; PROCEEDINGS; PRINTING; PUBLICATION.

SECTION 301. Section 959—69h of the statutes is renumbered to be section 40.685 PURCHASE OF SCHOOL LANDS ON LAND CONTRACT; MILWAUKEE.

SECTION 302. A new subsection (1) of section 40.695 of the statutes is created:

40.695 APPLICATION OF SECTION. (1) The provisions of this section shall apply to no cities except those to which they applied when transferred to chapter 40.

SECTION 303. Section 926—115 of the statutes is renumbered to be subsection (2) of section 40.695.

SECTION 304. Section 926—116 of the statutes is renumbered to be subsection (3) of section 40.695 and is amended by striking out the words and figures "sections 926—115 to 926—117, inclusive" where they occur twice in said renumbered subsection and by inserting in place thereof the words and figures "subsections (2) to (4)".

SECTION 305. Section 926—117 of the statutes is renumbered to be subsection (4) of section 40.695.

SECTION 306. Section 926—117m of the statutes is renumbered to be subsection (5) of section 40.695.

SECTION 307. Section 926—117o of the statutes is renumbered to be subsection (6) of section 40.695 and is amended to read:

(40.695) (6) \* \* \* In any city of the second, third or fourth class, \* \* \* upon presentation to the city clerk of a petition signed by electors thereof, qualified to vote on school mat-

ters, equal in number to thirty per cent of the votes cast in any such city for all candidates for state superintendent of public instruction at the last preceding election of such officer, requesting that the board of education of such city shall be elected pursuant to \* \* \* subsection (7), \* \* \* it shall be the duty of the city council to submit such question to the electors of such city at a special election, duly called, noticed and held pursuant to the provisions of law governing special elections in such city. \* \* \* If a majority of all the votes cast upon such question at such election be in the affirmative, then the board of education shall be elected in accordance with the provisions of \* \* \* subsection (7).

SECTION 308. Section 926—117p of the statutes is renumbered to be subsection (7) of section 40.695 and the figures "1", "2", "3", "4", and "5" designating the subsections are changed to be respectively "(a)", "(b)", "(c)", "(d)" and "(e)". Said renumbered paragraph (a) is amended by striking out the word and figures "section 926—117o" and by inserting in place thereof the word and figures "subsection (6)".

SECTION 309. Section 42.18 of the statutes is renumbered to be subsection (1) of section 42.18 and amended to read:

42.18 CITIES OF FIRST CLASS. (1) STATUTES APPLICABLE. Sections 42.01 to 42.17 shall not apply to cities of the first class, but this section shall apply to such cities.

SECTION 310. Subsections (1) to (20) of section 925—xx are renumbered to be subsections (2) to (19) of section 42.18 and the subsections are amended as follows:

(42.18) (2) BOARD OF TRUSTEES; MEMBERS. \* \* \* The president of the board of school directors or other managing body, \* \* \* two female teachers, not more than one of whom shall be a principal or vice principal, two male teachers, not more than one of whom shall be a principal or vice principal, and four members of the \* \* \* managing body of the schools, \* \* \* are hereby constituted a board of trustees, \* \* \* to be known as the "Public School Teachers' Annuity and Retirement Fund Trustees." \* \* \* The trustees shall serve without pay. *Whenever any trustee shall cease to be a member of the managing body, or a teacher in the public schools, he shall cease to be such trustee.*

(3) APPLICATION, MEMBERSHIP. \* \* \* All teachers employed in the public schools of cities \* \* \* at time of the



organization of said board, \* \* \* desiring to come under the provisions of this \* \* \* *section*, shall file a written \* \* \* *consent thereto* with the superintendent of schools, or the clerk or secretary of the \* \* \* managing body, \* \* \* together with written authority \* \* \* *to the* managing body to deduct from each monthly salary due the applicant, the sum of two dollars, and pay the same regularly into the city treasury as part of \* \* \* *the* annuity and retirement fund as herein provided.

(4) IMPLIED CONSENT. \* \* \* Any person accepting an appointment as teacher in the regular service of \* \* \* *the* city, \* \* \* and serving thereunder, shall, as a part of the consideration for his employment, be conclusively presumed to have consented to \* \* \* the provisions of this *section*. \* \* \*

(5) ELECTION OF TRUSTEES. \* \* \* When twenty-five or more teachers in such schools shall have \* \* \* *consented*, a meeting of all \* \* \* *such* teachers \* \* \* may be called by five or more, \* \* \* who shall designate the time and place of holding such meeting, and publish notice thereof at least once a week for two successive weeks, in a newspaper published in \* \* \* *the* city. Such teachers shall, at such meeting, elect by ballot, one female teacher who shall hold office as trustee aforesaid for a term of one year, one female teacher who shall hold office as trustee for a term of two years, one male teacher who shall hold office as trustee for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. \* \* \* Annually, \* \* \* at a meeting duly called by the board of trustees \* \* \* on the last Saturday of September, one female and one male teacher shall be elected in the same manner for a term of two years. At the next meeting of the board of school directors or managing body, \* \* \* after the election of such trustees \* \* \* *such* \* \* \* body \* \* \* shall elect two of \* \* \* *its* number \* \* \* members of the *said* board of trustees, \* \* \* *for* \* \* \* a term of one year, and two \* \* \* for a term of two years, and annually thereafter at their first regular meeting held after the last Saturday of September, \* \* \* *such* body shall elect two of \* \* \* *its* numbers to be members of *said* board of trustees \* \* \* for \* \* \* a term of two years. \* \* \*

(6) BOARD MEETING; QUORUM; ORGANIZATION. A majority of \* \* \* *said* board of trustees \* \* \* shall constitute a

quorum for the transaction of business. \* \* \* *The board* \* \* \* shall, within ten days after the election of \* \* \* trustees, \* \* \* meet \* \* \* organize, by the election from their members, of a president, vice president and secretary, and may adopt rules of order not inconsistent with this \* \* \* *section.*

(7) FUNDS. A teachers' annuity and retirement fund is hereby created in cities of the first class, and the fund shall consist of (a) \* \* \* endowment fund, (b) \* \* \* reserve fund, and (c) \* \* \* general fund. The endowment fund shall be made up of gifts and legacies specifically given *thereto.* \* \* \* The reserve fund shall be made up of (a) the monthly payments made pursuant to the provisions of this \* \* \* *section* by the teachers, *and* \* \* \* (b) all unexpended income for any year derived from any source. The general fund shall be made up of (a) gifts and legacies not specifically given to \* \* \* *the* endowment fund; (b) interest derived from \* \* \* *the* endowment and \* \* \* reserve funds; (c) \* \* \* moneys transferred from \* \* \* *the* reserve fund in the manner following: \* \* \* Immediately upon the voluntary or involuntary retirement of any teacher, whether such teacher retire with or without pension, all moneys paid by such teacher into the reserve fund \* \* \* shall be transferred \* \* \* into the general fund; \* \* \* (d) all moneys paid into the \* \* \* fund by the board of school directors or other managing body in the manner hereinafter provided; (e) all moneys obtained by such other methods \* \* \* as may be \* \* \* legally devised. \* \* \* The general fund may be drawn upon for the purposes of this *section* \* \* \* by said board of trustees. The moneys standing to the credit of any retirement fund heretofore established in cities of the first class, and consisting of gifts and legacies specifically given to any permanent or endowment fund, shall be set apart by the board of trustees as an endowment fund; and all moneys standing to the credit of said retirement fund on the thirty-first day of July, 1915, derived from any other sources, shall be set apart by the board of trustees of such retirement fund as a reserve fund.

(8) POWERS. Said board shall have control of the annuity and retirement fund and the investment thereof, investing the same only in such securities as savings banks are authorized by law to invest in. The board shall receive and consider all applications

for annuity under this \* \* \* *section*, shall determine the amount if not otherwise provided and direct payment of the annuities.

(9) **TREASURER.** The city treasurer shall \* \* \* be the custodian of said annuity and retirement fund, and shall make payments therefrom; he shall keep the books of account concerning such fund, in such manner as may be prescribed by said board of trustees, which books of account shall always be subject to the inspection of the board of trustees, or any member thereof, and any contributing teacher. \* \* \*

(10) **COLLECTION OF FUND.** Beginning with the monthly payment of teachers' salaries in November, after the first meeting of the board of trustees aforesaid, the board of school directors, or other managing body, shall reserve from the salary of each teacher who has come under the provisions of this section, \* \* \* and from every monthly payment thereafter, for the period of twenty-five years, or until the total sum of five hundred dollars is paid, the sum of two dollars, and shall pay the \* \* \* *same* into the \* \* \* annuity and retirement fund. \* \* \* Every teacher employed in the public schools \* \* \* at the time this \* \* \* *section* shall have become operative, \* \* \* and who shall not have *come under its provisions* \* \* \* on or before the first day of November, 1917, in the case of public school teachers of any such city in which a public school teachers' annuity and retirement fund shall have been heretofore established, or, on or before the expiration of two years after this \* \* \* *section* shall have become operative in such city, in the case of public school teachers of any such city in which this \* \* \* *section* may hereafter become operative, shall be forever barred from coming under the provisions of this \* \* \* *section*.

(11) **PAYMENT OF ANNUITIES.** The city treasurer, upon \* \* \* order \* \* \* of the board of trustees, shall pay out of said annuity and retirement fund, in monthly payments, to each teacher who shall retire from the service of the city upon the recommendation of the board of trustees determined by a majority vote, and under the provisions of this section, and be entitled thereto, the sum of four hundred dollars annually; except as hereinafter provided, but in no case shall any teacher receive such annuity until he has taught twenty-five years, and for at least fifteen years in the public schools of \* \* \* *such city*, \* \* \*

except as hereinbefore provided; provided, however, that should a teacher who has taught for fifteen years or more in any such city, become incapacitated, having paid the amount of fifteen years' contribution or more, as herein provided, the board of trustees may, in its discretion allow such teacher, six months after he has ceased active service in the school, upon a certificate of such incapacity furnished by the attending physician and by a physician employed by the board of trustees, an annuity, the amount of which shall be determined by the board of trustees, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the service of such city, the board of trustees may pay to such teacher a proportionate annuity. Such annuity shall be, as nearly as practicable, as many twenty-fifths of the full annuity provided in this section as the years of service of such teacher in said city are a part of the twenty-five. Upon the recommendation of the superintendent of schools, if any, and the board of school directors or other managing body, the board of trustees, may by a majority vote of \* \* \* *its* members, \* \* \* grant an annuity to any teacher who has come under the provisions of this section, who may be mentally or physically incapacitated. On the application of any teacher coming under the provisions of this \* \* \* *section* and having complied *therewith*, \* \* \* *the* board of trustees shall retire such teacher, provided he has been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city. \* \* \* On the application of any teacher coming under the provisions of this \* \* \* *section*, and having complied \* \* \* *therewith*, *the* board of trustees shall retire such teacher, provided \* \* \* *he* has been engaged in the work of teaching for a period aggregating twenty-five years, fifteen years of which shall have been in the said city, *and* \* \* \* is sixty-five years of age.

(12) UNIFORMITY. All annuities \* \* \* shall be uniform in amount except as otherwise provided, and except annuities granted to teachers \* \* \* who shall retire after they have been engaged in the work of teaching for a period aggregating forty years, twenty-five of which shall have been in the public schools of such city, \* \* \* in which case the annuity \* \* \* shall amount to the sum of five hundred dollars.

Subsection (13) **WHEN PAYABLE** is amended by striking out the words "public school teachers" where they occur in the second line.

Subsection (16) is renumbered to be subsection (15) **EXECUTION; EXEMPT FROM**.

(16) \* \* \* **PROBATION PERIOD.** All elections or appointments of teachers \* \* \* shall be on probation, and after a successful probation for four years, the election or appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught four years or more in cities to which this \* \* \* *section* applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of four or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

Subsection (18) is renumbered to be subsection (17) "**TEACHER,**" **DEFINED** and is amended by striking out the words "of cities of the first class" where they occur in the third line.

(18) **FISCAL REPORT AND ESTIMATES.** \* \* \* The \* \* \* board of trustees of the public school teachers' annuity and retirement fund, shall report to the \* \* \* board of school directors or other managing body of such city at or before the first meeting of said \* \* \* body, in July of each year, the amount of money required for the next fiscal year for the payment of annuities legally granted by such board of trustees, and for the payment of other necessary and current expenses. \* \* \* Such report shall set forth the estimated income of said annuity and retirement fund for the next fiscal year, and the *additional* amount \* \* \* required, \* \* \* and it shall be the duty of said board of school directors or other managing body to set aside from the general fund for the support of the schools in such city, an amount which shall be sufficient to cover the said excess, \* \* \* *but not* less than one per cent of the gross amount \* \* \* *of the tax for general school purposes, except that in no event shall the sum so paid from the general school fund exceed* that paid in by the teachers the preceding year.

\* \* \*

(19) **TEACHERS IN ANNEXED TERRITORY.** \* \* \* Whenever territory shall be detached from any town and shall be annexed to \* \* \* *the city*, \* \* \* the teachers employed at the time of such annexation in any school situated in such annexed territory, shall elect within three months after their legal appointment by the board of school directors or other managing body of such city \* \* \* whether they will come under this \* \* \* *section*. Whenever teachers employed in any school situated in territory heretofore annexed to \* \* \* *a city* \* \* \* where a teachers' annuity and retirement fund under this or any previous \* \* \* *law* heretofore existed, have already made their election to come under such \* \* \* *law*, such election shall be deemed valid under this \* \* \* *section*. The time served by the teachers in a school situated in territory so annexed, shall, for the purpose of this \* \* \* *section* only, be counted as if it has been rendered in a school of the city to which such territory has been annexed.

SECTION 310a. Section 925—250 of the statutes is repealed.

SECTION 311. Sections 925—2 to 925—6, inclusive, 925—22, 925—22a, 925—22d, 925—37, 925—39, 925—44, subsection (55) of section 925—52, first sentence of 925—52u, 925—52v, first and last sentences of 925—62, 925—63, first sentence of 925—65, first sentence of 925—70, 925—77, 925—83, 925—91a, part of last sentence beginning with the word "provided" of 925—129, 925—170m, 925—171a, 925—239b, 925—239c, 926, 926—1, second sentence of 926—2, 926—6 to 926—9, inclusive, last sentence of 926—100, 926—104m, 926—106, 926—134, 926—146, 926—147, 926—148, 926—175, 959—8m, last sentence of 959—30d, 959—34, 959—35r, 959—35t, 959—35x, 959—60, 959—70g, 959—111, 959—112, 959w, of the statutes are repealed.

SECTION 312. Sections 925—30a, 925—30b, 925—52c, 925—135d, 925—153m, 926a, first and last sentences of 926—2, 926—3m, 926—4, 926—32, 926—41, 926—42, 926—125k to 926—125q, inclusive, 926—146m, 926—179, 926—180, 926—181, 959—35b to 959—35i, inclusive, 959—46d, 959—46ua to 959—46uo, inclusive, 959—133, 959g, 963 of the statutes are withdrawn from the statutes without repealing the origin of said sections which chapters are continued in force without modification or amendment.

SECTION 313. Sections 925—38a, 925—49a, subsection (69) of 925—52, 925—121a, and 925—130a of the statutes are withdrawn from the statutes without repealing the origin of said sec-

tions which chapters are continued in force without modification or amendment.

SECTION 314. The amendment, revision or repeal of sections 925—21b, 925—31c, 925—90b, 925—90c, 925—260m, 925—269m, 926—3, 926—21, 926—100, 926—105, 926—118 to 926—124, inclusive, 926—157, 926—160, 926—175m, 959—17a to 959—17p, 959—30 to 959—30k, 959—31, 959—33, 959—35, 959—35m, 959—35n, 959—35y, 959—38, 959—39, 959—60, 959—61 to 959—69, 959—70g, 959—111, 959—140, 961 and 962 shall not affect the application of the provisions of those sections to cities of the first class under special charter.

SECTION 315. The revision of the general charter law by this act shall not affect the application of any provisions of the general charter heretofore adopted by any city of the first class under special charter, but such provisions shall as to such cities retain the same force and application as they had before the enactment of this act.

SECTION 315a. The printing board shall print, bind, and furnish to the cities as many copies of chapters 62, 63, 64, 66 and 67 of the statutes of 1921 as such cities may require, upon payment by such cities to the state of the approximate cost thereof.

SECTION 316. This act shall take effect January 1, 1922.

Approved May 4, 1921.

No. 213, S.]

[Published May 20, 1921.

## CHAPTER 243.

AN ACT to amend subdivision (d) of subsection (2) of section 16.07 of the statutes, relating to civil service.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision (d) of subsection (2) of section 16.07 is amended to read: (16.07) (2) (d) All presidents, deans, principals, professors, instructors, a scientific staff and other teachers in the university, normal or public schools, the *professional \* \* \* staff, including apprentices and research workers*, in any library maintained wholly or in part at state expense, the superintendent, warden or other head of the state reformatory, charitable and penal institutions.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1921.