

No. 486, A.]

[Published June 23, 1921.]

CHAPTER 395.

AN ACT to create subsection 5 of section 1728a of the statutes, relating to child labor permits.

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

SECTION 1. A new subsection is added to section 1728a of the statutes to read: (Section 1728a) 5. Except for employment in domestic service as provided in subsection 1 of this section, which employment involves the attendance of the child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer, provided that such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer, and provided further that such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between fourteen and seventeen years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular and full time attendance as provided by law at any public, private or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.

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

Approved June 20, 1921.

No. 22, S.]

[Published June 25, 1921.]

CHAPTER 396.

AN ACT to renumber and revise the number and title of chapter 64cc of the statutes; to amend, repeal, consolidate, revise and arrange in appropriate sequence the sections, subsections and provisions of said chapter; to assemble in said chapter as consolidated pertinent provisions from other chapters of the statutes; and to remove obsolete matter from and to correct inconsistencies and inaccuracies in the sections, subsections and provisions of said chapter 64cc relating to municipalities.

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

SECTION 1. The number and title of chapter 64cc of the statutes are renumbered and revised to read:

CHAPTER 66.

GENERAL MUNICIPALITY LAW.

SECTION 2. There is added to the statutes a new section to read: 66.01 APPLICATION. The provisions of chapter 66 shall apply to cities and villages incorporated under special charter as well as to other municipalities.

SECTION 3. Section 928 of the statutes is renumbered to be section 66.02 and is revised to read:

66.02 CONSOLIDATION. Any town, village, or city may be consolidated with a contiguous town, village, or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation," and "against consolidation," and if a majority of the votes cast thereon in each municipality shall be for consolidation, the ordinances shall then be in effect and shall have the force of a contract. The ordinance and the result of the referendum shall be certified to the clerk of the consolidated corporation and by him recorded and certified as provided in section 61.11 if a village; or subsection (6) of section 62.06 if a city; to the county clerk, if a town and the certification shall be preserved as provided in subsection (6) of section 60.05, section 61.11 and subsection (6) of section 62.06, respectively. Consolidation shall not affect the pre-existing rights or liabilities of any municipality and actions thereon may be commenced or completed as though no consolidation had been effected.

SECTION 4. Section 40.05, subsection (2) of section 40.06, subsection (5) of section 60.05, sections 61.15, 61.16, 925—1a, the second sentence of section 925—20, the last two sentences of section 925—21a, sections 944 and 959—70m of the statutes are consolidated, revised and renumbered to read:

66.03 ADJUSTMENT OF ASSETS AND LIABILITIES ON DIVISION OF TERRITORY. (1) DEFINITION. In this section "municipality" includes school district, town, village and city.

(2) **BASIS.** Except as otherwise provided in this section when territory is transferred, in any manner provided by law, from one municipality to another, there shall be assigned to such other municipality such proportion of the assets and liabilities of the first municipality as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire municipality from which said territory is taken according to the last assessment roll of such municipality.

(3) **REAL ESTATE.** The title to real estate shall not be transferred except by agreement, but the value thereof shall be included in determining the assets of the municipality owning the same, and in making the adjustment of assets and liabilities.

(4) **PUBLIC UTILITIES.** Any public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection therewith shall belong to the municipality in which the major portion of the patrons of such utility reside. The value of such utility, unless fixed by agreement of all parties interested shall be determined and fixed by the railroad commission upon notice to the municipalities interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each municipality interested and said amount shall be used by the apportionment board or boards in adjusting assets and liabilities.

(5) **APPORTIONMENT BOARD.** The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall for the purpose of this section, continue to exist as the board or council of such municipality.

(6) **MEETING.** The board or council of the municipality to which the territory is transferred shall fix a time and place for meeting and cause a written notice thereof to be given the clerk of the municipality from which such territory is taken at least five days prior to the date of the meeting. The apportionment may be made only by a majority of the members from each municipality who attend, and in case of committees, the action must be affirmed by the board or council so represented.

(7) **ADJUSTMENT, HOW MADE.** The apportionment board shall determine, except in the case of public utilities, such assets

and liabilities from the best information obtainable and shall assign to the municipality to which the territory is transferred its proper proportion thereof by assigning the excess of liabilities over assets, or by assigning any particular asset or liability to either municipality, or in such other manner as will best meet the requirements of the particular case. If a proportionate share of any indebtedness existing by reason of municipal bonds or other obligations outstanding shall be assigned to any municipality it shall cause to be levied and collected upon all the taxable property in such municipality in one sum or in annual instalments the amount necessary to pay the principal and interest thereon when the same shall become due, and shall pay the amount so collected to the treasurer of the municipality which issued said bonds or incurred such other obligations, who shall apply the moneys so received strictly to the payment of such principal or interest.

(8) **APPEAL TO COURT.** In case the apportionment board is unable to agree, the circuit court of the county in which either municipality is situated, may, upon the petition of either municipality, make the adjustment of assets and liabilities pursuant to provisions of this section.

SECTION 5. Section 959—8 of the statutes is renumbered to be subsection (9) of section 66.03 and is revised to read:

(66.03) (9) **TRANSCRIPT OF RECORDS.** When territory shall be detached from a municipality by creation of a new municipality or otherwise, the proper officer of the municipality from which the territory was detached shall furnish, upon demand by the proper officer of the municipality created from the detached territory or to which it is annexed, authenticated transcript of all public records in his office pertaining to the detached territory. The municipality receiving the transcript shall pay therefor.

SECTION 6. Section 959—81 of the statutes is renumbered to be subsection (1) of section 66.04 and revised to read:

66.04 APPROPRIATIONS. (1) **MEMORIAL DAY.** (a) Money for the observance of memorial day may be appropriated by any town meeting or any town or village board or city council, not to exceed in any one year, one hundred dollars in a town, village, or city of the fourth class, one hundred fifty dollars in a city of the second or third class, and one thousand dollars in a city of the first class.

(b) The board or council shall direct the manner of disbursement, unless there be in the town, village, or city a Grand Army

post or other organization having in charge memorial day exercises, in which event such organization may direct the manner of disbursement. Two or more such organizations may by concurrent action direct what part of the fund shall be apportioned to each.

(c) The money shall be paid to the chairman, president, or mayor, and he shall account by receipted vouchers to be audited by the board or council. Order of the proper officer of the organization having charge of the exercises, for the payment of expenses of such exercises, shall be a sufficient voucher.

(d) Any town or village board, upon submission of an itemized statement of expenses incurred for memorial day exercises by a Grand Army post or other organization, may appropriate not to exceed twenty-five dollars toward such expenses.

SECTION 7. Section 959—81m of the statutes is renumbered to be subsection (2) of section 66.04 and is revised to read:

(66.04) (2) INDEPENDENCE DAY. Any city or village may appropriate not to exceed five thousand dollars, or ten thousand in a first class city, for the celebration of independence day. The money shall be expended for such purposes, in such manner, and through such city officers or citizen committees as the board or council shall direct, and may be expended without formal contract. When the fourth of July falls on Sunday the celebration may be had on either the third or the fifth.

SECTION 8. Sections 959—81o and 959—81p of the statutes are consolidated and renumbered to be paragraphs (a) to (c) of subsection (3) of section 66.04 and are revised to read:

(66.04) (3) TO PROMOTE PROSPERITY. (a) Upon petition signed by twenty-five per cent of the electors of a city, according to the preceding vote for governor, filed not less than twenty days prior to the regular city election, the following question shall be submitted: "Shall the city make an annual appropriation for commercial and industrial development?"

(b) If a majority of the votes cast on the question be in the affirmative, the council thereafter shall appropriate annually, in cities of the first class not more than four thousand dollars, in cities of the second class not more than three thousand dollars, and in cities of the third and fourth classes not more than two thousand dollars to aid and encourage the location of manufacturing, industrial, and commercial plants therein and for other purposes designed to increase the population, taxable property, and

business prosperity of the city, and for necessary incidental expenses in relation thereto. The moneys shall be used by the council for such purposes.

(c) Thereafter, upon like petition, the question of discontinuing such appropriation shall be submitted and decided in like manner.

SECTION 9. Section 940k of the statutes is renumbered to be subsection (4) of section 66.04 and is revised to read:

(66.04) (4) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind shall be made by any town, village, or city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

SECTION 10. Section 959—114 of the statutes is renumbered to be subsection (5) of section 66.04 and is amended to read:

(66.04) (5) AID TO AGRICULTURAL SOCIETIES. * * * Any town, * * * village or * * * city may, by a two-thirds vote of the board or council, appropriate in any one year a sum not to exceed one thousand dollars to aid any organized agricultural society or any incorporated poultry association, but no such society or association shall receive any such aid unless it also receives aid from the state, or make no charge to the public for admittance to its exhibitions.

SECTION 11. Section 943f—1 of the statutes is renumbered to be subsection (6) of section 66.04 and revised to read:

(66.04) (6) TEMPORARY INVESTMENTS. Any county, city, village, town or school district may temporarily invest any of its funds, not immediately needed, in bonds or securities of the United States or of any county, city, village, town, or school district of this state, and may sell or hypothecate the same.

SECTION 12. Subsection (67) of section 925—52 of the statutes is renumbered to be section 1636s and is amended to read:

RUNNING AT LARGE IN STREETS. *Section 1636s.*
* * * *Live stock or poultry shall not be permitted* * * *
to run * * * at large upon the streets or public grounds of
* * * any city. * * *

SECTION 13. Section 959—35w of the statutes is renumbered to be paragraphs (a) to (i) of subsection (1) of section 66.05 and revised to read:

66.05 POLICE REGULATIONS. (1) PRIVILEGES IN STREETS. (a) Privilege for an obstruction or excavation beyond

the lot line, or within a highway in any town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this subsection.

(b) Application therefor shall be made to the board or council, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon ten days' notice by the state or the municipality and waive right to contest in any manner the validity of this subsection or the amount of compensation charged and that the applicant file such bond as the board or council require, not exceeding ten thousand dollars running to the town, village, or city, and such third parties as may be injured, to secure the performance of these conditions. But if there is no established lot line and the application is accompanied by a blue print, the board or council may make such conditions as they deem advisable.

(c) Compensation for the special privilege shall be paid into the general fund and shall be fixed, in towns by the chairman, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor.

(d) The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if he shall not remove the same upon due notice, it shall be removed at his expense.

(e) Third parties whose rights are interfered with by the granting of such privilege shall have right of action against the holder of the special privilege only.

(f) The provisions of paragraphs (a) to (e), inclusive, do not apply to public service corporations, but such corporations shall secure permit from the proper official for temporary obstructions or excavation in a highway and shall be liable for all injuries to person or property thereby.

(g) This subsection does not apply to such obstruction or excavation for not longer than three months, and for which permit has been granted by the proper official.

(h) Obstruction or excavation by a city or village in any street, alley, or public place belonging to any other municipality is included in this subsection.

(i) Anyone causing any obstruction or excavation to be made contrary to the provisions of paragraphs (a) to (h), inclusive,

shall be liable to a fine of not less than twenty-five dollars and not more than five hundred dollars, or to imprisonment in the county jail for not less than ten days nor more than six months, or to both such fine and imprisonment.

SECTION 14. Section 926—102 of the statutes is renumbered to be subsection (2) of section 66.05 and is amended to read:

(66.05) (2) BUILDING MATERIAL AND APPROACHES IN STREETS. * * * *The council of any city of the fourth class, * * ** may by * * * ordinance or resolution, * * * provide for the use of not to exceed one-third in width of any or all of its streets adjacent to any proposed building, for the purpose of temporarily depositing thereon, building material and other articles necessary to be used in and about the construction of such building, and may by ordinance * * * provide for the use of not to exceed three and one-half feet of its street or streets adjacent to any business building or proposed business building therein, to be used for approaches to such building, stairways to the basement floors of such building or openings for light to such basements.

SECTION 15. Section 959—300 of the statutes is renumbered to be subsection (3) INTERFERENCE WITH PUBLIC SERVICE STRUCTURE of section 66.05.

SECTION 16. Section 927p of the statutes is renumbered to be subsection (4) of section 66.05 and is revised to read:

(66.05) (4) REMOVAL OF RUBBISH. Cities and villages may cause the removal of ashes, garbage, and rubbish from such classes of places therein as the board or council shall direct. The removal may be from all such places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain of them only, and different regulations may be applied to each removal district. The cost of removal may be provided for by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city or village.

SECTION 17. Section 959—59 of the statutes is renumbered to be subsection (5) of section 66.05 and is amended to read:

(66.05) (5) RAZING OF BUILDINGS. * * * (a) * * * The inspector of buildings in every city of the first *and second* class * * * *may* order the owner of premises upon which is located any building * * * within such city which in the

judgment of the inspector is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, and so that it would be unreasonable to repair the same, to raze and remove such building * * * or * * * if it can be made safe by repairs, to repair and make safe or to raze or remove * * * at * * * the owner's option. The * * * order shall specify a time within which * * * the owner shall comply therewith * * * and * * * specify * * * repairs, if any. * * * It shall be served on the owner * * * or * * * his agent * * * where * * * an agent is in charge of * * * the building * * * in the manner provided for service of a summons in the circuit court. * * * If the owner is a nonresident of * * * the state, * * * the order may be served by posting * * * it on the building * * * and by publishing * * * in the official newspapers of * * * the city for two consecutive days * * * at least ten days before the time limited in the order commences to run.

(b) * * * If the owner * * * shall fail or refuse to comply * * * within the time * * * prescribed, the inspector of buildings shall * * * cause such building * * * to be razed or removed, either through any available public agency or by contract or arrangement with private persons. The cost of such razing or removal shall be charged against the property upon which such building * * * is located and shall be a lien upon such property, and shall be assessed * * * and collected as a special tax.

(c) * * * Any one affected by any such order may apply to the circuit court for an order restraining the inspector of buildings from razing or removing such building. * * * Hearing * * * shall be * * * had within twenty days * * * and shall be given precedence over other matters on the court's calendar. * * * The court shall determine whether the order of the inspector of buildings is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order * * * or * * * modify it as the circumstances require. * * * Costs * * * shall be * * * in the discretion of the court. If the court finds that the order of the inspector of buildings is unreasonable, the inspector of buildings shall issue no other order pursuant to the authority of this section in regard to

the same building * * * until * * * its condition * * * is substantially changed. The remedies herein provided shall be exclusive remedies, and any one effected by such an order of the inspector shall not be entitled to recover any damages for the razing or removal of any such building.

(d) "*Building*" as used in this subsection includes any building or structure.

SECTION 18. Section 959—70 of the statutes is renumbered to be subsection (6) of section 66.05 and is revised to read:

(66.05) (6) **GAMBLING.** The board or council of any town, village, or city may prohibit all forms of gambling and fraudulent devices and practices, and cause the seizure of any thing devised solely for gambling or found in actual use for gambling and the destruction thereof after a judicial determination of the character or use.

SECTION 19. Subsection (6) of section 925—52 of the statutes is renumbered to be subsection (7) of section 66.05 and is revised to read:

(66.05) (7) **OFFENSIVE INDUSTRY.** Any city council may direct the location, management, and construction of, and license, regulate, or prohibit any industry, thing, or place where any nauseous, offensive, or unwholesome business may be carried on, within the city or within four miles of the boundaries, except that the Milwaukee, Menominee and Kinnickinic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with said rivers, together with the lands adjacent to said rivers and canals or within one hundred yards thereof, shall be deemed to be within the jurisdiction of the city of Milwaukee.

SECTION 20. Section 930 of the statutes is renumbered to be paragraph (a) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) **LICENSES.** (a) *Exhibitions.* Any town, village, or city may license and regulate theatrical and other shows and public exhibitions. Receipts therefrom shall be paid into the treasury, and no license shall be in force beyond the term of the board or council granting the same. No license shall be required for lectures on scientific, moral, or literary subjects, or for concerts, if no other object is connected therewith.

SECTION 21. Section 959—80 of the statutes is renumbered to

be paragraph (b) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) *Billposters.* Any village or city may by ordinance license and regulate billposters, distributors, and outdoor advertisers, fix the terms of license, and revoke the same at pleasure.

SECTION 22. Section 959—58a of the statutes is renumbered to be paragraph (c) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) (c) *Electricians.* Any village or city may license and regulate electrical installation contractors or subcontractors. The license fee shall be not less than one dollar nor more than twenty dollars per year.

SECTION 23. Section 959—60m of the statutes is repealed.

SECTION 24. Subsection (47) of section 925—52 of the statutes is renumbered to be paragraph (d) of subsection (8) of section 66.05 and is amended to read:

(66.05) (8) (d) *Peddlers.* * * * *Cities may* license, regulate or restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. * * *

SECTION 25. Section 937a and subsection (14a) of section 59.07 are repealed.

SECTION 26. Subsection (1) of section 66.06 of the statutes is created:

66.06 PUBLIC UTILITIES. (1) DEFINITIONS. The definition of "public utility" in section 1797m—1 is applicable to this section. Whenever the phrase "resolution or ordinance" is used in this section, it means, as to villages and cities, ordinance only.

SECTION 27. Subsection (5) of section 927—1, section 927—16c and the first clause of section 925—95f of the statutes are consolidated, renumbered to be subsection (2) of section 66.06 and revised to read:

(66.06) (2) LIMITATION. Nothing in this section shall be construed as depriving the railroad commission of any power conferred by sections 1797m—1 to 1797m—109, inclusive, and sections 1797—14 to 1797—35, inclusive.

SECTION 28. Section 927—3, the first three lines of section 959—49, except the last three words of the third line, and section 940b of the statutes are consolidated and renumbered to be paragraph (a) of subsection (3) of section 66.06 and revised to read:

(66.06) (3) FRANCHISES. (a) Any city or village may grant to any person or corporation the right to construct and operate therein a system of waterworks or to furnish light, heat or power subject to such reasonable rules and regulations as the proper municipal authorities by ordinance may from time to time prescribe.

SECTION 29. Section 959—52 of the statutes is renumbered to be paragraph (b) of subsection (3) of section 66.06 and is revised to read:

(66.06) (3) (b) The board or council may submit the ordinance when passed and published to a referendum.

SECTION 30. Section 926—139 of the statutes is renumbered to be paragraph (c) of subsection (3) of section 66.06 and is revised to read:

(66.06) (3) (c) No such ordinance shall be operative until sixty days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to twenty per cent of those voting at the last regular municipal election, may demand a referendum. The demand shall be in writing and filed with the clerk. Each signer shall state his occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within ninety days of the filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city.

SECTION 31. Section 927—4 of the statutes is repealed.

SECTION 32. Subsection (34) of section 925—52 of the statutes is renumbered to be paragraph (a) of subsection (4) of section 66.06 and is revised to read:

(66.06) (4) SERVICE CONTRACTS. (a) Cities and villages may contract for furnishing light or heat to the municipality or to the inhabitants thereof for a period of not more than ten years or for an indeterminate period if the prices shall be subject to adjustment at intervals of not greater than five years.

SECTION 33. Sections 959—48 and 927—2 of the statutes are

consolidated and renumbered to be paragraph (b) of subsection (4) of section 66.06 and revised to read:

(66.06) (4) (b) When a village or city shall have contracted for water or lighting service to the municipality the cost shall be raised by tax levy and kept as a separate fund and used for no other purpose. In making payment to the owner of the utility a sum equal to the amount due the city from such owner for taxes or special assessments may be deducted.

SECTION 34. That portion of section 959—49 not consolidated in paragraph (a) of subsection (3) of section 66.06 and section 959—50 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (4) of section 66.06 and revised to read:

(66.06) (4) (c) This subsection shall apply to every city and village regardless of any charter limitations on the tax levy for water or light.

SECTION 35. Sections 940j—41, 940j—42, 940j—43 and 940j—44 of the statutes are consolidated and renumbered to be subsection (5) of section 66.06 and revised to read:

(66.06) (5) JOINT USE OF TRACKS. (a) When two electric railway companies, in pursuance of franchises, are operating upon the same public way, the city may by ordinance, effective ninety days after passage and publication, require joint use of tracks and prohibit the operation of cars on either track in more than one direction. Such joint use shall include right to install and maintain necessary poles, wires, conduits, and other accessories.

(b) Either of such railway companies may acquire by condemnation a right to use the tracks of the other company for such purpose of providing one way tracks, upon terms and conditions determined by agreement, or by the procedure provided in sections 32.08 to 32.14, inclusive, except that pending appeal to the circuit court the use may be had upon payment or deposit with the clerk of the court of the compensation awarded.

SECTION 36. Sections 959—30L, 959—30m and 959—30n of the statutes are consolidated and renumbered to be subsection (6) of section 66.06 and revised to read:

(66.06) (6) MUNICIPAL TRACKS. Cities may lay and maintain street railway tracks upon bridges and viaducts and by ordinance lease such tracks to any company authorized to operate a street railway in the city. But the city shall not grant an exclusive lease to any one company, nor such an exclusive franchise upon ap-

proaching ways as will prevent other companies from using such municipal tracks.

SECTION 37. Section 927—26 of the statutes is renumbered to be subsection (7) of section 66.06 and is amended to read:

(66.06) (7) JOINT OPERATION. * * * Any city * * * or village served by any privately owned public utility, street railway or interurban railway rendering local service may contract with the owner thereof * * * for the leasing, public operation, joint operation, extension and improvement by the municipality or with funds loaned by the municipality, for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said public utility, street or interurban railway which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of * * * *subsection (13) of this section* relating to preliminary agreement, approval by the railroad commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said railroad commission shall, when any such contract is approved by it and consummated co-operate with the parties in respect to making valuations, appraisal, estimates and other determinations specified in such contract to be made by it.

SECTION 38. Sections 926—126, 926—127, 926—128, 926—129, subsection 1 of section 927—1, down to the comma in the fifteenth line, except the clause “and every corporation formed for such purpose under the laws of this state”, sections 927—11, 927—12, 927—13, 927—14, 927—15, and 959—51, except the fifth sentence, of the statutes are consolidated, renumbered to be paragraphs (a) to (c) of subsection (8) of section 66.06 and revised to read:

(66.06) (8) ACQUISITION. (a) Any town, village or city may construct, purchase or lease any plant and equipment located within or without the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabitants or for street railway purposes; may acquire a controlling portion of the stock of any corporation owning private or lighting plant and equipment; and may purchase the equity or redemption in a mortgaged or bonded water-

works or lighting system, including the cases where the municipality shall in the franchise have reserved right to purchase.

(b) A resolution, specifying the method of payment and submitting the question to a referendum, shall be adopted by a majority of all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

(c) The notice of the referendum shall include a general statement of the plant equipment or part thereof it is proposed to acquire or construct and of the manner of payment.

SECTION 39. Section 927—1a of the statutes is renumbered to be paragraph (d) of subsection (8) of section 66.06 and is revised to read:

(66.06) (8) (d) Referendum elections under this subsection shall not be held oftener than once a year.

SECTION 40. From the comma in line 15 to the semicolon in line 18 of subsection 1 of section 927—1 of the statutes is renumbered to be paragraph (a) of subsection (9) of section 66.06 and revised to read:

(66.06) (9) METHOD OF PAYMENT. (a) Any town, village, or city, owning or acquiring any public utility may provide payment for the same, or any part thereof, and for necessary additions and improvements, from the general fund, or from the proceeds of either municipal bonds, mortgage bonds, or mortgage certificates.

SECTION 41. Subsection 1 of section 927—16 and section 927—16b of the statutes are consolidated, renumbered to be the introductory subdivision of paragraph (b) of subsection (9) of section 66.06 and are revised to read:

(66.06) (9) (b) Where payment is provided by mortgage bonds, the term "public utility" shall include street railways, and the payment shall be in the manner following:

SECTION 42. Subsection (8) of section 927—16 of the statutes is renumbered to be subdivision (1) of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 1. * * * The * * * board or * * * council * * * shall * * * issue and sell bonds bearing interest at a rate not exceeding six per centum per annum, payable annually or semiannually, executed in such manner and payable at such times not exceeding forty years from the date thereof, and at such places, as the board or * * * council * * * of

such * * * town, *village or city* shall determine, which bonds shall be payable only out of the said special redemption fund. Any and all bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant. In case any of the officers whose signatures or countersignatures appear on the bonds or the coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. Any such bonds and the interest thereon issued against any such redemption fund shall be a valid claim of the holders thereof only against the said special redemption fund and the fixed proportion or amount of the revenues pledged to such fund, and shall not constitute an indebtedness of such * * * town, *village or city* within the meaning of the constitutional provisions and limitations. Each such bond shall state plainly upon its face that it is payable only from the special fund, naming the said fund and the ordinance creating it and that it does not constitute an indebtedness of such * * * town, *village or city*. The said bonds may be issued either as registered bonds or as coupon bonds payable to bearer. Coupon and bearer bonds may be registered as to principal in the holder's name on the books of the * * * town, *village or city*, such registration being noted on the bond by the clerk or other designated officer, after which no transfer shall be valid unless made on the books of the * * * town, *village or city* by the registered holder and similarly noted on the bond. Any bond so registered as to principal may be discharged from such registration by being transferred to bearer after which it shall be transferable by delivery but may be again registered as to principal as before. The registration of the bonds as to the principal shall not restrain the negotiability of the coupons by delivery merely, but the coupons may be surrendered and the interest made payable only to the registered holder of the bonds. If the coupons be surrendered, the surrender and cancellation thereof shall be noted on the bond and thereafter interest on the bond shall be payable to the registered holder or order in cash or at his option by check or draft payable at the place or one of the places where the coupons were payable. Such bonds shall be sold in such manner and upon such terms as the * * * *board or council* shall deem for the best interests of said * * * town, *village*

or city; provided, however, that such bonds, shall not be sold for less than par. The * * * board or council may provide in any contract for the purchase, acquisition or construction of any utility, that payment thereof shall be made in such bonds at the par value thereof.

SECTION 43. Subsection 11 of section 927—16 of the statutes is renumbered to be subdivision 2 of paragraph (b) of subsection (9) of section 66.06 and amended to read:

(66.06) (9) (b) 2. * * * All moneys received from any bonds issued pursuant hereto shall be applied solely for * * * acquiring * * * such public utility, and in the payment of the cost of any necessary * * * additions and improvements, and there shall be and there is hereby granted and created a statutory mortgage lien upon the public utility so purchased, constructed or acquired to and in favor of the holders of the said bonds and each of them, and to and in favor of the holders of the coupons of said bonds. The public utility so purchased, acquired or constructed shall remain subject to such statutory mortgage lien until the payment in full of the principal and interest of the bonds issued pursuant thereto. Any holder of the said bonds or of any of the coupons attached thereto may either at law or in equity by * * * mandamus or other *action or proceeding*, protect and enforce the statutory mortgage lien hereby conferred, * * * and compel performance of all duties required by this * * * subsection of the * * * town, *village or city* * * * or of any officer thereof, including the making and collecting of reasonable and sufficient rates lawfully established for service rendered by such utility, the segregation of the income and revenues of the said utility and the application of the respective funds created pursuant to the provisions of this statute. If there be any default in the payment of the principal or interest of any of the said bonds, any court having jurisdiction of the action may appoint an administrator or receiver to administer the said public utility on behalf of the said * * * town, *village or city* and the said bondholders, with power to charge and collect rates lawfully established sufficient to provide for the payment of the operating expenses and also to pay any bonds or obligations outstanding against said utility, and to apply the income and revenues thereof in conformity with this statute and the said ordinance, or the said court may declare the whole amount of said bonds due and payable and may order and direct the sale of the said public

utility. Under any sale so ordered, the purchaser shall be vested with an indeterminate permit to maintain and operate the said public utility. If any * * * town, *village or city* shall have acquired or constructed any such public utility and shall have paid therefor and for any * * * additions *and improvements* * * * authorized at the time of acquisition in the manner herein provided, such * * * town, *village or city* may provide for the * * * additions * * * *and improvements* * * * by * * * additional issue * * * of bonds in the manner herein provided; * * * *but* such additional issue or issues of bonds shall be subordinate to all prior issues of bonds which may have been made hereunder. Any * * * town, *village or* * * * *city* may issue new bonds in the manner herein provided and secured in the same manner, to provide funds for the payment of the principal and interest of any bonds then outstanding; provided, that upon any reissue of such bonds the question shall not be required to be submitted to the electors whenever such reissue shall be approved by a vote of not less than two-thirds of the *board or* * * * council. * * *

SECTION 44. Subsection 2 of section 927—16 is renumbered to be subdivision 3 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words “common council or other governing authority” and by inserting in place thereof the words “board or council”.

SECTION 45. Subsection (3) of section 927—16 of the statutes is renumbered to be subdivision 4 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking therefrom the words “common council or other governing authority” and by inserting in place thereof the words “board or council”.

SECTION 46. Subsection 4 of section 927—16 of the statutes is renumbered to be subdivision 5 of paragraph (b) of subsection (9) of section 66.06.

SECTION 47. Subsection 5 of section 927—16 of the statutes is renumbered to be subdivision 6 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 6. * * * The fixed proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized shall from month to month as the same shall accrue and be received, be set apart and paid into a special account in the treasury of the said * * * town, *village or city* to be identified as “the . . . bond and interest redemption

account," the full title of such account to be specified by the said ordinance. In fixing and determining the amount or proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized, the * * * *board or council* * * * may provide that the amount to be set aside and paid into the said bonds and interest redemption account for any year or years shall not exceed a fixed sum which sum shall be at least sufficient to provide for the payment of the interest and principal of the said bonds maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

SECTION 48. Subsection 6 of section 927—16 of the statutes is renumbered to be subdivision 7 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words "common council or other governing authorities" where they occur in two places in said subsection and by inserting in place thereof the words "board or council."

SECTION 49. Subsection 7 of section 927—16 of the statutes is renumbered to be subdivision 8 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking therefrom in the two places where they occur, the words "common council or other governing authority" and by inserting in place thereof the words "board or council".

SECTION 50. Subsection 9 of section 927—16 of the statutes is renumbered to be subdivision 9 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words "city, village or town" where they occur six times in said subsection and by inserting in place of the words where they occur for the first time, the words "town, village or city" and by inserting the word "municipality" in the five other places where said words are stricken out.

SECTION 51. Subsection 10 of section 927—16 of the statutes is renumbered to be subdivision 10 of paragraph (b) of subsection (9) of section 66.06.

SECTION 52. Subsection 12 of section 927—16 of the statutes is renumbered to be subdivision 11 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 11. * * * Said * * * *board or council* * * * of such * * * town, *village or city* shall have full power to adopt all ordinances necessary to carry into effect the provisions of *paragraph (b)* of this subsection, which

ordinances may contain such provisions and stipulations for the administration of the special fund and for the security of the bondholders as the said *board or council* * * * shall deem necessary.

SECTION 53. Subsection 13 of section 927—16 of the statutes is renumbered to be subdivision 12 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 12. * * * The *board or* * * * council * * * of any * * * town, *village or city* purchasing, acquiring or constructing any public utilities under the provisions of *paragraph (b)* of this *subsection* shall have the power to pay all incidental expenses incurred in connection therewith, including commissions for selling said bonds, out of the current revenues of such * * * town, *village or city*.

SECTION 54. Section 927—16a of the statutes is renumbered to be subdivision 13 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 13. * * * Proceedings for the * * * acquisition, * * * or providing funds for payment of any public utility * * * by any * * * town, *village or* * * * *city* heretofore begun * * * under the provisions of * * * law * * * *other than paragraph (b) of this subsection*, may be proceeded with either under the provisions of such law, if still in force, or under the provisions of * * * *such paragraphs* as the * * * *board or council* may elect.

SECTION 55. Section 927—17 of the statutes is renumbered to be the introductory subdivision and subdivision 1 of paragraph (c) of subsection (9) of section 66.06 and revised to read:

(66.06) (9) (c) When payment is provided by mortgage certificate it shall be in the manner following:

1. The chief executive and clerk shall issue therefor mortgage certificates which shall recite that they are secured by trust deed or mortgage upon such equipment and that no municipal liability is created thereby.

SECTION 56. Section 927—18 of the statutes is renumbered to be subdivision 2 of paragraph (c) of subsection (9) of section 66.06.

SECTION 57. Section 927—19 of the statutes is renumbered to be subdivisions 3, 4 and 5 of paragraph (c) of subsection (9) of section 66.06 and is revised to read:

(66.06) (9) (c) 3. To secure the payment of principal and interest of such mortgage certificates, the chief executive and clerk shall execute to the purchaser thereof, or to a trustee selected by resolution or ordinance, a trust deed or mortgage upon such equipment and additions and improvements.

4. The trust deed or mortgage shall among other things provide:

a. That the lien upon the property therein described and upon the income, shall be the only security, and that no municipal liability is created.

b. That the income from operation shall be applied, first to necessary operating expenses and repairs, second, to interest on the mortgage certificates, and third, to a sinking fund, and that an amount not less than four per cent of the face value of outstanding certificates will be placed annually in said sinking fund and be invested as other sinking funds.

c. That if any interest shall remain due and unpaid for twelve months, or if any part of the principal shall not be paid when due, the trust deed or mortgage may be foreclosed as other trust deeds or mortgages.

d. That upon default in payment of principal or interest, the holder of such trust deed or mortgage may by notice in writing served after such default declare the whole amount secured due and payable six months after such service and that it shall be so due and payable.

5. Refunding mortgage certificates may be issued in the same manner, upon a two-thirds vote of the board or council, or upon resolution or ordinance and referendum as provided in subsection (8). When not submitted to a referendum, the rate of interest and time of payment shall be as fixed by subdivision 2 of paragraph (c) of subsection (9).

SECTION 58. Section 927—19b of the statutes is repealed.

SECTION 59. Section 927—1 from the semicolon in the 18th line of subsection 1 to the end of the subsection with the exception of the clause "that the city treasurer shall keep as a separate fund all income derived from such waterworks or lighting plant and all disbursements therefrom"; subsection (3) of section 927—1, sections 925—95, 925—95a, 925—95b, 925—95e, the second clause of the first sentence and the last sentence of section 925—95f, sections 925—96, 926—101j, 926—101k, 926—101L, 926—101m, 926—101n, 927—5 and 927—20 of the statutes are consolidated

and renumbered to be subsection (10) of section 66.06, and are revised to read:

(66.06) (10) **MANAGEMENT.** (a) In towns, villages and cities owning a public utility, the board or council shall provide for a nonpartisan management thereof, and shall create for each or all such utilities, a board of three or five commissioners, to take entire charge and management of such utility, to appoint a manager and fix his compensation, and to supervise the operation of the utility under the general control and supervision of the board or council.

(b) The commissioners shall be elected by the board or council for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

(c) The commissioners shall choose from among their number a president and a secretary. They may command the services of the city engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books of account, in the manner and form prescribed by the railroad commission, which shall be open to the public.

(d) It may be provided, notwithstanding the provisions of section 62.09, that departmental expenditures be audited by such commission, and if approved, be paid by the city treasurer upon warrant signed by the president and secretary of the commission; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement, and operation of the utility as shall be designated.

(e) Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

SECTION 60. The second sentence and the first sentence down to and including the word "treasurer" of section 925—98 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (11) of section 66.06 and amended to read:

(66.06) (11) **CHARGES.** * * * (a) The * * * council or board of any town, village or city operating a public utility

* * * may, by ordinance, fix the initial rates * * * and provide for * * * *this* collection * * * monthly, quarterly or semiannually in advance or otherwise. * * * *The* rates shall be uniform for like service * * * in all parts of the * * * *municipality*. * * * *The* * * * charges * * * shall be collected by the treasurer.

SECTION 61. Section 925—99 and the last sentence of section 925—98 of the statutes are consolidated and renumbered to be paragraph (b) of subsection (11) of section 66.06 and amended to read:

(66.06) (11) (b) * * * On the first day of January and July in each year the * * * *department in charge of the utility* shall furnish the * * * treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If such amount is not paid within ten days thereafter a penalty of ten per cent shall be added and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent thereon for his fees. He shall have all the authority in collecting said tax vested in him for the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums that have accrued during the preceding year and are not paid by the first day of November in any year shall be reported by the treasurer to the clerk, who shall insert the same in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax. *This section shall apply also to other public utility service as far as practicable.*
* * *

SECTION 62. That part of the first sentence of section 925—98 beginning with the word “and” which follows the word “treasurer” and subsection 4 of section 927—1 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (11) of section 66.06 and are revised to read:

(66.06) (11) (c) The income of a public utility owned by a municipality, shall first be used to meet operation, maintenance, depreciation, interest, and sinking fund requirements, additions and improvements, and other necessary disbursements or indebtedness. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acqui-

tion of the utility, or bonds issued by the United States or any municipal corporation of this state, or may be paid into the general fund.

SECTION 63. Section 959—52n of the statutes is renumbered to be paragraph (d) of subsection (11) of section 66.06 and is amended to read:

(66.06) (11) (d) * * * Any city of the first class * * * may * * * use * * * funds derived from its water plant * * * above such as are necessary to meet operation, maintenance, depreciation, interest and sinking funds, new construction or equipment or other indebtedness, for * * * sewerage construction work other than such as is chargeable against abutting property; or they may turn such funds into the general * * * fund to be used for general city purposes, or may place such funds in a special fund to be used for special municipal purposes.

SECTION 64. Sections 926—101, 927—1m and 959—47 of the statutes are consolidated and renumbered to be subsection (12) of section 66.06 and revised to read:

(66.06) (12) OUTSIDE SERVICE. (a) Any town, village or city owning water, light or power plant or equipment may serve persons or places outside its corporate limits, including adjoining municipalities not owning or operating a similar utility and for that purpose may use equipment owned by such other municipality.

(b) So much of such plant or equipment as shall be situated in another municipality and used to serve such municipality or its inhabitants for profit, shall be taxable in such other municipality pursuant to the provisions of sections 76.47 to 76.53, inclusive.

SECTION 65. Sections 927—21 to 927—25 of the statutes are consolidated and renumbered to be subsection (13) of section 66.06 and revised to read:

(66.06) (13) SALE OR LEASE. Any town, village or city may sell or lease any public utility equipment owned by it, in manner following:

(a) A preliminary agreement with the prospective purchaser or lessee shall be authorized by a resolution or ordinance containing a summary of the terms proposed, of the disposition to be made of the proceeds, and of the provisions to be made for the protection of holders of obligations against such equipment or against the municipality on account thereof. Such resolution or

ordinance shall be published in the official paper at least one week before adoption, or if there is no such paper, in some paper published in the municipality, if any, otherwise it shall be posted in four of the most public places in the municipality at least ten days before adoption. It may be adopted only at a regular meeting and by a majority of all the members of the board or council.

(b) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the railroad commission shall be larger, the price shall be that fixed by such commission.

(c) The municipality shall submit the preliminary agreement when executed to the railroad commission, which shall determine whether the interests of the municipality and of the residents thereof will be best served by the sale or lease, and if it so determine, shall fix the price and other terms.

(d) The proposal shall then be submitted to the electors of the municipality. The notice of the referendum shall include a description of the equipment, and a summary of the preliminary agreement, and of the price and terms as fixed by the railroad commission. If a majority voting on the question shall vote for the sale or lease, the board or council shall be authorized to consummate the same, upon the terms and at a price not less than fixed by the railroad commission, with the proposed purchaser or lessee or any other with whom better terms approved by the railroad commission can be made.

(e) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the railroad commission, the proceedings shall be void.

SECTION 66. The introductory paragraph of subsection (14) of section 66.06 is created to read:

(66.06) (14) IN FIRST CLASS CITIES. All provisions of this subsection apply to all first class cities.

SECTION 67. Section 927—6 and subsections 1 and 2 of section 927—9 of the statutes are consolidated and renumbered to be subdivisions 1, 2 and 3 of paragraph (a) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (a) *Waterworks.* 1. * * * Water rates shall be * * * collected in the manner and by any one * * * whom the * * * council may from time to time determine, and shall be accounted for and paid to such other officials in such manner and at such times as the * * * council may from time

to time prescribe. Such persons shall give a bond to cover all the duties in such an amount as may be prescribed by the * * * council. Final accounting shall be made to comptroller and final disposition of money shall be made to city treasurer.

2. * * * The words "commissioner of public works" * * * *in paragraph (a) hereof* shall be construed to mean and have reference to any board of public works, or commissioner of public works, or other officer of any city having control of the public works therein, *and all acts authorized to be done by such commissioner except for the enforcement of regulations approved by the council shall require the approval of the council before they shall have any force or effect.* * * *

3. * * * *When the city owns its waterworks, the commissioner of public works shall have power, from time to time, to make and enforce by-laws, rules and regulations in relation to the said waterworks, and, before the actual introduction of water, he shall make by-laws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the said waterworks, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off the same for cause, and he shall have power, from time to time, to alter, modify or repeal such by-laws, rules and regulations.* * * *

SECTION 67a. Subsection (3) of section 927—9 of the statutes is renumbered to be subdivision 4 of paragraph (a) of subsection (14) of section 66.06.

SECTION 67b. Subsection (4) of section 927—9 of the statutes is renumbered to be subdivision 5 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words "with the approval of the common council" where it appears in the tenth line and is further amended by striking out the word "common" where it appears in the last line of the subsection.

SECTION 67c. Subsection (5) of section 927—9 of the statutes is renumbered to be subdivision 6 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words "subject to the approval of the common council of such city" where they occur in the first and second lines.

SECTION 67d. Subsection (6) of section 927—9 of the statutes is renumbered to be subdivision 7 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the

words “with the approval of the common council” where they occur in the first line and also by striking out the sentence “All such rules and all amendments and alterations thereof shall be approved by the common council before the same shall have effect”, and is further amended by striking out the words “with the approval of the common council” where it appears in the last line of the subsection.

SECTION 67e. Subsection (7) of section 927—9 of the statutes is renumbered to be subdivision 8 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words “with the approval of the common council” where they occur in the first line.

SECTION 67f. Subsections (8) and (9) of section 927—9 of the statutes are renumbered to be subdivisions 9 and 10 of paragraph (a) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (a) 9. * * * The commissioner of public works * * * may also make rules and regulations for the proper ventilating and trapping of all drains, soil pipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city. The * * * council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishment for disobedience of the same. The commissioner of public works * * * may also make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in said city, which hereafter shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and may prohibit the introduction into any building of any style of water fixture, tap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the commissioner of public works shall require a rigid inspection by a skilled and competent inspector under * * * his direction * * * of all plumbing and draining work and water and sewer connections, hereafter done or made in any building in the city, and unless the same are done or made according to rules of the commissioner of public works, and approved by * * * no connection of the premises with the city sewerage or water supply shall be allowed.

10. * * * The said commissioner shall make an annual report to the * * * council of his doings under this * * * subsection and the state of the water fund and the general condition of said waterworks, and such report after being submitted to the * * * council shall be filed in the office of the comptroller. * * *

SECTION 68. Section 927—16d of the statutes is renumbered to be paragraph (b) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (b) *Utility directors.* 1. * * * The term "electric plant" as used in this subsection shall mean a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

2. If * * * the city * * * shall have determined to acquire a street railway and electric plant or either of them, or any other public utility in accordance with the provisions of this subsection, the mayor of such city, prior to the city taking possession of such property shall appoint, subject to the confirmation of the * * * council, seven persons of recognized business experience and standing to act as the board of directors for such * * * utility. * * * Two of such persons shall be appointed for a term of two years, two for a term of four years, two for a term of six years, and one for a term of eight years. Thereafter * * * successors shall be appointed in like manner for terms of ten years each. Any such director may be removed by the mayor with the approval of the * * * council for misconduct in office or for unreasonable absence from meetings of the directors.

3. The directors so appointed shall have * * * power * * * : * * * To employ a manager experienced in the management of street railways and electric plants or other like public utilities and fix his compensation and the other terms and conditions of employment * * * and to remove him at pleasure, subject * * * to the terms and conditions of his employment. * * * To advise and consult with the manager and other employees as to any matter pertaining to * * * maintenance, operation * * * or extension of such * * * utility * * *. To perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under chapter 86 of the statutes and which is not inconsistent with the provisions of this act and of the laws governing cities of the first class. * * *

No money shall be raised or authorized to be raised by said board of directors other than from revenues derived from the operation of *the utility*, * * * except by action of the * * * council. * * *

4. The manager appointed by the board of directors shall have complete management and control of * * * *the utility*, subject * * * to the powers herein conferred upon the board of directors and the * * * council * * * and shall have power to appoint assistants and all other employes which he deems necessary * * * and fix their compensation and other terms and conditions of employment, except that the board of directors may * * * prescribe rules for determining the fitness of persons for positions and employment.

5. The * * * council * * * shall fix the compensation, if any, of members of the board of directors and shall have the powers herein conferred upon it and such other powers as it now possesses with reference to street railways, electric plants and other public utilities.

SECTION 69. Section 926—11L of the statutes is withdrawn from the statutes.

SECTION 70. Sections 959x—1, 959x—4 and 959x—5 of the statutes are consolidated, renumbered to be paragraph (a) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) UTILITY DISTRICTS. (a) Villages and cities of the fourth class may establish utility districts and thereafter the expense of highways (not including bridges), sewers, sidewalks, street lighting, and water for fire protection, or either, as board or council shall direct, not chargeable to private property, shall be paid out of the fund of the proper district.

SECTION 71. Section 959x—2 of the statutes is renumbered to be paragraph (b) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) (b) The fund of each district shall be provided by taxation of the property in such district, upon an annual estimate by the department in charge of public works, filed by October first. Separate account shall be kept of each district fund.

SECTION 72. Section 959x—3 of the statutes down to the semicolon is renumbered to be paragraph (c) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) (c) A three-fourths vote of all the members

of the board or council shall be required to thus establish utility districts and by a like vote districts may be vacated, altered, or consolidated.

SECTION 73. That part of section 959x—3 of the statutes beginning with the semicolon is renumbered to be paragraph (d) of subsection (15) of section 66.06 and is revised to read:

(66.06) (15) (d) Before the vote shall be effective to establish, vacate, alter or consolidate, the procedure prescribed in subsections (2) to (5) of section 62.18 shall be had, both as to the plan and the purposes which the district shall embrace, except that the plan need be approved by the state board of health only as to sewers.

SECTION 74. Paragraph (e) of subsection (15) of section 66.06 of the statutes is created to read:

(66.06) (15) (e) The provisions of this subsection shall not affect the application of the provisions of subsection (18) of section 62.18 to any city.

SECTION 75. Section 959—52m of the statutes is renumbered to be subsection (16) of section 66.06, and amended to read:

(66.06) (16) ORNAMENTAL LIGHTING SYSTEM. * * * (a) Upon petition of the owners of one-half or more of the taxable frontage on any street or part thereof designated by * * * a city council * * * or village board * * * as an ornamental lighting district, praying for the installation and maintenance and lighting of an ornamental lighting system therein, the * * * council * * * or * * * board *may* * * * by ordinance, * * * *provide for* and may contract for the installation of ornamental posts, standards, or brackets along said street or part thereof and for the lighting and maintenance of the same for a period of not less than one nor more than five years; and may contract for such lighting and maintenance during additional one to five-year periods unless discontinued by the municipality on its own motion, or until discontinued upon a petition of the owners of one-half or more of the taxable frontage, concurred in by the municipality.

(b) * * * The words "frontage on any one block street or part thereof" means the frontage on both sides of any street, highway, or public place between two designated limits.

(c) * * * Such ordinance shall apportion the cost of such installation, lighting and maintenance between the municipality and the abutting owners, in such manner as the council or board

may determine, and may apportion separately the cost of installation, and the cost of maintenance and lighting.

(d) * * * Such cost apportioned to the abutting owners shall be assessed against the property and collected from such owners in the manner provided for the collection of street improvement assessments, and the contract may provide either that the cost apportioned to the abutting owners shall be paid by the municipality to the contractor in anticipation of the collection of assessments, in which case the assessments shall belong to the municipality when collected, or may provide that said assessments shall be collected by the municipality and paid to the contractor when collected, and in the latter case improvement certificates may be issued to the contractor for the amount of such assessments, for the installation when completed, in the manner of issuing certificates for street improvements.

(e) * * * The cost apportioned to the abutting owners shall be assessed to them, respectively, in the ratio of each property's assessed valuation on the street or part thereof covered by said petition.

(f) * * * The provisions hereof are applicable as to the lighting of streets, highways and public places by means of ornamental street lighting systems erected prior to the passage hereof, and to the maintenance of such systems.

(g) * * * Nothing in this section shall be construed to limit or repeal the provisions of sections 1797m—1 to 1797m—109, inclusive, or to limit the powers of the * * * council * * * or * * * board * * * to provide for the lighting of streets, highways, or public places by means of an ornamental system when the * * * council * * * or * * * board * * * may determine, on its own initiative, and without the petition of abutting lot owners, to contract for the erection and maintenance of such ornamental lighting system and the furnishing of electric current therefor. In all such cases, the council or * * * board * * * shall determine whether the entire cost * * * shall be borne by the * * * *municipality*, or whether the cost of installation shall be borne by the abutting property owners and the cost of maintenance and lighting * * * by the *municipality*. * * *

(h) The words "ornamental lighting system" as used herein shall mean lights of a uniform character supported by fixtures that are uniform and of such design as shall be adopted by the

* * * council or * * * board, * * * and installed at regular intervals not to exceed one hundred and twenty-five feet apart on both sides of any street, or extending over the same forming an arch calculated to be of greater benefit to the abutting property than the street lights suspended at street intersections in the method commonly used for general street lighting.

SECTION 76. Subsections (58) and (59) of section 925—52 of the statutes are consolidated, renumbered to be subsection (17) of section 66.06 and amended to read:

(66.06) (17) DOCKS AND WHARVES. * * * *Any city council may by ordinance* * * * establish dock lines, regulate the construction of piers and wharves extending into any lake or navigable waters, prescribe and control the prices to be charged for pierage or wharfage thereon, * * * prescribe and * * * *regulate* the prices to be charged for dockage and storage * * * in the city, *and* * * * lease the wharfing privileges of the rivers and navigable waters at the ends of streets, *giving preference to owners of adjoining land.* * * * No buildings shall be erected on the ends of streets, * * * and a free passage over the same for all persons, with their baggage, shall be reserved.
* * *

SECTION 77. Section 959—116 of the statutes is renumbered to be subsection (18) of section 66.06 and is revised to read:

(66.06) (18) ICE PLANTS. Any city may enter into any contract which will enable it to purchase, construct, lease, or acquire any equipment necessary to secure, manufacture, or sell ice, and to supply ice to itself, its inhabitants and persons doing business therein, or the county in which it is located, and may operate the same.

SECTION 78. Section 959—116a of the statutes is renumbered to be subsection (19) of section 66.06 and is revised to read:

(66.06) (19) FUEL DEPOTS. Any city may by a vote of three-fourths of all the members of the council establish and operate equipment for the purchase, sale and supply of fuel to its citizens, under regulation of the council.

SECTION 78a. Section 959—116e of the statutes is withdrawn from the statutes.

SECTION 79. Section 959—52x of the statutes is renumbered to be subsection (20) SLAUGHTERHOUSES of section 66.06 and is amended by changing the subsections "1", "2", "3", "4", and

“5” to be respectively paragraphs “(a)”, “(b)”, “(c)”, “(d)”, and “(e)”.

SECTION 80. Sections 938, 939, and 940 of the statutes are consolidated, renumbered subsections (1) to (5) of section 66.07 and revised to read:

66.07 MOB DAMAGE. (1) The county shall be liable for injury to person or property by a mob or riot therein, except that within cities the city shall be liable.

(2) Claim therefor must be filed within six months thereafter. Such claim may be allowed in whole or in part, as other claims, and procedure to enforce shall be as for other claims.

(3) The city or county may recover all such claims and costs paid by it, against any and all persons engaged in inflicting the injury.

(4) No person shall recover hereunder when the injury was occasioned or in any manner aided, sanctioned, or permitted by him or caused by his negligence, nor unless he shall have used all reasonable diligence to prevent the same, and shall have immediately notified the mayor or sheriff after being apprised of any threat of or attempt at such injury. Every mayor or sheriff receiving such notice shall take all legal means to prevent injury, and if he refuse or neglect to do so, the party injured may elect to hold such officer liable by bringing action against him within six months of the injury.

(5) This section shall not apply to property damage to houses of ill fame when the owner has notice that they are used as such.

SECTION 81. Section 959—7 of the statutes is renumbered to be section 66.08 and is amended to read:

66.08 RECORD OF ORDERS AND COURT CERTIFICATES. * * * The clerk of every town, village, city and county which is not provided with a book which will serve the purposes hereinafter indicated shall obtain and keep a cancellation book in which he shall enter the number and date of each order drawn upon the treasurer of his town, city, village or county, the page of the record of the proceedings of the body which authorized the issuing of such order, the amount thereof, the name of the drawee, the purpose for which it was allowed and the date of its cancellation. Such book shall be furnished by the clerk of each county to the town, city and village clerks therein; he shall prescribe the form and size thereof and procure the same at the expense of the county; upon their receipt he shall

transmit them to such clerks and charge their cost to the municipalities to which they are supplied. Immediately after the close of each term of court in any county the clerk of the court shall file with the county clerk a list of the court certificates drawn on the county treasurer, which list shall specify the number of each certificate, its date, the amount for which it was drawn, the name of the payee and the character of the service performed by him. Said list shall be recorded in a part of the cancellation book set apart for that purpose, which part shall contain a blank column in which shall be entered the date of the cancellation of each certificate. Whenever any town, village, city or county treasurer shall pay or receive in payment of taxes, or for any other purpose equivalent to the payment thereof, any * * * order or court certificate he shall return the same to the proper authorities at their first meeting thereafter, and such evidences of indebtedness shall be canceled by destroying them, and the date of their cancellation shall be immediately entered by the proper clerk in the cancellation book. * * * It shall be the duty of every such clerk on the receipt of such book to enter therein a list of all orders *and* court certificates * * * which remain outstanding and unpaid.

SECTION 82. Sections 60.65, 61.62, 929, 2965m, and 3038m of the statutes are consolidated and renumbered to be subsections (1) to (4) of section 66.09 and revised to read:

66.09 JUDGMENTS AGAINST MUNICIPALITIES. (1) When a final judgment for the payment of money shall be recovered against a town, village, city, county, school district or community centre, or against any officer thereof, in any action by or against him in his name of office, when the same should be paid by such municipality, the judgment creditor, or his assignee or attorney, may file with the clerk thereof a certified transcript of such judgment or of the docket thereof, together with his affidavit of payments made, if any and the amount due thereon and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed has been affirmed; and thereupon the amount so due, with costs and interest to the time when the money will be available for its payment, shall be added to the next tax levy, and shall, when received, be paid to satisfy such judgment. If the judgment shall be appealed from after filing the transcript with the clerk, and before the tax is collected, the money shall not be collected on

that levy. If the clerk shall fail to include the proper amount in the first tax levy, he shall include it or such portion as shall be required to complete it in the next levy.

(2) In the case of school districts or community centers, transcript and affidavit shall be filed with the clerk of the town, village or city in which the district or any part of it lies, and levy shall be made against the taxable property of the district or centre.

(3) No process for the collection of such judgment shall issue until after the time when the money, if collected upon the first tax levy as herein provided, would be available for payment, and then only by leave of court upon motion.

(4) If by reason of dissolution or other cause, pending action, or after judgment, the transcript cannot be filed with the clerk therein designated, it shall be filed with the clerk or clerks whose duty it is to make up the tax roll for the property liable.

SECTION 83. A new section is added to the statutes to be numbered 66.10 and to read:

66.10 OFFICIAL PUBLICATION. Whenever in sections 66.01 to 66.08, inclusive, publication is required to be in the official paper of other than a city, and there is no official paper, the publication shall be in a paper published in the municipality and designated by the officers or body conducting the proceedings, and if there be no paper published in the municipality, then in a paper published in the county and having a general circulation in the municipality and so designated, and by posting in at least four public places in the municipality, and if there be also no such paper, then by such posting.

SECTION 84 Section 959—39m of the statutes is renumbered to be subsection (1) of section 66.11 and is amended to read:

66.11 MISCELLANEOUS. (1) DEPUTY SHERIFFS AND POLICE. * * * No person shall be appointed * * * deputy sheriff * * * or * * * police officer of any county or * * * city unless he is a citizen of the United States and shall have resided in this state continuously for * * * one year immediately preceding. * * * This * * * section shall not * * * affect * * * common carriers, * * * nor apply to * * * a deputy * * * sheriff * * * not required * * * to take an oath of office.

SECTION 85. Section 960 of the statutes is renumbered to be subsection (2) of section 66.11 and is amended to read:

(66.11) (2) **ELIGIBILITY OF OTHER OFFICERS.** * * * No member of * * * a town, village, or county board, or city council shall, during the term for which he is elected, be * * * eligible for any office or position which *during such term* has been created by, or the * * * selection to which is vested in, such * * * board or council.

SECTION 86. Section 925—256 of the statutes is renumbered to be subsection (3) of section 66.11 and is revised to read:

(66.11) (3) **PROCESS AGAINST OFFICER.** No process against private property shall issue in an action or upon a judgment against a public corporation or an officer in his official capacity, when the liability, if any, is that of the corporation nor shall any person be liable as garnishee of such public corporation.

SECTION 87. Section 929—1 of the statutes is renumbered to be subsection (4) **ORDERS; ACTION; PROOF OF DEMAND** of section 66.11.

SECTION 88. Section 940a of the statutes is renumbered to be section 1414m.

SECTION 89. Section 937g of the statutes is renumbered to be section 27.115.

SECTION 90. Section 937c of the statutes is renumbered to be section 49.015 **SUSPENSION OF TAX.**

SECTION 91. Sections 959—53 to 959—58 of the statutes are renumbered respectively to be sections 1409a—5 to 1409a—12.

Subsection 1 of section 959—55 is amended by striking out the words and figures “sections 990—1 to 990—32 (chapter 16)” and by inserting in place thereof the word and figures “Chapter 16”.

Subsection 2 of section 959—55 is amended by striking out the figures and word “959—53 to 959—58” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

Subsection 3 of section 959—55 is amended by striking out the figures “959—53” and by inserting in place thereof the figures “1409a—5”.

Subsection 3 of section 959—55a is amended by striking out the figures and word “959—53 to 959—58” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

Subsections 1 and 2 of section 959—56 are amended by striking out the figures and word “959—53 to 959—56”, where they occur in said subsections and by inserting in place thereof the figures and word “1409a—5 to 1409a—10”.

Subsection 2 of section 959—58 is amended by striking out the figures and word “959—53 to 959—58,” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

SECTION 92. Sections 959—82, 959—83, 959—84 and 959—87 of the statutes are renumbered respectively to be sections 1441a, 1441b, 1441c, and 1441d.

SECTION 93. Sections 925—95d, 926—130, 926—131 and subsection 2 of section 927—1 of the statutes are repealed.

SECTION 94. Sections 927—19m and 943f—2 of the statutes are repealed.

SECTION 95. That part of the first sentence of subsection 1 of section 927—1, beginning with the word “and” in the fifth line and ending with the word “state” in the sixth line is transferred to chapter 32 of the statutes and is renumbered and revised to read:

(32.02) (8) Any Wisconsin corporation organized to furnish water or light to any city or village or the inhabitants thereof, for the construction and maintenance of its plant.

SECTION 96. Section 925—116m of the statutes is renumbered to be subsection (3) of section 48.05 and is revised to read:

(48.05) (3) The board of school directors in cities of the first class may provide transportation, to places set apart for their education, for children mentally or physically disabled, who are of school age and desire to attend school, and the board may provide school lunches for such children under such terms as it shall determine.

SECTION 97. This act shall take effect January 1, 1922.

Approved June 15, 1921.

No. 200, S.]

[Published June 24, 1921.

CHAPTER 397.

AN ACT to validate proceedings heretofore taken for the creation of towns under the provisions of section 60.06 of the statutes.

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

SECTION 1. Proceedings heretofore taken for the creation of any new town under the provisions of section 60.06 of the statutes, where the requirements of said section have been substantially complied with, except that the territory embraced in such