

CHAPTER 365

GENERAL PROVISIONS

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365.10 TOWN MEETINGS, POWERS.

The electors of each town have power, at their annual town meeting:

(1) To determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) To select such town officers as are to be chosen;

(3) To make such lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, and provide for impounding such animals so going at large;

(4) To fix penalties for violations of any order or bylaw made by such town, except such as relate to the keeping and maintaining of fences;

(5) To vote money for the repair and construction of roads and bridges, and determine the amount thereof to be assessed as labor tax, and to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

(6) When they deem it for the interest of the town to direct that a specified amount of the poll and road tax be expended, under the direction of their town board, on the roads of an adjoining town;

(7) To authorize the town board to sell and convey or lease any real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose;

(8) To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine, by ballot, the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

(9) To authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

(10) To authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;

(11) To vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations.

(12) To vote a tax to purchase and maintain a public dumping ground.

(13) To authorize the town board, by resolution, to determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause, nor shall the provisions of this clause apply to cartways.

History: 1981 c 77 s 2

365.12 PLACES FOR POSTING LEGAL NOTICES.

The voters at each annual town meeting shall designate one or more places in the town as public places at which legal notices shall be posted, and provide facilities for posting notices at such places; provided, that in any town in which there is located within the geographical limits a city, one or more such notices may be posted in such city. The voters may waive the posted notice requirements of any law but shall then instead provide for notice to be published once each week for two successive weeks in a newspaper of general circulation in the town.

History: 1981 c 5 s 1

365.26 CEMETERIES.

When authorized by a vote of its electors any town may acquire by purchase, gift or condemnation land or additional lands within its limits to be used as a cemetery. The town board may expend town funds for the care, maintenance and operation of its cemetery. The town board may determine those eligible for burial in the cemetery and establish other policies for the cemetery. The town board shall have control and management of every such cemetery, and may lay the same out into lots, streets, and walks, and cause plats and maps thereof to be made and filed in the office of the town clerk. If any such cemetery becomes separated from the town by being included in a statutory city thereafter organized from its territory, it may be sold and conveyed by the town board to such statutory city. When authorized by a vote of its electors at a town meeting the town may sell or lease any part of such cemetery to a charitable, religious, or cemetery corporation upon the terms and conditions expressed in such authorization, but the part so sold or leased shall continue to be used for burial purposes. Upon receipt of a resolution of the town board requesting financial aid for maintenance of a town cemetery, the statutory city council of any statutory city located within the boundaries of such town may, in its discretion, appropriate from moneys not required for other purposes and pay to the town for maintenance of such town cemetery a sum not to exceed \$500 per annum, provided that burial of the dead of the statutory city is permitted in such cemetery, and the town board is authorized to grant such permission on such terms and with such limitations as it shall from time to time prescribe.

History: 1981 c 26 s 1

365.27 SALE OF LOTS; PROCEEDS.

Lots of such cemetery may be sold by the town board only for the burial of those permitted by the board and, upon sale, shall be conveyed in like manner as its other real estate. Proceeds of all sales shall be paid into the town treasury, and shall constitute a fund to be used only in maintaining, improving, and ornamenting such cemetery.

History: 1981 c 26 s 2

365.51 ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.

There shall be an annual town meeting held in each town on the second Tuesday of March at the place designated by the annual town meeting, and if no designation is so made then at the place designated by the town board. In the event of inclement weather the meeting shall be held on another March day designated by the board. The clerk shall give ten days' published notice specifying time and place in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the

annual town meeting direct otherwise. All town officers required by law to be elected shall be chosen thereat, and other business done as is by law required or permitted. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

History: 1981 c 29 art 7 s 32

365.52 SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.

A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, town clerk, and justices of the peace, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such meeting and the particular business to be transacted thereat and that the interests of the town require that such meeting be held. A town meeting may also be called upon a petition of 20 percent of the eligible voters of the town, based upon the number of voters at the last general election. The town board may, with respect to an election by ballot at a special town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. The precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

History: 1981 c 29 art 7 s 33