

1946

REVISED CHARTER  
OF THE  
CITY OF JACKSON  
MINNESOTA

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CHAPTER I.

NAME, POWERS, BOUNDARIES AND SUCCESSION.

NAME AND POWERS.

Section 1. All that part of the County of Jackson, in the State of Minnesota, described in the next section, shall be and remain a city, and the people now inhabiting or who shall inhabit said territory shall form and constitute a municipal corporation under the name and style of "City of Jackson", and by such name shall have perpetual succession, sue and be sued, complain and defend, plead and be impleaded in any court or tribunal; make and use a common seal, and alter it at pleasure; take, hold, purchase, lease and convey any and all such real, personal and mixed property, within or without the corporate limits of said city, as its purposes may require, or the transaction or the exigencies of its business may render convenient; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, all powers that may be granted to it under the general laws of the State of Minnesota, or by its charter.

CITY BOUNDARIES.

Section 2. All the land and territory in the County of Jackson, in the State of Minnesota, included within the following described boundaries and limits shall constitute the said City of Jackson, to-wit:

The whole of Section Twenty-four (24), the East one half of Section Twenty-three (23), the North-east Quarter of Section Twenty-six (26), and the North half of Section Twenty-five (25), all in Township Number One Hundred Two (102), North, Range Number Thirty-five (35), West of the Fifth Principal Meridian; and also the following described tract or parcel of land in Section Number Nineteen (19), Township Number One Hundred Two (102) North, Range Number Thirty Four (34), West of the Fifth Principal Meridian, to-wit: commencing at a point on the west side of said Section Number Nineteen (19) 575 feet south of the northwest corner thereof, thence running north 82 degrees and one minute east 1300 feet along the south side of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad, thence north 87 degrees and 23 minutes east 285 feet along the south side

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of said right of way, thence south 300 feet to the northeast corner of the Fair Grounds, a tract of land heretofore conveyed to the Jackson County Fair Association, thence west 291.25 feet along the north line of said fair grounds, thence south 83 degrees and 41 minutes west 735 feet along the north line of said fair grounds, thence south 55 degrees and 30 minutes west 327 feet along the north line of said fair grounds, thence west 280 feet along the north line of said fair grounds to a point on the west side of said Section Number Nineteen (19), thence north 374.2 feet to the place of commencement.

#### WARD BOUNDARIES.

Section 3. The City of Jackson is hereby divided into three wards, bounded and described as follows:

First Ward. The first ward of the City of Jackson shall include all that portion of the city lying east of the Des Moines River, except that portion of the city lying in the Northwest Quarter of Section Number Twenty-five (25).

Second Ward. The second ward of the City of Jackson shall include all that portion of the city lying west of the Des Moines River and north of a line extending from the Des Moines River west along the center line of Ashley Street to its intersection with the center line of Fifth Street, thence south along the center line of Fifth Street to its intersection with the center line of White Street, thence west along the center line of White Street and White Street extended to the west boundary of the city.

Third Ward. The third ward of the City of Jackson shall include all that portion of the city lying west of the Des Moines River and south of a line extending from the Des Moines River west along the center line of Ashley Street to its intersection with the center line of Fifth Street, thence south along the center line of Fifth Street to its intersection with the center line of White Street, thence west along the center line of White Street and White Street extended to the western boundary of the City; and also that portion of the Northwest Quarter of Section Number Twenty-five, in Township Number One Hundred Two (102), North, Range Thirty Five (35) West of the Fifth Principal Meridian, lying west of the Des Moines River.

Provided that, after the organization of the City of Jackson under this charter, the city council may from time to time, by a vote of two thirds of the members thereof, by resolution or ordinance, make such re-division of the city into wards as may be required by the public interests, but no ward shall be created that shall contain fewer than two hundred legal voters; and provided further, that, when for two successive elections the number of votes cast in a ward shall exceed four hundred, then said council shall sub-divide such ward into election precincts, or make subdivision of said city into wards in such a manner that each ward will contain not more than four hundred legal voters. It shall be the duty of the council, in making such re-division, to provide for an equal population, as near as may be, in each ward.

#### SUCCESSION.

Section 4. When this charter takes effect, and thereafter, it shall replace and supersede the former charter of the City of Jackson

and all its provisions, and the City of Jackson shall continue to be and shall remain the legal successor of the Village of Jackson, under its former charter, and of the City of Jackson, under its former charter, and shall be vested with all the franchises, rights and immunities formerly vested in said Village and in said City under its former charter, except as herein otherwise provided. All property and property rights and interests, of every kind and nature, formerly vested in said Village and in said city under its former charter, shall, when this charter takes effect, be and remain vested in and possessed by, the City of Jackson, under this revised charter, and all previously existing indebtedness, obligations and liabilities of the City of Jackson, under its former charter, shall, together with all interest accrued or to accrue thereon, be assumed and paid by the City of Jackson under this charter.

## CHAPTER II

### ELECTION AND GENERAL PROVISIONS-OFFICERS

#### ELECTIVE.

Section 5. Except as otherwise provided in this charter there shall be elected in the City of Jackson, a Mayor, a Treasurer, one member of the Council from each ward, and two members of the Council from the city at large, who shall be known as Aldermen, and two Justices of the Peace, from the City at Large, and said officers shall be known as the elective officers of said City. All officers elected at the annual city election in the year 1946 under the former charter shall hold and continue in their respective offices for the terms for which they shall have been so elected and shall be and become officers of the city under the provisions of this charter.

#### APPOINTIVE.

Section 6. The appointive officers of said city shall be an Attorney, Clerk, Assessor, Engineer, Members of the Board of Health, Members of the Park Board, and members of the Library Board. Said officers shall be appointed by the Council, by ballot, and it shall require the affirmative vote of a majority of all the members of the Council to appoint such Officers.

#### TERM OF OFFICE.

Section 7. The term of office of all elective officers shall be two years. The term of office of all appointive officers shall be one year, except as herein otherwise provided. All terms of office under this charter shall begin on the second Tuesday of April of the appropriate year, except as otherwise provided in this charter.

All officers, whether elected or appointed, shall continue in office until their successors are elected or appointed and qualified and in case an officer is elected or appointed to fill an unexpired term, such term shall expire at the same time that the term of the original incumbent would expire.

#### TIME OF ELECTIONS.

Section 8. The regular election shall be held annually on the first Tuesday in April, at which election, except as otherwise provided in this charter, in odd numbered years there shall be elected a Mayor, a Justice of the Peace, and two Aldermen, all from the city at large, for the term of two years, and at elections held in even numbered years there shall be elected a Treasurer, <sup>and</sup> a Justice of the Peace, all from the City at large, and one Alderman from each ward, all for the term of two years.

#### ELECTION LAWS.

Section 9. All general laws of the State of Minnesota, relating to elections and the preliminaries thereof, shall, so far as applicable, apply to and govern all elections under this Charter, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The returns shall be made to the clerk and within three days after any election under this Charter, the council shall meet and canvass the returns thereof and declare the result, as appears from such returns, and the clerk shall forthwith give notice, in writing, to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an

election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the Council, at such time and place, and in such manner as it may direct.

#### RESIGNATION AND ABANDONMENT.

Section 10. An elective or appointive officer provided for by this Charter, having entered upon the duties of his office, may resign the same by and with the consent of the council. Any elective or appointive officer, changing his residence from the city, or any alderman from the ward from which he was elected or appointed, and any officer who shall refuse, or without cause neglect, to enter upon the discharge of the duties of his office for ten days after his election or appointment, shall be deemed to have vacated and abandoned such office except as otherwise provided in Section 17.

#### REMOVALS

##### BY COUNCIL.

Section 11. Any elective or appointive officer, provided for by this Charter, may be removed from his office by the affirmative vote of four-fifths of all the members of the council; but no such officer shall be removed except for cause, nor unless he has first been furnished with a copy of the charges against him and has had reasonable opportunity to be heard in person or by counsel, in his own defense. The Council shall have the power to fix the time and place for trial of such officer, who shall be given at least ten days notice thereof, to arrange the mode of trial, to compel attendance of witnesses and the production of papers, to administer oaths and to hear the proofs and arguments.

If such officer shall neglect, after due notice, to make answer to such charges, the same shall be cause for removal without further notice. When any such hearing is ended, the council shall forthwith proceed to vote viva voce on roll call, upon a motion declaring such officer removed. Among such causes, shall be continued absence by Alderman, without leave, from three consecutive regular meetings of said council, or by any member of a board from three consecutive meetings of such board, or neglect of duty by any officer.

##### BY COURT.

Whenever twenty-five or more freeholders of the City of Jackson, shall file in the District Court of Jackson County, a verified complaint, charging that any elective or appointive officer of the city has been guilty of a misdemeanor or malfeasance in office, or has committed any act which is cause for removal from office, under this Charter, and setting forth the facts upon which such charges are based, any one of the judges of said court, upon presentation of such complaint to him, may issue and order returnable before him or said district court, requiring the officer complained of to appear and answer said complaint and show cause why he should not be removed from his office. Upon the return of such order, said court, or a judge thereof, shall prescribe the course of pleading, the time of trial and the manner of procedure therein, and after hearing the said cause, said court shall remove such officer from office and shall declare his office vacant, if it shall appear at the trial that said officer has been guilty of the misdemeanor or malfeasance in office specified in the complaint.

#### QUALIFICATIONS.

Section 12. No person shall be eligible to any office under this Charter who has ever been convicted of any felony, or who is not, at the time of filing his nomination certificate or at the time of his appointment to such office, a qualified elector of the City of Jackson, and able to read and write the English language understandingly.

#### CONTRACTS PROHIBITED.

Section 13. No officer or employee of the city shall vote for or make any contract in behalf of said city or any department thereof, with himself, or with any firm of which he is a member, nor shall he be in any manner, directly or indirectly, interested in any contract with the city; and any contract in which any officer or employee of the city is, or becomes, directly or indirectly, interested, shall be and become absolutely void, and any such officer, by the fact of such vote shall forfeit his office; and any money which shall be paid on such contract by the city may be recovered back from any or all the persons interested therein, by a joint or separate action; provided, that this section shall not be construed to apply to a contract for the deposit of the funds of the city. Nothing in this section nor in this charter shall be construed to or shall prohibit or make it unlawful for an appointive officer to serve in more than one <sup>such</sup> office nor an employee in more than one employment, nor for one person, other than a member of the council, to hold an elective and/or appointive office and/or to be otherwise employed by the city at the same time.

#### VACANCIES.

Section 14. Whenever a vacancy shall occur in any of the elective or appointive offices, provided for by this Charter, by reason of death, resignation, change of residence, refusal or neglect to enter upon the discharge of his office, or to qualify therefor, or any other cause, such vacancy shall be filled for the unexpired term by appointment of the Council.

#### POWERS.

Section 15. From and after the time this Charter shall go into effect the various officers of the City of Jackson, whether then in office or subsequently elected or appointed, shall be vested with such powers and functions, and with such powers and functions only, as shall be specified in this charter as to their respective offices, but this section shall not be construed to extend the term of office of any officer elected or appointed prior to the adoption of this Charter.

#### REPORTS, TRANSFERS OF PROPERTY.

Section 16. Every elective and appointive officer, except members of the council and all boards provided for in this Charter, shall annually, on or before the first day in May, make and transmit to the Council full and detailed reports, properly verified by affidavit, of the business of such office or department for the last fiscal year, together with a full and true inventory of all money, property, and other effects of the city in the possession of such officer or board or under his or its control. Such officers and board shall likewise make to the common council similar reports, and exhibit

all their books of account, papers and other records kept by them, whenever requested by the council so to do. Every elective and appointive officer and board and member thereof, provided for by this Charter, shall at the expiration of his term of office, in whatsoever way terminated, turn over to the city or his successors in office, all the books, papers, files, records, money and other property and things whatsoever, pertaining to his office, which may be in his possession or under his control.

#### OWEN OF OFFICE.

Section 17. Every person elected or appointed to any office under this Charter shall, within ten days thereafter and before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the Clerk. In case of illness or absence from the City of any such person at the time of such election or appointment the council shall, upon request, extend such period an additional 20 days, within which extended period such officer shall enter upon the duties of his office.

#### SALARIES.

Section 18. In all cases where the salaries of officers are fixed by the Council, they shall be fixed by resolution at the first regular meeting of the new council in April of each year, or at an adjournment thereof, for the succeeding year, except that the salary of the assessor shall be set at the time of his appointment.

## CHAPTER III.

### RECALL OF ELECTIVE OFFICERS

#### RECALL, METHOD PRESCRIBED.

Section 19. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent in the following manner. In case of the recall of any officer elected at large, a petition signed by such electors equal in number to at least thirty-five per centum of the entire vote cast in all the wards for all candidates for the office of Mayor at the last preceding regular municipal election, and in case of any officer elected from any ward, a petition signed by such electors equal in number to at least thirty-five per centum of the entire vote cast for all candidates for the office of mayor at the last preceding regular municipal election in such ward, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence. One of the signers of each such paper shall make an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be. Within ten days after date of filing such petition, the City Clerk shall ascertain from the voters register whether or not said petition is signed by the requisite number of qualified electors, and if necessary the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City Clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect; if the petition is deemed sufficient, the Clerk shall submit the same to the council without delay, and thereupon the council shall order the same filed. If the officer sought to be removed does not resign within five days after the filing of said petition, the council shall fix a date for holding said election not less than thirty-five days, nor more than forty-five days from the date of the City Clerk's certificate, that a sufficient petition is filed.

#### CAUSE OF RECALL, OFFICERS JUSTIFICATION.

Section 20. In the call for the election there shall be stated in not more than two hundred words, the reason for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred words, the officer may justify his course in office.

#### CANDIDATES ELECTION.

Section 21. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, returns be made, and the results thereof declared, in all respects as in other city elections. The successor of any officer so removed



shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the City Clerk shall place his name on the city caucus, or official ticket or ballot, whichever the case may be without nomination. At such election, if such other person than the incumbent, receives the highest number of votes the incumbent shall thereupon be deemed removed from office, upon qualification of his successor, but if incumbent received the highest number of votes, he shall continue in office.

NO RECALL PETITION FOR FIRST THREE MONTHS.

Section 22. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

## CHAPTER IV.

### OFFICERS, - THEIR POWERS AND DUTIES - MAYOR

#### POWERS AND DUTIES.

Section 23. The Mayor shall be a member of the council and preside over its meetings, but shall have no vote, except in the case of a tie, when he shall have the power to cast the deciding vote. He shall not serve on any committee of the council, except upon an unanimous vote of the entire council. He shall be the chief executive officer of the city and shall have command and control of its police force. He shall cause the laws of this State, the provisions of this Charter and ordinances of the city to be duly observed and enforced within the city, and all other officers of the city to discharge their respective duties; and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall from time to time, give the council such information and recommend such measures as he shall deem advantageous to the city. He shall sign all warrants and all orders drawn on the Treasurer and all bonds, obligations and contracts on behalf of the city, except as may be otherwise provided for herein. He shall, upon service of notice, summons or process upon him, in any action or proceeding against the city, forthwith inform the council thereof.

#### VETO POWER.

Section 24. Every ordinance or resolution of the council shall, before it takes effect, be presented to the mayor for approval; if he shall approve it, he shall sign the same, but if he shall disapprove it, he shall return it to the council with his objections thereto, by depositing the same with the clerk, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered and the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if, upon such submission, the council shall pass the same by a two-thirds vote of all its members, it shall have the same effect as if approved by the Mayor, and the vote shall be yeas and nays and it shall be entered by the clerk. If an ordinance or resolution shall not be deposited with the clerk by the Mayor within five days after it shall have been presented to him, the same shall have the same effect as if approved by him.

#### ACTING MAYOR.

Section 25. At the annual meeting of the Council in each year, it shall proceed to elect by ballot from its number, an acting mayor, who shall preside over the meetings of the council during the absence of the Mayor from the city, or his inability from any cause to discharge the duties of the office, and who shall exercise all the powers and discharge all the duties of the Mayor, and acts performed by him, when acting as Mayor as aforesaid, shall have the same force and validity as if performed by the Mayor.

He shall have the right to vote in the council, but shall not cast the deciding vote in the event of a tie. Such acting mayor shall continue to discharge the duties herein assigned to him, until the Mayor returns to his duties and actually resumes the duties of his office; and in case of vacancy in the office of the Mayor from any cause, the acting mayor shall continue in the office of the Mayor until the successor of the Mayor is elected or appointed and qualified.

## CLERK

### DUTIES.

Section 26. The clerk shall keep the corporate seal of the city, and all papers and records thereof, except as herein otherwise provided; attend all meetings of the Council and keep a record of all proceedings thereof. He shall draw and sign all orders on the Treasurer as directed by the Council, and he shall keep a full and accurate account of all orders so drawn by him, in books provided for that purpose, and said books shall show to whom and for what purpose said orders were drawn. He shall countersign all warrants, attest the signatures of the Mayor to all contracts and affix the seal of the City thereto and deliver the same to the proper officer or party. He shall keep regular books of account which shall, at all times, show the precise financial condition of the City, a record of all bonds, orders, warrants or other evidence of indebtedness issued, a record of all orders, bonds, warrants, or other evidence of indebtedness which have been redeemed and the amount of each outstanding.

Said books shall contain separate accounts with the different City Officers and the various funds of the City, and the amount, date and the purpose of each appropriation made by the Council and all payments made on account of same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the Mayor, and the time when the same was returned to him by the Mayor. He shall, upon request, furnish certified copies of papers and records in his possession, and when so certified by him under the corporate seal of the City, they shall be received in evidence in the courts, the same as if the originals thereof were produced by said Clerk of such court, and he shall collect for such services such fees as are allowed to the clerks of the District Courts of Minnesota for similar services. He shall file all official and other bonds running to the City of Jackson, excepting only the bonds of the Clerk and Treasurer, which shall be filed in the office of the Clerk of the District Court of Jackson County.

### OFFICIAL POWERS.

Section 27. The clerk shall have the power to administer oaths and affirmations and take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall have the power to appoint, subject to the approval of the Council, a deputy clerk, who shall hold his office at the pleasure of the Council and who shall have authority, under the direction of the clerk, to perform all the duties of that office and whose salary shall be paid by the City.

### FEES.

Section 28. All fees paid to the Clerk for filing and recording papers and other services, by the public at large, shall be turned over by him to the City Treasurer and placed in the General Fund.

He shall keep an accurate account of all fees received by him and report to the Council monthly the amount thereof.

### BOND.

Section 29. Before entering upon his duties, the Clerk, and deputy Clerk, if any, shall execute and deliver to the City a surety bond, in such sum as the Council may direct.

## TREASURER

### DUTIES OF TREASURER.

Section 30. The Treasurer shall receive and safely keep all moneys belonging to or accruing to the City, including license money and fees, and shall keep accurate and detailed account thereof, and he shall be entitled to and shall demand and receive of the Treasurer of Jackson County, at the time specified by law, all moneys due the City for Taxes and assessments, including interest and penalties thereon, on account of all levies and assessments made by the City Council or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness or other securities, held by the City, or in the sinking fund of said City. Upon receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the City, to the order of the Treasurer, in such depositories as shall have been designated by the Council therefor.

### CITY DEPOSITORIES.

Section 31. Depositories for city funds shall be designated as provided by the laws of the State of Minnesota and such depositories and deposits of such funds shall be governed thereby.

### WHEN TO PAY OUT MONEY.

Section 32. The treasurer shall pay no money out of the treasury except upon an order or warrant properly drawn and countersigned, which has been first authorized by the council and which shall specify the purpose for which it is drawn and the person to whom it is payable; when the treasurer finds that said order or warrant satisfies such requirements, he shall sign the same and designate thereon the bank upon which the same shall be payable, and thereupon it shall be payable from city funds in such bank in the same manner and with the same effect as though a check on said funds. Upon the return of such orders or warrants, the treasurer shall cancel the same and they shall not be again issued, and shall monthly return the same to the clerk, separated according to the funds upon which drawn, along with his monthly report.

In case such orders or warrants were issued for payment of bonds of the city, or interest coupons thereon, then such bonds shall also be cancelled by the treasurer and returned to the clerk therewith.

### MONTHLY STATEMENT.

Section 33. The Treasurer shall, on the first of each month make a statement to the Council of the amount by him received and disbursed on account of each fund and a statement of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the City's funds and where placed and deposited.

He shall, whenever notified so to do by the Council, withdraw all funds from any depository so designated, as hereinbefore provided, and notify the Council thereof, and shall deposit no more therein until

authorized so to do by the Council; and such funds when so withdrawn, shall be re-deposited by him in the depository of the City, to be designated by the Council.

#### MISUSE OF CITY MONEY.

Section 34. No funds of the City shall be loaned by the Treasurer to any officer of the City or any other person, or otherwise disposed of, except in accordance with law. Any violation of any provisions of this section shall, unless otherwise punishable by the criminal laws of the State, be punished by a fine in the sum not exceeding one thousand dollars, or by imprisonment in the county jail of Jackson County, not exceeding one year; the Treasurer is prohibited from paying any warrant which upon its face, shows that it is drawn in violation of this Charter or of the laws of the State, and in case of any such payment, the Treasurer and the sureties upon his bond shall be liable to the City for the amount of such warrant.

#### BOND OF TREASURER.

Section 35. Before entering upon the duties of his office the Treasurer shall give a bond to the City in such sum as the Council may direct, for the faithful performance of the duties of his office.

#### AUDITS

##### EXAMINATIONS AND REPORTS.

Section 36. The council shall at the close of each fiscal year cause the books and accounts of the city and all its departments for the preceding fiscal year to be audited by a certified public accountant and a report thereof filed in the office of the city clerk. The council may, in its discretion, cause such general audits, or other special audits, to be made by a certified public accountant at such times and for such periods as it may determine. All reports shall be subject to examination at all reasonable times by any interested resident of the city.

#### ATTORNEY.

##### QUALIFICATIONS.

Section 37. No person shall be appointed to the office of Attorney, unless he be, at the time of appointment, duly admitted to practice law in this state.

He shall be the legal advisor of the City and of all the Boards and Departments thereof, and shall perform all services incident to that office; he shall appear in and conduct all civil suits, prosecutions and proceedings in which the City or any Board or Department thereof shall be directly or indirectly interested and when necessary shall take charge of and conduct all prosecutions for the violation of all Ordinances or Resolutions of the City and of any Board or Department thereof, and for the violation of any of the provisions of this Charter.

### OPINIONS.

Section 38. He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council, or any committee thereof, or by the Mayor or any board of the city, in respect to their official duties or municipal affairs; he shall personally attend all meetings of the council and when requested so to do, all meetings of said committees and boards; he shall notify the council in writing of the result of all actions to which the city is a party or in which it is interested; he shall keep a register of files of all actions, suits and proceedings under his charge, in which the city is interested and safely keep copies of all briefs used in cases wherein he appears for the city, and copies of all official communications and opinions given by him to any officer, department or board; he shall deliver all property of whatever description in his possession or under his control, belonging to the city or to the office, to his successor in office, who shall give duplicate receipts therefor, one of which he shall file with the clerk; he shall prepare all contracts and bonds, and other instruments of writing, in which the city or any department thereof shall be concerned.

### SUITS AGAINST EMPLOYEES.

Section 39. He shall, when directed so to do by the council, appear and conduct the defense in any action, prosecution or proceeding against any officer or employee of the city, or any board or department thereof, on account of any act done by such officer, board or department, while engaged in the performance of official duties.

### INABILITY TO ACT.

Section 40. In case of sickness or inability to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

### ASSESSOR.

#### DUTIES.

Section 41. The Assessor and his deputies, hereinafter mentioned, shall qualify in the manner and form prescribed by the general laws, and shall perform all the duties required by the general law of the State of Minnesota, and have the powers, rights, and privileges allowed by the same respecting the listing of property for taxation, and notices may be signed and given and other acts, relating to the duties of such office, done by any such deputy assessor in the name of the Assessor.

#### APPOINTMENT, DEPUTIES.

Section 42. The Assessor must be a resident and qualified voter of the city. He shall, with the consent of the Council appoint such deputies as may be required to enable him to properly perform the duties of his office, and may discharge such deputies at will. He shall present the names of such deputies to the Council for its approval. He shall be appointed by the Council at the first regular meeting in December for a term of one year to begin on the first Monday of January following his appointment.

#### BOARD OF EQUALIZATION.

Section 43. The Clerk and one member of the Council from each Ward appointed by it for that purpose shall constitute the Board of Equalization. The members thereof shall be sworn according to law as such, and shall meet at the Council Chambers on the fourth Monday in June, at ten o'clock in the forenoon, and from day to day thereafter by adjournment until the work is completed. Said board shall elect one of its members chairman, and the clerk shall keep a record of its proceedings and perform such other duties as may be herein provided.

Every person aggrieved by any assessment or the re-adjustment of any assessment as returned by the Assessor, shall have the right to appear before such board and present his grievance for its consideration.

Such Board of Equalization shall be vested with all the powers which are or may be vested in the County Board of Equalization under the general laws of the State so far as applicable, but shall not be restricted by any limitations in respect to reducing or increasing aggregate sums of real and personal property as returned by said Assessor. The Assessor shall attend the sessions and hearings of said Board and give information when desired. When the assessment roll shall have been revised by the Board of Equalization, it shall be returned to the City Council, who may confirm the same or return the same to the Board for further revision, to be again reported to the City Council. When the City Council shall have confirmed the assessments, the Clerk shall include therein a memorandum of such confirmation and such rolls shall be returned to the County Auditor as other assessment rolls. In case said Council shall neglect to take final action on or before the third Monday in July in every year, it shall be the duty of the City Clerk to return them to the Auditor with a certificate of the fact, and in such case, the assessment rolls, as revised or equalized by said Board shall have the same validity as if confirmed by the Council.

#### BOARD OF EQUALIZATION - COMPENSATION.

Section 44. Each member of the Board of Equalization, except the Clerk, shall be paid out of the City Treasury the sum of three dollars for every day of actual service upon said board, or such amount as provided by the general laws of the State of Minnesota.

#### BOND.

Section 45. The Assessor shall, before entering upon his duties execute to the City a bond with sufficient sureties in the penal sum of one thousand dollars.

#### ENGINEER.

#### APPOINTMENT, DEPUTIES.

Section 46. The Council may, when necessary, and occasion requires, appoint a civil engineer of at least two years' practical experience as such, who shall hold his office at the pleasure of the Council, and receive such compensation for his services as may be determined by said Council. He shall have the supervision and general



charge of all the work done for the City and all work done on any street, highway, or alley in the City; he shall, under the direction of the Council, establish all official lines, elevations, and grades; he shall keep a full official record of the work done in his office or under his supervision; he shall direct the manner of performing all engineering work of the City and the manner of construction of all sidewalks, street crossings, bridges, pavements, sewers, or other structures in or upon any street or public ground; he may suspend such work when the construction thereof shall not conform to contract, and he shall take care that the terms of all contracts for any work or construction on behalf of the City are fully complied with.

#### SURVEYS, BONDS.

Section 47. All surveys, profiles, plans and estimates made by him or his assistants for said City and his official records shall be the property of said City, and shall be carefully indexed and preserved in the office of the Clerk and be public records of the City. He shall possess the same power in the City in making surveys, plats, and certificates, as is or may from time to time be given by general law to county surveyors, and his official notes and all plats, surveys and certificates made by him, shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

Before entering upon the discharge of his duties, the engineer shall execute to the City his bond with sufficient sureties in such sum as the Council may direct.

#### JUSTICE OF THE PEACE.

#### POWERS, DUTIES.

Section 48. The Justices of the Peace of the City shall enter into the discharge of their duties on the second Tuesday of April after their election, and they shall have and possess all the authority, powers, right and jurisdiction that Justice of the Peace have or hereafter may possess, who are elected under the general laws of the State of Minnesota, and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try, and determine all complaints for the violation of any provisions of this Charter, and of any Ordinance, Resolution, By-Law, rule or regulation made or adopted under or by virtue thereof; and of all cases cognizable by a Justice of the Peace, in which the City is a party, and of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture, or any penalty under any Ordinance, Resolution, By-Law, or regulation of this City, or its Charter.

In all prosecutions for any violation of the provisions of this Charter, or any Ordinance, Resolution, By-Law, or regulation adopted under or by virtue hereof, said Justices of the Peace may without aid of a jury, in a summary manner, proceed to the trial and determination thereof. In all proceedings before Justices of the Peace authorized by this Charter, and in all civil proceedings before such Justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had and used in criminal and civil actions by the general laws of the State before Justices of the Peace; and appeals from the judgment and decisions of said Justices of the Peace of the City, shall be allowed and taken, in all respects as provided by law for appeals from Justices of the Peace under State Laws.

#### SECURITY FOR GOOD BEHAVIOR.

Section 49. In all cases of conviction, either under the State law or Ordinance of the City, for assault, battery, or affray, breach of the peace, disorderly conduct, keeping or frequenting houses of ill fame, and keeping or maintaining disorderly or ill governed houses, said Justices of the Peace shall have power, in addition to the fine or penalty imposed, to compel the offender to give security, in a sum not exceeding five hundred dollars, for their good behavior and to keep the peace, for a period not exceeding six months.

#### DISPOSITION OF FINES.

Section 50. All fines and penalties, imposed by the Justices of the Peace of this city for violations of the provisions of this charter, and of all ordinances, resolutions, By-Laws, rules or regulations of the city, shall belong to and be turned into the Treasury of the City.

#### REPORTS, FEES.

Section 51. The Justices of the Peace shall monthly report to the Council all proceedings instituted and shall, at the same time, account for and pay over to the Treasurer all fines collected or received by them belonging to the City, and said Justices of the Peace shall be entitled to receive, from the County of Jackson, such fees in criminal cases when the State is a party, as are allowed by the statute to other Justices of the Peace for similar services, and they shall be entitled to receive from the City of Jackson, such fees in cases where the City is a party as Justices of the Peace are entitled by law to tax up and receive from said County in similar cases, except in cases where such fees are collected from the defendant by said Justices.

#### MUNICIPAL COURT

Section 52. Upon the establishment of a Municipal Court in and for the City of Jackson and the election or appointment and qualification of a judge thereof, Justice of the Peace Courts shall be abolished and sections 48, 49, 50 and 51 shall become and thereafter remain void and of no force or effect; and no justices of the peace shall be thereafter elected or appointed and those then in office shall thereupon be deprived of all jurisdiction and powers of such office.

#### POUNDMASTER.

Section 53. The mayor may appoint, by and with the consent of the Council, a Poundmaster, who shall hold his office for one year. He shall have such powers, perform such duties, and receive such compensation as may be prescribed by the Council.

#### PARK COMMISSIONERS.

#### APPOINTMENT, POWERS, DUTIES

Section 54. The Council shall appoint three qualified electors of said City to act as Park Commissioners, who shall have such powers and

perform such duties as the Council may direct. Their term of office shall be two years.

#### OFFICIAL PRINTING

Section 55. The council shall at the annual meeting, or within thirty days thereafter, let the contract for publishing the ordinances and resolutions of the council and other public notices required by law to some newspaper in the city possessing the qualifications of a legal newspaper under the laws of the State of Minnesota, and such contract shall be let to the lowest responsible bidder, the council reserving the right to reject any and all bids. The newspaper awarded such contract shall be designated the official paper. If all the proposals received by the council for such printing shall fix a price in excess of the maximum herein stated, or if no proposals shall be received, the council may adopt such other mode of publication as it may deem best. If there be only one newspaper in the city possessing such qualifications, the council may proceed by resolution to designate it as the official newspaper without advertising for bids, and may contract with it for such publications. In no event, however, shall the contract price or the amount paid for such publications exceed the amount allowed by the general laws of this state for legal advertising.

CHAPTER V.  
COUNCIL POWERS, DUTIES.

GENERAL POWERS, ELIGIBILITY.

Section 56. The legislative power of the City shall be vested in a Council, which shall be composed of the Mayor and Aldermen.

No person shall be a member of the Council who is not a qualified elector of the City. Except as in this Charter otherwise provided, no member of the Council shall hold any other office, position or employment, directly or indirectly, under the City Government, during the term for which he was elected.

ORGANIZATION, APPOINTMENT OF OFFICERS.

Section 57. The annual meeting of the Council shall be held on the second Tuesday in April, of each year, at eight o'clock in the evening at which meeting, or within a month thereafter, all appointive officers of the City, whose selection is not otherwise provided for herein, shall be appointed by the Council.

CANVASSING VOICES.

Section 58. The City Council shall have the power to, and it shall, within three days after any City election, meet and canvass the returns of votes cast at such election and declare the result thereof; and the City Clerk shall prepare and furnish forthwith certificates of election to the officers found to be elected; and the City Council shall be the judge of the election and qualifications of its own members.

QUORUM.

Section 59. A majority of all the members of the City Council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of such absent members in such manner and under such penalties as the Council may prescribe.

RULES, MEETINGS.

Section 60. The City Council shall prescribe rules for its proceedings, determine a time for its regular meetings, and provide for the calling of special meetings, but unless all members of the Council are present no business shall be transacted at a special meeting which has not been specified in the call therefor. It shall keep a record of all its proceedings. The ayes and noys shall, on demand of any member, upon any vote, be taken and entered in the record. Notice of special meetings shall be delivered to each member of the Council personally, or left at his usual place of abode.

The Council shall have authority to punish its members for disorderly or contemptuous behavior in its presence.

Any member of the City Council who, being present when his name is called, fails to vote on any question, shall, unless excused by the Council be counted as having voted in the negative on the question.

The City Council shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings. It may issue subpoenas for witnesses, signed by the Mayor, which shall be served in the same manner as process issued by a Justice of the Peace; and witnesses shall be deemed to be guilty of contempt for the same causes and acts as witnesses in the District Court; and the Council shall have the same powers, as the District Court of the State of Minnesota, to punish such contempt.

#### SOLICITATION.

Section 61. Saving only as he is authorized to do so by law, no member of the City Council shall demand, request or solicit any officer, department or employee of the City to engage or hire any person to work for the City or to place any man upon the pay roll of the City, and any member of the City Council so demanding, requesting or soliciting shall be guilty of a misdemeanor.

#### ORDINANCES AND RESOLUTIONS.

Section 62. Every legislative act of the City Council, except as otherwise provided in this Charter, shall be by Ordinance or Resolution. The enacting clause of every Ordinance shall be in these words: "The City Council of the City of Jackson do ordain". No ordinance or Resolution shall contain more than one subject, which shall be expressed in its title, nor shall any Ordinance be amended, after its introduction, so as to change its original purpose.

#### PASSAGE OF ORDINANCES.

Section 63. No Ordinance shall be introduced, except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be at some subsequent regular meeting, or at an adjournment thereof, which shall occur not less than one week after its first reading. Its third reading shall be had, and it may be passed only at a regular meeting, or at an adjournment thereof, occurring at least one week after its second reading, and no Ordinance shall be passed until it has had three readings, as herein provided. No Ordinance shall be reconsidered, except at the first regular meeting after its adoption or rejection, nor at such meeting, unless there are present as many members of the council as were present when said Ordinance was adopted or rejected.

#### PUBLICATION, APPROVAL.

Section 64. It shall require the affirmative vote of at least a majority of the members of the City Council to enact an Ordinance or Resolution. The vote shall be taken by yeas and nays and be entered upon its record. Every Ordinance or Resolution, before it takes effect, shall be published in the official paper. The proof of such publication by affidavit of the foreman or publisher of the paper, or any other competent proof thereof, shall be prima facie evidence of the legal passage, enactment, approval, publication, and promulgation of such Ordinance or Resolution, in any court of this State or elsewhere.

#### RECORDING.

Section 65. All Ordinances and Resolutions, with proof of publication, shall be deposited with the Clerk, who shall record the same at length in a suitable book; but proof of recording shall not be required in any proceeding where it is necessary to prove such Ordinances or Resolutions.

#### GRANTING FRANCHISES-SELLING AND LEASING PUBLIC PROPERTY.

Section 66. Except as otherwise provided in this charter, no sale of any public utility, public park or public grounds or buildings, and no lease of any public utility, except the city airport and airport property, and no grant of any franchise shall be made except by ordinance or resolution of the council, approved by a majority of the voters voting thereon at a general or special election at which the question of the approval or rejection of such ordinance or resolution shall have been submitted to the electors.

#### SALES OF PROPERTY.

Section 67. The council may, by motion when the sale price does not exceed \$10,000.00, and by resolution when the sale price is in excess of that sum, determine to sell and thereafter sell, at a price not less than that named therein and upon the terms and conditions stated therein, any real or personal property of the city, except such as is prohibited by section 66 hereof from being sold without a vote of the electors; the money and security realized therefrom shall be placed into the fund from which the original purchase was made.

#### PURCHASE OF PROPERTY.

Section 68. The Council, for and on behalf of the city, may, by motion if the purchase price does not exceed \$15,000.00, and by resolution or ordinance if in excess of that sum, determine to purchase and thereafter purchase property, real, personal or mixed, and services, reasonably necessary, convenient or expedient for city purposes; and the same shall be free from taxation.

#### SALES AND PURCHASES SUBJECT TO VOTE.

Section 69. Sections 67 and 68 of this charter shall be subject to the following provisions, to wit:

Upon the filing of a petition with the city clerk within 30 days after the publication of any ordinance or resolution determining to purchase any property or services for a sum in excess of \$15,000.00, or to sell any property for a sum in excess of \$10,000.00, signed by electors qualified to vote in said City equal in number to at least twenty (20) per cent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election wherein a candidate for Mayor was elected, and in no event less than two hundred (200) qualified electors, requesting that the question of selling or purchasing said property be submitted at a special election called for that purpose, or at a general election, if one is to be held within one hundred

twenty (20) days from the date of the publication of said resolution, then within five (5) days after the date of filing such petition the City Clerk shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and he shall attach to said petition his certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, written notice by mail shall be given by the Clerk within said five (5) days to the person filing the same and it may be amended and returned to the Clerk within ten days from the date of such notice. The City Clerk, shall, within five (5) days after such return, if any, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same; if the petition, as originally filed, or as amended, be deemed sufficient the City Clerk shall submit the same to the City Council without delay, and thereupon the Council shall order the same filed and submit the question of purchasing or selling said property provided for by the Resolution or Ordinance in question at a general or special election as hereinbefore provided for. Such election, whether general or special, shall be conducted in the same manner and with the same formalities as special and general elections and conducted under the general laws of this state.

The ballots used at such election shall contain words, "For the Ordinance" (or Resolution) and "Against the Ordinance" (or Resolution) and shall state the nature thereof.

Returns of such election shall be made to the Clerk, as provided for other elections, and the Council must meet and canvass the returns within three days.

If a majority of the votes cast upon such submission shall be in favor thereof, the council shall, within thirty (30) days from the time of such election, proclaim such fact, and upon such proclamation, such Ordinance or Resolution shall be legal and binding.

Provided that in case a vote of the electorate is had on the question of issuing bonds for any purpose and the required majority vote in favor thereof, or in case a resolution is adopted by the Council as provided in Section 9 $\frac{1}{2}$  of this Charter for the issuance of bonds and no petition is filed asking for an election thereon, no election shall be required for the purchase of the property or services for which said bonds are to be issued.

#### COMMUNITY HOSPITAL APPROPRIATIONS.

Section 70. Notwithstanding any provisions of this charter contrary hereto, inconsistent herewith or in limitation of the powers of the city council, and in addition to all other powers however granted to it, the City Council may appropriate not to exceed \$30,000.00 from the profits of the liquor dispensary fund to any duly incorporated non-profit hospital association or corporation for the purchase or construction of a community hospital in the City of Jackson, governed by a board including two or more members of the council or other qualified electors of the city, appointed by the council, and open to all residents of the city on equal terms and may also annually after such purchase or construction appropriate thereto a sum of money, not to exceed 20 per cent of the operating cost of the hospital for the preceding calendar year, from said fund or from any other city fund, whether supported by taxation or otherwise, for the maintenance, repair, improvement, enlargement, equipment and general support of such hospital.

#### SPECIFIC POWERS.

Section 71. The City Council shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, or repeal, all such ordinances, rules and by-laws, for the enhancement of the general welfare, for the good government and good order of the City, for the protection of public health, comfort and safety, for the suppression of vice and intemperance, and for

the prevention of crime, as it shall be deemed expedient; except that no Ordinance or Resolution, which shall have been adopted after submission to the electors of the City under the provisions of Section 69, shall be altered, modified, amended or repealed, without the submission thereof to the electors of said City. It shall have the power to establish and maintain city prisons, and watch houses for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before any Justice of the Peace or other courts in said City; to make rules and regulations for the government and management of such prisons and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; and the keepers of such prisons and watch houses, shall have and possess all the powers and authority of jailers at common law or by the laws of this State; and all ordinances enacted by said Council are hereby declared to be and have the force of law; provided, that they be not repugnant to the Constitution and laws of the United States and this State. And for these purposes the Council shall have authority, by Ordinance or Resolution:

First: To regulate the use of, and prevent and remove encroachments on or over sidewalks, streets, alleys, avenues, and public grounds and public places, and to prevent injury to the same, and to regulate the construction of coal holes and hatch-ways, and coverings, and guards therefor in sidewalks or to prohibit the same.

Second: To regulate and prevent the burning of paper in any portion of the business district of said City of Jackson, or the throwing or depositing of ashes, offal, dirt, garbage, or other offensive matter, or of paper, in or upon any street, sidewalk, alley or public ground or place, and to compel the owner or occupant of any premises to keep sidewalks along or in front of the same free from snow or ice or other obstructions.

Third: To regulate openings and excavations in the streets, alleys, and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for any other purposes, and the building of sewers, tunnels, or drains, and regulate the construction and use of all structures and conduits underneath the streets, alleys and sidewalks.

Fourth: To provide for and regulate crosswalks, curbs and gutters.

Fifth: To regulate, license or prohibit the construction and use of billboards and signs.

Sixth: To regulate and prevent the use of streets, sidewalks, and public grounds for signs, sign-posts, awning-posts, telegraph, telephone and electric and trolley poles, and the posting and distributing of hand bills and advertisements; to control, prescribe and regulate the mode of constructing and suspending of awnings, and the exhibition and suspension of signs, thereon; to prevent the encumbering of the streets with vehicles, lumber, boxes, or any other thing or material; to prevent the exhibition of signs on canvas or otherwise, in or upon any vehicle standing or traveling upon the streets or public grounds of the City; to remove and abate any nuisance, obstruction or encroachment upon the sidewalks, streets, alleys, or public grounds, and to prohibit the same in any portion of the City, and to prohibit the piling of snow or other incumbrance on any street by persons owning or operating any railway across the same or by any person or party.

Seventh: To regulate and control or prohibit the placing of poles and the suspension of wires along and across the streets and alleys, and to require any and all wires within prescribed limits, throughout the City, to be placed as it may designate, beneath the surface of the street or sidewalk, and to require any poles already erected or wires already suspended to be removed, and the wires to be placed beneath the surface of the street; and to compel any or all such wires, pipes and other constructions and conduits to be placed in a common area beneath the surface upon such terms as it may designate; and to make like regulations and requirements as to any and all telegraph and telephone poles and wires now erected and maintained in said City.

Eighth: To regulate and prohibit the exhibition, carrying, distributing, or throwing of banners, placards, advertisement, and handbills, or other articles in or upon the street, public grounds or sidewalks.

Ninth: To regulate or prevent the flying of flags, banners and signs across the street, alleys and public places, and to regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property.



Tenth: To regulate or prohibit traffic and sales upon the streets, sidewalks, or public places.

Eleventh: To regulate the speed of vehicles, street cars, and locomotives, upon the streets and within the limits of the City; to regulate or prevent the use of bicycles, automobiles, and other similar vehicles, on streets, sidewalks, public grounds, and to prevent the riding or driving of the same upon any sidewalk, boulevard and park and to prevent any damage to any sidewalks or public property.

Twelfth: To regulate and prescribe the width of tires on wheels of vehicles used in the City, and the maximum weight of a load to be drawn over any street in the City and to direct upon what streets heavily loaded vehicles, tractors, and tractor engines may be drawn and on what streets, alleys and public places the same may be excluded, and to license public vehicles of every description.

Thirteenth: To name and change the name of streets, avenues, alleys, and other public places.

Fourteenth: To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, and cesspools, within the City, and to prohibit the use and maintenance of cesspools and privies in such portions of the City as it may designate, and to compel sewer connections in such portions and to make the same <sup>and</sup> assess the cost thereof on the property so connected.

Fifteenth: To regulate the numbering of houses, buildings, and lots, and to compel the owners of houses and other buildings to have the number of such houses and buildings shown conspicuously thereon or adjacent thereto.

Sixteenth: To prevent and regulate or prohibit the location, construction, or laying of street railway tracks in, under and over any street, alley or public place.

Seventeenth: To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over or to raise their tracks, or construct viaducts over the same, and to fence their respective right of way, or any portion of the same, and to construct cattle guards and to keep the same in repair within the limits of the City. In case any railroad company fails to comply with any such Ordinance, it shall be liable for all damages to the owners of the cattle, horses, or other domestic animals, which may be sustained by reason of injury thereto, while on the tracks of such railroads, in like manner and extent as under the general laws of the State.

Eighteenth: To regulate or prohibit the obstruction of streets, alleys, and other public places by railroads, trains, cars or engines.

Nineteenth: To regulate or prohibit the whistling of locomotive, traction engines, or engines in factories, and the discharge of steam, cinders, sparks, and dense smoke therefrom.

Twentieth: To compel railroad companies to raise or lower their tracks to conform with any grade which may be established in the City and to keep such tracks on the level with the street surface, and to compel the planking of such tracks by such railroad companies so that they may be crossed at any place on said street, alley or public highway; and to keep such planking in repair.

Twenty-first: To compel and require such railroad companies to make, keep open and repair ditches, drains, sewers and culverts along and under railroad tracks so that filthy or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property and streets shall not be impeded.

Twenty-second: To prevent and restrain the pollution of the waters of any creek, pond, lake or water course within or adjacent to the City; to prevent the dumping of refuse or other matter therein and to provide for the cleansing and purification of water, water courses and canals, and the drainage and filling of ponds or pools on private property, whenever necessary to prevent or abate nuisances; and avoid danger from fires; and to compel the owner or occu-

part of any building or grounds to remove from the premises owned or occupied by him all such objectionable structures and offensive substances as the Council may direct, and upon his default, to authorize the removal or destruction thereof by some officer of the City at the expense of such owner or occupant, and to assess such expense against such property; and to compel, in like manner, the removal or destruction of any structure within the fire limits of said City as now or hereafter established, where such structure is deemed, by such Council, to endanger the health, or liable to cause fires to adjacent or other property.

Twenty-third: To compel the owner of low ground, where water is liable to collect and become stagnant, to fill or drain such places, and upon default, to authorize such draining or filling and assess the cost thereof upon such property.

Twenty-fourth: To license, regulate, prohibit or suppress public billiard, pool or pigeon hole tables, pin alleys, bowling alleys, shooting galleries, lodging houses, restaurants and hotels.

Twenty-fifth: To license, <sup>and</sup> regulate gift, fire, auction or bankrupt sales, and to license and regulate itinerant merchants and transient merchants or vendors, agents and solicitors for stages, cars, vehicles or public houses.

Twenty-sixth: To license, regulate or prohibit the exhibition of showmen and shows of all kinds, and the exhibition of caravans, manageries, circuses, concert or dance halls, theatrical performances, skating rinks, museums, and all like places of amusements.

Twenty-seventh: To license, and regulate auctioneers, pawn brokers, second hand and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof, and to regulate the time, place and manner of holding public auctions or vendues.

Twenty-eighth: To license, restrain and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for, or furnishing employees, and to require such persons to keep such records as it may direct and make report thereof and to give bond, conditioned that ~~they shall carry on their business~~ honestly and without fraud or misrepresentation, and punish said persons for unfair dealings in their said business.

Twenty-ninth: To license, regulate, or prohibit fortune tellers, clairvoyants, astrologers, street hawkers, vendors, and public criers.

Thirtieth: To license and regulate hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe stands or stations where they may remain while waiting for business, and to prohibit the same from standing and waiting for business at any other places than the places so prescribed.

Thirty-first: To license and regulate all peddlers, book agents, canvassers, newsboys, bootlacks, and chimney sweeps, doing business in the City.

Thirty-second: To license and regulate the sale of spirituous, vinous, fermented, malt or other liquors.

Thirty-third: To license and regulate distilleries and breweries.

Thirty-fourth: To license and regulate butcher shops and vendors and stands for the sale of game, poultry, meat, fish, fruits, and perishable provisions, and all other persons who may deal in the same, or any of them, whether they deal at wholesale or retail.

Thirty-fifth: To license and regulate plumbers and to regulate sewer and water connections of all kinds, and the laying of branch sewers and water-pipes, and in general, to regulate plumbing and provide for the removal of unsanitary plumbing and to compel the same to be kept in a sanitary condition.

Thirty-sixth: To license, regulate and control or prohibit the carrying and use of fire arms or concealed weapons, and to provide for the confiscation of

the same.

Thirty-seventh: To license and regulate the keeping of dogs, and to prevent the same from running at large, and to authorize and enforce the destruction, in summary manner, of dangerous or vicious dogs, or dogs running at large.

Thirty-eighth: To regulate or prohibit the storage, receipt, transportation, dealing in and use of gunpowder, dry pitch, rosin, coal oil, naphtha, gasoline, turpentine, gum cotton, nitro-glycerine, and any product thereof, and other combustible or explosive material, within the city, or within one mile from the limits thereof, and the use of lights in stables, shops or other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, rockets, and other fireworks and firearms and explosives, within the city.

Thirty-ninth: To prevent and suppress riots, affrays, disturbances, disorderly assemblies, cock-fights, dog-fights, sparring matches, wrestling matches, and all brutal or depraved exhibitions or sports within the city.

Fortieth: To restrain and punish vagrants, mendicants, street-beggars, prostitutes, and to regulate or prevent public bathing or swimming within the city limits, and to prevent open and notorious drunkenness, fighting, assaults, battery, and disorderly conduct, and obscenity, in the city, and to prohibit within the city the circulation, sale or exhibition of libelous, obscene, and immoral publications, prints, pictures, advertisements and illustrations, and any publications of printed matter or sign pictures, effigy or otherwise, naturally tending to provoke a breach of the peace or to impair the morale of the community.

Forty-first: To restrain and prohibit bawdy and disorderly houses and houses of ill fame and assignation within the limits of the city.

Forty-second: To restrain and prohibit lotteries, and to suppress all kinds of gambling, slot-machines, gambling devices, dice, hazzard, roulette, or other games of chance, the use of blackboards, lists and tickets, for the purpose of gambling, all pool rooms and betting rooms and the selling of pools or books on horse races or other contests, real or fictitious; to suppress, prohibit and restrain all mechanisms and devices used for gambling or betting; to prohibit all fraudulent devices and to authorize the destruction of all instruments used for that purpose of gambling or other unlawful purposes.

Forty-third: To establish a public pound and restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese, and other animals, and to authorize the distraining and sale of the same.

Forty-fourth: To establish and regulate market and market houses.

Forty-fifth: To provide for the inspection of bread made for sale and regulate the making of the same, and prescribe the weight and quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto.

Forty-sixth: To provide for and regulate the inspection by the Board of Health of meats, poultry, fish, game, butter, flour, cheese, lard, eggs, vegetables, malt, milk, fruits, whiskey, and other liquors and provisions, and to provide for the taking and summary destruction of any provisions that are unsound, spoiled, or unwholesome; and to regulate and prevent the bringing into the City, having or keeping such unsound, spoiled or unwholesome provisions, or any unsound or putrid beef, pork, fish, hides, skins, or other substances, and to inspect and regulate dairies and dairy products and to regulate the sale of milk within the City.

Forty-seventh: To provide for and regulate the manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal, and lime; to provide for the inspection of lumber and building material, and to regulate the measuring and selling thereof; and to prohibit the sale of any such products by weight or measure, unless first weighed or measured by the official weigher and scaler.

Forty-eighth: To provide for the inspection and dealing of weights and measures and to enforce the use and keeping by vendors of proper weights and measures, duly tested and sealed, and to provide for the term, appointment, and compensation of a city sealer of weights and measures, and to provide for the punishment for the use of false weights and measures.

Forty-ninth: To regulate the construction of all buildings, chimneys and smokestacks; to prohibit and prevent the erection or maintenance of insecure and unsafe buildings, walks, stacks or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes; the thickness, material and construction of party walls; the size and material of floors, beams, girders, pipes, columns, rods, chimney flues, and heating apparatus; to regulate the construction of privies, and vaults in buildings; to prohibit the construction of buildings not conforming to such regulations; and to direct the suspension, at any time, of the erection of any such building that does not conform to such regulations, and to provide for the issuance of building permits.

Fiftieth: To prescribe the limits within which wooden buildings shall not be erected, placed or repaired, and to direct that all and any such buildings within such limits when damaged by fire, decay or otherwise, to the extent of fifty per cent of their value, shall be torn down or removed, and to prescribe the manner of ascertaining such percentage, and to compel the owners of any buildings or other structures which have been destroyed or partially destroyed, or have become dangerous by fire, or otherwise, to take down the same or any part thereof, and in case of refusal or neglect of said owner to so take down the same, when ordered by the City Council, then to cause the same to be taken down, to provide by ordinance for the punishment of such refusal or neglect, and to assess the cost thereof upon the land upon which said building or structure stood.

Fifty-first: To require the owners or lessees of buildings or structures now or hereafter to be built in the City, to place thereupon such fire escapes and appliances for protection against or for extinguishing fires, as it may direct.

Fifty-second: To prevent the dangerous construction of chimneys, fireplaces, hearths, stoves, stove-pipes, or ovens used in or upon any house, building or manufactory; to regulate the carrying on of manufactories liable to cause fires; to prevent the disposition of ashes or accumulation of shaving, rubbish or other combustible material in unsafe places and make provisions to guard against fires.

Fifty-third: To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus hazardous to life and property.

Fifty-fourth: To declare the emission of soot or dense smoke from chimneys, stacks, locomotives, and other places, within the limits of the City, a nuisance and to prohibit the emission of such soot or smoke in any portion of the City.

Fifty-fifth: To regulate the construction of chimneys and smokestacks, and to prohibit the emission of sparks and cinders from the chimneys, smoke stacks, or other sources and to declare the emission of cinders and sparks a nuisance, and to require the use of such practical appliances as may be necessary to prevent the emission of the same.

Fifty-sixth: To declare what shall be a nuisance, to abate the same, and impose fines upon persons who make, create, continue or suffer nuisances to exist.

Fifty-seventh: To provide for and compel the reporting and recording of all births and deaths within the City.

Fifty-eighth: To regulate or prevent the burial of the dead within the City, and to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed, and to cause the removal of bodies interred contrary to law, and to vacate and discontinue any cemetery and to compel the removal of any bodies interred therein.

Fifty-ninth: To regulate the location, construction and management of stock yards, slaughter houses, packing houses, renderies, tallow chandleries, storing places for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, or any other noisome or unwholesome business, within the limits of the City, or within a distance of one mile outside the limits thereof.

Sixtieth: To regulate the location, construction and use of breweries, distilleries, carriage houses, stables, livery stables, feed yards, garages, blacksmith shops and foundries, within the limits of the City.

Sixty-first: To compel the owners of every store, cellar, soap or tallow chandlery, pig sty, privy, or other unwholesome or noxious house or place, to cleanse, abate or remove the same.

Sixty-second: To regulate the location of lumber yards and places for piling lumber, wood and other combustible material, and to require any person maintaining any lumber, shingle or lath mill or wood yards in the City to remove the same, when they become dangerous to buildings or other property near the same.

Sixty-third: To establish and enforce rules for the use and regulation of all buildings used and maintained by the City.

Sixty-fourth: To prevent or regulate the playing of games or any other amusements on the streets or sidewalks.

Sixty-fifth: To require and regulate the removal or destruction of swill, offal, garbage, ashes, street sweepings, barnyard litter, manure, rubbish, yard cleaning and contents of privy vaults, cess pools, and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material.

Sixty-sixth: To establish and regulate hospitals and pest houses and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make quarantine laws and enforce them within the City, and to regulate and prevent the introduction of contagious, infectious or other diseases into the City, and to regulate, control or prevent the landing of persons, baggage, merchandise or other property, from cars or other conveyances, infected with contagious disease and to make such disposition of such persons or property as to preserve the health of the City, and to prevent infected cars or other conveyances from coming within or near the limits of the City.

Sixty-seventh: To establish and regulate public wells, cisterns, hydrants, reservoirs, fountains and watering troughs.

Sixty-eighth: To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and regulate the measurement of electricity and electrical apparatus, or any apparatus for furnishing light, heat and power in the City.

Sixty-ninth: To regulate lodging houses and tenement houses, and to prevent the overcrowding of the same, and to require the same to be kept in proper sanitary condition.

Seventieth: To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition.

Seventy-first: To regulate the employment of minors on the public streets and other public places.

Seventy-second: To compel the owners or occupants of property within the city limits, to keep the same clear of any brush or other material or substance liable to communicate fire to adjacent property, and in case the owner or occupant of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the council, either personally or by publication in the official paper, said council shall have authority to have the same done and assess the cost against the property.

Seventy-third: To direct and regulate the planting and preservation of ornamental trees and shrubbery within the public grounds and streets within the City, and to prevent any injury thereto, or interference therewith, and punish any person willfully damaging any sidewalk, pavement, or appurtenance to the water works, sewer, or electric light system, or to any other property in or about any of the public works of the city, and to punish interference with or the withholding of any property of the city by any officer thereof, or any other party; and to establish boulevards and provide for their maintenance.

Seventy-fourth: To provide for the revocation of licenses.

Seventy-fifth: To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or kinds of business not in this chapter expressly referred to and provided for, as in the opinion of the council, may require regulation, and in general, to adopt all such measures and establish all regulations, in cases for which no express provision in this chapter is made, as the council may, from time to time, deem it necessary for the promotion of the health, comfort, and safety of the inhabitants, the preservation of peace and good order and the suppression of vice and enhancement of the public welfare.

Seventy-sixth: To provide for lighting the city, and to purchase or construct a telephone system and operate the same in the city.

Seventy-seventh: To regulate the construction of bicycle paths upon any street, alley or public place.

Seventy-eighth: To provide for the investigation of the origin and cause of fires, and to compel the attendance of witnesses, and the production and giving of evidence upon such investigation.

Seventy-ninth: To regulate and control in a manner not contrary to any specific provisions on the subject, contained in this charter, the exercise, by any firm or corporation, of any public franchise or privilege, which, by the terms of the grant thereof, is to be exercised within the corporate limits of the city, whether such franchise or privilege has been granted by the city, or by or under the Statutes of Minnesota, or any other authority, and to regulate and determine the price, rates and charges to be paid by said city, or its inhabitants, to any person or corporation now or hereafter exercising any franchise rights within the corporate limits of said city.

Eightieth: To supply the city with water, either by contract with persons or corporations, or by municipal ownership of all necessary and needful works. To regulate the rates to be paid by the city and its inhabitants for water furnished by any person or corporation, now or hereafter organized for such purpose; and to regulate and determine the number and location of any and all hydrants, and the rate or price per annum to be paid by said city for such hydrant rental to the person or corporation owning, establishing or maintaining any such fire hydrants within the city.

Eighty-first: To regulate water service pipes and prohibit and abate smoke nuisances within the city limits.

#### POWERS TO IMPOSE PENALTIES:

Section 72. The council shall also have the power to prescribe in any ordinance enacted by it the punishment for the violation of such ordinance, by subjecting the offender to a fine not exceeding one hundred dollars, or by confining him to the county jail of Jackson County, Minnesota, or in any place of confinement maintained by the city, or by keeping him at hard labor in the work house of said city, or upon the public works or streets of the city, for a period not to exceed ninety days.

#### COMPILATIONS.

Section 72.5. The Council may, from time to time, provide for the compilation and publication, in book or pamphlet form, of the Charter, Ordinances of the City, rules of the Council and of any department of the City, and such statutes of the State as it may designate, and provide for the distribution, by sale or otherwise, of copies of such compilation. Such books or pamphlets so issued, purporting on the title page to be published by the authority of the City Council, and to contain the Charter and Ordinances of the City, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all the courts of this State, and all provisions of the Charter and all such Ordinances, rules, regulations, and resolutions found therein shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

All the Justices of the Peace and other courts, which may hereafter be established in this City, and all other courts of this State, shall take judicial notice of this Charter and its provisions and all Ordinances and Resolutions duly passed by the Council of the City.

#### NUISANCES.

Section 73. The powers conferred upon the City to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings

in the courts, according to law.

Gambling houses, houses of ill-fame, disorderly houses and houses where intoxicating liquors are sold without licenses, within the City, are hereby declared and deemed to be common nuisances.

#### INTOXICATING LIQUORS.

Section 74. All the general laws of the State of Minnesota, pertaining in any manner to intoxicating liquors, shall, as far as applicable, be in force in and apply to, the City of Jackson.

#### DAMAGED BUILDINGS, REMOVALS.

Section 75. Whenever any owner or occupant of any property shall fail to remove any building or structure which have been injured by fire, decay or other wise, as provided for in Sub-Section 50, of Section 71, of this Charter, then and in that case the Council may proceed to cause to be removed such building or structure and assess the expense of such removal against the property from which such removal is had. Before effecting such removal, however, the Council shall give at least five days' notice to the owner or occupant of said premises of its intention to so remove said building or structure, and to assess the cost thereof upon said property, which notice shall be served upon such owner or occupant personally, if found within said City; if not occupied and said owner does not reside within the City such notice shall be served by the publication of said notice in the official paper for two consecutive issues thereof, and by mailing a copy of said notice to the owner of said building, if his address is known.

At said meeting of the Council, or at any meeting to which said matter may be adjourned, the council shall hear all interested parties, and, if determined upon to make an assessment against said property, such assessment for expense of removal by the Council may be for the full amount of the expense of such removal, and before making the same, the Council shall require the Clerk to give notice by publication in the official paper, at least once a week for two successive weeks, of its intention to make such assessment upon such property at a meeting of the Council to be specified in the notice, and at said meeting or at any subsequent meeting to which said matter may be put over, the Council shall hear all interested parties, and shall then, or at a subsequent meeting, proceed to make an assessment against such property, which assessment shall be certified and returned to the County Auditor of Jackson County, Minnesota, to be collected in the same manner as other City assessments are by him collected.

Nothing herein contained shall be construed to prohibit the Council, or the Mayor, or the building inspector, to order torn down without notice, any building or structure within said City which may be dangerous to passers-by.

#### CONTROL OF STREETS.

Section 76. The Council shall have the care, supervision and control of all public highways, bridges, streets, lanes, alleys, public squares and grounds, sewers, public improvements and, generally, shall have the care, supervision and control of all public property within the limits of the City, except as herein otherwise provided.

It shall have authority to open streets when necessary, and shall cause all streets which may have been opened under the authority of the City, or with its consent, to be kept open and in repair, and free from obstruction and nuisance. The City shall be exempt from all liability for damage caused to either

person or property by reason of the existence or operation of any railroad along, across, under, over or upon any public highway, bridge, street, lane, alley, or other public way, within the limits of the City.

#### VACATION OF STREETS.

Section 77. The Council shall have exclusive power to vacate or discontinue public grounds, streets, alleys, highways, other than park ways, within the City, and also all county, town, and State roads whether actually traveled or used at the date of such petition for vacation or not. No such vacation or discontinuance shall be ordered by the City Council, except upon the petition of a majority of the owners of the property on the line of such public ground, street, alley, or highway within such City, proposed to be vacated together with a distance of three hundred feet in each direction from the end of such portion so proposed to be vacated, and a corporation, otherwise a proper party, may join in and verify such petition, by any officer, and be counted as a resident for the purpose of this section. Each petition provided for in this section, shall state the facts and reasons for such vacation, accompanied by a plat of the ground, and it shall be verified by one of the petitioners. The Council, when the petition is presented, shall, if it seems expedient that the matter shall be proceeded with, thereupon order the petition to be filed with the Clerk, who shall give notice by publication in the official paper for two successive weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and the same shall be heard and considered by the Council on the day and at the place therein specified not less than ten days from the expiration of the publication. The Council shall, at the time and place appointed, investigate and consider said matter, and shall hear the testimony and evidence on the part of the parties interested. The Council, after hearing the same, may, by resolution passed by two-thirds vote of all the members thereof, declare such street, alley, highway or road vacated, which resolution, if approved by the Mayor, or passed over his veto, shall go into effect the same as other resolutions, after a transcript thereof, and the said plat duly certified by the Clerk, has been filed for record and duly recorded in the office of the Register of Deeds in said Jackson County.

Provided that vacations and discontinuance of any County, State, or town road, may be granted upon a petition of a majority of the owners of such property through which the same or the portions thereof sought to be vacated, passes, when such owner shall have platted the same and shall have provided in lieu of such roads, sufficient streets, in the opinion of the Council, and the acceptance of such plat and the resolutions of vacation, shall, when recorded, be conclusive evidence thereof.

#### RIVER IMPROVEMENTS.

Section 78. The city shall have the power to erect, maintain, repair and replace bridges and dams across the Des Moines River and to dredge and improve the bed and banks thereof.

#### NEW OFFICES CREATED.

##### Section 79.

The council shall have power and authority to create appointive offices not provided for in this charter and to make appointments thereto and provide compensation therefor and to employ such servants and agents as it may deem fit.



#### OFFICERS QUARTERS AND EQUIPMENT.

Section 80. The council may provide quarters, equipment, supplies and paraphernalia to its officers, necessary, expedient or useful in the performance of their respective duties.

#### RELIEF.

Section 81. The Council shall not have the power or authority to relieve any citizen of the payment of any lawful tax, assessment, fine, or license, or to exempt him from any burden imposed upon him by law or ordinance.

#### MAJORITIES.

Section 82. Whenever in this charter the vote of a majority or any designated majority of the members of the council, or of all the members thereof, or of the whole council, or of the whole number thereof, is required to pass or adopt a Resolution or Ordinance, or to do any other act or thing, or to constitute a quorum, such majority shall be construed to mean and shall mean a majority or the designated majority, of the regular voting members only of the council.

#### DAMAGES FOR INJURIES.

Section 83. The Council shall not have the power to authorize the payment of any damages in excess of \$500.00 claimed for alleged injuries to persons or property, except by Resolution adopted by a majority vote of the whole Council.

#### APPEALS TO DISTRICT COURT.

Section 84. Whenever any claim, excepting the claim of an employee or officer of the City for wages or salary, is allowed and ordered to be paid in whole or in part by the Council, no warrant for the same shall be signed by the Mayor until ten days after such allowance, and the City Attorney may, and if the amount so ordered to be paid exceeds twenty-five dollars, and five tax payers of the City, file with him a written request, to appeal therefrom, he shall, on behalf of and in the name of the City, appeal from the decision of the Council, to the District Court of said Jackson County, at any time within ten days, and such appeal shall be perfected in the same manner, and like proceedings shall be had, as in cases of allowance of claims by the Board of County Commissioners of claims against the county.

In case of an appeal being taken, the City Clerk shall forthwith without charge, make a return thereof to said District Court, which return shall include a certified copy of the claim and a transcript from the records in the office of the City Clerk, of the action of the Council and Mayor thereon. In all such appeal cases, the proceedings shall be put on the trial calendar, among the issues of fact for trial at the next general term of the District Court of said Jackson County held after eight days from the date of the appeal, and on or before the second day of such term, pleadings shall be made up under the direction of the Court, as in other civil actions, and thereupon all proceedings shall be had as in other cases in District Court.

CHAPTER VI  
FINANCIAL DEPARTMENT

FISCAL YEAR.

Section 85. The fiscal year of the City shall begin on the first day of April, in each year.

DEBT NOT TO BE INCREASED.

Section 86. The debt of the City shall not be increased nor shall any new bond or warrant of the City be issued except as herein or by State law provided, nor shall the City, except as otherwise provided in this Charter, loan its credit, become a stockholder or make any contribution or donation to any person, company or corporation whatever, except in cases of public calamity or for purely charitable purposes.

PROVISIONS TO PAY INDEBTEDNESS.

Section 87. The council is authorized to provide by taxation, for the prompt payment of interest upon indebtedness, and for a sinking fund for the purposes of meeting bonds and other indebtedness of the City at maturity, whether heretofore or hereafter issued.

WARRANTS.

Section 88. All money and other property belonging to the City, except otherwise provided in this Charter, shall be under the management and control of the Council, and moneys shall be paid out upon the warrant of the Mayor, countersigned by the Clerk, after having been duly authorized by Resolution of the Council, provided, that the salaries of all regular officers and employees of the City may be paid upon motion of the Council, duly passed by a majority vote, but this proviso shall not be construed to include the wages of officers and employees of the city, specially or temporarily employed. The Resolution providing for the issuance of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn and shall be payable out of none other. Each warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with all other warrants issued since the adoption of this Charter, that may be then outstanding against such fund, and the Council is hereby prohibited from authorizing the issue or ordering paid any such warrant, until there is sufficient money, as aforesaid, in the Treasury, applicable thereto, to meet such warrant, together with all other warrants which may be outstanding against the fund. No officer or official body of the City shall have power to create any liability against the city by the issuance of any warrant contrary to the provisions of this charter, provided, however, that the council shall have power to issue warrants for the purpose of borrowing money to pay the running expenses of the city, conditioned, that the total amount of warrants so issued, together with those outstanding, shall not exceed the taxes thereafter receivable in the year in which the warrants are issued.

### ANNUAL BUDGET.

Section 89. The Council shall meet annually prior to the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City for the next ensuing fiscal year.

### LEVY, WHEN MADE.

Section 90. The Levy shall be made by the Council on or before the tenth day of October of each year and the same shall be entered upon the tax duplicate for the County, and collected with the County and State taxes.

### FUNDS.

Section 91. There shall be maintained in the Treasury the following funds: a sinking fund, a Permanent Improvement fund, a permanent Improvement Revolving fund, an Interest fund, a Library fund, a Park fund, a Poor fund, an Armory fund, a liquor dispensary fund, a Special Assessment fund, a Fire fund, a Water fund, a Heating Plant fund, an Electric fund, a Current expense fund, and an airport fund, and such other funds as the council may, by resolution or ordinance, establish.

1. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, except that indebtedness incurred for public utilities, which shall be paid from the proper utility fund or funds. It shall, when necessary, be maintained by an annual tax levy, made by the Council, on the taxable property in the City. The Treasurer shall keep a separate account with the city depository of all moneys belonging to the sinking fund, and he is forbidden to place any money hereby appropriated to such fund, to any other fund so long as there shall remain any bonded indebtedness of the city payable therefrom.

### SINKING FUND COMMISSIONERS.

The Mayor, Clerk, Treasurer, and Attorney shall constitute a Board of Sinking Fund Commissioners and the Council may, by resolution, define such duties for said Board as are not herein provided. Said Commissioners shall have charge of the Sinking Fund and shall, by and with the consent of the Council, invest the same in bonds or other obligations of the City, issued pursuant to this Charter, or in such other bonds as are permitted by law for the investment of the public school funds of the State of Minnesota, or in any County or School bonds of this State. In case of investment in bonds or other obligations of the City, the same shall not be cancelled, but shall be held in the Sinking Fund, and the interest thereon shall be paid out and applied to such Sinking Fund. Whenever any bond of the City shall become due, the said Commissioners shall by and with the consent of the Council dispose of such bonds then in said funds, as, with the money on hand belonging to the same, shall be necessary to pay such maturing bonds.

And, said commissioners, by and with the consent of the Council, may dispose of any of the bonds in said fund, at such other time as said Commissioners and Council may deem for the best interest of said fund. Whenever the amount of such sinking fund together with the interest and revenue thereof, computed to the time of the maturity of the City bonds, is sufficient to pay all of said bonds, the levy heretofore provided for may be omitted and the money otherwise devoted to this fund be diverted to other funds, but in case of decrease of interest, or for any other cause, said fund shall, in the judgment of the Council, be insufficient to pay said bonds of the City at maturity, such tax shall be resumed.

Said Commissioners shall make a detailed report to the Council at the first meeting in July in each year, and at such other times as the Council may require, and said report shall show the conditions of said sinking fund, the nature and value of each of the securities thereunto belonging, with a full description of said securities.

Any tax payer of the City, or any of the owners of the bonds of this City, shall have the right to maintain in a court of competent jurisdiction, any proper action or proceeding to enforce upon the part of the Council, or said Commissioners, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the City, said sinking fund shall not have money in it sufficient to pay the bonds as maturing and whenever the Council shall deem it advisable and for the best interest of the City to take up any outstanding bonds not due, the Council may issue other bonds of the City to run not exceeding twenty years, on such terms as to place and time of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due, provided, that refunding bonds shall in no case draw a higher rate of interest than the bonds taken up.

2. The Permanent Improvement Fund is created for the purpose of paying the cost of all real property, including parks, and all rights therein and all improvements thereon which the City may have or acquire for its various purposes, payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expense of local improvements as shall devolve upon the City.

There shall be paid into this fund all moneys received from the sale of any permanent improvements, the proceeds thereof are not otherwise provided in this Charter to be paid into other funds, and also such amounts as may, from time to time, be realized from the sale of bonds issued on account of this fund. It shall be further maintained, when necessary, by an annual tax levy made by the Council.

3. The Permanent Improvement Revolving Fund is created for the purpose of providing money for paying for that portion of local improvements, under the provisions of this Charter, for which assessments may be levied, except for paving City streets, alleys, or public ways. It shall not be supported by taxation. There shall be paid into it all moneys received from all assessments levied under this Charter for local improvements, and also such amounts as may be realized from the sale of bonds or certificates authorized therefor in this Charter.

4. The Interest Fund is created for providing moneys for the payment of interest to become due during the next fiscal year, upon the outstanding bonds and warrants of the City, except interest on obligations incurred for public utilities, which shall be paid from the proper utility funds.

It shall be maintained by an annual tax levy made by the Council, upon all the taxable property of the City, of such an amount as shall be sufficient to pay such interest.

5. The Library Fund is created for the purpose of maintaining the public library in the City, and shall be maintained by an annual tax levy when necessary, made by the Council upon the taxable property of the City.

6. The Park Fund is created to provide for the support, maintenance and improvement, including building, of any park or parks which may be owned or acquired by the City. It shall be maintained by an annual tax levy, when necessary, made by the Council, upon the taxable property of the City.

7. The Poor Fund is created to provide funds for the support and maintenance of the poor and of public welfare activities and shall be maintained by an annual tax levy, when necessary, made by the Council, upon the taxable property of the City.

8. The Alley Fund is created to provide for the maintenance, upkeep and repair of the City Alley and the contribution by the City to the State of Minnesota therefor. It shall be maintained by an annual tax levy, when necessary, upon the taxable property of the City.

9. The Liquor Dispensary Fund is created to provide for the operation of the city owned liquor dispensary. All moneys in the liquor dispensary fund as established by ordinance shall remain therein and become a part of the fund hereby established. All revenue from the operation of the dispensary shall be paid into said fund and all disbursements on account thereof shall be made from said fund. Any accumulations in the fund may be transferred into any other fund or funds of the city by resolution of the Council and used for any municipal purposes. This fund shall not be supported by taxation.

10. The Special Assessments Fund is created for the purpose of providing money for paying for that portion of paving improvements on City streets, alleys, and public ways for which, under the provisions of this charter, or by Statute, assessments have been or may be levied. There shall be paid into it all moneys received from all assessments under this charter, or under state law, for paving improvements, and also such amounts as may be realized from the sale of bonds or certificates issued on account of any such paving. Whenever there shall be an insufficient amount in said fund to pay outstanding obligations incurred for paving, or whenever the Council shall determine that there will be insufficient moneys for that purpose, this fund may be supported by taxation.

11. The Fire Fund is created to provide maintenance and support for the fire department, for the payment of salaries of firemen, and purchase of equipment and supplies for said department. It shall be maintained by an annual tax levy, when necessary, upon the taxable property of the City.

12. The Water Fund is created to provide for the support and maintenance of any water plant and system now or hereafter owned or operated by the City for furnishing water to the city, or its inhabitants, or others, whether within or outside of the limits of said city, and for paying the cost of the purchase, construction, extension, operation, maintenance and repair thereof, and for paying the cost of all real property purchased for use in connection therewith, and the principal and interest on all bonds and obligations issued on account thereof.

This fund, when necessary, shall be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with said plant and system, and also such amounts as may from time to time, be realized from the sale of bonds issued on account thereof and all moneys received from the operation of said plant and system, including water rates, charges, rentals and penalties.

13. The Heating Plant Fund is created to provide for the support and maintenance of any heating plant and system now or hereafter owned or operated by the city for furnishing heat to the city, or its inhabitants or others, whether within or outside the limits of the city, and for paying the cost of the purchase, construction, extension, operation, maintenance and repair thereof, and for paying the cost of all real property purchased for use in connection therewith, and the principal and interest on all bonds and obligations issued on account thereof.

This fund, when necessary, shall be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with said heating plant and systems, and also such amounts as may, from time to time, be realized from the sale of bonds issued on account of said plant and system and all moneys received from the operation thereof, including heat sales, charges, rentals, and penalties.

14. The Electric Fund is created to provide for the support and maintenance of any electric light and power plant and system now or hereafter owned or operated by the city for furnishing to the city, or its inhabitants, or others, whether within or outside the limits of said city, electric light and power, and for paying the cost of purchase, construction, extension, operation, maintenance and repair thereof and the principal and interest on all bonds and other obligations issued on account thereof, and for paying the cost of all real property purchased for use in connection with said plant and system.

This fund, when necessary, shall be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with said plant and system, also such amounts as may, from time to time, be realized from the sale of bonds issued on account thereof, and also all moneys received from the operation of said plant, including electric light and power rates, charges, rentals, and penalties.

15. The Current Expense fund is created to provide moneys for the payment of all other legal obligations of the city. It shall be maintained by tax levy, when necessary, and there shall be paid into it all the moneys belonging to the City, not specifically designated as belonging to any other fund.

16. The Airport Fund is created to provide for the support and maintenance of a city airport now or hereafter owned or operated by the city and for the purchase, construction, extension, operation, expansion and repair thereof, and for paying the cost of all real or personal property purchased for use in connection therewith and the principal and interest of bonds or other obligations issued on account thereof.

This fund, when necessary, shall be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with said airport and such amounts as shall from time to time be realized from the sale of bonds issued on account thereof and all moneys received from the operation of the airport and its facilities and services and from rentals.

#### THE SEVERAL FUNDS.

Section 92. The income and revenue of the City paid into the treasury shall, at once, by the treasurer under the direction of the

clerk, be apportioned to and kept in the separate funds established by this Charter and the Council.

The Treasurer may, with the approval of the Council, temporarily transfer moneys from one fund to another and borrow from one fund to another temporarily, when by so doing the borrowing of money and the payment of interest can be avoided.

The Treasurer may, with the approval of the Council by resolution, whenever there shall be an accumulation of money in any fund, beyond the immediate need thereof, permanently transfer such accumulation, or any part thereof, to any other fund or funds.

NO DEBT CREATED WITHOUT AUTHORITY OF THE COUNCIL.

Section 93. Except as in this Charter otherwise provided, none of the departments respectively of the City, or any officer of such department, shall have the power or authority to make any contract or to create any debt against the City before the Council shall have authorized the same by a majority vote of the members thereof; and no committee of the Council or officer thereof shall enter or approve any claim in favor of any person, firm or corporation, for any purpose whatever, attempted to be created as aforesaid, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by a majority vote of the Council.

The Council may delegate to the City Clerk and department heads, authority to purchase, by requisitions issued by him, such items of regular supplies, small tools, materials, paraphernalia and equipment as may be reasonably necessary or expedient for the orderly transaction of the city's business and the performance of its functions, in such amounts as he may determine. Such authority may be revoked at any time at the will of the Council. Every requisition from any officer, department or committee to purchase supplies or create any indebtedness against the City, shall be itemized.

POWER TO BORROW MONEY OR INURE DEBT.

Section 94. The City Council may issue bonds by resolution as follows:

(1) For the creation or maintenance of a permanent improvement revolving fund;

(2) For the purpose of antedating the collection of general taxes for the year in which issued;

(3) For the purpose of extending, enlarging, or improving water and lighting and heat and power plants, or other, owned and operated by the city, or of acquiring property needed in connection therewith;

(4) For the purpose of funding floating indebtedness incurred by the City before the adoption of this Charter;

(5) For any municipal purposes or improvements in respect to which the city is authorized by any general or special law to incur indebtedness or issue certificates of indebtedness or bonds at the time of the adoption of this Charter.

Such resolution for the issuance of bonds or certificates may provide that the same shall be general obligations, or that they shall not be general obligations but shall be payable out of any specified taxes, assessments, funds, or liens held by the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city will pay the same.

(a) Provided, that upon the filing with the city clerk, within thirty days from the publication of any resolution providing for the issuance of bonds under this section,

of a petition meeting the requirements of the petition specified in section 69 of this charter and requesting that the question of issuing such bonds be submitted to the electors of the city at an election, an election shall be held thereon in the manner and under the conditions set forth in and subject to the applicable provisions of said section 69.

(b) The city shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority by Ordinance or Resolution to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the going into effect of this Charter or thereafter, and shall have the power in like manner to assign any lien or right of action held by the City on account of or arising out of any such assessments, as security for the payment of any bonds, certificates of indebtedness or other evidence of indebtedness mentioned in this section, or to provide that such bonds, certificates or other evidence of indebtedness mentioned herein, may be collected out of such property, liens or rights of action.

(c) The debt of the city shall not be increased by bonds beyond ten per cent of the last assessed valuation of the taxable property in the city, including moneys and credits; provided, however, that certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included in or counted as a part of such bonded indebtedness, if (1) held in a sinking fund maintained by the city; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement, or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by the city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks, or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements, or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

(d) Bonds, warrants, certificates and other evidence of indebtedness of the City, authorized by this Charter, shall in no event bear a greater rate of interest than six per cent per annum, and shall in no event be sold for less than the par value thereof.

(e) Bonds to be sold by auction, sealed bids, or otherwise as the City Council, by resolution, may determine.

#### TAX CERTIFICATES.

At any time the annual tax levy has been certified to the County Auditor, and not earlier than October 10th, in any year, the Council may, by Resolution, passed by a four-fifths majority of its members, issue and sell as many certificates of indebtedness as are needed in anticipation of the collection of the taxes so levied, as aforesaid, for any special fund named in said estimates for the purpose of raising money for such special fund, but no certificates shall be issued for any of said separate funds, exceeding fifty per cent of the amount named in said tax estimate, to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate, certified to the Auditor as aforesaid, was made, and said certificates shall not be sold for less than par and accrued interest, and shall not bear a greater rate of interest than six per cent per annum;



each certificate shall state upon its face for which fund the proceeds of said certificate shall be used, and the whole amount embraced in said tax certificate for the particular purpose. They shall be numbered consecutively and be in denominations of fifty dollars, or multiples thereof, and may have interest coupons attached, and shall be otherwise of such form and terms, and be made payable at such place, as will best aid in their negotiation, and the proceeds of the tax assessed and collected on aforesaid account of said fund, and the faith and credit of the City shall be irrevocably pledged for the redemption of the certificates so issued.

#### REVENUE CERTIFICATES.

Section 95.A. Whenever the Council shall determine to construct, purchase, enlarge, extend, improve or repair any water, electric light and power, sewage disposal, or heat plant <sup>and</sup> system, or any other public utility, the expense incurred therein may be paid in cash, either in whole or in part, from the respective utility fund, if there is cash available therefor, or by the issuance of Revenue Certificates, either in whole or in part; the word expense, as used herein, shall mean and include every item of cost from its inception to its completion, and in determining such cost the council may include all costs and estimated costs of engineering, inspection, fiscal and legal expense and interest which it is estimated will accrue during the construction period and for six months thereafter on such certificates.

B. Such Revenue Certificates shall be known as "Public Utility Revenue Certificates", shall not constitute a general obligation of the City, but shall be payable, as to both principal and interest, solely from revenues derived from city-owned public utilities, and shall not constitute a debt of the city payable in any way from ad valorem taxes, nor shall the amount of such certificates at any time outstanding be included in determining the city's indebtedness under the provision of this charter or any applicable law.

C. At any time after the Council has determined to make any such improvement or improvements and determined the cost thereof it may authorize the issuance of such public utility revenue certificates in an amount not in excess of the cost of such improvement or improvements as determined by the council. The issuance of such certificates shall be authorized by a resolution adopted by the council, and such certificates shall bear such date or dates, shall be in such form and denomination, mature at such time or times, not exceeding 20 years from their date, shall be payable at such place or places, and shall be sold at such times and in such manner as the council may in such resolution determine. Any resolution authorizing the issuance of such certificates may contain covenants which will be binding on the city as to (a) the rates, fees, tolls or charges to be charged for public utility services, facilities and commodities as to any public utility the net revenues of which are either in whole or in part pledged to the payment of the certificates so authorized; (b) the creation and maintenance of a special fund for the payment of such certificates and the regulation, use and disposition thereof; (c) the purpose or purposes to which the proceeds of the sale of said certificates may be applied; (d) a fair and reasonable payment by the city to the account of public utility or utilities for the service furnished to the city or any of its departments; (e) the net revenues of the public utility or utilities or portion thereof to be pledged to the payment of the principal and interest of such certificates and not revenue derived from any one or more city owned public utilities may be pledged to such payment whether such utility is affected by the improvement or improvements for which such certificates are issued or not; (f) the terms and conditions upon which any or all of the certificates may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived;

(a) the rights, liabilities, powers and duties arising upon the breach by the city of any covenants, conditions, or obligations; (b) the voting in a trustee or trustees of the right to enforce any covenants made to secure the payments of the certificates; and (c) such other provisions as the council may deem advisable to properly protect the city and the holders of any such certificates. Any resolution authorizing the issuance of any such certificates may be amended by subsequent resolution or resolutions adopted prior to the actual delivery of the certificates.

D. Certificates bearing the signatures of officers in office on the date of signing thereof shall be valid and binding obligations, notwithstanding that before delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers of the city issuing the same. The validity of said certificates shall not be dependent on or affected by the validity or regularity of any proceedings relating to the making of the improvement for which the certificates are issued.

E. The powers conferred in this section shall be in addition and supplemental to, and not in substitution for or limitation of, the powers conferred by other provisions of the charter or by state law provided, however, that the powers of the council shall be subject to and limited by the applicable provisions of Section 69 of this Charter as to purchases by means of such revenue certificates.

#### REMAINDER.

Section 96. Any willful neglect or refusal on the part of the Treasurer, or clerk, to perform the duties required in this Chapter or by the Charter of the City, or any vote or act of the Mayor or any member of the Council, or of said officers or other officers of the City, made or done with the willful intent to evade the provisions of this chapter or this Charter, or to divert the funds raised by taxation or pledged by ordinance to any specified purpose, is hereby declared to be malfeasance in office, and upon conviction thereof, in any court of competent jurisdiction, such officers shall be removed from office and shall in addition thereto be punished by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding one year.

## CHAPTER VII

### PUBLIC UTILITIES DEPARTMENT

#### POWER OF CITY.

Section 97. The city may construct, purchase or acquire by gift, condemnation under the power of eminent domain, or otherwise, water, electric, sewage disposal, and heat plants and/or distribution systems and any other public utilities, and may dispose of the same at will and may maintain, enlarge, extend, improve, repair and operate the same and those now owned by the city. It may furnish water, electrical energy, heat and any other product or service produced or rendered by any of said plants or public utilities for all municipal purposes, and may supply the same to the inhabitants of the city and to such others as it may deem expedient, and may do any and every act and thing necessary, expedient and incidental to accomplish the above purposes; and for such purposes shall have the right to erect, construct, operate, repair, place, set and maintain in, upon, along, over, across, thru, and under all streets, alleys, highways and public grounds within or outside of said city, poles, cross-arms, cables, wires, guy-wires, stubs, anchors, brace poles, towers, pipes, connections, tile and all other appliances, fixtures, and equipment necessary, expedient or useful in connection therewith, and to regulate service connections therewith and to designate the type, construction and qualities of materials to be used for such connections.

#### OPERATION.

Section 98. The operation of all public utilities owned or operated by the city shall be <sup>by or</sup> under the supervision of the council.

#### UTILITIES COMMISSION.

Section 99. The city council may delegate the actual management and operation of any or all public utilities to a public utilities commission appointed by the council and may set the terms of office of the members thereof, define their powers and duties and set and provide for their compensation; when so appointed and qualified the members of the commission shall become and be appointive officers of the city as provided in Section 6 of this charter.

#### BY-LAWS, RULES.

Section 100. The City Council is hereby vested with all powers to make and enforce such by-laws and regulations as may be necessary to carry into effect the object and intent of this Chapter, and to cause all such by laws, rules and regulations, to be entered in a book kept for the purpose, which when so entered and adopted by the City Council, shall be open at all times for inspection and shall be evidence in any court of justice. Said Council shall fix and maintain the rents and rates for water and light and the products and service of other city owned utilities.

Said Council is hereby authorized and required to restrain and prevent any waste of water or lights, and the products or service of its plants and utilities, and may, when in its judgment necessary, shut off the water, light, and the products and services of its plants and utilities, or take such action as in its judgment may be proper.

PENALTIES.

FOR INJURIES TO WORKS.

Section 101. Any person who shall unlawfully and wilfully destroy or injure any real or personal property belonging to or in any manner connected with either the water, light or heat plant, or other public utility plant of the City of Jackson, shall be punished as follows:

1. If the value of the property destroyed, or the diminution in value by injury to the same, shall be less than twenty dollars, by imprisonment in the county jail for not more than three months, or by fine of not more than one hundred dollars.

2. If the value of the property destroyed, or the diminution in value by the injury shall be twenty dollars or more, by imprisonment in the county jail for not more than one year, or by fine of not more than five hundred dollars, or both.

## CHAPTER VIII

### FIRE DEPARTMENT.

#### ORGANIZATION.

Section 102. There shall be a fire department of which the Fire Chief shall have general supervision. The head of said department shall be known as the Chief of the Fire Department. Said department shall be either volunteer, partially paid and partially volunteer, or paid, but a paid fire department shall not be established except by an Ordinance passed by an affirmative vote of a majority of all members of the Council.

#### ELECTION OF OFFICERS.

Section 103. If the City maintains a paid fire department, the mayor shall nominate and the Council shall confirm the Chief and such other officers and members of the department as may be deemed expedient.

If a volunteer, or partially paid and partially volunteer, fire department is maintained, the members thereof shall elect their own Chief, Assistant Chief, and other officers, subject to confirmation and approval of the Council.

Such volunteer, or partially paid and partially volunteer, department may adopt a constitution and by-laws, not inconsistent with this Charter, and with the laws of the State, and subject to the approval and confirmation of the Council.

Such department is also authorized and required to make and submit to the Council a draft of all needful rules and regulations not inconsistent with the laws of the State, the provisions of the Charter, or the ordinances of the City, for the government and control of such department and the prevention and extinguishment of fires. Thereupon the Council may consider the same and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

#### POWERS AND DUTIES OF CHIEF.

Section 104. The Chief of the Fire Department under the direction of the Council, shall have the general superintendence of the department and the custody of all engines, hooks and ladders, trucks, hose, horses, trucks and automobiles and other property used and maintained for the purposes of said department. He shall see that the same are kept in proper order and that all the rules and regulations and all the provisions of the Charter, relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control, and direction, in case of fire, of all persons, organizations, or associations engaged in preserving such property. He shall, at such times as he may be directed by the council, make an inspection of buildings and premises within the limits of the city for the purpose of detecting fire hazards and conditions tending or likely to cause or promote fires, and shall make full and complete reports to the council of his findings upon such inspections. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all responsibilities of Chief.

#### AUTHORITY AT FIRES.

Section 105. The Council may, by Ordinance, provide for the control of all persons at or in the vicinity of fires and for the removal and keeping away of any and all persons from fires and the vicinity thereof, and may confer powers for that purpose upon the Mayor, the Chief, Assistant Chief, and other officers or members of the fire department and the police officers of the City, and for such purposes such officers and members shall be vested with police powers. The Mayor shall have authority, under such provisions as the Council may enact, to send fire engines and other apparatus of the department with a competent force of employees to the relief of any community or for the preservation of property endangered by fire outside of the limits of the City.

#### FIRE ALARM AND OTHER PROPERTY.

Section 106. The Council may provide for the establishment and maintenance of an efficient fire alarm, telegraph and telephone system for the purpose of the fire department, and shall provide for the purchases or lease of such fire engines and other apparatus for fire protection as may be necessary to secure the highest efficiency of the department.

The Council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the Treasurer. The Council shall also have the power to provide for the erection of fire stations or engine houses, and the purchase or condemnation of sites therefor.

The powers in this section granted are subject to the general restrictions contained in this Charter.

#### DESTRUCTION OF BUILDINGS.

Section 107. Whenever any buildings in the City shall be on fire, it shall be lawful for, and shall be the duty of the Chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person or said City therefor or on account thereof.

#### PENALTIES.

Section 108. If any person shall at any fire, refuse to obey the orders of the Chief of the fire department, or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the Ordinances of this City, or in case the offense is not punishable under the Ordinances of this City, then as misdemeanors are punished under the laws of the State.

## CHAPTER IX

### HEALTH DEPARTMENT

#### APPOINTMENT, QUALIFICATIONS.

Section 109. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled Health Officer.

Each member of said department shall be a resident and elector of the City at the time of his appointment. They shall be appointed as other officers, for the term of one year.

#### GENERAL POWERS, DUTIES.

Section 110. Except as otherwise provided in this Charter, the members of said department shall have and exercise all the authority and powers and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said State governing such local boards shall, so far as applicable, apply and be in force in the City.

#### SPECIAL POWERS AND DUTIES.

Section 111. The members of said department, in addition to the powers and duties mentioned in section 110, of this Chapter, shall have the following and additional powers:

To enforce the laws of the State and the Ordinances of this City; and the provisions of this Chapter relating to public health; and for the enforcement of all such laws, provisions of this Charter and Ordinances, they and each of them shall have and be vested with, all the powers of police officers of the City. Said health officer, shall in addition to other powers and duties heretofore vested in and required of him be required:

#### PROFESSIONAL ADVICE.

1. The health officer shall give to the Mayor or other City authority all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious, or pestilential diseases, he shall investigate the same and adopt measures to arrest its progress.

#### TO MAKE CIRCUIT OF OBSERVATION.

2. It shall be the duty of the health officer to make a circuit of observation to every part of the City and environs from time to time, and in all cases wherein he may discover the existence of any agent, the presence of which will prove dangerous to the health of the City, and there is no Ordinance competent for the correction of the evil, he shall immediately report the same to the Council, accompanied by his written opinion of the necessity of extraordinary or particular action.

TO SELECT SITES FOR QUARANTINE STATIONS.

3. The health officer, by and with the approval of the Council may select such sites, places and boundaries for quarantine stations and purposes, as may be necessary.

RIGHT TO ENTER BUILDINGS.

4. For the purpose of carrying out the foregoing requirements he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable, or other building, and to cause the floors to be raised, if he should deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

TO SERVE NOTICES TO ABATE NUISANCES.

5. To serve notice in writing upon the owner, occupant or agent of any lot, building, or premises, in or upon which any nuisance may be found, or upon any person who shall have caused such nuisance, requiring him or her to abate the same within a reasonable time, and such notice may be given or served by any officer who may be directed to give the same.

TO PROVIDE BOOKS FOR KEEPING RECORD.

6. It shall be the duty of the health officer to provide, at the expense of the City, the necessary books for keeping a record of all transactions of the health department, including the proper registration of births and deaths and such other statistical information necessary for such official work of said department.

TO PROVIDE EQUIPMENT AND MEDICINE.

7. To provide, under the direction of the Council, furniture, fuel, food, medicine, and such other articles as may be necessary for the equipment and maintenance of any hospital for the prevention and control of infections or contagious diseases, among men or animals. To control all such hospitals and to secure the decent and prompt burial of bodies of all persons dying at such hospitals.

8. He shall, when directed by the Council or the board of health, attend any indigent sick person in the City and furnish, at the city's expense, medicine for such person.



## CHAPTER X

### POLICE DEPARTMENT

#### ORGANIZATION.

Section 112. There shall be in the City a police department of which the Mayor shall have control and supervision and of which he shall be the chief executive officer and head; said department shall consist of a Chief of Police and such patrolmen, as from time to time may be authorized by the Council; all members of said department shall be qualified electors of the City; and they shall be nominated by the Mayor, but must be confirmed by the Council before entering upon the discharge of their duties.

The Mayor or Council may at his or their pleasure, remove any member of the department. The Mayor may appoint such special patrolmen, at a reasonable compensation, as he may deem necessary.

#### SPECIAL POLICEMEN.

Section 113. The Mayor may, likewise, at the request of any person, corporation or organization, desiring special police protection, appoint special policemen, who shall serve without expense to the City, and possess police power to preserve the peace, protect property, and make arrests for crime, at such places and within such limits as may be designated by the Mayor, but such special policemen shall not exercise any official authority or wear any badge of office outside of the limits as designated, except that, in the event of an arrest made by a special policeman, he may wear such badge while taking the person so arrested to the police station.

#### QUALIFICATIONS.

Section 114. No person shall be eligible to appointment in the police department who is not a citizen of the United States, or able to read and write the English language understandingly, or who has been convicted of a crime, other than a misdemeanor, nor shall any person be eligible to any appointment in any department, who shall not have been a resident of the City for at least one year immediately preceding his appointment. Any person appointed to the office of the Chief of Police, shall, before entering upon the discharge of the duties of such office, execute a bond to the City in such sum as the Council may direct, for the faithful performance of his duties; the council may also require like bonds from all patrolmen.

#### POWERS OF POLICE OFFICERS.

Section 115. The chief of police and all patrolmen shall have the power to serve and execute any warrant, summons or process issued out of any justice or municipal court of said city, and shall have authority to pursue and arrest in any part of the state any person charged with or who has committed any violation of any ordinance of the city or other offense or crime within the city, and in addition thereto shall have all the powers and authority of constables at common law and under the statutes of this state.

#### CONSERVATORS OF THE PEACE.

Section 116. The Mayor or Acting Mayor, the Aldermen, the Chief of Police, the Sheriff of the County and all police officers shall be the conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the City Limits and for such purpose may require the assistance of all by-standers, and if need be, of all citizens, and in suppressing any riotous or disorderly behavior or proceedings, the authority to command shall be in the officer present, in the order in this section named.

#### PENALTIES.

Section 117. If any bystander or citizen shall refuse to aid in preserving the peace or in suppressing riotous behavior or proceedings, when thereto required as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

If any person shall, without lawful authority, assume to act as a police officer of the City or falsely pretend to be authorized so to act, or wear a badge of a police officer within the City, he shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days.

#### GRATUITY OR REWARDS PROHIBITED.

Section 118. Any member of the police department who shall accept, directly or indirectly, from any person while in his custody, or after he shall have been discharged, any gratuity or reward, or any kind of intoxicating drink, or who shall receive from any person, without the written permission of the Mayor any reward for the arrest of any thief, or recovery of any goods or money or compensation for damages sustained while in the discharge of his duties shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred dollars or imprisonment not to exceed ninety days.

#### COMPENSATION.

Section 119. The chief of police and patrolmen shall be entitled to receive for executing all summons, warrants and other process, except for violations of city ordinances, offences or crimes committed in the City of Jackson, such fees as are allowed by the laws of this state to constables for similar services; which fees shall be in addition to their salaries.

## CHAPTER XI

### CONTRACTS

#### DEFINITIONS.

Section 120. All contracts for commodities or service to be furnished or performed for the City or any department thereof, involving an expenditure of more than two thousand five hundred dollars shall be made as in this Chapter provided, and not otherwise.

The words "commodities" and "services" as used in this Chapter shall be construed to include all work, labor, materials, supplies, or other property and all lighting and other service, and all local or public improvements.

The word "contract" as used in this Chapter, shall be construed to include every agreement, in writing or otherwise, executed, or executory, by which any commodities, work or service are to be furnished to or done for the City, and every transaction whereby an expenditure is made or incurred on the part of the City or any department or officer thereof.

All action in this Chapter required or authorized to be taken by the Council shall be by Resolution or Ordinance.

#### ESTIMATE, AMOUNT OF CONTRACT.

Section 121. The Council, in the first instance shall, on its own motion, or may, on the recommendation or report of any department or officer of the City determine in a general way the commodities, work or services to be done or furnished, and shall fix the estimated cost thereof, and in order to determine such estimated costs may require estimates from any officer or employee of the City.

In case such estimated cost, as determined by the Council, shall not exceed the sum of two thousand five hundred dollars, the Council may direct that the commodities, work or service be procured by or through the proper department or officer of the City without public bids.

In all cases, except as otherwise provided in this Charter, where such estimated cost shall exceed the sum of two thousand five hundred dollars, said commodities, or service shall only be furnished or done upon public bids or procured in the open market.

#### PLANS AND SPECIFICATIONS.

Section 122. Before advertising for bids the Council shall cause to be prepared by the proper department or officer of the City, and filed with the Clerk, detailed plans and specifications and the proposed contract for commodities and service.

#### ADVERTISING.

Section 123. After filing the same the Council shall direct the Clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans and specifications. Such advertisement shall be published in the columns of the official paper, and may be published in such other papers and at such other times, and in such other manner as the Council may direct.

All advertisements for bids shall clearly state that such bids are to be

received and opened at a public meeting of the Council in the Council Chambers, upon a certain day and hour.

#### CERTIFIED CHECKS.

Section 124. In advertising for any bids, the Council shall require any bidder to deliver his bid and a certified check upon some reputable bank in the City of Jackson payable to the City of Jackson for at least ten per cent of the total amount of such bid, which check and the amount thereof shall be forfeited to the City of Jackson, as liquidated damages, if the bidder, upon the letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

#### RECEIVING AND OPENING BIDS.

Section 125. At the time and place mentioned in the advertisement for bids, the Council shall meet in public session and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively and no further bids shall be received after any bid has been opened. The Council shall give all persons who desire the same an opportunity to inspect all bids when they are opened. No bids shall be considered when not accompanied by a certified check.

#### ACTION BY COUNCIL.

Section 126. The Council shall act upon such bids and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided that the Council may reject any bids which it may deem unreasonable or unreliable, and the Council in determining the reliability of a bid shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any references to the responsibilities of the sureties upon his bond, and any person who shall have defaulted in any contract awarded by the City, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the council may nevertheless accept such bid, or it may reject all bids, and may abandon the proposed contract and project or it may require the clerk to re-advertise for bids; the council may reject any and all bids regardless of the amounts thereof or of the amount of the estimate.

All contracts shall be executed by the bidder within ten days after the contract is ready for his signature, and if not executed by him in said time he shall be deemed to have abandoned the same.

#### PERFORMANCE OF CONTRACTS.

Section 127. After the acceptance by the Council of any bids, it shall direct the execution of a contract by the proper officer in accordance therewith and also in accordance with the said plans, specifications and proposed contract, and such contracts shall be carried out by the proper department or officer of the City, as in this Charter provided.

In case the Council shall determine that any commodities or service are to be procured in open market, the same shall be procured or done by the proper department or officer in accordance with such general directions as the Council may give.

BOND.

Section 128. Every person to whom a contract is awarded for an amount exceeding two thousand five hundred dollars shall give a bond in such sum as the Council may direct, and with such sureties as the Council may approve, for the faithful performance of such contract.

In case of all other contracts, the council may require a bond, and, in all cases of contracts coming within the purview of Section 574.26 of Minnesota Statutes, 1941, and the amendments thereto, it shall require such bond as is required by such law.

EXPENDITURES.

Section 129. It shall be the duty of each officer or head of a department to report to the Council, quarterly, the commodities, work and service likely to be needed for the operation of his department or office, during the remainder of the then fiscal year, and not theretofore contracted for.

EMERGENCIES.

Section 130. In case of emergency, and when the delays provided for in this Charter will cause great damage to the public interest or endanger public safety, the head of any department with the written approval of the Council may make necessary repairs by day labor and procure materials therefor in the open market.

CONTRACTS NOT TO BE ASSIGNED.

Section 131. No contract for which a bond or deposit is required as provided in this Chapter shall be assigned or transferred in any manner and any assignment or transfer thereof, except by operation of law, and except by consent of the Council expressed by Resolution, shall fully and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the City; and the City, through its proper authorities may at once proceed to re-let such contract, or may, at its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

CERTAIN IMPROVEMENTS-WITHOUT CONTRACTS.

Section 132. Notwithstanding any other provisions of this charter, the City Council may, in its discretion, build, repair, improve, extend or enlarge sidewalks, curbs and gutters, storm and sanitary sewers, streets and alleys, waterworks and a sewage disposal plant and may dredge and improve river beds and banks all by its regular and or additional city employees and labor and may, in cases where such improvements by this charter authorized to be assessed against benefited property, assess such costs in the manner provided in Division 2 of Chapter XIII.

PURCHASES WITHOUT BIDS.

Section 133. Notwithstanding any provisions in this charter inconsistent herewith, the council may, by notice and without receiving bids therefor,

purchase liquor in the open market for resale in the city liquor dispensary; it may also authorize such purchases to be made by the liquor committee of the council or by the dispensary manager.

#### PENALTY.

Section 154. Any contract made in violation of the provisions of this Charter shall be absolutely void, and any money paid on account of such contract by this City, or any department or officer thereof, may be recovered by the City, without restitution of the property or benefits received or obtained by the City thereunder.

Any officer of the City violating any provisions of this Charter shall thereby forfeit his office in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the courts of the State or by action of the Council, as provided for in this Charter.

### CHAPTER XIX

#### SALARIES AND DUES

#### SALARIES.

Section 155. The following officers, and such others as may be hereafter designated by the city council, shall receive salaries, to wit: Mayor, Aldermen, Clerk, Treasurer, Attorney, Health Officer, and Assessor. Such salaries, except as herein otherwise provided, shall be set by the Council.

The aldermen and mayor shall receive monthly salaries in such sums as set by the council, but the maximum for each alderman shall be \$20.00 per month and for the Mayor shall be \$50.00 per month; until otherwise set by the council they shall receive such maximum amounts.

#### EMPLOYEES.

Section 156. The compensation of all employees of the City shall be fixed by the Council, except as herein otherwise provided, and such compensation shall be paid monthly in the discretion of the Council.

#### SALARIES NOT CHANGED.

Section 157. The salaries of the officers of the city shall not be increased or diminished during the term for which any officers shall be elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service; provided, however, that the mayor and councilmen shall, after the taking effect of this charter, be entitled to and shall receive for the balance of their respective terms of office, such salaries, pro-rata, as are set by this charter; and provided further, that salaries of officers appointed or elected for a term of more than one year may be changed annually. The Council may at any time fix and allow additional compensation to any officer for extraordinary services performed.

#### GIFTS.

Section 158. No officer or member of any board or employee of the City shall directly or indirectly in or about the performance of his office or position ask or receive any gift, compensation, gratuity, reward, or other valuable thing whatever, except as prescribed in this Charter.

BONDS.

Section 139. The Council may require bonds from any officer or employee of the City in those cases where a bond is not required by the terms of this Charter and may fix the amount of the bond so required by it, and make any regulations it may deem proper in regard thereto.

CORPORATE SURETIES.

Section 140. All bonds required of city officers or employees shall be surety bonds and shall be approved by the council before becoming effective; the premiums on all such bonds shall be paid by the City.

CHAPTER XLII

EMINENT DOMAIN AND LOCAL IMPROVEMENTS

POWER TO ACQUIRE PROPERTY.

Section 141. The City of Jackson is hereby empowered to acquire by purchase, condemnation proceedings or otherwise, any property corporeal or incorporeal, whatsoever situated, either within or without the limits of the City, which may be needed by the City or any board or department thereof, for any public purpose whatsoever.

And the fact that the property so needed has been obtained by the owner under eminent domain or is already devoted to a public use, shall not prevent its acquisition by the City.

Where nothing is specified to the contrary, the City, in any acquisition of property, shall be deemed to have acquired the fee title and absolute ownership of such property, except in cases of streets and alleys.

The City of Jackson is hereby empowered, except as hereinafter specified, to levy assessments upon any property benefited by any improvement which may be made by the Council under the provisions of this Chapter, to the extent of such benefits, without regard to valuation.

INDIVIDUALS.

Section 142. Except in cases of improvements to abate a nuisance, no real estate shall be assessed for benefits resulting from the taking or injuring of real property, unless the owner of at least one quarter of the real estate to be assessed therefor, as appears by the last assessment for general tax levy found in the office of the Auditor of Jackson County, Minnesota, at the time of the presentation to the Council of the petition for improvements, shall petition therefor, such petition shall be in writing and filed with the Clerk.

In case of condemnation of lands, for parks, parkways, or boulevards, at least one half of the total damages and expense thereof shall be a general charge on the City and payable out of the Current Expense Fund.

In all cases where the total damages and expense of taking or injuring real estate for any improvement shall not exceed one hundred and fifty (\$150) dollars the same shall be a general charge upon the City and payable out of the appropriate fund and if there be no such fund, then out of the Current Expense Fund. Two or more improvements contemplated in the foregoing section may be combined in one proceeding at several times and as ordered by the Council.

SECTION I

PROVISIONS WHICH SHALL APPLY IN AN EMINENT DOMAIN FOR IMPROVEMENTS.

GENERAL AND PARTICULAR POWERS AND DUTIES OF IMPROVEMENTS.

Section 143. When the Council shall, by Resolution, declare that for public improvement it is necessary to take, damage, injure, or destroy any private property, or property devoted to a public use, it shall determine by Resolution in a general way the nature and extent of the proposed improvement.



CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Section 144. The Council shall thereupon notify the City Engineer of such determination; and thereupon it shall be the duty of the Engineer to make and present to the Council, a plat and survey of such proposed improvement, showing the nature, course and extent of the same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby, together with the name of the owner or owners of each parcel of such property as the same appears by the last assessment list in the office of the Auditor of the County in which said lands are situate at the date of said Resolution of the Council, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Council may cause such plat or survey to be modified, amended, or changed.

COUNCIL TO ADOPT PLAT, ORDER IMPROVEMENTS AND GIVE NOTICE.

Section 145. When such plat and survey shall finally describe the proposed improvements to the satisfaction of the Council, it shall by Resolution adopt the same and order the making of the improvements. The Council shall give fifteen days' notice by one publication in the official newspaper of the City, of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments of benefits as the case may be, in which notice it shall describe the land or property to be condemned by general descriptions, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the manner in which a summons is served in a civil action in District Court upon all parties interested in the land to be condemned or benefited, as appears by the last assessment list in the office of the Auditor of the County in which the land is situate, who can be found in said County, and also upon all persons occupying such lands, or any part thereof, and it shall mail a copy of such notice to all non-residents of said County appearing to be interested in said land, addressed to the known post office address of such non-resident, and if such address is unknown to the Council, such notice shall be addressed to such person at Jackson, Minnesota. Proof of service and mailing of such notice shall be made by the affidavit of the person serving and mailing the same, which shall state the time, place and manner of serving or mailing the same, and how each notice so mailed was addressed and such affidavit shall be filed and preserved in the office of the City Clerk.

HEARING.

Section 146. All persons interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Council at said hearing.

DAMAGES, HOW AWARDED. INTEREST.

Section 147. The Council in making such assessment shall determine and appraise to the owner or owners the value of the real estate or interest therein taken, damaged, injured, or destroyed for the improvement, and the damage arising to them respectively from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum so awarded as damages shall bear interest at the rate of six percent per annum from and after the date of the confirmation of assessment therefor, as hereinafter provided, until paid.

CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Section 144. The Council shall thereupon notify the City Engineer of such determination; and thereupon it shall be the duty of the Engineer to make and present to the Council, a plat and survey of such proposed improvement, showing the nature, course and extent of the same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby, together with the name of the owner or owners of each parcel of such property as the same appears by the last assessment list in the office of the Auditor of the County in which said lands are situate at the date of said Resolution of the Council, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Council may cause such plat or survey to be modified, amended, or changed.

COUNCIL TO ADOPT PLAT, ORDER IMPROVEMENTS AND GIVE NOTICE.

Section 145. When such plat and survey shall finally describe the proposed improvements to the satisfaction of the Council, it shall by Resolution adopt the same and order the making of the improvements. The Council shall give fifteen days' notice by one publication in the official newspaper of the City, of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments of benefits as the case may be, in which notice it shall describe the land or property to be condemned by general descriptions, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the manner in which a summons is served in a civil action in District Court upon all parties interested in the land to be condemned or benefited, as appears by the last assessment list in the office of the Auditor of the County in which the land is situate, who can be found in said County, and also upon all persons occupying such lands, or any part thereof, and it shall mail a copy of such notice to all non-residents of said County appearing to be interested in said land, addressed to the known post office address of such non-resident, and if such address is unknown to the Council, such notice shall be addressed to such person at Jackson, Minnesota. Proof of service and mailing of such notice shall be made by the affidavit of the person serving and mailing the same, which shall state the time, place and manner of serving or mailing the same, and how each notice so mailed was addressed and such affidavit shall be filed and preserved in the office of the City Clerk.

HEARING.

Section 146. All persons interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Council at said hearing.

DAMAGES, HOW AWARDED. INTEREST.

Section 147. The Council in making such assessment shall determine and appraise to the owner or owners the value of the real estate or interest therein taken, damaged, injured, or destroyed for the improvement, and the damage arising to them respectively from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum so awarded as damages shall bear interest at the rate of six percent per annum from and after the date of the confirmation of assessment therefor, as hereinafter provided, until paid.

DAMAGES IN EXCESS OF BENEFITS.

Section 148. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, the Council shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the differences only shall in any case be collected from them or paid to them.

APPRAISEMENT WHEN THERE ARE BUILDINGS ON THE LAND.

Section 149. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for damages to the land and improvements separately.

The value of such building or improvements, or the part thereof necessary to be taken, to the owner in case of removal, shall also be determined by the Council, and notice of such determination shall be given by it to the owner when known, if a resident of the City, personally, or to be left at his usual place of abode with some person of suitable age and discretion then residing therein.

If the owner is not known, or is a non-resident of the city, ten days' notice by one publication to all persons interested shall be given in the official paper of the city, which shall be sufficient notice to such owner.

Such owner may at any time, within ten days after such notice, notify the council in writing of his election to take such building or improvement, or a part thereof, at its appraised value, and in such case the amount of such appraisal shall be deducted by the council from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the council may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the council shall, after the confirmation of the assessment and after the money is in the hands of the Treasurer ready to be paid to the owner for his damages, proceed to sell such improvement or building, or part thereof, at public auction for cash, giving ten days' notice of sale by one publication in the official paper, and cause such building or improvement or part thereof to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with said improvement.

JOINT OWNERS. LAND SUBJECT TO LEASE.

Section 150. If the land and building belong to different persons, or if the land is subject to lease, lien or mortgage, the damages done to such persons, respectively, may be awarded to them by the council less the benefits resulting to them, respectively from the improvement.

DAMAGES, ETC., TO BE ASSESSED UPON REAL ESTATE BENEFITED.

Section 151. Having ascertained the damages and expenses of such improvement as aforesaid, the council shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the council in payment of the same, together with the costs of the proceedings, upon the real estate and property it deems benefited by such improvement, in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

#### ASSESSMENT ROLL.

Section 152. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof, as far as known by the council, or, if unknown shall so state, and the amount of damages awarded, and benefits, if any, assessed, against such parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any; if the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the council shall so state on each assessment roll, and shall specify the amount of such excess. The council shall also note on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

#### NOTICE OF COMPLETION OF ASSESSMENT ROLL.

Section 153. When completed, the council shall cause to be given ten days' notice by one publication in the official paper of the city to the effect that such assessment has been completed and that at a time and place therein specified it will hear objections to the same, and that all such objections must be filed with the city clerk in writing one day prior to the time so specified, and that, unless cause is shown to the contrary, the same will be confirmed.

Said notice shall contain a copy of the assessment roll as completed.

#### OBJECTIONS, HOW MADE.

Section 154. All objections shall be in writing and filed with the city clerk at least one day prior to the time specified in said notice. Provided, that said council may, in its discretion, allow any person in interest who has inadvertently omitted to file his objections, as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

#### ADJOURNMENT OF PROCEEDINGS.

Section 155. Should the council not be present at the time and place appointed, the proceedings may be adjourned by the city clerk, to such other convenient time and place as may be deemed expedient.

#### NEW NOTICE MAY BE GIVEN.

Section 156. Nothing herein contained shall preclude the council from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment in case the previous notice shall be found imperfect, or in case of the absence of the council, or for any other reason which shall be satisfactory to the council for so doing.

#### COUNCIL POWER TO ADJOURN HEARING AND REVISE ASSESSMENT.

Section 157. The council shall have the power to adjourn such hearing from time to time and, in its discretion, to revise and correct the said assessment, and to confirm or set aside the same and to proceed to make an assessment de novo.

The assessment, when confirmed, shall be corrected to conform to such confirmation, and shall be final and conclusive upon all persons interested therein and not appealing therefrom.

#### PROCEDURE AFTER CONFIRMATION OF ASSESSMENT.

Section 158. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith, shall be entered into a book kept for that purpose by the council. A warrant for the collection of said assessment shall be issued as provided in Section 183 in cases of other assessments, except said assessment shall not be payable in installments.

NOTICE OF CONFIRMATION OF ASSESSMENTS.

Section 159. As soon as practicable, after an assessment of damages and benefits has been confirmed by the council, said council shall cause a brief notice of the fact of such confirmation to be published in the official paper of the City.

RE-ASSESSMENT.

Section 160. If the said assessment shall be set aside by the council as aforesaid, or by the court, for any cause, jurisdictional or otherwise, the council shall proceed de novo to make a new assessment, and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said council shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment therefor or thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from the said improvement.

APPEAL TO THE DISTRICT COURT.

Section 161. Any person interested in any property taken or damaged in these proceedings may appeal to the District Court of Jackson County, Minnesota, from an award of damages or assessment of benefits, in the same manner as provided for by Section 198 and the sections following of this charter. Thereupon the City Clerk shall forthwith transmit to the clerk of said court a duly certified copy of all papers and records in his office pertaining to such proceedings, and if more than one appeal be taken, it shall not be necessary to transmit more than one copy.

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DIVISION 2.

PROCEDURE WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS.

Section 162. Whenever in the condemnation of any property as set forth in Section 141 of this charter, where there can be no assessment for benefits, all of the proceedings required to be had under Division 1 of this chapter, shall be had under Division 2 hereof, except that the council in the latter case shall in no event make any assessment of benefits. And all the provisions of this Division 1 of this Chapter shall, so far as applicable, apply to and be in force hereunder in Division 2 hereof, to condemn property where there can be no assessment for benefits.

EFFECT OF AWARD.

Section 163. Whenever an award of damages shall be made, confirmed and not appealed from, in any proceedings for taking of property under this chapter, or whenever the court shall render final judgment in any appeal from such award or from the confirmation thereof, the rights of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property, right or thing of value for which damages are so awarded, and every right, title, and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the City may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement therein for such purposes; but before entering upon possession of said land or property the city shall pay the amount of the award with interest thereon at the

Rate of six percent per annum from the date of the final award or confirmation thereof or judgment of the court, as the case may be. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof, as may be awarded, or the person damaged refuses to accept the same, the amount so awarded and in doubt, or so refused, shall be by the council appropriated and set apart in the City Treasury for whoever shall establish his right thereto by some judicial proceeding. Before payment of any such award the owner of such property, or the claimant of the award, shall furnish satisfactory evidence of his right to such award; provided, however, that the council may by resolution at any time before confirmation of any award of damages made by it, or in case of an appeal within twenty days after final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

#### DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED.

Section 164. Upon the completion of any proceedings under this Chapter for the acquisition of any property for the City, the council shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid, or to be paid, to each owner or lien holder thereof, and cause its mayor and city clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the Register of Deeds of Jackson County.

#### LOCAL IMPROVEMENTS AND ASSESSMENTS.

##### GRANT OF POWERS.

#### IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAYED BY ASSESSMENT.

Section 165. The City is hereby authorized to grade, pave, re-pave, curb, gutter, wall, bridge, gravel, macadamize, oil, sprinkle, sweep or repair any street, avenue, alley or highway; to grade, improve, protect and ornament any public park, square, or grounds; to construct, improve and ornament parkways and grass plots; to plant and protect shade or ornamental trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers and drains in, over or under and streets, alleys or highways; to abate nuisances; to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of any such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

#### COST PAID BY ASSESSMENTS. EXCEPTIONS.

Section 166. The cost of any improvements mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby to be levied in the manner hereinafter prescribed; provided, that the construction, reconstruction, or maintenance of cross walks over public streets or alleys and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving or ornamenting public grounds, squares, and parks, and the curbing, guttering, paving, repaving and grading of the space occupied by street intersections and the intersections of the alleys with the street, shall be paid out of the appropriate fund or the Current Expense Fund of the City.

Water mains may be laid, extended, improved and repaired by the city in the streets, alleys and other public ways, within or without the limits of the city and the total cost thereof paid by the city, and nothing in this charter shall be construed to, or shall, require that assessments be made against property abutting thereon or benefited thereby.

#### ASSESSMENT OF CORNER LOTS.

Section 167. The Council may, in its discretion, where any lot fronting on two streets has been previously assessed, and the assessment paid, for laying any water or sewer pipe upon a street other than the one in which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of fifty feet on such lot, as it may deem just under all the circumstances of the case.

#### AMOUNTS ASSESSABLE AGAINST THE CITY. PUBLIC OR EXEMPT PROPERTY.

Section 168. The amounts which would otherwise be assessed against property belonging to the City, public property or property exempt from assessment for local improvement shall be paid out of the appropriate fund or the Current Expense fund of the City.

#### OWNERS MAY BE FORCED TO LAY BRANCH SEWERS AND WATER PIPES.

Section 169. The Council may, when any resolution is passed, approved and published for improving any street, alley or highway within the City, by resolution require the owners of the abutting property to lay branch sewers and water pipes from the mains to the curb or lot line of each lot, and in case any property owners neglect to lay such sewer or water pipe within twenty (20) days after the publication of such Resolution, the Council may cause the same to be put in and assess the same against the lots or parcels of land for which said sewer or water pipes are laid as part of the assessment for the cost of improving any street, alley or highway.

#### TWO OR MORE IMPROVEMENTS AT THE SAME TIME.

Section 170. Two or more of said improvements, upon one or more streets, may be made at the same time, under one order, and may in that case be included in one contract.

If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by such improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

#### PROCEDURE FOR MAKING ASSESSMENTS.

#### APPLICATIONS AND PETITIONS FOR IMPROVEMENTS.

Section 171. All applications or propositions for any improvement authorized in section 165 of this Chapter, shall be made to or emanate from the Council. If the majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Council shall cause plans and specifications for such improvement to be made and filed in the office of the City Clerk and shall, when such plans and specifications are so filed, give notice of the time and place when and where the Council will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby. Provided, that the Council by a four-fifths vote of all its members may, without petition in cases where in its judgment public necessity requires it, cause plans and specifications for such improvement to be made and filed in the office of the City Clerk, and shall give like notice as it required in case of a petition of a majority of the property owners abutting on such improvement.

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HEARING.

Section 172. If upon such hearing the Council believe said improvement necessary and proper, they shall order the improvement made and assess the cost thereof on property benefited thereby, provided, that the Council may order a proportion of the cost of said improvement paid out of the appropriate fund, or the Current Expense Fund.

COUNCIL TO LET CONTRACT AND MAKE ASSESSMENT.

Section 173. When the Council shall determine to make any improvement described in Section 165 of this Charter, it shall cause an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Council shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate fund or Current Expense Fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll the Council shall describe each parcel or property assessed, and shall state the amount assessed against the same, and state the name of the owner thereof, so far as known to the Council. No mistake in, or omission of, such owner's name shall in anywise affect such assessment.

If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Council, after the completion of said work, may make a final assessment in the same manner to pay the same.

Any assessment paid on account of any improvements ordered to be done by contract, before the contract therefor is let, shall be kept in the permanent improvement revolving fund for such improvement.

ASSESSMENTS AGAINST RAILWAYS OR STREET RAILWAYS.

Section 174. When in any case any portion of the cost of making any improvement mentioned in Section 165 shall, by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the City may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the General Laws of this State in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as an indebtedness; provided that any real estate belonging to said railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

NOTICE TO BE GIVEN BEFORE MAKING ASSESSMENT.

Section 175. Before proceeding to make an assessment for any improvement mentioned in Section 165, the Council shall give ten days notice by one publication in the official paper of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Council shall give at least four days' notice to the same effect to all property owners interested or persons in possession or their agents residing in the City, if known to said Council. The notice required by this section may be made by depositing in the post office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the City, or to persons in possession, at least four days prior to the making of an assessment, upon which card or letter shall be either printed or written substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment of any of the proceedings.



HEARING BEFORE MAKING ASSESSMENT.

Section 176. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Council may receive any legal evidence and may adjourn the hearing if necessary, from time to time, and place to place.

NOTICE OF HEARING, OBJECTIONS, HEARING, ASSESSMENT

Section 177. When the Council shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections and for the confirmation of such assessments as hereinbefore required in relation to assessments for the condemnation of real estate, and objections shall be made in like manner and under the same regulations and conditions and all parties in interest shall have like rights and the Council shall perform like duties and have like powers in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate.

ASSESSMENT FINAL AND CONCLUSIVE.

Section 178. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

NOTICE OF CONFIRMATION.

Section 179. When any assessment of benefits has finally been confirmed by the Council, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

ASSESSMENTS PARAMOUNT LIEN.

Section 180. Assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment, and of equal rank with the lien of the State for taxes which have been or may be levied upon said property under the general laws of the State; and the general rules of law as to priority of tax liens shall apply equally to the liens of such assessments and to such liens for general taxes, with the same force and effect as though all of the liens aforesaid and all of the taxes and assessments aforesaid were of the same general character and imposed for the same purpose and by the same authority without regard to priority of time of the attaching of either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS.

Section 181. The City Clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments confirmed by the Council; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the City or County Treasurer or whether remaining unpaid.

ASSESSMENTS PAYABLE IN INSTALLMENTS.

Section 182. When such assessment is fully completed and has been confirmed and established, the Council shall by Resolution in writing provide the manner in which such assessment shall be paid.

The Council may by such Resolution provide:

(1) That such assessment shall be paid within thirty days from the date of the notice provided by Section 179.

(2) That said assessment may be paid in any manner as provided by the Statutes of the State of Minnesota as in such case made and provided.

(3) That the owner, or any person interested in any lot or parcel so assessed and described in such assessment may at his election and written request pay the same in ten or less annual installments. If paid in installments each of said installments shall bear interest at a rate to be determined by said Resolution, not exceeding six percent per annum, from the expiration of thirty days after publication of the notice provided in Section 182, of this Charter.

#### WARRANT FOR ASSESSMENT.

Section 183. When any special assessment shall be confirmed and established by the Council as herein provided for, it shall be the duty of the City Clerk to issue a Warrant for the collection thereof, which shall be under the seal of the City and signed by the Mayor and City Clerk, and shall contain a printed or written copy of the assessment roll as confirmed, or so much thereof as describes the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the Resolution passed by the Council as provided in Section 182 of this Charter.

#### WARRANT DELIVERED TO CITY TREASURER.

Section 184. All warrants issued for the collection of any special assessment by the City as herein authorized, shall be delivered by the City Clerk to the City Treasurer as soon as practicable after the said assessment has been confirmed and established. The City Clerk shall in each instance take a receipt for such warrant and place the same on file.

#### TREASURER TO ORDER NOTICE ON WARRANT.

Section 185. Upon the receipt of any warrant for the collection of any special assessments, the City Treasurer shall forthwith give notice by one publication in the official newspaper that such warrant is in his hands for collection, briefly describing its nature, the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons interested to make payments within thirty days from the date of such notice. If said assessment is payable in installments such notice shall state the manner in which such installments are payable. If payable in the manner provided in Section 182, said notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request pay the assessment in a stated number of annual installments.

#### NOTICE OF ELECTION BY PROPERTY OWNERS.

Section 186. If said assessment is payable in installments in the manner provided by Section 182 any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such right, shall, within thirty days after the publication of the notice provided for in the preceding section and before such assessment becomes delinquent, make and file with the City Treasurer in duplicate, written notices of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into proper installments and make record of the same and transmit one of such duplicate notices to the City Clerk, who shall note such fact in his record book of assessments.

The Council may at any time after an assessment becomes delinquent and before the same is certified to the County Auditor, upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become

delinquent to be paid in installments as hereinbefore provided.

ELECTION -- WAIVER OF DEFECTS

Section 187. Any person making an election to pay in installments as provided in Section 182, his heirs, personal representatives or grantees, on any parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon, prior to the granting of said application, and shall thereby forever be stopped from denying the validity of said assessment or the amount thereof.

INSTALLMENTS. WHEN DUE.

Section 188. The time for the payment of installments and interest and for the enforcement of the same against the property affected by the assessment, shall be extended so that the several amounts shall become payable as follows:

The first installment within thirty days after the publication of the City Treasurer's notice provided in Section 185 of this Charter.

The second installment together with interest on same, and on all future installments on October 1st, of the succeeding year.

The third installment together with interest on same and on all future installments on October 1st, of the following year, etc.

Each installment together with interest as aforesaid, excepting the first, shall be due and payable at the office of the City Treasurer on the first of October of the year when payable.

RETURNS OF CITY TREASURER TO CLERK OF DELINQUENT ASSESSMENT.

Section 189. If the assessment charged in any special assessment warrant made for any improvement, or the first installment thereof, shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or person interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by Section 182, the City Treasurer shall return to the City Clerk, a list, duly certified, of the assessments, which still remain unpaid, giving in such a list the description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed therefor.

CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR.

Section 190. The City Clerk shall on or before the first day of November, following, cause a statement of the amount of said delinquent assessments, except assessments that have been appealed to the District Court as hereinafter provided, with six percent annual interest thereon, computed from the time said assessment became delinquent to the first day of October of the year next following the making of said assessment, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of Jackson County. It shall be the duty of the said Auditor to enter the several amounts of said unpaid assessments and interest as aforesaid upon the tax duplicates of the County, at the time said duplicates are made up, and the same, for such year ending November first, shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of State and County taxes under and in accordance with the provisions of the general laws of the State. Such assessments when collected shall be paid over by the County Treasurer to the City Treasurer.

The same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the City and be turned over by said Treasurer to the City Treasurer with the assessments.

INSTALLMENTS NOT PAID WHEN DUE.

Section 101. If any installment and interest is not paid when due on the first day of October of each year, together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five percent to the total amount then delinquent and certify the same to the City Clerk, as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Jackson County, in the same manner as the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof, shall enter and carry out the same upon the proper tax duplicate of the County in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on the same, be paid over to the City Treasurer.

INSTALLMENTS MAY BE PAID BEFORE DUE.

Section 102. Any person or persons interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already been accrued.

INSTALLMENTS REMAINING LIE.

Section 103. Every installment, the time of payment of which has been extended, shall constitute and continue to be a permanent lien in favor of the City and against the lots or parcels of land on to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid.

IRREGULARITIES.

Section 104. No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax list by the Auditor of Jackson County, as heretofore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

BY APPOINTMENT, ETC.

Section 105. If for any cause the proceedings of the Council or any of its officers, be found irregular or defective, whether such defects are jurisdictional or otherwise, the Council may make a new assessment as often as may be, upon all real estate benefited on which no payment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

POWER TO PURCHASE PROPERTY OR TAKE ASSIGNMENT OF LIEN.

Section 106. In order to protect the lien of the City on special assessments, the Council shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on same against which the City has a lien for special assessment, and may sell and assign any such lien held by the said City, and otherwise take such action as will protect the interests of the City.

COUNCIL MAY ISSUE WARRANTS.

Section 197. The Council is hereby authorized in anticipation of the levy, and collection of such assessment, whether divided into installments or not, to issue warrants on the Permanent Improvement Revolving Fund, payable at such times, and in such amounts as in the judgment of the Council the said assessments will provide for, which warrants shall bear interest at a rate not exceeding six percent per annum, payable annually, on the fifth day of October, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable and shall state upon their face for what purpose they are issued, and that they are payable out of the Permanent Improvement Revolving Fund, and shall be signed by the Mayor, and countersigned by the City Clerk under the seal of the City, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than par value thereof, and the proceeds thereof credited to the Permanent Improvement Revolving Fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid on presentation to him, the Post Office address of the owner, and in case of assignment of any such warrant, the holder shall present the same to the City Treasurer for endorsement of the Post Office address of such assignee. The City Treasurer shall keep a proper record of the Post Office addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn and to cancel the same when paid. Any indebtedness created by the issuance of any warrants, shall not be deemed a part of the total indebtedness of the City, which the City is hereinbefore forbidden to incur to exceed ten percent of the total value of the taxable property in such City according to the last preceding assessment for City purposes.

Every warrant as aforesaid shall contain the following proviso:

"The City of Jackson reserves the right to pay this warrant and accrued interest at any time upon giving the holder thereof thirty days' notice."

Whenever there are funds in the Permanent Improvement Revolving Fund that may be properly applied to the payment of such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the City Treasury for the payment of the same. Said notice may be given by mail addressed to the last known Post Office address of the owner of said warrant, and if such address is unknown, such notice shall be addressed to such person at Jackson, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty days from the mailing of said notice.

APPEAL TO THE DISTRICT COURT.

Section 198. Any person interested in any property assessed under this chapter, for benefits resulting from any improvement may appeal from such assessment to the District Court of Jackson County, within thirty days after the publication of the notice provided for in Section 175, 177, 179, and 185.

APPEAL. HOW MADE. PROCEDURE ON APPEAL.

Section 199. Said appeal shall be made by filing a written notice with the City Clerk, stating that appellant appeals to the said District Court from said assessment and containing a description of the property of said appellant so assessed and the objection of said appellant to such assessment, and by filing with the Clerk of said court within ten days thereafter, a copy of said notice of appeal. To render an appeal effectual for any purpose, a bond shall be executed by the appellant to the City, conditioned that appellant shall pay all costs and charges which may be awarded against him on the appeal, not exceeding the penalty of the bond, which shall be in the sum of two hundred (200) dollars. Said bond shall be approved by the Mayor of the City and filed in the office of the Clerk of the District Court. In case of an appeal, it shall be the duty of the City Clerk forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days after taking of such appeal be filed by the appellant in the office of the Clerk of the said Court. The District Court may for good cause shown, grant further time for filing such certified copy, or may, when necessary require a further return to be made. The cause shall be entered by the Clerk in the name of the person taking such appeal against the City as an "Appeal from Assessments", and may be brought on for hearing by either party and shall have the preference in order of trial over all civil cases pending in said Court.

PROCEDURE IN DISTRICT COURT ON APPEAL.

Section 200. Such appeal shall be tried by the Court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general or special term, without pleadings other than as above stated. Upon such trial appellant can make no other appeal, but the Court may, in its discretion permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the council how to make such new assessment so as to avoid the errors complained of.

The Court shall not dismiss the appeal, nor confirm or annul the assessment on the ground that only a portion of the assessment roll has been returned, but either party may introduce the whole of said roll in evidence, and the same shall in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the evidence of the validity of all proceedings up to and including the confirmation of the assessment.

Disbursements and costs, except statutory costs, may, in the discretion of the court, be allowed on appeal as in other civil cases, but any judgment entered therefor against the City shall be paid out of the Current Expense Fund. From the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the State.

COPY OF ORDER SENT TO THE CITY TREASURER--PROCEEDINGS.

Section 201. It shall be the duty of the Clerk of the District Court within twenty days after such order is filed by the Court, to make a copy of the order made by the Court in said proceedings, and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court orders a new assessment, the City Treasurer on receipt of the Copy of the order from the Clerk of the District Court as aforesaid shall immediately transmit the same to the City Clerk, and the Council shall thereupon proceed to make a new assessment.

RE-ASSESSMENT.

Section 202. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment and it shall proceed in like manner and give like notice, as herein required, in relation to the first assessment and all persons in interest shall have like rights and the said Council shall proceed in any subsequent assessment, as in the case of the first assessment.

Provided, that if the assessment of benefits to any tract of land shall not be appealed from or shall not have been set aside by the Court, the Council, in any subsequent assessment or re-assessment may omit the tracts of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment or re-assessment against any tract of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

COLLECTION OF ASSESSMENTS LEVIED BEFORE THIS CHARTER GOES INTO EFFECT.

Section 203. All assessments made by the City of Jackson, prior to the time this Charter goes into effect, shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under the lien thereof enforced if this Charter had not been adopted.

DIVISION 3

MAKING OF IMPROVEMENTS

APPLICATION OF PROVISIONS OF CHAPTER XI.

Section 204. Except as herein otherwise provided the provisions of Chapter XI shall apply to contracts mentioned in this Chapter in like manner as to other contracts of the City.

PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.

Section 205. Whenever any public improvement shall be ordered made for which an assessment is to be made as aforesaid, the Council shall cause a plan or profile of the work proposed, together with specifications for the doing of the same to be prepared by the City Engineer which shall be deposited with the City Clerk and kept at all times open for public inspection. The Council shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official paper of the City.

BIDS.

Section 206. The bids for doing such work shall be directed to the Council and shall be sealed in such manner that they cannot be opened without detection.

BIDS TO BE OPENED.

Section 207. Said bids shall be publicly opened by said Council at the time specified in the notice inviting proposals.

BIDS TO BE LET TO LOWEST BIDDER.

Section 208. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided, however, that the council may reject any bids which it shall deem unreasonable, or unreliable, and the Council in determining the reliability of a bid, may consider the question of the responsibility of the bidder, and his ability to perform his contract without any reference to the responsibility of the sureties on his bond; provided, that in case the Council shall deem all such bids unreasonable, it may readvertise for proposals; provided further that the Council may reject all bids for contract work made by any person or persons who shall have defaulted in any contract awarded by the City, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him or them.

RIGHT TO SUSPEND WORK.

Section 209. The right shall be reserved in said contract, to the City Engineer, with the consent of the Council, in case of improper construction, to suspend the work at any time, or to order the entire reconstruction of the same if improperly done.

ESTIMATE.

Section 210. In the course of the proper performance of the contract the Council may from time to time, not oftener than once a month, as the work progresses, allow to the contractor estimates of the amount already earned, less fifteen percent thereof, which, when ordered paid by the Council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Council and the City Engineer, the balance due may be audited and allowed by the Council.

CITY COUNCIL TO COMPLETE WORK.

Section 211. If, in the opinion of the Council, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the Council and the City Engineer shall have the power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or the sureties on his bond in a suit by the City.

PROPERTY OWNERS MAY CONSTRUCT STREETS.

Section 212. Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense in such cases and upon such terms and regulations as the Council may prescribe by Resolution.



WAIVER OF PROCEEDINGS.

Section 213. Notwithstanding any other provisions of this Charter in conflict herewith, upon a petition to the Council by the owners of all the property to be affected thereby for the construction of curbs and gutters, sidewalks or sewers praying for the construction thereof by the city and containing an agreement by them waiving all procedural steps outlined in this Chapter for such proceedings and assessments therefor, the City may construct such improvement, levy assessments therefor and provide the manner of payment thereof; and such assessments shall constitute a lien on the respective properties as fully as though such proceeding were had under Division 3 of this Chapter.

SIDEWALK AND CURB REPAIRS.

Section 214. Whenever the City Council shall deem it necessary to repair any sidewalk or curb in the city, and shall so declare by resolution or ordinance, it shall cause notice to be given the owners and occupants of any lot or parcel of land adjoining the same to repair the same at their own expense within a period designated therein, which shall be not less than forty (40) days; said notice shall be given by one publication in the official newspaper of the city or by service in the manner required for the service of District Court summons in this state, and shall set forth what work is to be done, the character thereof and the time within which such work is to be completed. If such work is not done and the repairs made in the manner and within the time prescribed, the Council may order the same to be done by the street department and the expense thereof to be assessed against said lots or parcels by the city engineer and returned by him to the Council. Said assessments, if approved by the Council shall become a lien upon said lots or parcels of land as in the case of taxes. If such assessments are not paid on or before the first day of October succeeding said assessment, the City Clerk shall cause a statement thereof to be transmitted with the city taxes levied in that year to the Auditor of Jackson County, Minnesota, which shall be collected by the county officers as city taxes are collected.

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CHAPTER XIV

VACATING STREETS AND ALLEYS

POWER OF COUNCIL.

Section 215. The Council shall have exclusive power to vacate or discontinue public streets, alleys, or highways or any portion thereof in the City, but no such vacation or discontinuance shall be granted or ordered by Council, except upon the verified petition in writing of one or more of the owners of real property on that portion of such street, alley, or highway proposed to be vacated. Such petition shall state the reason for such vacation, and briefly describe the street, alley or portion thereof desired to be vacated. The City Council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has been filed with the City Clerk and its object in brief, and that such petition will be heard and considered by the Council at a time and place specified therein, which time and place shall be fixed by the Council at the time of the acceptance of such petition and the time of hearing such petition shall be at least ten days after the last publication of said notice.

HEARING.

Section 216. The Council at the time and place appointed shall investigate and consider the subject involved in said petition and may view the premises and shall hear all testimony offered for or against said petition.

ORDER OF COUNCIL.

Section 217. The Council after hearing such petition may by Resolution, passed by a four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

PUBLICATION OF RESOLUTION.

Section 218. Upon the passage of such resolution and the approval thereof of the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the City.

COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS.

Section 219. A copy of such Resolution duly certified to by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of the County of Jackson, and duly recorded in his office.

CHAPTER XV

LIABILITIES FOR CAUSING DEFECTS IN STREETS.

Section 220. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley bridge, sidewalk, thoroughfare or public ground of the City, by means of which a claim for damages shall arise against the City, shall be liable for such damages to whomsoever shall be entitled to recover the same from the City; and no action for such damages shall be brought or maintained against the City unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendants causing such deficiency, and the City shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied; and if the City shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceedings as judgment creditors are entitled to take.

SUMMONS PUBLISHED IF CO-DEFENDANT IS A NON-RESIDENT.

Section 221. Whenever any party is joined with said City as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare, or public ground, and any such party is not a resident of an cannot be found within the State, service of summons in such action may be made upon such defendant upon like evidence and in like manner as prescribed by general laws for service by publication in other actions.

Section 222. Omitted.

ACTION AGAINST THE CITY FOR DAMAGES. NOTICE.

Section 223. No action shall be maintained against the City on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of the negligence of its officers, agents or servants, unless such street or highway upon which said injury happened is actually open, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall within thirty days, or if the alleged injury shall have resulted in the death or insanity of the person injured then within sixty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the Council in writing, stating the time when, the place where, and the circumstances under which said injury or loss occurred and the amount of compensation or the nature of the relief demanded from the City, and give said Council ten days time after such claim is presented within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after happening of such alleged injury or loss.

NOTICE BY THE CITY OF DEFECT.

Section 224. In the prosecutions of actions against the City for personal injuries growing out of the defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities it shall be necessary, in order to maintain said action, for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said City has actual notice and knowledge of such defect or want of repair at the time such injury happened.

CHAPTER XVI

FRANCHISES

ORDINANCES, GRANTING FRANCHISE.

Section 225. Every ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted except franchises granted previous to the adoption of this Charter, and it shall be a feature of every franchise so granted, that the maximum price for the service or charge shall be stated in the grant thereof, and before any such Ordinance shall be in force it shall be submitted to the qualified voters of the City at some general or special election in the manner that other Ordinances are submitted under the provisions of Section 69 of this Charter.

REGULATION OF RATES.

Section 226. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the City for the services rendered by it to the City, but such prices shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the Council by Ordinance and said Council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by such corporation or persons, and the Council may further provide by ordinance that every person or corporation exercising any franchise in the City, shall pay a gross earnings tax, provide the amount thereof and the method of its collection.

REPORT.

Section 227. Every corporation or person exercising any franchise in the City of Jackson shall file annually on the first Monday in February, in the office of the Clerk, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party, the actual incumbrance, debts and obligations thereon, if any, the amount of the stock issued, and to whom, the gross earnings, the expense and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the Council may proceed by ordinance to cancel and revoke such franchise.

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CHAPTER XVII

THE INITIATIVE

DIRECT LEGISLATION.

Section 228. (1) Any proposed Ordinance may be submitted to the Council by a petition signed by electors of the City equal in number to the percentage hereinafter required.

PROVISIONS OF CHAPTER III APPLY.

(2) The provisions of Chapter III respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

TWENTY PER CENT PETITION.

(3) If a petition accompanying the proposed Ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding regular municipal election at which a Mayor was elected, and in no event a less number than eighty qualified electors, and contains a request that such Ordinance be submitted forthwith to a vote of the people at a special election then the Council shall either:

(a) Pass said Ordinance, without alteration within twenty days after attachment of the Clerk's certificate of sufficiency to the accompanying petition, or

(b) Within twenty-five days after such certification, proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people. Said special election shall be held within thirty days thereafter unless a regular City municipal election shall be held within sixty days from such certification, at which time, said proposed ordinance shall be submitted.

TEN PER CENT PETITION.

(4) If the petition be signed by electors equal in number to at least ten, but not equaling twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding regular municipal election at which a Mayor was elected, and in no event a less number than forty qualified electors, and said Ordinance be not passed by the Council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted to a vote of the people at the next regular municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

PUBLICATION OF POPULAR ORDINANCE.

(5) Whenever any Ordinance or proposition is to be submitted to the voters of the City at any election, the Council shall either cause the ordinance or proposition to be printed and mailed by the City Clerk with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper and published in like manner as ordinances adopted by the Council, at least three days prior to the election.

ELECTION.

(6) The Ballots used in voting upon such proposed Ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance". If a majority of the qualified electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

SEVERAL ORDINANCES AT ONCE ELECTION.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Chapter.

REPEAL OF POPULAR ORDINANCE.

(8) The Council may submit a proposition for the repeal of any ordinance, or for amendments thereto, to be voted upon at any regular municipal election; and should such proposition receive a majority of the votes cast at such election; such Ordinance shall be repealed or amended accordingly. An Ordinance proposed by petition or adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

FURTHER REGULATIONS.

(9) The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

CHAPTER XVIII

THE REFERENDUM

MODE OF PROTESTING AGAINST ORDINANCES.

Section 229. No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except when otherwise required by the general laws of the State, or by the provisions of this Charter respecting street improvements, and except the Ordinance making the annual tax levy, and except an Ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the Council, provided that no grant of any franchise shall be construed to be an urgency measure but franchises shall be subject to the referendum vote herein provided. If during said ten days a petition signed by qualified electors of the city equal in number to at least twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding regular municipal election at which a Mayor was elected, and in no event a less number than eighty qualified electors, protesting against the passage of such Ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Chapter XVII of this Charter, to a vote of the electors of the City, either at the next regular municipal election or at a special election called for that purpose, and such Ordinances shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Chapter III respecting the form and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

REFERENDUM OF MEASURE TO POPULAR VOICE.

Section 230. Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a regular or special municipal election, in the same manner and with the same force and effect as is herein provided for Ordinances or measures submitted on petition.

FURTHER REGULATIONS.

Section 231. The Council may, by ordinance make such further regulations as may be necessary to carry out the provisions of this Chapter.

CHAPTER XIX

MISCELLANEOUS PROVISIONS

INSPECTION OF RECORDS.

Section 232. All records, books and papers pertaining to the business of the City, or any department thereof, shall be public and open to the inspection of any citizen of the City at all reasonable times and places.

APPROVAL OF PLATS.

Section 233. The Council shall have the sole power to accept and approve all plats of property within the City, and to prescribe the width and location of streets and alleys required in such plats. The Council shall have the power to require the owners of unplatted property to make such improvements as it deems proper before a plat thereof shall be accepted and approved by it.

UNCONSTITUTIONALITY OF PROVISIONS.

Section 234. If any clause, sentence, paragraph, section or part of this charter shall be found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon.

ORDINANCES, ETC., LEFT IN FORCE.

Section 235. All ordinances, resolutions and regulations of the Village of Jackson, under its former charter, and of the City of Jackson, under its former charter, in force when this charter takes effect, and not inconsistent with the provisions of this charter, are hereby continued in full force and effect until amended or repealed.

CLAIMS AGAINST THE CITY.

Section 236. All claims and demands against the city, or any board or department thereof, shall, before they are allowed by the Council, be duly verified by the person making the same <sup>or</sup> his agent.

LIBRARY BOARD.

Section 237. The Council shall appoint a Library Board, and all the provisions of the statutes of Minnesota now, or hereafter, in force, shall apply to the Library Board of the City of Jackson.

ADDITIONAL DUTIES.

Section 238. The City Council, may, at any time, require other and further duties to be performed by any officer, whose duties are prescribed in this Charter; provided that such further duties are not inconsistent with this Charter.

PUBLIC IMPROVEMENTS.

Section 239. When the Council shall determine to make any public improvement which it has authority to make under this Charter, and no specific procedure is in this Charter provided therefor, the Council may proceed to condemn property and to award damages, and in proper cases, to assess benefits, according to any method or procedure prescribed in this Charter applicable thereto.

JAIL FEES.

Section 240. The City of Jackson, shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the City to the Jail of Jackson County under the State laws.

FINES AND PENALTIES.

Section 241. In all cases of the imposition of any fines or penalties or the rendering of judgment by the municipal court, when established, or justice court of said City, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance of said City, as punishment for any offense, or for the violation of any ordinance aforesaid, the offender, shall forthwith be committed to the City prison, the common jail of the County or any other place of detention provided by the City and there be imprisoned for a term not exceeding ninety (90) days in the discretion of the municipal court, or justice court, unless the said fine or penalty be sooner paid or satisfied, and from time of arrest of any person or persons for any offense whatever and until the time of trial, the person or persons so arrested may be imprisoned in the City Prison, or in case there is no City Prison, in the County Jail of the County; provided, that nothing contained herein shall prevent the City Council from providing by Ordinance for subjecting any male offender to be kept at hard labor upon the public streets.

AMENDMENTS.

Section 242. This Charter may be amended at any time by the Board of Freeholders proposing any amendment to the people, which shall be published as provided by law, and if accepted by three-fifths of the qualified voters of said City voting at the next election, shall be declared adopted and shall thereupon become a part of this Charter; upon the application of five per cent of the legal voters of said City by written petition addressed to, and filed with the Charter Commission of said City, such commission shall submit to the vote of the people any amendment to this Charter endorsed by such application and petition which submission shall be made in the manner provided by law.

CHARTER TO BE PUBLIC LAW.

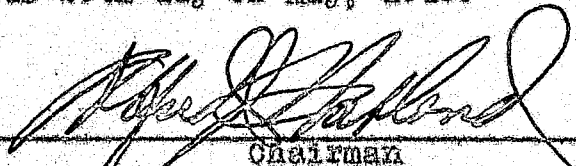
Section 243. This Charter is hereby declared to be a public act and may be read in evidence in all Courts in this State, and need not be pleaded or proven.

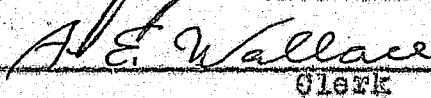


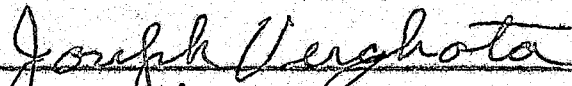
To the  
Honorable S. M. Iverson,  
Mayor of the  
City of Jackson,  
in Jackson County, Minnesota;

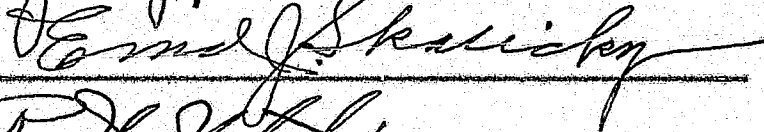
We, the undersigned, members of the Board of Freeholders of the City of Jackson, in Jackson County, Minnesota, appointed as such by the Judge of the District Court of the Seventeenth Judicial District in and for said County under and pursuant to the provisions of Section 56 of Article 4 of the Constitution of the State of Minnesota and Sections 410.04 to 410.26 inclusive of Minnesota Statutes 1941, and acts amendatory thereof and supplemental thereto, do hereby submit to you the foregoing draft of a proposed revision of the present so-called "home rule" charter of said city entitled "1946 Revised Charter of the City of Jackson, Minnesota", to be submitted to the electors for their adoption or rejection.

Dated this 29th day of May, 1946.

  
Chairman

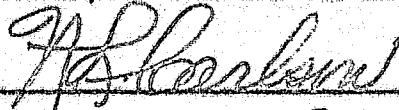
  
Clerk

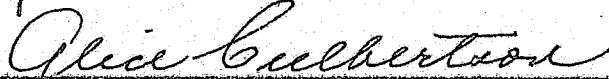








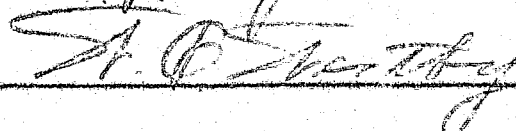








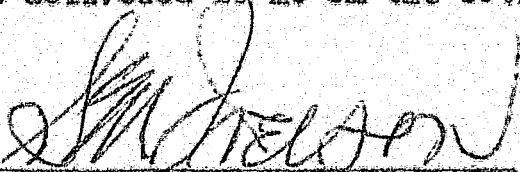




~~August~~  
Stock Exchange  
L. P. Wagner

State of Minnesota )  
County of Jackson ) ss  
City of Jackson

I hereby certify that the within and foregoing proposed revised charter was delivered to me on the 30th day of May, 1946.

  
\_\_\_\_\_  
Mayor of the City of Jackson,  
Minnesota

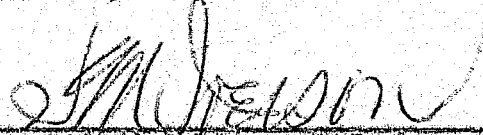
Attest:

  
\_\_\_\_\_  
City Clerk

State of Minnesota )  
County of Jackson ) ss  
City of Jackson

I hereby certify that the within charter was on the 6th day of July, 1946, submitted by the city council of the City of Jackson, of Jackson County, Minnesota, to the qualified voters of said city at a special election then and there held pursuant to the laws of this state, and that at such election said charter was adopted by a vote of 624 for and 147 against.


Dated this 9th day of July, 1946.

  
\_\_\_\_\_  
Mayor of the City of Jackson,  
Minnesota.

Attest:

  
\_\_\_\_\_  
City Clerk

10019  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 7 1946

  
Secretary of State