

STATE OF MINNESOTA,)
COUNTY OF WASHINGTON.) ss.
CITY OF STILLWATER.)

THESE PRESENTS HEREBY CERTIFY, That the foregoing draft of a proposed charter of the City of Stillwater, in the County of Washington and State of Minnesota, as duly returned and delivered to the Chief Executive or Chief-Magistrate of said City of Stillwater to-wit; its Mayor, Nicholas A. Starkel by the board of freeholders appointed by Honorable F. H. Stolberg, Judge of the Nineteenth Judicial District of the state of Minnesota under and pursuant to the constitution and laws of the state of Minnesota, was duly submitted to the qualified voters of said City of Stillwater at a special election, duly called and held for that purpose only, on the 20th day of July, A. D. 1915, at which said election there were cast in favor of the adoption and ratification of said proposed charter seven hundred and fifty-six (756) votes out of a total vote of eleven hundred and thirteen (1113) cast at said special election, and at said election said proposed charter did receive the votes of more than four-sevenths of the qualified voters voting at said special election in said city in favor of the adoption and ratification thereof, and that all of the votes so cast by the qualified voters at said special election were duly returned and canvassed by the properly and duly authorized and official canvassing board in and for said city, and that said canvassing board after such canvass did duly declare said proposed charter to have been duly adopted.

Witness our hands and the corporate seal of the City of Stillwater, Minnesota, this 20th day of August, 1915.



Nicholas A. Starkel

Mayor of City of Stillwater.

Attest: *Chas. D. Lammers*

City Clerk of City of Stillwater.

City of Stillwater
State of Minnesota
Dept. of State

Filed in the office of Secretary
of State this 20th day of August 1915

Julius A. Schmahl
Secretary of State

1480 1/2

THE CHARTER OF THE CITY OF STILLWATER.

STATE OF MINNESOTA.

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THE CHARTER
of the
CITY OF STILLWATER,
STATE OF MINNESOTA.

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ARTICLE I.

NAME AND BOUNDARIES OF THE CITY AND WARDS.

1. CONTINUANCE OF CORPORATION.--From and after the taking effect of this charter, all that district of country, in the county of Washington, in the state of Minnesota, contained within the limits and boundaries hereinafter described, shall continue to be a city by name City of Stillwater, and all the people now inhabiting and those who shall hereafter inhabit the same district shall be a municipal corporation by name City of Stillwater.

2. CITY BOUNDARY LINE.--The territory included within the following boundaries and limits shall constitute the City of Stillwater:--Beginning at a point in the middle of the river St. Croix, on the section line directly east of the northeast corner of section number twenty-one (21), in township number thirty (30), north of range number twenty (20), west of the fourth (4th) principal meridian, thence west

along the north line of said section twenty-one (21), and the north line of section twenty (20) to the northeast corner of the northwest quarter of said section twenty (20), thence south on the line dividing the east and west halves of sections twenty (20), twenty-nine (29) and thirty-two (32), to the northeast corner of the southwest quarter of said section thirty-two (32), thence east through the center of sections thirty-three (33) and thirty-four (34) to a point in the middle of lake or river St. Croix, thence northerly up the middle of said river or lake, including the islands therein to the place of beginning: And provided, that the authorities of said City may exercise concurrent jurisdiction with the State of Wisconsin over the said lake and river, opposite said City, to the eastern margin of said river and lake: And provided further, that nothing herein contained shall be deemed to exclude any portion of the City of Stillwater from the limits of Washington county.

3. WARD BOUNDARIES.--Said City shall comprise and is hereby divided into three wards as follows, to-wit: The first ward shall comprise all that part of said City lying south of a line drawn as follows: Beginning at a point on the shore of Lake St. Croix, where the center line of Nelson street extended strikes said Lake shore, and running thence westerly along said center line of Nelson street to the center of Second street; thence southerly along said center of Second

street to the center of Pine street; thence westerly along the center line of Pine street, and of Pine street extended, to the western limits of the City. The second ward shall comprise all that part of said City lying north of the first ward, and south of the center line of Mulberry street, and of Mulberry street extended, westerly to the western limits of the City. The third ward shall comprise all that part of said city lying north of said second ward.

ARTICLE II.

POWERS OF THE CITY.

4. POWERS AND AUTHORITY.--The inhabitants of the city of Stillwater as its limits now are, or hereafter may be, shall be a municipal corporation by name City of Stillwater, and as such, shall have perpetual succession, and shall possess all powers and authority in relation to the form of its government, and to the exercise of said powers and authority, consistent with the constitution and laws of the State of Minnesota, that now are or hereafter may be granted to municipalities of the class to which said City now belongs or may hereafter belong; and all such powers and authority, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not herein prescribed, in such manner as shall be provided by ordinances, resolutions, regulations, by-laws, and orders, and shall have the following powers and authority:

5. IN GENERAL.--To adopt, retain and use or alter its present or other corporate seal; sue and be sued; plead and be impleaded; contract and be contracted with; exercise the power of eminent domain for its corporate purposes; acquire, take, hold, lease, dispose of, and convey all such real and personal property as the purposes of the corporation may require, or the transaction or exigencies of the corporation, or the welfare of its inhabitants may render convenient or

necessary within or without its corporate limits; receive, take, hold, employ, or otherwise dispose of in trust for public use property of every kind and nature whatsoever, whether the same be within or without its corporate limits.

6. VARIOUS.—To define, license, regulate and restrain, theaters, halls, exhibitions, shows, and public entertainments of all kinds; dances and dance halls; billiard and pool rooms, bowling alleys and other similar places and the proprietors and keepers thereof; hotels, boarding-houses, and restaurants; auctioneers, and public auctions, gift, fire auction or bankrupt sale, pawn brokers; intelligence and employment offices and agents; second-hand stores and junk shops and the owners and managers thereof; hawkers, transient peddlers, transient merchants, boat agents, porters, canvassers, runners, agents and solicitors of common carriers, express companies, hotel or other establishments, ticket agents and brokers and immigrant and steamship agents; draymen, cartmen, cabmen, hackmen, omnibus drivers and chauffeurs; vehicles of all kinds whatsoever and the use of the streets, public thoroughfares, highways and public places by such vehicles and, also, the carrying and hauling of persons and property for hire; vendors or dealers in inflammable oils or substances, firearms, fireworks or explosives of any kind; vendors of meats, vegetables or other food products; and the size and weight of bread sold or prepared for sale and the weighing

and measuring of wood, coal, hay, grains, oils or other personal property kept for sale or to be disposed of to the public and to enforce the use by dealers of proper weights and measures duly tested and sealed.

7. PUBLIC DECENCY--GAMBLING, ETC.--To define, prevent, prohibit or suppress pool selling, lotteries, gambling, and destroy instruments used therewith; all fraudulent practices and devices; assault and battery, drunkenness and obscenity; begging, vagrancy, mendicancy and prostitution, disorderly houses, houses of ill-fame and grogeries and the proprietors and keepers thereof; riots, noise, prize fights and disorderly assemblages; disorderly or mischievous conduct, or conduct annoying or dangerous to others, or detrimental to their rights of person or property; vice, crime, and all practices and acts whatsoever inconsistent with the preservation and maintenance of peace, morals, decency, good order and the rights and comfort of the inhabitants of the City.

8. PUBLIC SAFETY--SANITATION.--To regulate, control, and prohibit the use, sale or offering for sale of firearms, explosives, or fireworks or the use or exhibition of any firearms, fireworks or explosives in any place which may be considered by the Council dangerous or annoying to any citizen; the receipt, storage, transportation and traffic in any inflammable oil or substance or any explosives within the City, the carrying of concealed weapons; the encroachment upon or

obstructing or incumbering of any highways, sidewalks, public grounds or levees; the cutting of ice within the City limits and the sale thereof; the burial of the dead within the City limits, and to regulate the location and conduct of cemeteries and crematories; places of bathing and swimming in the waters within the City limits; the landing and conveyance of paupers and persons in destitute condition into the City not having a legal residence or settlement therein by any railroad train, boat, vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons conveying or leaving them within the City; the emission of dense smoke.

9. ENGINES--MOTORS.--To regulate the use of power engines of all kinds, steam boilers, and electric or any other kind of motors, and to prohibit their use in such localities as in the judgment of the Council would endanger public safety.

10. PUBLIC BUILDING EXITS--OBSTRUCTIONS.--To regulate the size and construction of the entrances and exits from theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind, and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

11. INSPECTION OF HOTELS, ETC.--To provide for the inspection and regulation of restaurants, hotels, bakeries and butcher shops.

12. HOTELS, ETC.--To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

13. BUILDING MATERIALS--FUEL--MEASUREMENT--INSPECTION.--To regulate the measurement and inspection of building materials and of fuel of all kinds.

14. FACTORIES--NOISES.--To regulate, control, restrain or prohibit the operation of all manufactories, industries, occupations or trades which may be of such nature as to affect the public health, or good order of the city, or disturb the public peace, or which may be dangerous or offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and to provide for the punishment of all persons who permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

15. SMOKE--WHISTLES.--To regulate or prohibit the discharge of steam, cinders, sparks, and dense smoke from locomotives, mills and factories, and the use of whistles thereon or therein.

16. INTOXICATING LIQUOR LICENSES.--To license and regulate, except as otherwise provided, all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented or other intoxicating liquors and all places in which the same are dealt in, vended or disposed; and prevent or prohibit any

person from giving or dealing in spirituous, fermented, malted or vinous liquors unless duly licensed by the Council: provided that no license for so dealing in such liquors shall be granted for a less term than one year.

17. LIMITS FOR SALE OF INTOXICATING LIQUORS.--To establish, alter, enlarge and contract patrol limits within the City and to prevent, suppress and prohibit the sale or other disposal of any spirituous, fermented, malt, vinous, or other intoxicating liquors without such limits, except by duly licensed druggists for medical, mechanical or chemical purposes, to be used elsewhere than upon said druggist's premises.

18. ANIMALS AT LARGE.--To prevent, control and regulate the penning, the herding and treatment of fowls, poultry and animals kept within the City, and to restrain the running at large of the same in the City or any part thereof, and to establish and maintain a pound and to authorize the destruction or other disposition of any animals running at large.

19. DOGS.--To impose a tax on dogs and regulate the keeping thereof and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance and to provide for the killing of dangerous or vicious dogs, and to punish by fine or imprisonment the owner or keeper of any such dog who refuses to deliver up the same to be killed or to pay the tax imposed thereon.

20. CRUELTY TO ANIMALS.--To prohibit and punish any cruelty to animals and to require the places where they are kept to be maintained in a clean and healthful condition,

21. NOTICES--PLACARDS--ADVERTISING.--To regulate or prohibit the carrying, exhibiting, posting, writing, placing or affixing banners, placards, notices or advertisements, the cards, pictures, notices or advertising matter of candidates for office, and the distributing of handbills in the City, the streets, the public grounds or on sidewalks, telephone, telegraph or electric light or other poles, and the flying or placing of banners, flags or signs over side walks, across the streets or from or on buildings; and to order the removal thereof from the streets.

22. BILL BOARDS.--To license, regulate, prohibit or suppress, the erection and maintenance of signs, signboards, billboards and fences.

23. CLEANLINESS.--To compel owners, agents or occupants to keep all buildings and premises and the streets, sidewalks and alleys adjacent thereto in a cleanly, wholesome, safe and passable condition and to regulate the disposal and collection of all refuse whatsoever.

24. CLEANING SIDEWALKS.--To compel the owner, agent or occupant of buildings or grounds to remove snow, ice, dirt, rubbish and weeds from the sidewalks adjacent thereto, and on default, to authorize the removal thereof at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

25. SPRINKLING.--To provide for sprinkling streets, with authority to assess the expense thereof, on property abutting upon streets so sprinkled, or on property so benefited by such sprinkling, and to collect the same as other assessments for improving streets are collected.

26. STREET SAFETY.--To regulate the speed of railroads, trains, engines and cars passing through the city and the speed of cars on street or interurban railways using the streets of the city, to require railroad companies at their cost and expense to station flagmen, place gates, viaducts or overhead crossings at all street crossings as the Council deems proper; to require street cars and local trains to be provided with fenders, or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets, street crossings, or street intersections of the city; to regulate the speed at which persons may ride, drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city, and to compel the use of sleighbells during the sleighing season, and to provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit the use of such posts or rings; and to compel persons to fasten their horses, or other animals attached to vehicles, or otherwise, while standing in the streets, or other public places; and to prevent all persons riding or driving any

animal on the sidewalks of the City, or in any way doing damage to such sidewalk; to regulate the opening of hatchways, and compel proper guards about the same.

27. BOULEVARDS--PARKWAYS.--To designate and set apart certain thoroughfares or parts thereof as parkways or boulevards, and regulate the use of the same and to prohibit the hauling of heavy loads thereon.

28. TREES--CARE OF--DISEASES--PESTS.--To regulate and prescribe the kind, planting, care, trimming and maintenance of trees in the streets, public grounds and highways of the City, and to prescribe a treatment for any trees in the City infected with communicable diseases or pests of any kind tending to cause a general destruction of trees, and to destroy such trees when deemed necessary.

29. BOULEVARDS--TRAFFIC.--To set apart as a boulevard any street over which there is no existing franchise for any railroad, and to regulate and prevent heavy teaming thereon, and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban or street railway of any kind shall ever be granted upon such boulevard, unless an ordinance to that effect shall have been duly passed by the Council, and approved by vote of the people as prescribed in case of other franchises.

30. STREET TRAFFIC.--To regulate and prescribe the width of tires on wheels of vehicles used in the City, and

the maximum weight of loads to be drawn over any street in the City, and to direct upon what street heavily loaded vehicles may be drawn, and from what streets, avenues and boulevards the same shall be excluded.

31. EXCAVATIONS.--To regulate excavations in streets and public grounds, and to require that all excavations made in the streets and public grounds, where pavements are laid shall be filled and relaid by the City, at the cost of the party applying to make the same.

32. PIPES AND MAINS--FILING CHARTS OF.--To regulate the size and location of all water, gas and other pipes and conduits constructed or laid in the streets and public places, and to require the filing at a designated place of charts and maps of such pipes and conduits and their location.

33. ELECTRIC WIRES--POLES.--To cause the removal and placing underground of all telephone, telegraph, electric or other wires within the City or within any designated portion thereof, and to regulate or prohibit the placing of poles, and their appurtenances, and suspending of wires thereon, along or across any of the streets, alleys, or public places in the City.

34. OPENING, EXTENDING, GRADING AND VACATING STREETS-- BUILDING BRIDGES.--To lay out and open new streets and alleys, and extend, widen or straighten streets or alleys; to establish or change the grade of any street, alley or public place; to vacate any street, highway, or alley or portion of

either, or any plat or portion of any plat of lands; and to build, maintain and repair bridges across streams, ravines, highways, streets, and railroad or street railway tracks.

35. RAILROAD TRACKS ON STREETS.--To require every railroad company to keep the streets in repair between and for a distance of one foot upon each side of the tracks occupied by the company.

36. STREET RAILWAYS.--To regulate street railroads, their tracks, and cars, to compel the owners of two or more such street railroads using the same street, to use the same tracks and to equitably divide the cost of construction and maintenance thereof between them.

37. HOUSE NUMBERS.--To regulate the numbering of houses and lots and compel the owners, agents or occupants thereof to place numbers on all houses or buildings, as may be designated by the Council.

38. BUILDING REGULATIONS--BUILDING LINES AND BUILDINGS.--To regulate the construction of buildings, 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, partition and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulation to the height and size of the

buildings to be erected, to regulate the construction and location of privies, and vaults in such buildings, to protect the construction of buildings not conforming to such prescribed standard, either in the whole City or within such building limits as the Council may prescribe, to establish, alter or enlarge such building limits from time to time, to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspectors on any City officer, to give such inspectors or other officers authority to enter upon, examine and inspect all buildings in process of construction in the City, or within such building limits, and to direct the suspension of any such building operation as shall not conform to such regulations. To provide for requiring owners of buildings or other structures which shall have been destroyed or partially destroyed, by fire or otherwise, and to require the owner of any real estate upon which any such building or structure may stand to take down the same or any part thereof when deemed unsightly or likely to cause injury or accident to persons; and in case of refusal or neglect of said owner to so take down the same when ordered by the officer designated by the Council, then to cause the same to be taken down at the expense of the owner, the cost thereof to be made by special assessment on the land on which the same stands. To require the owner or lessee of any building or structure now or hereafter built or constructed in the City to place thereon such fire escapes and such

appliances for protection against fire and for the extinguishment thereof as the Council may direct; and also to require such owner or lessee to construct, provide and furnish each and every other thing, and do each and every other act which it may think necessary or advisable to lessen the danger to human life in case of fire or accident. To designate where lumber piles and millwood piles shall not be maintained, and to regulate the piling of lumber in the City, and to require any person maintaining any lumber pile in the City to remove the same when the same is or may become dangerous to any building or buildings, or other property near the same; also to regulate and designate where the following kinds of business or amusement may be located or carried on, to-wit: Millwood yards, wood yards, foundries, dye-houses, boiler shops, store houses for oil, gun-powder, or other explosive materials, store houses for hides, roller or skating rinks and baseball grounds.

39. PLUMBERS' LICENSES--SEWERS.--To license plumbers and regulate plumbing and the construction, repair, location, and use of sewers, sinks, gutters, wells, privies, cess pools and vaults, and to compel the connecting, cleaning or emptying of the same, and to license persons to act as scavengers, and to designate the time and manner in which the work shall be done.

40. FIRE HAZARD.--To regulate or prohibit the storage and handling of all hay, straw, powder, dynamite, gun cotton, nitro-glycerine, fire-works, combustibles, explosives, or other substances, articles, equipments or devices affecting the fire hazard.

41. FIRE LIMITS--BUILDINGS THEREIN.--To prescribe and determine fire limits, and the method of construction and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or existing buildings within such fire limits.

42. FIRE PROTECTION.--To regulate the construction, alteration, removal and repair of all structures and the permanent equipment thereof, and to provide for the safety of the occupants of all structures and all property in the vicinity thereof against danger from fire or panic or from methods of construction or installation detrimental to life, health or property, and to prohibit the use of buildings or parts of buildings when dangerous to life from collapse, fire or panic.

43. VACANT PROPERTY.--To compel the owner or agent of vacant property within the City to keep the same clear of brush or other material liable to communicate fire to adjoining property, and in case of neglect of any owner to so remove the same, the Council shall order the removal thereof, and assess the cost therefor against the property.

44. FIRE PROOF ROOFS--LIFE SAVING DEVICES.--To prescribe limits within which all roofs shall be covered by non-combustible material, and to compel the installation in all structures of devices, appliances and arrangements for the preservation of life, health and property from fire.

45. FIRE ESCAPES--EXTINGUISHERS.--To require the owners, agents and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

46. FIRE RISKS--COMBUSTIBLE MATERIAL.--To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the City; to require gas cut offs at curb lines, to regulate the operation of industries liable to cause fire; to prevent the depositing of ashes, accumulation of shavings, rubbish or any combustible material in unsafe places, and to make provisions to guard against fires.

47. POLICE AND FIRE PROTECTION.--To organize and maintain police and fire departments, erect the necessary buildings and purchase and own all implements and apparatus required therefor.

48. ALARM SYSTEMS.--To establish, control and maintain a fire alarm, police, telegraph, telephone or wireless system, and manage and control the same.

49. HEALTH,--To make all regulations which may be necessary and expedient for the preservation of the health of inhabitants of the City and the suppression of disease in the community; to make regulations to prevent the introduction of contagious, communicable, malignant, infectious or other diseases into the City; to make quarantine laws and regulations; to regulate, control and prevent the entry into the City of persons, baggage, merchandise or other property infected with any such disease.

50. FOOD PRODUCTS--DESTRUCTION OF UNWHOLESOME
To provide for and regulate the inspection and sale of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, bread stuffs, milk and other food products offered for sale in the City and to provide for the taking and summarily destroying of such of the same as are unsound, spoiled, adulterated or unwholesome articles or food products and to regulate and prevent bringing in the City or keeping in the City any such unsound, spoiled, adulterated or unwholesome articles or food products.

51. INSPECTION OF DAIRIES.--To provide for and regulate the inspection of all dairies, creameries, milk and cream depots that offer for sale any of their products in the City.

52. GARBAGE REMOVAL,--To provide for and require the removal, by contract with private parties, or otherwise, of any swill, offal, garbage, ashes, barn-yard litter, manure, yard cleanings, or other foul or unhealthy matter and to

assess the cost of such removal on property on which the same was found, or otherwise collect the said cost by action against the owner or occupants of such property.

53. NUISANCES.--To define, and declare what shall constitute a nuisance, and to regulate, prohibit or suppress nuisances; and to provide for the abatement and removal of nuisances within the City limits.

54. LOCATING UNWHOLESOME FACTORIES, PLANTS, ETC.--To regulate the location of stock yards, slaughter houses, rendering plants, soap factories, glue factories, tanneries, stables, privies and other unwholesome or nauseous houses or places.

55. ACQUISITION OF PRIVATE PROPERTY.--To acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the City and all departments thereof, for all structures connected with any department of the City, and for all streets, alleys, and public squares and public wharves and levees in the City; and for the construction of slopes for cuts and fills in any street, lane, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, and for changes of grade in any of the same, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures, and for that purpose, the council

may appoint commissioners to appraise such values or damages or acquire information thereof in any other manner it may deem advisable.

56. PUBLIC BUILDINGS--PARKS, ETC.--To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, parks, play grounds, places of recreation, fountains, baths, public toilets, rest rooms, markets, cold storage plants, hospitals, charitable institutions, jails, work houses, morgues, cemeteries, garbage collection, disposal and reduction works, street cleaning and sprinkling plants, and all other public buildings, places, works and institutions deemed necessary for the good of the city, and the welfare of its inhabitants.

57. PUBLIC UTILITIES.--To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, ice plants, cold storage plants, gas works, electric light, heat and power works within or without the city, and to supply the city and sell to its inhabitants and also persons, firms or corporations outside of the city, water, gas, ice, electricity and all products of any public utility operated by the city.

58. TELEPHONE--TELEGRAPH--RAILWAYS.--To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph, and

wireless systems, electric or other railways or transportation service of any kind.

59. ACQUISITION OF LAND FOR PUBLIC UTILITIES.--

To acquire by purchase, condemnation, or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose, and to sell, convey, encumber and dispose of the same for the benefit of the City.

60. PUBLIC UTILITIES--MUNICIPAL OWNERSHIP.--To provide

a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities; to lease, for the purpose of maintenance and operation any public utility owned by the City.

61. RAILROADS--DRAINAGE.--To compel and require rail-

road companies to make and keep open and in repair, ditches, drains, sewers, and culverts along and under railroad tracks, so that water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be obstructed.

62. RAILROADS--SPUR TRACKS.--To permit and regulate

the laying and use of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business enterprises, with any line of railroad that may be built, with the other line of railroads which do now or may hereafter enter the City.

63. BRIDGE.--To control, own, repair, build or rebuild, maintain and manage the Stillwater bridge, and all piling, sheer-booms and appurtenances thereto, through its whole extent, as the same now is situated across Lake St. Croix opposite the City, and any other bridge across said Lake opposite the City, and to prescribe such rules and regulations for the use and management of said bridge and any other bridge and the protection thereof as the Council may deem necessary or expedient and to provide for the punishment of persons violating such rules and regulations.

64. RIVER ST. CROIX--OBSTRUCTIONS.--To establish the land boundaries of the City on lake and river St. Croix, and to provide that no fillings shall be made in said waters, nor that any buildings, bank, dirt, stones, piles or any obstructions or things whatsoever shall be placed within said waters within the boundaries of the City except as permitted by the Council, or as may rightfully be done at common law by riparian owners; and to require the removal of any such things so placed in said waters in violation of the regulations of the City, and in case of refusal to so remove by the persons causing the same to be placed in said waters or those in possession or control thereof, to cause them to be removed, summarily, or by action against any person or persons responsible for such encroachments in said waters and to recover all damages, costs and expenses incurred by the City in such

removal, including reasonable attorney's fees in case of action therefor.

65. RIVER ST. CROIX--WHARVES--PIERS--DOCKS, ETC.--

To take possession by condemnation, or otherwise, and appropriate and therein and thereon construct, establish and maintain within the waters of lake and river St. Croix situated within the boundaries of the City beyond low watermark, public wharves, levees, piers, docks, roadways and landings, and to condemn so much of the property abutting on said lake or river St. Croix as shall be necessary, and thereon construct and maintain said public wharves, levees, piers, docks, roadways and landings.

66. LEVEES--PIERS--WHARVES,--To control and regulate the construction of levees, piers and wharves, or grading said wharves into the St. Croix lake or river, within the corporate limits of the City, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and to remove all obstructions in the water of said lake or river, and to prescribe and regulate the rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of the City, and paid to the City, and to regulate the landings, levees, wharves and piers within the limits of the City, and boats and vessels landing and mooring at the same.

67. ICE--CUTTING OF.--To restrain, control and regulate the cutting of ice in lake and river St. Croix, within the jurisdiction of the City.

68. REWARDS.--To offer rewards not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who may have committed a felony in the City, and to authorize the payment thereof.

69. FEES AND CHARGES.--To fix the fees and charges for all official services not otherwise provided for in this charter.

70. ILLEGAL COLLECTIONS.--To order the repaying to the persons entitled thereto, of any taxes, penalties, fines or costs erroneously or illegally collected.

71. PENALTIES.--To prescribe fines, forfeitures, penalties and punishment for the violation or breach of any provision of this charter or of any ordinance, by-law, regulation or rule of the City, not exceeding a fine of one hundred dollars and costs of prosecution, or imprisonment in the City prison or the county jail of Washington County, for a term not exceeding ninety days, and offenders against any such ordinances, by-laws, regulations or rules, may be required to give security to keep the peace and for good behavior, for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

72. PROCEEDINGS WHERE SAME OFFENSE IS PROHIBITED BY STATE LAW.--In case any offense against any of the ordinances,

by-laws, regulations or rules of the City shall also be prohibited by the laws of the state and be subjected to a greater or different punishment, the court before which any person shall be arraigned for the violation of such ordinance, by-law, regulation or rule, may in its discretion dismiss the prosecution under such ordinance, by-law, regulation or rule, and if the evidence shall warrant such result, either convict and punish the offender for the violation of the state law or hold him for indictment and trial before the district court, as the case may be, but in all cases when any person shall be tried for violation of any City ordinance, by-law, regulation or rule, such trial and a conviction or acquittal thereupon shall be a bar to all further or other prosecution for the same offense in any other court.

73. LABOR AS PUNISHMENT.--The Council may provide that any one convicted of an offense before the municipal court, subjecting such offender to imprisonment under the charter and ordinances of the City, may be kept at hard labor in any workhouse established for that purpose, or in case of a male offender he may be kept at hard labor during his term of punishment in such workhouse, or upon the public improvements of the City, or both; and may also provide that any one convicted of an offense before said municipal court, and committed upon non-payment of fine imposed, may be kept at hard labor in any workhouse of the city, or in case of a male

offender, he may be kept at hard labor either in such workhouse or upon such public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as the Council may prescribe, for a time not exceeding said commitment, and the Council shall have full power to establish all needful regulations for the security of such persons thus employed, and to prevent escape, and to secure proper discipline, and shall have power to establish a proper workhouse in the City for the purpose aforesaid, and under such regulations as the Council may prescribe. Provided, that in case the City prison is for any reason unavailable for the purpose of confining or punishing offenders, the county jail of Washington County may be used for that purpose. When said jail is so used, the prisoners therein shall be under the control and custody of the sheriff of Washington County. Provided, further, that the police of the City are authorized to take any person from said jail who has been sentenced to work upon any of the public works or improvements of the City for the purpose of carrying said sentence into effect.

74. EMERGENCY FUND.--To provide an emergency fund not exceeding three hundred dollars a year to be expended under the direction of the Mayor.

75. LOANS.--To borrow money for any of the purposes for which the City is authorized to provide, and for carrying out any of the powers which the City is authorized to enjoy

and exercise, and to issue bonds and other evidences of indebtedness therefor.

76. GIFTS--TRUSTS.--To receive bequests, gifts and donations of all kinds of property in fee simple, or otherwise, in trust for charitable and other purposes, and to do all acts necessary to carry out the provision of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in cases such bequest, gift or trust be unconditional.

77. COMMISSIONS--PARK--RECREATION--CHARITIES.--To establish a park commission, planning commission, play ground or recreation commission, and a commission of hospital and a commission of public charities, and to appoint commissioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council.

78. ARMORIES--PITS--GRAVEL--STONE, ETC.--To exercise the authority conferred upon cities in this state by Chapter 302, Laws 1911, as amended by Chapter 226, Laws 1913, of the State of Minnesota, and supplemented by Chapter 4, Special Laws of 1912, in relation to armories, and Chapter 235, Section 81, Laws 1913, relating to pits for obtaining gravel, stone, clay or sand with or without right of way to the same.

79. VITAL STATISTICS.--To compel the registration of births and deaths and the collection of other vital statistics.

80. POWERS NOT SPECIFIED.--The particular powers and authority declared by this charter shall not be deemed or held to be exclusive, but, in addition to the powers and authority specified herein, implied thereby, or appropriate to the exercise thereof, the City shall have, and may exercise all other powers and authority, which under the constitution and laws of the State of Minnesota are germane and incident to the subject of municipal legislation and regulation, and which would be competent to be specified in this charter.

ARTICLE III.

ELECTIVE OFFICERS AND GENERAL PROVISIONS.

81. ELECTIVE OFFICERS.--The elective officers of the City shall be a Mayor, four Councilmen, and five School Directors, one Judge and one Special Judge of the Municipal Court, except that the latter two elective officers shall not be elected under the election provisions of this Charter, but shall be elected at the times and in the manner provided by the State laws.

82. ELECTIONS--TERMS--QUALIFICATIONS.--All elective officers shall be elected at large from the electors of the City, and at the time of their filing a petition for nomination, each nominee shall be a qualified elector of the City, and the candidates elected shall serve for a term of four years, and until their successors are elected and qualified, said term commencing on the first Monday of January next after their elections; except that at the first election after the taking effect of this Charter, the term of all elective officers shall commence on the first Monday of January, 1916, and at said first election, the Mayor shall serve until the first Monday of January, 1919; and the two candidates for Councilmen having the highest number of votes, shall serve until the first Monday of January, 1919, and the two having the next highest number of votes, shall serve until the first

Monday of January, 1917; and the three candidates for School Directors having the highest number of votes, shall serve until the first Monday of January, 1919, and the two having the next highest number of votes, shall serve until the first Monday of January, 1917.

83. TURNING OVER PROPERTY TO SUCCESSOR.--Every elective and appointive officer, shall at the expiration of his term of office, in whatsoever way terminated, turn over to his successor in office, or to some properly authorized officer on demand, all the books, papers, files, records, moneys, and other property and things whatsoever pertaining to his office or received by reason thereof.

84. ASSUMING DUTIES OF OFFICE.--Any officer elected or appointed by the Council or Mayor who fails to qualify or refuses or neglects for ten days after the beginning of the term for which he was elected or appointed to enter upon the discharge of the duties of his office, shall be deemed to have vacated such office.

85. FAILING TO QUALIFY--VACANCIES IN OFFICE.--If any person elected as Mayor, or Councilman, shall fail to qualify as required herein after his election, or shall neglect to perform the duties of his office, or shall absent himself from the City, without the consent of the Council for a period of thirty days or shall be unable by reason of sickness, or any other cause to discharge his duties, it shall be competent for

the Council to declare his office vacant.

Whenever a vacancy occurs in the office of the
of
Mayor, or any Councilman, the Council shall elect another
person to fill the vacancy for the unexpired term of said
office, and until his successor thereto is elected and quali-
fied.

86. OATH OF OFFICE.--Every person elected or appointed
to any office shall, before he enters upon the duties of
his office take and subscribe to an oath of office and file
the same in the office of the City Clerk, except the oath
of the City Clerk, which shall be filed in the office of
the City Treasurer.

87. BOARD OF EQUALIZATION.--When the Mayor and any
Councilman act as a Board of Equalization, their compensa-
tion as members of said Board shall be Five (\$5.00) Dollars
each per day for such time, as they reasonably employ in
such duties.

88. OFFICIAL YEAR.--The official year for the City
shall begin the first Monday of January in each year.

ARTICLE IV.

ELECTIONS.

89. ELECTIONS--TIME OF.--Elections shall be primary, general, and special municipal elections. Primary municipal elections shall be held at the same time as provided by the State laws for primary elections, except that no primary municipal election shall be held for the selection of candidates for the elective officers to be first voted for under this charter. The first general municipal election shall be held on the second day of November, 1915, the second general municipal election shall be held on the first Tuesday after the first Monday in November, A. D. 1916, and biennially thereafter. All others shall be known as special municipal elections.

90. SPECIAL ELECTIONS.--Whenever it becomes necessary to hold a special election under this charter, the same shall be called by resolution of the Council, which

resolution shall fix the time therefor and state the offices to be filled or the questions to be decided thereat and shall direct the City Clerk to give the necessary notice and make the necessary preparation for the holding of such election, and the Council may provide registration days similar, as near as may be, to those herein provided for primary or general municipal elections, and shall appoint the necessary judges of election who shall appoint the clerks of election; and the Council shall provide all means for holding such special election in the same way and under the conditions as herein enumerated for primary or general municipal elections.

91. VOTING PRECINCTS--JUDGES AND CLERKS--REGISTRATION.--

The Council shall establish necessary voting precincts and make suitable provision for the registering of the voters in each voting precinct in the City, and shall appoint the necessary judges of election. The judges of election shall appoint the clerks of election. The judges and clerks of election shall constitute the judges and clerks of registration. Suitable books shall be provided in which to register the names of the voters and the qualifications of the voters

shall be ascertained in the same manner and the registration proceedings conducted the same as provided by the general election laws of the state.

92. FIRST ELECTION.--At the first general election after the taking effect of this charter, nominations of elective officers shall be by petition, in the same manner as provided in this article for primary nominations and the names of all candidates thus nominated shall appear on the ballots for said first election.

93. NOMINATIONS.--The nominations of all elective officers shall be by petition.

94. PETITION FOR NOMINATION--CERTIFICATES.-- The petition for the nomination of each candidate shall consist of not less than twenty (20) individual certificates. Each certificate shall be of uniform size, to be determined by the City Clerk; each certificate shall be signed and verified by only one elector, and shall contain the name of only one candidate. If an elector signs more certificates than there are offices to be filled, only those certificates equal in number to the offices to be filled, which are first filed with the City Clerk, shall be valid.

95. FORM OF CERTIFICATE.--The form of the certificate shall be substantially as follows:-

The petition of nomination of which this certificate forms a part, if found defective, shall be returned to at No. Street, Stillwater.

96. FILING PETITION.--The petition, consisting of at least twenty sufficient certificates, shall be presented to the City Clerk for filing not earlier than forty, and not later than thirty days, before the primary election. The City Clerk shall endorse thereon the date of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

97. DEFECTIVE PETITIONS.--If, upon examination by the City Clerk, the petition be found not to conform to the provisions of this charter, he shall state immediately, in writing, on said petition, why it cannot be filed. He shall then, within two days, return the defective petition personally or by mail, to the person designated for that purpose therein. Within five days of its return by the City Clerk, the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition. Provided, however, that the City Clerk shall not file any amended petition later than twenty-five days before the primary election.

98. ACCEPTANCE OF NOMINATION.--Any person nominated under this article shall file his acceptance with the City Clerk not later than twenty days before the day of primary election; and in the absence of such acceptance, the name of

the candidate shall not appear on the ballot. Such acceptance shall be substantially in the following form:-

STATE OF MINNESOTA,)
) (SS.
County of Washington.)

I, having heretofore been nominated for the office of of the City of Stillwater, do hereby accept said nomination. I am not a candidate as a nominee or representative of, or because of any promised support from, any political party, or any committee or convention representing or acting for any political party or organization.

(signed)

Subscribed and sworn to before me this

day of A. D. 19..

.
Notary Public,
Washington County, Minnesota.
My Commission Expires _____

99. WITHDRAWAL OF ACCEPTANCE.--Any person who has filed such acceptance may withdraw his name from the nomination at any time not less than eighteen days before the primary election, by written notice to the City Clerk.

100. CITY CLERK TO SUPPLY FORMS.--It shall be the duty of the City Clerk, upon application, to furnish a reasonable number of forms of such individual certificates, and of acceptances of nominations.

101. PRESERVATIONS OF NOMINATIONS.-- The City Clerk shall preserve in his office, for a period of four years, all papers relative to nominations.

102. PREPARATION OF LISTS--PUBLISHING.--The City Clerk on the fifteenth day before every primary election, shall prepare and file in his office a certificate, containing a complete list of the offices to be filled, and stating the term of each said office, and the candidates for each office who are entitled to have their names appear upon the ballot. The City Clerk shall cause to be published once each week, for two successive weeks, in the official paper of the City before the day of primary election, an election notice, which shall contain a copy of the certificate above described, and also the time and place of holding such primary election. A copy of such notice shall be posted at all polling places seven days before the day of primary election.

103. PRINTING BALLOTS.--The City Clerk shall cause ballots for each primary, general or special election to be prepared, printed and authenticated. The ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor.

104. FORM OF BALLOTS.--Except that the crosses shown below shall be omitted, and that in place of the initials shown below, there shall appear the names of persons who are candidates for nomination, the primary ballots shall be

substantially as follows:-

PRIMARY MUNICIPAL ELECTION.

CITY OF STILLWATER. (Insert date thereof)

INSTRUCTIONS.

COUNCILMEN.--Vote for (insert number equal to number of persons to be nominated to office of Councilmen).
If more or less than (insert number) be voted, the votes for this office will not be counted.

SCHOOL DIRECTORS.--Vote for (insert number equal to number of persons to be nominated as School Directors).
If more or less than (insert number) be voted, the votes for this office will not be counted.

If you wrongly mark, tear or spoil this ballot, return it and obtain another from the election officers.

To vote for a person whose name is printed on the ballot, make a cross (X) after his name in the square indicated by the arrow:-

CANDIDATES FOR NOMINATION TO THE OFFICE OF MAYOR.	↓	
A. B.	X	Vote for ONE.
C. D.	X	
CANDIDATES FOR NOMINATION TO THE OFFICE OF COUNCILMAN.		
E. F.	X	Vote for FOUR. If more or less than four be voted, none will be counted.
G. H.	X	
I. J.	X	
K. L.	X	
CANDIDATES FOR NOMINATION TO THE OFFICE OF SCHOOL DIRECTOR.		
M. N.	X	Vote for FIVE. If more or less than five be voted, none will be counted.
O. P.	X	
Q. R.	X	
S. T.	X	
U. V.	X	

Charter amendments or franchise ordinances
to be voted upon to appear here.

105. FORM OF GENERAL OR SPECIAL BALLOTS.--Ballots for general or special municipal elections shall be similar in form to those of primary ballots, except as otherwise provided in this charter, and except that the word "General" or "Special" shall be inserted in place of "Primary", and that immediately over the names of the regular nominated candidates for each office shall appear "For Mayor", "For Councilmen", "For School Director".

106. BALLOTS FOR FEMALE VOTES.--Separate ballots for female voters shall be printed similar in form to primary ballots and shall have inserted at the top thereof--"Ballots for Women"--said ballots shall omit the names of all candidates except the candidates for offices which may be voted by female voters.

107. EXCESS OR LESS VOTES--NOT COUNTED.--No votes shall be counted for candidates for any office on any ballot, if the number of candidates voted for is more or less than the number of candidates to be elected for any such office, and instructions to this effect shall be printed at the head of the ballot. The votes for all candidates for other offices on such ballot properly voted, shall be counted.

108. UNIFORM BALLOTS--ARRANGEMENT OF NAMES.--All official ballots used at any election shall be identical in form and the names of candidates for each office shall be

arranged in alphabetical order of surnames.

109. SAMPLE BALLOTS.--The City Clerk, at least ten days before the election shall cause to be printed not less than one thousand sample ballots, upon paper of different color but otherwise identical, except numbering, with the ballot to be used at the election, and shall distribute the same to registered voters at his office. Sample ballots shall be posted at the polls on election day.

110. COUNTING VOTES--CANVASS OF RETURNS.--As soon as the polls are closed, the precinct election officers shall open the ballot boxes, take therefrom and count the ballots and enter the total number thereof on the tally sheets provided therefor, and make return thereof to the City Clerk, as provided by the State law.

111. CANDIDATES NOMINATED--PRIMARY ELECTION.--The candidates for nomination to each office who shall have received the greatest vote in such primary election shall be placed on the ballot at the next general municipal election, in number not to exceed double the number of vacancies in each office to be filled.

112. CANDIDATES ELECTED--GENERAL ELECTION.--At any general municipal election the candidates for each office in number equal to the vacancies to be filled who shall have received the greatest number of votes cast, shall be declared elected.

113. TIE VOTES.--A tie between two or more candidates shall be determined by lot, under the direction of the canvassing board.

114. INFORMALITIES.--No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this charter.

115. EXPENDITURE OF MONEY ON ELECTION.--

(a) All expenditure of money in aid of the election of candidates, except for holding public meetings and advertising, printing and distributing literature, is prohibited, and the total expenditure on behalf of any one candidate, whether directly or indirectly, and whether by himself alone or otherwise, shall not exceed Two Hundred Dollars (\$200.00).

(b) No candidate or any other person, association or organization on his behalf, directly or indirectly, shall pay or cause any person to be paid, in cash, or by any other material inducement, for work for his election at the polls on election day. No candidate shall directly hire, use or cause to be hired in aid of his candidacy, on the day of the municipal election, any automobile, carriage or other vehicle for the purpose of transporting voters to or from the polls.

(c) A violation of any of the provisions of this section by any candidate or by any person, association or organization in his behalf, shall disqualify him for holding the office for which he is a candidate.

(d) Every elective officer, at the time he takes his oath of office, shall make and file with the City Clerk an oath that he has not violated any of the provisions of this section, which oath shall enumerate specifically the prohibitions in this section, and shall contain a complete itemized statement of expenditures of money, or of the giving of any other consideration or promise, by him or by any other person in his behalf in such election.

(e) If any person, directly or indirectly, shall pay, or cause any person to be paid, in cash or by other material inducement, for work for any candidate at the polls on election day, he shall be guilty of a misdemeanor.

116. STATE LAWS APPLICABLE.--Except as otherwise provided in this charter, the provisions of any state law, now or hereafter in force, so far as they may be applicable, relating to the qualifications and registrations of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections, shall apply to all municipal elections.

117. PREPARATION FOR FIRST ELECTION--CANVASSING BOARD.--

The Council and City Clerk of the City, at the time of the taking effect of this charter, shall make preparation for, and cause to be held, the first election thereunder, and said Council shall constitute the canvassing board for the canvass of the votes at said first election; all subsequent elections shall be conducted in the manner elsewhere provided for in this charter, and the Council herein constituted shall be the canvassing board for all such subsequent elections.

ARTICLE V.

THE COUNCIL.

118. COUNCIL MEMBERS.--The Council shall consist of the Mayor, and four Councilmen, elected at large in the manner specified in Article III, all of whom shall serve without compensation. The Council shall be the governing body of the Municipality, and shall exercise the corporate power of the City, except as denied or limited by this charter, and shall be vested with all powers of legislation in Municipal affairs, adequate to a complete system of local government, consistent with the constitution and laws of the State.

119. PRESIDENT OF COUNCIL.--The Mayor shall be President of the Council and shall preside at its meetings and he shall have a right to vote upon all propositions, matters and questions coming before the Council, but shall have no veto power. The Council shall elect one of its members to be Vice President.

120. MEETINGS--TIME--PLACE.--The Council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

121. OPEN TO PUBLIC.--All legislative sessions of the Council, whether regular or special, shall be open to the public.

122. QUORUM.--A majority of the members of the Council shall constitute a quorum for the transaction of business.

123. RULES.--The Council shall establish rules for its proceedings.

124. ORDINANCE PROCEDURE.--Ordinances and resolutions shall be enacted, amended and recorded under the following regulations, viz:

- (a) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.
- (b) No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.
- (c) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject which shall be clearly stated in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.
- (d) The enacting clause of all ordinances passed by the Council shall be in these words:- "The Council of the City of Stillwater, do ordain as follows:"
- (e) To constitute an ordinance a bill must receive two readings previous to its passage, but shall not be read at any other than regular sessions, nor twice at the same session. The second reading shall be by sections, at which time

amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one.

- (f) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one week after the meeting at which such motion was made.
- (g) All resolutions and ordinances shall be signed by the Mayor, attested by the City Clerk, and published, as provided in this article once in the official paper of the City, within ten days after their passage.
- (h) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised, amended or re-enacted, or the section thereof to be amended or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.
- (i) No ordinance or section thereof shall be repealed or amended, except by ordinance adopted in the manner provided in this section.
- (j) No ordinance for the granting of any franchise shall be put upon its final passage within thirty days after its introduction.
- (k) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances," such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such

in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

125. COUNCILMEN--FAILURE TO VOTE.--Any member of the Council, who being present when his name is called, fails to vote upon any then pending proposition, shall be counted as having voted in the negative.

126. COUNCIL MEETING RECORDS--WHO TO SIGN.--It is hereby made the duty of the Mayor, or in case of his absence or disability, or in case of vacancy in his office, the person designated in Section 132, to sign the City Clerk's records of the proceedings of each meeting of the Council, when said record has been approved and is presented to the Mayor for his signature.

127. RESOLUTIONS--PUBLICATION OF.--In publication of resolutions that may be included in the publication of the proceedings of the Council, such resolutions shall be printed with the dates of their approval without appending the signature to such resolutions.

128. COUNCIL MEMBERS--HOLDING OTHER OFFICES.--No member of the Council shall hold any other Municipal office or employment, the compensation of which is paid out of the Municipal moneys, except as a member of the Board of Equalization; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof until one year after the expiration of the term for which he was elected.

129. ORDINANCES--CLASSIFICATION OF.--The Council, during the first year of its organization under this charter and from time to time thereafter, shall cause all ordinances in force to be classified under proper heads, and, together with, or separately from this charter, and such provisions of the constitution and laws of the State as the Council may deem expedient, to be published in book form.

ARTICLE VI.

THE MAYOR.

130. MAYOR--DUTIES.--The Mayor shall be the Chief executive officer of the City and shall serve without compensation. He shall see that the laws of the State, the provisions of this charter, and the ordinances, resolutions, regulations, by-laws and orders of the City are duly observed and enforced within the City; he shall be charged with the general oversight of the police department of the City, and shall see that all contracts made with the City are faithfully performed.

131. MEMBER OF COUNCIL.--The Mayor shall be a member of the Council, and have a right to vote upon all propositions, matters and questions becoming before it, but shall have no veto power.

132. ABSENCE OF MAYOR--WHO ACTS PRO TEMPORE.--During the temporary absence or disability of the Mayor, the Vice President of the Council shall act as Mayor pro tempore, In case of the temporary absence or disability of both the Mayor and the Vice President, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of Mayor, the Vice President of the Council

shall act as Mayor until such vacancy can be filled, as provided in this charter.

133. ANNUAL AND OTHER RECOMMENDATIONS, ETC.--The Mayor shall annually and from time to time give the Council such information relative to the affairs of the City and recommend to its consideration such matters as he may deem expedient.

134. PUBLIC UTILITY COMPANIES--FRANCHISES.--The Mayor shall be charged with the general supervision of all public utility companies so far as they are subject to law and municipal control, and he shall keep himself informed as to their compliance in all respects with the law, and shall see that all franchises granted by the City are faithfully observed.

135. INSTITUTING ACTIONS--PUBLIC UTILITY COMPANIES--FRANCHISES.--The Mayor, when directed by the Council, shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel, or annul all franchises granted by the City to any person, firm or corporation which have become forfeitable in whole or in part, or which, for any reason, are illegal and void. The City Attorney on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

136. OTHER POWERS AND DUTIES.—The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE VII.

ADMINISTRATION OF CITY AFFAIRS.

137. THE FISCAL YEAR.--The fiscal year of the city shall commence upon the first day of January and end the thirty-first day of December in each year.

138. CITY OFFICIALS.--The administrative powers, authority and duties of the various City Officials, not otherwise provided for, shall be determined and assigned among such City Officials by the Council, under such rules, regulations and orders as may be necessary or proper to secure economy and efficiency. No official or employee shall contract debts to bind the City, or make any improvements in the City, unless authorized by a majority vote of the Council.

139. APPOINTMENT OF CITY OFFICIALS.--The chief officials of the City shall be a City Clerk, City Treasurer, City Attorney, City Engineer, City Assessor, Chief of Police, Chief of Fire Department, and a Health Commissioner who shall be a person authorized to practice medicine under the State laws. The Chief of Police shall be appointed by the Mayor, and said appointment shall be confirmed by the Council. All other chief officials shall be appointed by a majority vote

of the Council, and may be removed by a majority vote of the Council. Whenever the Council by a majority vote deems it essential, the functions and duties of two or more officials may be combined and placed in charge of one official. After the election of its members, the Council shall at its first meeting, or within forty days thereafter appoint the chief officials of the City, and prescribe their respective duties and responsibilities, and within the same time the Mayor shall appoint the Chief of Police. Any vacancy of said Chief officials occurring from any cause whatsoever shall be filled by appointment, as provided herein.

140. BONDS.--The Council shall fix the amount of the bonds to be required of appointive officers and the methods of their approval. The approval of said bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds when approved, shall be filed in the office of the City Clerk, except the bonds of the City Clerk, which shall be filed in the office of the City Treasurer. The provisions of the laws of the State, relating to official bonds, not inconsistent with this charter shall be complied with, and if any bond of any surety or bonding company be accepted in accordance with said laws, the cost thereof may be defrayed by order of the Council or proper Board.

141. CREATING AND DISCONTINUING OFFICES.--The Council shall have power to create and discontinue offices and employments other than those prescribed, to provide the methods of filling them and prescribe the duties pertaining thereto according to its judgment, as the needs of the City may require. Any person so appointed may be removed at any time by a majority vote of the Council.

142. FAILURE TO PERFORM DUTIES--REMOVAL.--All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

143. COMPENSATION OF CITY OFFICIALS--EMPLOYEES.--The compensation of all City officials, provided for by section 139, shall be by salary to be fixed by the Council. The Council shall also fix the compensation of all other officers and employees of the City, except as otherwise provided in this charter. No officer or employee shall be allowed any fees, rewards, or compensation, other than the salary or compensation fixed by the Council, but all fees received by him in connection with his official duties shall be paid into the City Treasury.

144. SYSTEM OF ACCOUNTING--ANNUAL REPORTS--ANNUAL INVENTORIES--ANNUAL AUDIT.--Upon the taking effect of this charter the Council shall cause to be taken an inventory and appraisal of all City property and its various Boards and shall cause to be devised, installed and maintained a practical and complete system of accounting, for the City and its various Boards, showing all assets and liabilities of the City, and a record in detail of all the financial transactions of the City including its various Boards. Within thirty days after the end of each fiscal year, the Council shall require in such form as it shall prescribe annual financial and operating statements which shall include inventories of all City property in charge of officials and its various Boards, and which shall also include the cash receipts and disbursements. Within sixty days after the end of each fiscal year the Council shall require the City Clerk to make a report which shall include a general balance sheet exhibiting the assets and liabilities of the City, and its various Boards, with summaries of income and expenditures, and with such other clear and comprehensive statements as shall show the effect of each year's transactions upon the finances of the City and its various Boards, including a comparative statement under proper classifications with the previous fiscal year. Immediately after the filing of the annual report by the City Clerk, the Council shall cause an audit to be made

of the books of account, records and transactions of the City and its various Boards, for the past fiscal year. Such annual audit shall be made by the State Public Examiner or an expert accountant and the report of such audit shall be filed in the office of the City Clerk. All balance sheets, statements, inventories, reports and audits as required herein, shall be kept in the office of the City Clerk as public records. The annual report of the City Clerk, together with the report of the auditor, or condensed summaries thereof, shall be published once in the official newspaper or printed as a circular or in pamphlet form for distribution to any citizen applying for a copy of same.

145. OFFICIALS AND EMPLOYEES--TO HAVE NO INTEREST IN CONTRACTS, ETC.--No official or employee of the City, elected or appointed, shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the City; and no such official or employee shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other public utility, within the territorial limits of the City. No such official or employee shall

accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of the City, any interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Such prohibition or free transportation shall not apply to policemen or firemen in uniform. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void, and any contract or agreement made in contravention of this section shall be void.

146. QUALIFICATIONS OF APPOINTERS--REMOVAL--All appointments to positions under the City government shall be made strictly on merit and qualification for particular service and none shall be made or withheld by reason of religious or political opinions or affiliations or political services, and no appointment to or selection for, or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be affected in any manner by such opinion, affiliations or services, or anything other than merit and qualification to perform efficiently the services required.

ARTICLE VIII.

POLICE DEPARTMENT.

147. MAYOR TO CONTROL--OFFICERS--APPOINTMENT--REMOVAL,--

The Mayor shall have control and supervision of the police of the City and shall have power to appoint and remove all police officers, including the chief of police. Provided, the appointment of all police officers, including the chief of police, shall be subject to the confirmation of the Council. The Council shall determine the number of police officers, including the chief of police, to be appointed, and shall fix their compensation. Whenever a majority of the Council shall deem it necessary to reduce the number of police officers, the Mayor shall forthwith remove such number of said police officers as may be determined by the Council, such removal to take effect at the time fixed by the Council.

148. POLICE FOR DESIGNATED PLACES.--The Mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the City, and have police powers to preserve the peace and protect property within such limits, and at such places as may be designated in such appointment, but such

limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

149. SPECIAL POLICE.--The Mayor, may, in case of riot, large public gatherings or disturbances, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one week without the consent of the Council.

150. RANK OF POLICE OFFICERS.--The Mayor, shall, in his appointments designate one officer to be Chief of Police, and such other officers for the performance of special duties, and with such control over other officers or watchmen as may be deemed necessary, and may designate the rank of such police officer by such proper title as he shall select.

151. POWERS OF POLICE.--The Chief of Police and all regular or temporary police officers or watchmen of the city shall possess the powers of constables at common law or by the laws of the State, and in addition thereto shall have the power, and it shall be their duty, to execute and serve any warrants, summons, commitment, writ, subpoena, or process issued by the Municipal Court of the City; and they shall have the power to pursue and arrest any person fleeing from justice in any part of the State. They shall also have power, and it shall be their duty to serve all summons or subpoenas,

in behalf of the City within their jurisdiction. When such officers perform the duties of constable for private parties, the City shall be entitled to all fees provided by law for their services. Provided, that no such officer shall have the power to arrest without a warrant, except in cases in which arrest without a warrant are authorized by the general laws of the State or this charter; and the violation of any ordinance shall be deemed a public offense.

152. POLICE REGULATION.--The Mayor shall, with the consent and approval of the Council, from time to time make such regulations for the control of the police force, and the duties of the several officers thereof as he may deem necessary, and in like manner alter the same. Such regulations may designate the uniforms, badges, arms, discipline, drill and exercise of the police force, as well as the conduct of the officers and men of said force, when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

153. PEACE OFFICERS.--The Mayor or acting Mayor, Chief of Police, the officers of police next in rank to the chief, the sheriff of Washington County and his deputies, the coroner, the Judge of the municipal court, and all police officers and watchmen shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting or disorderly

behavior within the city limits, and for such purpose may command the assistance of any or all persons, or bystanders, and, if need be of any or all military officers or privates, and, in any case when the civil authorities may be required to suppress riot or disorderly behavior, the superior or senior officers present, in the order mentioned in this section shall direct the proceedings.

154. REFUSING TO AID POLICE--PENALTY.--If any person, mentioned in the preceding section, shall refuse to aid in preserving the peace when thereto required, as designated in the said section, every such person shall forfeit and pay a fine of fifty dollars, to be recovered by prosecution in the Municipal Court.

155. ASSUMING TO ACT AS POLICEMAN WITHOUT AUTHORITY--PENALTY.--If any person shall, without authority, assume to act as policeman, or to pretend to have such power, or wear the badge of a policeman, within the city, he shall be deemed guilty of a misdemeanor.

ARTICLE IX.

FIRE DEPARTMENT.

156. DEPARTMENT IN CHARGE OF CHIEF--COUNCIL DESIGNATE MEN--FIX COMPENSATION.--The Fire Department of the City shall be in charge, and under the direction of the Chief of the Fire Department, who shall be appointed by and subject to the control of the Council. The Council shall designate the number of officers and men which may be deemed necessary for the complete management of the Fire Department, and shall fix their compensation.

157. OFFICERS--MEN--RANK--DUTIES.--The Chief of the Fire Department shall select, subject to the approval of a majority of the Council, all officers and men connected with the fire department, and shall define their respective ranks and duties; and said Chief may at any time discharge any such officers or men whenever he deems it necessary for the interest of the Department. Whenever a majority of the Council shall deem it necessary to reduce the number of men employed, said Chief shall, upon the direction of the Council, designate the officers or men that can be released with the least impairment of the working efficiency of the Fire Department.

158. FIRE RULES--REGULATIONS--COUNCIL TO MAKE--The Council shall have power and authority to make or modify all needful rules for the government of the Fire Department, and for the protection and use of all engine houses, telegraph lines, and other property and apparatus pertaining thereto, and of the water works, mains, pipes, cisterns and hydrants in said city, as used in connection with said Department, and provide for the punishment of persons injuring or interfering with such property, or any portion thereof, and may also make provision to keep away from the vicinity of any fire all idlers and suspected persons, and to compel all by-standers to aid in the preservation of property exposed to danger by such fire.

159. FIRE MARSHAL--DUTIES.--The Council may designate such officer of the Fire Department as it may select to act as Fire Marshal of the city, to see that the ordinances of the city relating to the building and care of chimneys, and respecting all other precautions against dangers from fire are not violated, and said Fire Marshal shall have power, and be fully authorized to enter any dwelling house or other building at all hours between seven o'clock in the morning and six o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes, and other parts of such buildings, and see that the ordinances respecting the same are enforced. It shall further be the duty of such Fire Marshal to examine particularly into the cause of every fire which shall happen

within the City, and to make and keep a brief record of the same, and make report thereof to the Council at the first regular meeting in every month.

160. FIRE POLICE.--Whenever the Council shall deem it necessary, it may provide for a fire police of such numbers and with such powers as it may determine and for that purpose it may either give police powers to such of the officers or men of the Fire Department as may be necessary, or authorize the appointment of the necessary policemen in the same manner as other policemen are appointed. In all cases, all policemen present at any fire shall be subject to the direction of the officers of the Fire Department present at such fire.

161. DISOBEYING ORDERS OF CHIEF AT FIRES--PENALTY.--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 may be arrested by the direction of the officer whose orders are so disobeyed, and, upon complaint made before the Municipal Court of the City, shall be punished by fine not exceeding fifty dollars and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty days.

162. PURCHASES--EXPENSES--HOW CHARGED.--All expenses of the Fire Department and all amounts paid for the purchase of fire apparatus, or any property for use of the Fire Department, or the erection of any telegraph, telephone, or other appliance, shall be paid out of the funds devoted to

payment of current expenses of the City. The construction of engine-houses or other buildings for use of such department shall be paid for out of the real property fund of the city.

ARTICLE X.

TAXES and FINANCES.

163. PROPERTY TAXABLE.-- All property in the City taxable under the laws of the State shall be subject to taxation for the support of the City government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law, and this charter.

164. APPOINTMENT OF ASSESSOR.--The Council shall, in the year one thousand nine hundred and sixteen (1916), appoint a City Assessor who shall hold office during the pleasure of the Council, and shall have power to appoint deputies, with the consent of the Council.

165. DUTIES OF ASSESSOR.--In all respects not herein expressly provided for, said assessor shall, in making assessments, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the State for the government of assessors.

166. BOARD OF EQUALIZATION and DUTIES.--The Council shall designate three of its members who shall constitute a Board of Equalization, who shall be sworn according to law as such board, and meet at the Council-room in the City on the first Monday of July, of every year, and revise, amend

and equalize the assessments on the roll of the assessor. It shall be the duties of the assessor to be present at all meetings of the said Board of Equalization, to present before the Board all facts relating to the assessments, and he shall act as clerk of said Board. Such Board of Equalization is vested with all the powers which are or may be vested in County Boards 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 aggregate sums of real or personal property as returned by the assessor.

167. FURTHER DUTIES OF THE BOARD OF EQUALIZATION--CITY ATTORNEY--HEARINGS.--Such Board of Equalization may sit from day to day or adjourn from time to time as it shall deem proper, until it shall have completed the equalization of assessments. It shall complete such equalization on or before the third Monday in July of every year, and shall have power to employ such clerk or clerks as shall be necessary to complete the revision of such assessment rolls within said time. Every person aggrieved by any assessment shall have the right to appear before such Board and present his grievance for its consideration. It shall be the duty of the City Attorney to attend the hearing of such grievances before such Board, and whenever it appears upon the hearing of such grievances that any property is listed or assessed at less than its true value, to call the attention of the Board to such undervaluation and to make application in behalf of the city for the correction of such undervaluation.

168. ASSESSMENT ROLLS TO BE CERTIFIED BY THE BOARD AND RETURNED TO COUNTY AUDITOR.--When the Board shall have completed their equalization of the assessment, they shall certify thereto, and such rolls shall then be returned to the County Auditor, as other assessment rolls.

169. COMPENSATION OF ASSESSOR AND DEPUTIES.--The Assessor shall be paid a stated salary, to be fixed by resolution of the Council. All deputy assessors shall be paid such reasonable compensation for their respective services, as shall be determined by the Council.

170. TAXES--HOW LEVIED.--All taxes shall be levied by resolution of the Council, by a majority vote of its members, and in making such levy, the Council shall itemize the same so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in Section 177. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the fund for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs, and may be applied to the further use of such fund.

171. CITY MUST PAY FOR WATER.--The Council shall annually appropriate funds for the payment to the Board of Water Commissioners for water supplied by said Board to the City for all public purposes, except the Stillwater City School District and the Stillwater Public Library. Upon

receipt by the Council of the water account of the City from the Board of Water Commissioners, as provided in Section 348 the Council shall at its next meeting act upon said water account and if found correct, order the payment of said account within thirty days thereafter provided that if said water account be found incorrect the same shall be referred back to the Board of Water Commissioners and when again presented to the Council, and found correct, said account shall be acted upon and payment ordered in the manner and within the time herein prescribed.

172. ESTIMATES OF RECEIPTS AND EXPENSES.--The City Treasurer shall, on or before the first Tuesday of October of each year, report to the Council the amount of all revenues received by the City for the year ending on the first day of October, from other sources than taxation. The City Clerk shall, as soon as may be, after the Minnesota Tax Commission shall have completed its adjustment of the assessment of the taxable property in the City, report to the Council detailed estimates in writing of the expenses of the City for the ensuing fiscal year and of the resources to meet such expenses, which estimate or budget shall be divided among the several funds as designated in Section 177 to be provided to meet such expenses.

173. TAX LEVY.--After the making of the reports provided for in the foregoing section, the Council shall levy such taxes for all city purposes on all the taxable property

in the city as it shall deem necessary in addition to the other revenue of the city applicable thereto, to defray the ~~xxxxxx~~ expenses of the city for all purposes for the next fiscal year; but no such taxes for current expenses shall in any one year amount to more than two (2) per cent. of the assessed valuation of said taxable property, and said levy shall include an amount sufficient to pay interest to become due during such fiscal year, upon all the bonds and debts of the city, and shall include a tax of at least one mill on the dollar of the assessed valuation of all taxable property in the city, to provide for the payment of the principal of said bonds, when the same shall become due, and the amounts collected for said interest and bonds shall not be applied to any other purpose, but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

174. CITY CLERK TO REPORT EXPENSES OF FIRST HALF OF FISCAL YEAR--DUTY OF COUNCIL TO REDUCE EXPENSES.--The city Clerk shall, as soon as may be, after the first Tuesday of July of each year, make report to the council of the actual expenses of the city for the first half of the then current fiscal year, the amount of taxes collected and outstanding, and of the revenues received from other sources; and, if upon the making of such report it shall appear that the current expenses of such half have exceeded the estimates upon which the tax levy therefor was based, or that the revenues of the city are likely to fall short of their estimated amount at

the time of making such tax levy, the Council shall forthwith proceed to reduce the current expenses of the City in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting streets, reduce the force or number of men employed in the several departments of the City, and when necessary for the proper reduction of such expenses, may reduce the salaries or compensation of all officials and persons employed by the City, as said Council may deem expedient. In all future contracts for lighting streets, the City shall reserve the right to reduce the amount of service on account of deficiency of revenue.

175. DEBT NOT TO BE INCREASED OR CREDIT LOANED.--The debt of the City shall not be increased, nor shall any new bonds of the City be issued except as provided herein, nor shall the City loan its credit, become a stockholder or make contributions or donations to any person, company or corporation, except as herein provided, or as provided by the laws of the State.

176. MONEY--HOW PAID OUT--CITY ORDERS.--All moneys belonging to the City, except as otherwise provided for in this charter, shall be under the control of the Council, and shall be paid out only upon order of the Mayor, countersigned by the City Clerk, duly authorized by resolution of the Council, by an affirmative vote of ayes and nays of a majority of its members duly recorded. Every order drawn upon the treasury shall designate the purpose for which it is drawn,

and the fund upon which drawn, and shall be payable only out of such fund. Each order shall be payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement; no order on any fund shall be drawn until there is money sufficient to the credit of such fund to pay the same, together with all the orders previously issued against such fund.

177. SEPARATE FUNDS TO BE KEPT.--There shall be maintained in the City treasury the following funds, and the Council by a majority vote of its members may levy an annual tax upon all taxable property in the city for the support of such funds, and the purposes following, that is to say:-

First: An interest fund, for which there shall be levied a sum sufficient to provide for the payment of the interest to become due during the next fiscal year, upon the indebtedness of the City. Out of such fund interest only shall be paid.

Second: A sinking fund to provide for the payment when due of bonds of the City. For the maintenance of this fund, there shall be levied an annual tax of at least one mill on the dollar of the assessed valuation of all taxable property of the City. This fund shall be applied only to the payment of the principal of bonds issued by the City.

Third: A library fund to provide for the support of the public library.

Fourth: A permanent improvement fund for the purpose of paying such portions of the expenses of local improvements as shall devolve upon the City.

Fifth. A real property fund for the purpose of paying the cost of all real property, and all right therein and all improvements thereon, which the City shall acquire for its various purposes, and the payment for which is not otherwise provided for out of other funds. There shall also be paid into this fund all moneys received from the sale of any permanent improvements or property of the City, not otherwise disposed of under this charter.

Sixth: A general fund to provide for all current and incidental expenses of, and judgments against the City not otherwise provided for, and such other disbursements as may be authorized by law. There shall be paid into this fund all moneys received from any source save when received for a specific use and purpose.

Provided that nothing contained herein, shall prevent the Council from borrowing from the general fund to aid and help any other fund at such times as in its judgment public necessities require, but the Council shall have no power to borrow from any fund except the general fund.

Moneys (1) in the City treasury at the time this charter goes into effect, (2) to be collected from taxes levied before this charter goes into effect shall so far as practicable

be divided among the several funds hereby established and where such sub-division is not practicable, shall be kept in the general fund. The Council, by resolution shall provide for such sub-divisions in accordance with the directions herein contained.

178. SEPARATE ACCOUNT TO BE KEPT FOR EACH FUND.--

The City Clerk and the City Treasurer shall each, as soon as the tax estimate is made in each year, open and keep in his books separate and distinct accounts for each year of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures, and in making any levy, the Council shall itemize the same, so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in Section 177.

It shall be the duty of the City Treasurer to keep a complete, accurate and separate account of each and all of the separate funds aforesaid, which shall accurately show at all times the amount of money received by him for the credit of each of such funds, and whence received, and the amount of money paid out by him on account thereof, and to whom, and for what purpose paid out.

The City Treasurer shall also keep a separate and distinct account of moneys received or to be received for each local improvement for which an assessment is made, and when any money is collected by him from the County Treasurer,

or any other source, on account of any such assessment, it shall be his duty to credit the sum to its separate assessment account. The money collected on account of any such assessment shall not be paid out by the Treasurer, except in payment of work for which such assessment was made. Whenever the County Treasurer shall pay over to the City Treasurer any taxes belonging to the City, and collected under any levy, and whenever any money is received by the City Treasurer from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate, the City Treasurer shall credit each of the respective funds and accounts with its proportionate amount of receipts according to the tax estimate of the fiscal year for which such estimate is made. The money received from the sale of certificates of indebtedness based on a tax estimate, and the money received from the County Treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures together with the arrearages due and unpaid, for the specific object for which said estimate was made, and said taxes were levied.

After the accounts are opened in the books as hereinbefore provided, any moneys thereafter received by the City from the collection of delinquent taxes, shall be forthwith distributed to the funds provided for herein, so far as such funds correspond to the funds named in the particular tax levy on which said delinquent taxes are collected; and

so far as they do not correspond to such funds, the delinquent taxes collected shall be credited to the general fund. The surplus of any year's receipts over expenditures in any particular fund shall be carried forward to the same fund for the succeeding year.

179. DISPOSITION OF MONEYS COLLECTED.-- Every officer collecting moneys belonging to or for the use of the City shall settle for the same with the City Treasurer on or before the last day of each month, or at such more frequent intervals as may be directed by the Council, and all such moneys shall immediately be paid into the City Treasury, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon a Sunday, or a legal holiday, the said payments shall be made on the next preceding business day.

180. TAX CERTIFICATES.--At any time after 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 needed in anticipation of the collection of the taxes so levied, as aforesaid, for any fund designated in the tax estimates for the purpose of raising money for such designated fund, but no certificate shall be issued for any of said designated funds exceeding fifty per cent. of the amount named in the 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 County Auditor as aforesaid was made, and said certificate 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 estimate for that particular fund. They shall be numbered consecutively and be in denominations of fifty dollars, or a multiple 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 sale, and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the City are irrevocably pledged for the redemption of the certificates so issued.

181. PROVIDING FOR MAINTENANCE OF SINKING FUND.--

In order to provide for the certain payment of the bonds of the City, the Council is authorized to maintain the sinking fund already established. The Council shall designate two of its members who with the Mayor, shall constitute and be designated "The Commissioners of the Sinking Fund of the City of Stillwater," all of whom shall serve without compensation. The Council shall, by ordinance or resolution, define

such duties of said board as are not herein enumerated.

182. ANY TWO COMMISSIONERS TO DISCHARGE TRUST.--

Any two of said commissioners are hereby authorized and required to discharge the trusts and duties vested in the commissioners.

183. SINKING FUND--HOW TO BE INVESTED.--The said

commissioners shall from time to time invest the moneys which shall constitute the sinking fund for the redemption of the City bonds, or any surplus of interest to the credit of the interest fund or as much as they can in the purchase of bonds issued by the City, or the school bonds of the Stillwater City School District at the market price, and the said commissioners shall be authorized to invest the said moneys or such part thereof as they see fit, either in the purchase of said bonds or in the bonds of the State of Minnesota or in United States bonds or in any bonds in which the permanent school and university funds of the State can be invested, notwithstanding the said bonds may be above the par value thereof, or deposit said moneys in a designated depository, as hereinafter provided. Provided, that said commissioners shall at all times give the preference to the purchase of bonds of the City if the same can be procured at reasonable rates, and in the purchase of such City bonds of the City preference is to be given to the bonds of the City first falling due.

184. SINKING FUND IF NOT INVESTED TO BE DEPOSITED.--

In case said bonds cannot be purchased advantageously, and said commissioners shall deem it desirable, they may deposit a part or all of said sinking and interest fund in one or more designated national banks, savings banks, or any bank or banks or Trust Company in the name of the City of Stillwater; such bank or banks or Trust Company shall be designated by the said commissioners after procuring proposals, which proposals shall state what security will be given to the City for such funds as deposited, and what interest will be paid on the amount so deposited, and said funds with the accrued interest shall be held subject to draft and payment from and after a time to be designated by said commissioners at the time of depositing said fund.

185. BONDS OF DEPOSITORIES.--Before the City Treasurer shall deposit said sinking and interest funds in any of the depositories designated in the preceding section, such depository shall deliver to the City Treasurer a bond payable to the City of Stillwater, in such amount and upon such terms and conditions and with such sureties as the Council may prescribe, which bond shall be approved by the Council.

186. BONDS TO BE SOLD AND FUND RE-INVESTED AND FUND TO BE WITHDRAWN AND INVESTED WHEN.--Whenever the said commissioners shall have invested any part of said funds in the purchase of the bonds other than bonds of the City, and shall at any time thereafter be enabled to purchase any of the bonds

of the city at such prices as they may deem best for the public interest, they shall forthwith sell and dispose of such other bonds and invest the proceeds thereof in bonds of the city, if in their opinion such disposition would be beneficial to the public interest and the said commissioners may, at any time they deem it best for the public interest, withdraw said funds deposited in the designated depositories, and invest the same in the bonds designated in Section 183.

187. CITY BONDS MAY BE SOLD AND BOUGHT.--Whenever said commissioners shall have invested any part of the said fund in the purchase of bonds of the city, and shall at any time thereafter be enabled to purchase any of the said bonds, which shall by the terms thereof be redeemable at an earlier date, they may forthwith sell the same and invest the proceeds in other bonds of the city, if in their opinion such exchange shall be desirable and beneficial to the public interest: Provided, said commissioners shall not sell the bonds of the city at less than par value.

188. HOW SINKING AND INTEREST FUNDS DRAWN FROM CITY TREASURER.--Whenever any of the moneys constituting the sinking fund for the redemption of the city bonds shall be required for any such purchase, investment, deposit or for the redemption of city bonds at their maturity, or any surplus to the credit of interest fund to be invested, the amount of money so required shall be paid by the City Treasurer upon the warrants of said commissioners or any two of them, the

Mayor being one; the City Clerk shall also attest said warrants and affix the seal of the City thereto.

189. HOW FUND DRAWN FROM DEPOSITORY.--Whenever any of the moneys constituting said sinking fund is on deposit in a designated depository, the same shall be paid by said depository upon the warrant of said commissioners or any two of them, the Mayor being one; the City Clerk shall also attest said warrant and affix the seal of the City thereto.

190. ALL OF FUND MAY BE DRAWN.--All moneys constituting the fund for the payment of the bonds of the City, whenever required to meet such bonds, shall be drawn from the City treasury or designated depository in the manner provided in Sections 188 and 189.

191. CITY CLERK TO ATTEND MEETINGS OF COMMISSIONERS AND KEEP JOURNAL--COMMISSIONERS TO REPORT.--It shall be the duty of the City Clerk to attend all of the meetings of the said commissioners, and to keep a correct record of all their proceedings, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said record. The said record shall be verified by at least two of said commissioners, and attested by the City Clerk, and once in each year, and oftener if required by the Council, said commissioners shall render to the Council a full and detailed report of their proceedings.

192. VACANCY IN COMMISSION--HOW FILLED--WHEN COMMISSIONERS TO MEET--WHO TO PRESIDE.--In the event of a vacancy in the office or inability of any of said commissioners to attend to the trust hereby imposed by this article, it shall be the duty of the Council to designate one or more of their number to supply the place of such commissioners, for the time being, by a majority vote of the Council. The said commissioners shall meet upon the call of the Mayor, who shall preside at such meetings.

193. SECURITIES--HOW KEPT--PAID BONDS TO BE DESTROYED.--All bonds and securities purchased by said commissioners shall be held in safe keeping by the City Treasurer. Whenever bonds of the City are paid by the warrants of said commissioners, a record thereof shall be made in the books of said commissioners, and the said bonds shall be carefully cancelled and burned by said commissioners in the presence of the Council.

194. DUTIES OF COMMISSIONERS.--It shall be the duty of said commissioners to protect the credit of the City, and direct and superintend the remission of funds for the payment of interest, and the bonded indebtedness of the city, to the cities wherever said bonds or interest may be payable.

195. MAY REFUND DEBT NOT PAID BY SINKING FUND.--NO OTHER BONDS TO BE ISSUED OR DEBT CONTRACTED.--Whenever the sinking fund shall be insufficient to pay all the bonds of the

city that may at any time become due, the Council may issue the bonds of the City, to run not to exceed thirty years, on such terms, times of payment and rate of interest as may be deemed advisable, and in such amounts as may be necessary to meet such deficiency, but neither the Council, nor any officer or officers of the City, shall otherwise, except as otherwise specially provided, have authority to issue any bonds or create any debt, or any liability against the City in excess of the amount of revenue actually levied and applicable to the payment of such liability.

196. THE PERMANENT IMPROVEMENT FUND.--The permanent improvement fund shall be used for the expense of making any permanent improvement, when the cost of the same is wholly chargeable to the City.

197. POWER TO BORROW MONEY OR INCUR DEBT.--The City may issue bonds, certificates of indebtedness, or other evidences of indebtedness, as follows:-

1. To purchase, construct, extend, improve or maintain any public utility, as defined by the state laws, and any property needed in connection therewith; and such bonds, certificates, or other evidences of indebtedness shall be a specific lien on the public utility, together with all property used in connection therewith, for which such bonds, certificates, or other evidences of indebtedness are issued.

2. For defraying the cost of making local improvements in intersections of the streets, alleys, and in front of property exempt by law from special assessments or which is not benefited by a local improvement, and property owned by the city.

3. For defraying the cost of establishing and maintaining a general system of sewers and of maintaining, altering, relaying and extending the existing system of sewers.

4. For the purpose of paying, funding or refunding any bonded indebtedness of the city, existing at the time this charter goes into effect, or created at any time as authorized by this charter.

198. CERTIFICATES OF INDEBTEDNESS.— The Council, by resolution, may issue certificates or other evidence of indebtedness of the city, in anticipation of any taxes or assessments, levied upon any portion of the taxable property of the city, as provided for herein. Such resolution for the issuance of bonds or certificates may provide that the same shall be general obligations of the city, or that they will 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 shall pay the same, provided, that the bonds issued under Section 197 shall be general obligations of the city.

199. SPECIAL ASSESSMENTS--CITY MAY ACQUIRE TITLE TO PROPERTY.-- The city shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and when authorized by a majority vote of the Council, shall assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this charter, or thereafter.

200. BONDS, ETC.--HOW AUTHORIZED.-- No bonds, or certificate of indebtedness, or other evidence of indebtedness, shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a four-fifths vote of all members of the Council.

201. RATE OF INTEREST ON BONDS, ETC.--Bonds, certificates of indebtedness, and other evidence of indebtedness of the city, authorized by this charter, shall not bear a greater rate of interest than six per cent. per annum, and shall not be sold for less than the par value thereof.

ARTICLE XI.

LOCAL IMPROVEMENTS

and

PAYMENT OF ASSESSMENTS THEREFOR.

202. IMPROVEMENTS--ASSESSMENTS.--The city shall have the power to fill, grade, curb, plank, pave, gravel, and macadamize its streets, lanes, alleys, and highways; to construct, lay, re-lay, enlarge and repair sidewalks, retaining walls, area walls, gutters, sewers and private drains; to build and place protection fences and railings along streets, alleys, and highways, and on private property adjacent thereto for the safety of pedestrians; to plant, maintain and protect shade and ornamental trees along its streets, lanes, alleys and highways; to abate nuisances and to drain swamps, marshes and ponds and to fill the same, to sprinkle its streets, lanes, alleys, highways and public grounds with water and oil, and to saturate or treat the surface with any kind of fluid, mineral or substance for the prevention of dust in the atmosphere or on the surface of such highways or grounds; and to provide electric, gas, or any other means, including lamp posts and fixtures and appliances, for illuminating such portion of its streets as the council may determine to specially light, and to levy assessments for the cost of all the improvements mentioned in the manner and as hereafter designated.

203. IMPROVEMENTS--DEFRAYING EXPENSES OF.--The expense of any improvement mentioned in the foregoing section, except as otherwise specially provided, shall be defrayed by an assessment upon real estate benefited thereby, to be levied, enforced and collected in the manner hereinafter prescribed in this article: except, that all or any part of the expense for paving, re-paving, graveling, macadamizing, filling, grading and sewerage of the space occupied by street intersections or any part thereof that cannot be met by assessment on property benefited by such improvement, including construction or repair of sidewalks, shall be paid out of the permanent improvement fund of the city.

204. IMPROVEMENTS--CONTRACTS FOR.--Two or more improvements upon one or more streets, either of paving, curbing, graveling, macadamizing, planking, grading or filling, or constructing retaining walls, protection fences, area walls, sewers, sidewalks, gutters or drains, or either or any of them, may be done at the same time under one resolution and may be included in one contract if deemed advisable by the council so to do.

205. FILING PLANS--SPECIFICATIONS--ESTIMATED COST.--Prior to the passage of any resolution for the doing of any work or the making of any improvement hereinbefore specified, the expense of which is to be assessed upon property benefited, except as otherwise specially provided in this charter for certain designated kinds of improvements, the council shall

cause plans and specifications of such proposed work, together with an estimate of the probable expense thereof, to be made by the City Engineer, or by such other competent person as may be employed by the Council for that purpose, and presented to the Council for its consideration and approval, and the same shall immediately upon the approval thereof by the Council be filed in the office of the City Clerk for the inspection of all parties interested.

206. NOTICE--MEETING AND HEARING.--The Council shall then designate a time when it will meet in the Council Chamber, not less than twenty days distant, and act in relation to the doing of the proposed work and the making of the proposed improvement, and direct that notice of such meeting be given by the City Clerk and the time and purpose thereof. In such notice shall be stated the location of the proposed improvement; that plans, specifications and estimates therefor have been filed in the office of the City Clerk, and that all persons interested will be heard at such time and place: the said notice shall be given by publication thereof in the official paper of the City, at least once in each week for two successive weeks prior to the time of such meeting.

207. PROCEDURE FOR IMPROVEMENTS.--The procedure for all estimates, plans, specifications, advertising and opening bids, contracts and bonds for local improvements and all matters in connection therewith, not otherwise provided for in this article shall be in accordance with the provisions of Article XIII relative thereto.

298. STREET SPRINKLING--DISTRICT DIVISIONS--CONTRACT PRICE--BASIS OF.-- Before any proceedings are had for the sprinkling of any of the streets, lanes, alleys or public grounds in the City, the Council shall each year, by resolution, determine what territory in the City shall be sprinkled during such year, and may divide such territory into two or more sprinkling districts, describing the boundary lines of each such district: each district so determined shall be designated by number, and thereafter all reference to such district by number in any notice required by this charter, or in any other proceeding having reference thereto, shall be a sufficient designation: said resolutions shall designate what officer or officers of the City shall supervise and inspect said work in accordance with the plans and specifications therefor: such resolution shall be published once in the official paper of the City.

The contract price to be paid by the City for the doing of such work, when such sprinkling is done with water, shall be upon the basis of sprinkling one hundred square feet per week, during the life of such contract: if in the opinion of the Council it is deemed impracticable at the time of letting any such contract to designate the exact length of time during which sprinkling is necessary in any or all the districts designated during any particular season, the Council may let such contract without so designating the beginning

and the end of such sprinkling season; and upon the City so letting such contract, the Council shall have the power to order the beginning of said work upon three days' notice to the contractors therefor, and shall likewise have power to order said work to cease for the season in any or all districts or in any portion of any one district, if in the opinion of the Council no necessity therefor exists, and such order and direction shall be final, conclusive and binding upon all parties concerned. When oil or any substance other than water is employed for the prevention of dust in such work, the specifications therefor shall designate the number of sprinklings or applications of the substance to be applied during the entire season to the surface of the streets in the district specified, and the contract price to be paid by the City shall be upon the basis of one lump sum for each separate sprinkling or application in the entire district; such sums to include labor and material or to be for labor alone as the specifications therefor may prescribe.

Any number of districts may be included in one contract, and any or all action by the Council with reference to sprinkling may be with reference to the entire territory to be sprinkled.

209. PAVING STREETS--LAYING SEWERS AT SAME TIME.--

The City is hereby authorized, whenever a contract is let for the paving or macadamizing of any of its streets, to include in such contract, when deemed expedient or necessary, the construction and laying, as far as the property lines, of all lateral sewers and drain connections that may be deemed expedient or necessary, and that the cost of such work shall be assessed by the Council upon the real estate benefited thereby, and the payment therefor enforced and collected in the manner and under the regulations provided herein for other local improvements in the City.

210. QUARRIES--APPARATUS FOR STREET PAVING.--

The Council is hereby authorized to provide, establish, equip, maintain and cause to be operated, municipal quarries for the purpose of providing stone, rock and macadam for municipal improvements and uses; and suitable works, apparatus and other facilities for the manufacture, construction and laying of macadam, or other kinds of street pavements and sidewalks, as the Council may determine; and any surplus product of such quarries or works not required for municipal use, may, from time to time be disposed of by sale to private parties.

211. IMPROVEMENTS--FILING CERTIFICATE OF COST.--

Whenever any material is furnished by or obtained from any such municipal quarries, works, apparatus or other facilities, and employed in the construction or making of any public

improvements provided for herein, the cost of which is to be assessed upon property benefited thereby, the City Engineer shall immediately, upon the completion of said improvement, certify the cost of such material so furnished and employed in the making of said improvement, and the cost of all work in connection therewith to the Council, and such certificate shall be placed on file with the City Clerk for the inspection of all parties interested; the amount so certified shall be deemed a part of the cost of the improvement so to be assessed, and an assessment shall be made therefor, levied and collected in the same manner as though said work had been performed and said material delivered by contract, as hereinbefore provided.

212. POWER TO CONSTRUCT AND MAINTAIN SEWERS.--

The Council shall have power to maintain the sewers now established in the City, and to enlarge, extend, relay or improve the same, as it shall consider the public good may require, and may construct and cause to be constructed additional sewers.

213. MAY ASSESS COST OF ORDINARY SEWER.--The Council may whenever it shall deem it necessary, lay, relay, or extend any sewer through any street in the City, and levy and assess, and collect the cost thereof, not exceeding the estimated cost of an ordinary sewer, including all necessary catch-basins, manholes, lamp holes and flushing valves, by a

special assessment upon the property benefited thereby, without regard to cash valuation. The cost not provided by such assessment, including the increased cost of larger sewers and constructing the same across streets and against property which is by law exempt from such assessment, shall be paid out of the permanent improvement fund of the City. A sewer fifteen inches in diameter is hereby declared to be an ordinary street sewer within the meaning of this charter, for the drainage of abutting property.

214. SEWERS—ORDERING LAYING OF LATERAL CONNECTIONS.—Whenever a sewer is ordered constructed or relaid, or whenever a street or public way or place is paved, or repaved, the Council may also include in the order the construction or relaying of all lateral sewer, water, and gas connections that it may deem expedient or necessary, and such lateral connections shall extend to the property lines fronting thereon. The Council shall assess the same, except gas connections, upon the property for the benefit of which such lateral connections are so made without regard to the valuation or frontage of such property, and such lateral connections may be included in any contract awarded for such improvement and the cost thereof provided for by assessment when and as herein required in case of other local improvements. And it shall be the duty of the Board of Water Commissioners to co-operate and work with the Council in regard to such lateral water connections.

215. STREETS AND PUBLIC PLACES--PERMISSION TO LAY SEWERS, ETC.--The Council may, subject to such terms and conditions as it may fix, require all persons using any area or space within the limits of streets or public places, to permit to be laid within such area or space all necessary lateral connections and private drains, pipes, sewers, wires, or other public utility connections; and all permits hereafter granted to use areas or other spaces in streets or public places shall be granted subject to such regulations as to the future laying therein of lateral sewers, pipes, wires, or other connections as the Council shall determine.-

216. DRAINAGE OF WET LAND IN VICINITY OF SEWER--CONTRIBUTION BY OWNER MAY BE COMPELLED.--Whenever any sewer of the City shall be extended to or in the vicinity of any tract of wet or marshy land, either within or without the limits of the City, and the Council shall consider that the public health of the City demands the drainage of such wet or marshy land, and the extension of such sewer to or into such land and beyond the lines of the streets of the City, the Council may, by resolution therefor, direct the commencement of proceedings against the owner of such wet or marshy land, and thereupon the City shall have the right to maintain in the district court of the County of Washington, or in any other court of competent jurisdiction, an action against such owner or owners, to compel a contribution from them to defray the expense of extending such sewer to or into such lands, and

the additional expense, if any such may be caused by the necessity of enlarging the sewers through the streets of the city from such tract of land to the outlet of such sewer. In such action the court shall have power to direct the joining of other parties to such action as defendants, in such manner as it shall adjudge equitable, and shall make award of such sum or sums of contribution to the expense of such sewer as it shall deem just and in proportion to the benefit to each specific parcel of such wet or marshy land as shall be affected by such sewer, but in no case to exceed the amount of benefit it shall adjudge to accrue to each of such specific parcels by reason of such extension of such sewer. Such award shall stand as the determination of such court, and the city shall upon the completion of such work have judgment and execution for the several sums so awarded, which judgment shall be a specific lien upon each of the parcels of the land upon which such award shall be made, and have equal rank upon said land with the liens of the state and county for taxes, and with the liens of assessments for local improvements levied thereon, and such judgments may be enforced against such specific property, or against other property of the owners of such land as may be convenient. If, upon the making of such award by said court, the Council shall consider the whole expense of such improvement above the amount of such award to be an excessive burden on the city, it may abandon the proceedings

by paying the taxable costs in such action, or it may determine to proceed with part of such work and abandon the remainder thereof, in its discretion, or it may, in its discretion, delay the performance of the work not exceeding three years.

217. CONDITIONS FOR TAPPING SEWERS.—The Council shall have the power to prescribe such conditions upon which main, lateral, or other sewers may be tapped, and the amounts to be paid the City for so doing, and regulations for the maintenance and protection of said sewers, as the Council may deem expedient, as well as to adopt ordinances, and prescribe penalties, within the jurisdiction of the Municipal Court of the City, for the infraction thereof,

218. ABATING NUISANCE OF STAGNANT WATERS OF LOTS—
COST ASSESSED.—Whenever the Health Commissioner shall report to the Council that stagnant or impure water stands upon any lot, lots or parcels of land within the City, thereby creating a nuisance injurious to public health or comfort, the Council shall immediately proceed to investigate the same, and if it shall determine that a nuisance does exist by reason of any stagnant or impure water standing upon any lot, lots, or parcels of land, and the same is injurious to public health or comfort, it shall instruct the City Engineer to prepare and recommend a plan and specifications for the abatement of such nuisance, together with an estimate of the

expense, which shall be submitted to the Council and filed in the office of the City Clerk, the same as for other public improvements, and if the Council deem that sufficient real estate can be found benefited to the extent of the damages, cost and expenses necessary to be incurred thereby, the Council shall order the doing of said work in the manner hereinbefore provided, and the same notice and proceedings shall be had in relation thereto by the Council and other City Officers as in case of other local improvements, and the cost thereof shall be assessed upon the property benefited.

219. PROVISION FOR UNFORESEEN OBSTACLES.--If the Council, in carrying out any of the provisions of this charter, should find unforeseen obstacles in grading, excavating, filling, paving or abating nuisance, or in constructing sewers or drains, not provided for, the Council may by resolution order such change or modification in such improvement to meet such unforeseen obstacles, as the Council may deem equitable and just, at any time before or after the letting or making of any contract to do the same, or at any time while the work is in progress; and any additional expense occasioned by such change, addition or modification of the improvement may be included in the assessment therefor upon the property benefited by such improvement, but no additional expense shall be incurred other than may be necessary to overcome such unforeseen obstacles: provided, that if the expense required

to overcome such unforeseen obstacles will materially increase the cost which would be incurred in the work, if such unforeseen obstacles had not occurred, then the Council shall have power, by resolution in writing, to rescind the contract so far as the uncompleted part of the work is concerned, and may, in their discretion, after such rescission, order the work to be relet as other work is let under this charter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to contract price, as nearly as the same can be ascertained, and no more.

220. SIDEWALKS--ORDERING CONSTRUCTION OF.--The Council may, by resolution from time to time order the construction of sidewalks in the City in the same manner as the making of other improvements are authorized by the Council under the provisions of this charter, and any number of walks on one or more streets may be included in one resolution.

221. SIDEWALKS--OWNER CONSTRUCTING--PERMIT NECESSARY--BOND.--Any person desiring to construct, lay or relay his own sidewalk shall first obtain a permit therefor from the City Engineer; such permit shall state the location, the material, and the time when the sidewalk shall be completed, and there shall also be attached to such permit a general plan and specification for the doing of the work.

No work shall be begun thereon until the contractor therefor, or the owner thereof, if he shall do the

work himself, shall first execute a bond to the City, with two or more sufficient sureties, to be approved by the Mayor in the penal sum of not less than one thousand dollars conditioned that he will do said work, subject to the supervision and approval of the City Engineer, and as required by the ordinances of the City, and will indemnify and hold harmless the City against any damage or loss which may arise, or in any way, directly or indirectly, be suffered by the City by reason of any occurrence while the work is going on and before acceptance thereof by the City Engineer, caused by any negligence or misconduct on the part of such contractor or owner, as the case may be, his or their servants or employees, in doing the same; such bond shall be filed with the City Clerk, and may be enforced by the City the same as other bonds of a like nature, as required by law.

222. SIDEWALKS--MANNER OF CONSTRUCTION--CONTRACTOR'S BOND.--The Council may regulate the manner of constructing, laying, relaying, and repairing sidewalks by the owners of property, not inconsistent with the provisions herein, and may authorize the filing of a like bond as hereinbefore in the preceding section provided, in such penal sum as the Council may direct, by persons engaged in and carrying on the business of constructing, laying or relaying sidewalks, to include and cover the construction and laying of all walks for property owners in the City, for a period of one year, and such bond shall have the same force and effect as though given for each walk separately, as above provided.

When an owner constructs, lays or relays his own sidewalk, the same shall be constructed, laid or relaid under the supervision and direction of the City Engineer, and such Engineer shall upon the full and satisfactory completion of such work, deliver to the owner a certificate of his acceptance, if demanded.

No property owner shall have any authority whatsoever to construct or lay his own sidewalk after the Council shall have ordered its construction by resolution, as hereinbefore provided, and the Council shall not so order the building of any sidewalk after a permit has been issued therefor by the City Engineer, and before the expiration of the time designated therein within which the same is to be built.

225. SIDEWALKS--ASSESSING COST OF-- The Council shall, as soon as practicable after the construction, laying or relaying of any sidewalk, assess the cost of such improvement or improvements upon the real estate benefited thereby, in the same manner and under the same regulations hereinbefore provided for the making of other assessments, and the same shall be collected and enforced and all steps taken in connection therewith as otherwise provided for collecting and enforcing other assessments; the assessments for the cost of any number of sidewalks adjacent to any number of lots or parcels of land may be combined in one assessment roll.

224. SIDEWALKS--REPAIR OF.--Whenever the City Engineer shall report to the Council the necessity of repairing any sidewalk in the City by him deemed dangerous to pedestrians, and shall estimate the cost of such repairs to be less than ten dollars, adjacent to any one lot or parcel of land, the Council may authorize the City Engineer to make such repairs, if the owner or agent thereof fails to make such repairs within forty-eight hours after the notice to that effect from the City Engineer, if such owner or agent be known and can be found in the City.

In case any sidewalk becomes so out of repair or broken as to become dangerous, it shall be the duty of the City Engineer to immediately repair the same in a good and substantial manner, or remove the sidewalk entirely.

The City Engineer shall keep a written record of all repairs, and the cost thereof, and shall at least once in each month report and certify to the Council the cost in each case of all repairs made to sidewalks in the City, as specified in this section, with a description of each lot or parcel of land abutting each case of repairs.

Each such report shall be filed and preserved by the City Clerk for the inspection of all parties interested; the Council shall once in each year, as near as conveniently may be to the time of the annual tax levy for the City, assess and levy the cost of making such repairs upon the lots or parcels of land found benefited by such repairs in the same

manner provided for in this charter for assessing the cost of other improvements. In each case such assessment, for all such repairs within the year, and since the making of the last assessment for such repairs, may be combined in one assessment roll; such assessment shall be collected and enforced in the same manner as other assessments provided for in this charter.

225. STREETS--SODDING OR SEEDING PARKED OR PLOT PARTS--ASSESSING FOR.--The Council may provide that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass, to be maintained and the grass to be properly cut by the occupant or owner of the abutting property and in case of the neglect of the occupant or owner to so do, that the same may be done by the City at the expense of the abutting property, and that said expense be collected by assessment in the same manner as assessments for laying and repairing sidewalks are collected.

226. CITY TREASURER'S CERTIFICATE.--After all assessments levied on any piece or parcel of land for local improvements, including interest and penalties, have been paid in full it shall be the duty of the City Treasurer, when requested, to endorse, free of charge, on any deed or other instrument describing such piece or parcel of land a certificate that there are no unpaid assessments thereon.

227. DELINQUENT ASSESSMENTS--PAYMENTS--COUNTY

AUDITOR'S CERTIFICATE.--Neither the County Auditor nor the County Treasurer shall issue certificates that taxes are paid on any piece or parcel of land upon which any delinquent assessment, or portion thereof, authorized by this charter, has been certified to him as due and unpaid until such assessment, or portion, or extended installment thereof, with penalties and interest thereon that has become due, has been paid and canceled.

228. DEEDS--RECORDING OF--REQUISITES NECESSARY.--

The Register of Deeds shall not record any deed unless there be indorsed on such deed a certificate of the County Treasurer and of the County Auditor and of the City Treasurer that all assessments due and delinquent and all penalties and interest thereon for local improvements have been paid, and any violation of this provision by the Register of Deeds shall be a misdemeanor.

229. ASSESSMENTS--COLLECTION OF--LIEN--PRIOR TO

ADOPTION OF CHARTER.--All assessments made prior to the time when this charter goes into effect shall be collected and the lien thereof enforced in the same manner that they would have been collected and enforced if this charter had not been adopted. The laws in force when any condemnation proceedings are commenced shall apply throughout such proceedings.

230. ASSESSMENTS--PARTIAL OR WHOLLY COMPLETED--
PRIOR TO ADOPTION OF THIS CHARTER.--The Council may assess in accordance with the provisions of this charter, the cost of any improvement either fully or partially completed at the date hereof, and before the City is brought within the operation of this charter, and for which no assessment has been made at such time.

231. ASSESSMENTS--COST OF APPORTIONED.--Before or after the completion of any improvement authorized under the provisions of this charter, the Council shall proceed without delay to apportion and assess the cost of such improvement, when not herein otherwise provided, upon the real estate by it deemed benefited, to the extent of benefits received, and in proportion, as near as may be, to the benefits resulting thereto from the improvement; and it shall constitute no objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the Council, or that the City has not fully adjusted all matters with the contractor for said work, or that the Council has refused at that time to relieve the said contractor from further duties in connection therewith.

232. ASSESSMENTS TO BE IN WRITING.-- Every assessment shall be in writing, in which shall be given a description of each lot or parcel so assessed, the name of the owner thereof, if known, and the exact amount assessed thereon.

233. ASSESSMENTS--METHOD OF DESCRIBING.--In all proceedings and advertisements for the making and collection of of any assessment under this charter, letters, figures, and the usual and customary abbreviations may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

234. ASSESSMENTS--FILING WHEN COMPLETED--NOTICE.--Upon the completion of any assessment authorized by this charter, the Council shall direct that the same be placed on file in the office of the City Clerk, and shall appoint a time, not less than ten days thereafter, and a place when and where it will meet to consider and act upon such assessment, and the City Clerk shall thereupon cause notice of such meeting, and the time, place and purpose thereof, to be given by one publication of such notice in the official newspaper of the City, at least five days prior to the time so appointed for said meeting: in such notice shall be given a brief description of the improvement for which the assessment has been made, and the territory included therein, and that the assessment is on file in the office of the City Clerk, and open to the inspection of all interested parties, and that all objections to the same must be filed in writing in the office of the City Clerk at least one day (Sunday and legal holidays excepted), prior to said meeting, and that unless sufficient cause is shown to the contrary the same will

be confirmed: provided, that if such assessment be for sprinkling, such notice need not contain a description of the territory included in such assessment, and a reference therein to the number of the district, for the sprinkling of which the assessment is made, shall be deemed sufficiently definite.

235. STREET SPRINKLING--DEFINING.--The word "Sprinkling" whenever used in this charter shall be deemed to include sprinkling, saturating or treating the surface of a highway, street, lane, alley and public ground with water, oil, mineral or any substance, for the purpose of preventing dust in the atmosphere or on the surface thereof.

236. ASSESSMENTS--MEETING--HEARING ON.--At the time and place so appointed, as provided in Section 234, the Council shall proceed to consider said assessment and hear all objections which parties interested may desire to make thereto, and may adjourn the hearing as often as deemed expedient to a future definite time and place, and if none of the members is present, the City Clerk may adjourn the hearing to some other convenient time and place, of which adjournment all parties interested shall be required and deemed to take notice; provided, however, that the Council may, in its discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objection as provided in this charter, to do so at the time of the hearing. The Council may give a new notice of such hearing if the previous

notice shall be found imperfect, or for any other reason.

237. ASSESSMENTS--CONFIRMING--REVISING.--The Council may, after due consideration, make such correction or changes in said assessment, and may revise the same as it may deem necessary to perfect and equalize the same on the basis prescribed herein, and shall confirm and establish the assessment when so corrected and equalized. Said assessment when so confirmed and established, shall be final, conclusive, and binding upon all parties interested therein; and the several amounts charged in such assessment as so confirmed and established against the several lots and parcels of land therein mentioned, shall be enforced and collected as hereinafter provided. If any assessment be annulled or set aside, the Council shall proceed de novo to make another assessment.

238. ASSESSMENTS--ON RAILROADS--When in any case, any portion of the cost and expense of making any improvement mentioned herein shall by virtue of any valid law or ordinance, or by virtue of any contract be chargeable to any railroad or street railway company in the City, the amount or amounts so chargeable may be assessed against such railroad company, or street railway company, and the remainder only upon the real estate benefited thereby, and the City may collect the amount so assessed against said railroad company, or street railway company, by distress and sale of personal property in the manner provided by the General Laws of this State in the case of taxes levied upon personal property, or by suit

brought for that purpose; provided, however, that any real estate belonging to such railroad company or street railway company and subject to assessment under the General Laws of this State or any valid ordinance or contract, and deemed benefited by said improvement, shall be assessed as in other cases.

239. ASSESSMENTS AGAINST COUNTY PROPERTY--HOW COLLECTED.--Whenever any assessment shall be made under any of the provisions of this charter against any real estate owned or claimed by the County of Washington, such assessment shall be returned to the County Auditor with and in the same manner as other like assessments, and the County Commissioners of said County shall thereupon and within six months after such assessment has been so returned to said County Auditor, appropriate from the treasury of said County and cause to be paid to the City Treasurer, sufficient sums of money to pay all such assessments. In case of a failure of said County Commissioners to appropriate money for and pay any such assessment within the time^{above} specified, such assessment may be collected from said County by the City in any appropriate suit or action.

240. PAYMENT OF ANNUAL INSTALLMENTS.--When any special assessment levied against real estate to defray the cost and expense of any local improvement is fully completed and has been confirmed and established, the Council may if it deem it expedient so to do by resolution in writing, duly

adopted by a majority vote of the council, provide 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 same in ten annual installments. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent. per annum from the expiration of thirty days after the publication of the notice provided in Section 244.

241. CITY CLERK TO KEEP RECORD.—The city clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments adopted and 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 or parcel of land, whether payable in installments as hereinafter provided, and whether paid to the city or county treasurer, or whether remaining unpaid.

242. CLERK TO ISSUE WARRANT FOR COLLECTION.—When any special assessment shall be confirmed and established by the Council, 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 written or printed copy of the assessment roll as confirmed, or so much thereof as described the real estate and the amount of the assessment in each case. Said

warrant shall also include a copy of any resolution that may have been passed by the Council as provided by Section 240.

243. WARRANTS DELIVERED TO TREASURER.--All warrants issued for the collection of any special assessment by the City 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 warrants and place the same on file.

244. TREASURER TO GIVE NOTICE BY PUBLICATION.--
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 of the City that such warrant is in his hands for collection, briefly describing its nature, the improvement for which the assessment was made, and the territory included in such assessment. Such notice shall require all persons interested to make payments within thirty days after the publication of such notice. If the resolution provided for in Section 240 has been adopted by the Council, 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 ten annual installments.

245. NOTICE TO BE GIVEN IF INSTALLMENT PLAN IS DESIRED.--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 in the office of the City Treasurer in duplicate, written notice 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 the 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.

246. RECOGNITION OF VALIDITY AND REGULARITY OF ASSESSMENT.--Any person making an election to pay such assessment in installments as provided in the preceding section, his heirs or personal representatives, and the grantees of him or them named in any conveyance of any lot or parcel of land against which such assessment has been made, 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 estopped from denying the validity of said assessment or the amount thereof.

247. WHEN INSTALLMENTS AND INTEREST SHALL BE PAID.--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 244.

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

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

The fourth installment, together with interest on same and on all future installments, on October first of the following year.

The fifth installment, together with interest on the same and on all future installments, on October first of the following year.

The sixth installment, together with interest on same and on all future installments, on October first of the following year.

The seventh installment, together with interest on same and on all future installments, on October first of the following year.

The eighth installment, together with interest on same and on all future installments, on October first of the following year.

The ninth installment, together with interest on same and on all future installments, on October first of the following year.

The tenth installment, together with interest on same, on October first of the following year.

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

248. WHEN ASSESSMENT IS NOT PAID, OR NOTICE IS NOT GIVEN.--If the assessment charged in any special assessment warrant made for any improvement 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 of land so assessed has neglected to make and file the notice of election and make the first payment as provided in Section 245, the City Treasurer shall return to the City Clerk a list, duly certified of the assessments which still remain unpaid, giving in such 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 thereto.

249. CLERK TO CERTIFY TO AUDITOR.--The City Clerk shall, on or before the fifteenth day of October following cause a statement of the amount of said delinquent assessments, with six per cent. annual interest thereon computed from the time said assessments became delinquent to the first day of January of the year next following the making of said assessments, 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 Washington County for collection. It shall be the duty of the County Auditor to extend the several amounts of said unpaid delinquent assessments and interest in proper columns on his rolls against the property described in such statement as aforesaid for collection, and each such assessment shall be collected and the payment

thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and shall be subject to all the penalties and charges as property delinquent for taxes, delinquent for county and state purposes. Every such assessment when collected shall be paid over by the County Treasurer to the City Treasurer, together with all costs, penalties and interest collected thereon, at the time of making payment of City taxes to the City Treasurer. At the time of making such payment, said County Treasurer shall transmit to the City Treasurer a detailed statement showing the several lots or parcels of land upon which collections have been made by him, and for which payments are so made; and the amount collected on account of each ^{such} lot or parcel of land.

Provided, the Council may, prior to the sale of any lot, piece or parcel of land for the enforcement of taxes pursuant to the state law, by a resolution direct the City Clerk, City Treasurer and the Auditor of Washington County, or either of them, to cancel on any record where the same appears any assessment or any installment of such assessment, whether because the same be irregular or erroneous, or because the improvement for which the same shall have been assessed shall have been abandoned by the council in whole or in part. The Council may in like manner direct the City Clerk, City Treasurer and Auditor of Washington County, or either of them,

to divide any such assessment, or any installment of such assessment, and place parts thereof on any part of the real estate against which the same is assessed, and to make the necessary corrections and record thereof. A copy of any resolution authorized by this section, certified by the city clerk, and under the seal of the city, filed in the office of the city clerk, the city treasurer or auditor of Washington county shall be sufficient authority to such officer to comply with its provisions.

250. WHEN PENALTY ATTACHES.--If any installment and interest, or any part of such installment and interest, is not paid when due on the first 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 per cent. to the total amount thus delinquent and certify the same to the city clerk as a special tax on the property affected by such assessment. The city clerk shall thereupon certify the same to the auditor of Washington county, as delinquent installments for collection in the same manner and at the same time as is provided in the preceding section respecting the case of delinquent assessments, whereupon it shall be the duty of the county auditor to extend the same in proper columns on his rolls against the property described in said statement as aforesaid for collection, and each such installment and interest shall be collected

and the payment thereof enforced with and in the like manner as state, county and other taxes are collected, and the payment thereof enforced, and shall be subject to all the penalties and charges as property delinquent for taxes delinquent for county and state purposes. Every such installment and interest shall be paid over by the County Treasurer to the City Treasurer, together with all costs, penalties and interest collected thereon at the time of making the payment of city taxes to the City Treasurer. At the time of making such payment said County Treasurer shall transmit to the City Treasurer a detailed statement showing the several pieces or parcels of land upon which collections have been made by him, and for which payments are so made, and the amount collected on account of each such piece or parcel of land.

251. MAY PAY INSTALLMENTS AT ANY TIME BEFORE MATURITY.---

Any owner or person 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, together with the accrued interest thereon to date of such payment.

252. TO BE A PARAMOUNT AND PERPETUAL LIEN.--Every installment, the time of payment of which has been extended as provided by this charter, shall constitute and continue to be a paramount and perpetual lien in favor of the city, and against the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid.

253. NOT TO BE SET ASIDE OR DECLARED INVALID.--

No such assessment, whether divided into installments or not, shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax rolls of the Auditor of Washington County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claimed to be aggrieved; and unless objection to such assessment was taken at the time and in the manner provided in this charter.

254. CERTIFICATES OF INDEBTEDNESS MAY BE ISSUED.--

The Council is hereby further authorized to cause to be issued and sold as the proceeds thereof shall be needed for the purpose of paying the cost of any such local improvements for which such assessments against lots or parcels of land have been made, or may be made, certificates of indebtedness in anticipation of the collection of such assessments, whether divided into installments or not, payable at such times and in such amounts as in the judgment of the Council the said assessments will likely provide moneys with which to pay the same, which certificates shall bear interest at a rate not to exceed six per cent. per annum, payable annually, and may have interest coupons attached thereto representing each year's interest and shall be payable at such place as the Council may determine. Such certificates shall be signed by

the Mayor and the City Clerk, and shall be in denominations of not more than one thousand dollars each. Such certificates may be used in making payments on contracts for making the improvements for which such assessments are made or may be sold at such time and manner as the Council shall determine, but shall not be sold for less than par and accrued interest, and the proceeds credited to a separate fund and used for paying the cost of such improvements. No part of the moneys arising from the sale of any such certificates shall be used for any other purpose than the payment of the cost of such improvements.

The principal and interest of such certificates so sold shall be a first charge on the moneys received by said City from the collection of the assessments, whether divided into installments or not, made for defraying the cost of such improvements, and no part of such moneys shall be used for any other purpose than the payment of such certificates until the principal and interest of such certificates shall have been fully paid.

It shall be the duty of the City Treasurer to endorse on each certificate issued as aforesaid, on presentation to him, the post office address of the owner, and in case of assignment of any such certificate, 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

of the holders of all certificates issued as aforesaid.

Every certificate as aforesaid shall contain the following clause: "The City of Stillwater reserves the right to pay this certificate of indebtedness and accrued interest at any time upon giving the holder or owner thereof thirty days' notice."

Whenever there are moneys in the separate fund hereinbefore mentioned that may be properly applied to the payment of any such outstanding certificate it shall be the duty of the City Treasurer to notify the owner or holder of such certificate that there is money in the City Treasury for the payment of the same. Said notice shall be given by mail addressed to the last known address of the owner or holder of said certificate, and if such address is unknown, such notice shall be addressed to such person at Stillwater, 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. Such certificate shall draw no interest after thirty days' from the mailing of such notice.

255. NOT TO BE DEEMED AS A PART OF THE INDEBTEDNESS OF THE CITY.--None of the certificates of indebtedness issued pursuant to the terms of this article shall be deemed or taken to be a part of the indebtedness of the City within the purview of any law limiting the amount of any bonded or other

indebtedness of the City, and certificates of indebtedness authorized by this article may be issued notwithstanding and without regard to any limitation of the indebtedness of the City, nevertheless the full faith and credit of the City is and shall be irrevocably pledged to the full payment of such certificates and interest.

ARTICLE XII.

EMINENT DOMAIN.

256. AUTHORITY OF CITY.--The City is hereby empowered to take, destroy or damage by proceedings in condemnation any real or personal property or interest therein, wheresoever situated, which may be needed by the City for any public use or purpose. The necessity for taking, destroying or damaging any property for public use or purpose shall be first determined by resolution of the Council, which resolution shall in a general way describe the property so to be taken, destroyed or damaged, and order its condemnation therefor.

257. PROPERTY ALREADY DEVOTED TO PUBLIC USE.--The fact that the property so needed by the City has been acquired by the owner under eminent domain, or is already devoted to a public use, shall not prevent its acquisition by the City, and its public use, if not inconsistent with the public use to which the property is already devoted or if it shall not unreasonably impair such prior use.

258. HOW OTHERWISE ACQUIRED.--The City may acquire any property by purchase, gift, devise or otherwise, that it is authorized to condemn.

259 DETERMINING PROPERTY TO BE TAKEN, OR INJURED.--Whenever the Council shall by resolution consider it necessary

to take, destroy or damage any real or personal property or interest therein, for any public purpose, not less than three of its members, with the City Engineer, shall make examination and submit a written report to the Council of the location and description of such property, together with a plat of the property so proposed to be taken or injured, if practicable, and any other matter they deem proper for the information of the Council, and such report may contain more than one location and plat. The report and plat shall be filed in the office of the City Clerk, and thereupon, said City Clerk shall give notice by two successive publications in the official paper of the City that such report is on file in his office for inspection of all persons interested, and that the same will be presented to the Council for action thereon at a meeting of the Council, to be named in such notice, which shall be the regular meeting of the Council next to occur after one week from the second publication of said notice.

At the meeting named in such notice, the City Clerk shall, next after the reading of the minutes of the previous meeting, present such report and plat, if any, to the Council, and the matter may then be acted upon by the Council at the same or some subsequent meeting, to be designated. The Council, under such rules as it may prescribe,

shall hear any person interested in the matter, who appears and desires to be heard in person or by attorney, or the Council may refer such hearing to a committee to hear such persons and report to the Council.

After such hearing the Council, without unreasonable delay, shall determine whether it will proceed with such matter, or not, and, if it determines to proceed further, it shall, by resolution, determine the property or interest in property to be taken, destroyed or damaged, and cause a plat thereof, or survey, as may be necessary to show or explain the same to be made and filed in the office of the City Clerk.

260. COMMISSIONERS AND THEIR AWARDS.--The Council shall, upon determining to proceed with said condemnation, or afterwards, appoint three commissioners, each of whom shall receive \$3.00 per day as compensation to be paid by the City and who shall be freeholders of the City, to view the property or interests to be taken, destroyed or damaged, and ascertain and award the compensation to be paid to the owners of the property so to be taken, destroyed or damaged.

Two of said commissioners shall constitute a quorum, and shall be competent to do any act required by said commissioners. The commissioners shall be notified by the City Clerk of their appointment by notice to be served on them severally, either personally or by mail, to attend

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at the office of the City Clerk on or before a given hour on a day specified, not less than two days after serving or mailing said notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to so attend he shall forfeit and pay to the City the sum of Fifty (\$50.00) Dollars, to be recovered for the use of the City in an action in the Municipal Court of the City; and in case a quorum of said commissioners shall not attend at the time and place so designated in said notice, the Mayor or acting Mayor of the City may appoint, in writing, one or more commissioners instead of such absentees.

The commissioners shall be sworn by the City Clerk or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make due return of their action to the Council.

Said commissioners shall give notice by two publications in the official paper of the City, that they will at a given hour and day designated in such notice, which shall be at least ten days after the second publication of said notice, meet at a place designated in said notice, on or near the property to be condemned, and view the property proposed to be condemned and ascertain and award therefor compensation to the owners thereof, and that they will then and there hear such allegations and proof as interested parties may offer.

Said commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after viewing said premises may adjourn to any other convenient place in the City to further prosecute their business, and upon completion of said hearing said commissioners shall make a true and impartial appraisal and award of compensation to be paid to each person whose property is to be taken, destroyed or damaged.

261. COMMISSIONERS' AWARDS--DEDUCTIONS FOR PROPERTY NOT DAMAGED--BUILDINGS.--In making such award of compensation, said commissioners shall, where the whole of an entire tract or parcel of land or other property is not taken, destroyed or damaged, deduct from the amount of the value of the property taken, destroyed or damaged and the damages to the parcel not taken, destroyed or damaged, the benefits, if any, that may specially accrue to the parcel not taken by reason of the improvement to be effected by the condemnation, and the excess of such value and damages above such benefits shall be the amount of compensation to be awarded the owner or owners thereof, and such compensation shall be separately reported by said commissioners as sums due such owners, and be paid said owners in money as hereinafter provided; such compensation shall draw interest from the date of the confirmation of the report of said commissioners, from which date also shall the condemnation be deemed in law to be fully consummated.

If there should be any building standing in whole or in part upon the land to be taken, destroyed or damaged, the said commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building to be taken, destroyed or damaged, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, destroyed or damaged, shall also be determined by the said commissioners, and notice of such determination shall be given by them to the owner personally, when known, if a resident of the City, or left at his usual place of residence or abode. If the owner is not known, or is a non-resident, ten days' notice by one publication to all persons interested shall be given in the official paper of the City. Such owner may, at any time within ten days after such notice, notify the commissioners, in writing, of his election to take such building, or part of building, at the amount of the appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building, where they belong to different owners; and the owner shall have such time for the removal of such building after the confirmation of the assessment as

the Council may allow. If the owner shall refuse to take the building at the appraised value, 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 collected or otherwise provided and ready in the hands of the City Treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving ten days' public notice of the sale, by one publication in the official paper of the City, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the City Treasury. If the lands and buildings belong to different persons, or if the land be subject to lease, the damages done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvement.

262. COMMISSIONERS' REPORT--FILING OF--NOTICE OF--ACTION BY COUNCIL.--Within sixty days after they shall have qualified as aforesaid, said commissioners shall prepare and report to the Council their award of compensation to owners of property taken, destroyed and damaged, and the expenses of their proceedings, which report shall set forth the total compensation awarded to each owner for any separate tract or interest in real property, and the total amount of benefits

charged to each such tract or interest which it specially derives from the improvement and the remainder, if any, thus found to be due said owner shall represent the compensation he shall receive for his property so taken, destroyed or damaged.

All sums so reported due owners, in excess of benefits charged to their property as aforesaid, plus all expenses of the proceedings shall represent the cost of such condemnation for the purpose of the public use for which it is so taken, destroyed or damaged; and such sum shall be paid by assessment for such improvement as such property may be acquired for, or otherwise out of any funds of the City available therefor.

Such commissioners shall, at least five days before presenting such report to the Council, or filing the same in the office of the City Clerk, cause a notice to be published once in the official paper of the City stating when such report will be filed in the office of the City Clerk.

Upon the filing of said report in the office of the City Clerk the latter shall present the same to the Council at its next stated meeting, and thereupon it shall lie over without further action until the next stated meeting of the Council, which shall occur at least one week after said report is filed in the office of the City Clerk, at which time, or at any subsequent time, the Council may act on such report

and hear any objections that may be made thereto, or may refer the matter to a committee to hear such objections and report thereon.

The Council may confirm such report and award or annul the same, or send the same back to the same commissioners for further consideration, and such commissioners may, in such case, on giving notice to be published once in the official paper of the city, meet at an hour, day and place designated in such notice, which shall be at least two days after the publication of said notice, and hear any further evidence that may be offered by interested parties, and may adjourn from time to time and correct any mistakes in their former award and reverse and alter the same as they may deem just, and again report their award to the Council within sixty days after the same shall be sent back to them, and the Council may confirm or annul the same.

When any such award shall be confirmed by the Council, the same shall be final and conclusive upon all interested parties, except as hereinafter provided.

263. EFFECT OF AWARD--PAYMENT--ABANDONMENT--ABSTRACT OF TITLE.--Whenever an award of compensation shall be confirmed by the Council, and not appealed from, or is not set aside on appeal, the same shall constitute a lawful and sufficient condemnation of the property or rights in property for public use for which compensation is awarded; and the

Council shall thereupon cause to be paid, from the fund lawfully applicable thereto, to the owners of the property or interests so condemned and appropriated the amount awarded to them severally.

In case such payment is not made within one year after such condemnation shall have become final, as aforesaid, such proceedings shall be deemed to be abandoned.

Before payment of such award the owner of such property or interest in property to whom award shall have been made, shall furnish the City an abstract of title, showing himself entitled to the compensation so awarded him. In case of neglect to furnish such abstract or there shall be any doubt as to who is entitled to such compensation, or any part thereof, the amount so awarded shall be, by the Council appropriated and set apart in the City treasury for whoever shall be entitled thereto, and be paid over whenever any person shall show clear right to receive the same. The Council may, in its discretion, require from such person a bond, with good and sufficient sureties conditioned to indemnify and save harmless the City from all claims for such compensation or for the property for which the same was awarded and all loss, costs and expenses on account of such claim.

Upon the payment of such award or the setting apart in the City treasury of the money with which to pay the

same as aforesaid, the City shall become vested with the title to the property so taken and condemned, absolutely, for all purposes for which the City may ever have occasion to use the same, and may forthwith enter upon the use of the same, and such purposes shall include, among others, the right to authorize and empower the laying of railroad or street-railway tracks, and the running of cars and engines thereon, upon any public levee by any railroad or street-railway company, and such prospective use shall be considered in the award of compensation to be made and paid as aforesaid.

264. PAYMENT OF AWARDS--NOTICE OF--APPEAL FROM.--

As soon as the money is collected and in the hands of the City Treasurer ready to be paid to the parties entitled to damages for property condemned, seven days notice thereof by one publication shall be given by the City Treasurer in the official paper of the City, and the City may then, and not before, except as hereinafter provided, enter upon, take possession of and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by the City for public use shall have been paid to the owner or his agent, or when sufficient money for that purpose shall be in the hands of the City Treasurer ready to be paid over to such owner, and seven days' notice thereof shall have been given in the official paper of the City, the City may enter upon and appropriate such property to the use

for which the same was condemned. Provided, that the City shall not be hindered, delayed or prevented by the prosecution of an appeal by any person, as herein provided for, from entering upon and appropriating such property to the use for which same was condemned, if after such appeal has been taken, the City shall by its Mayor, execute and file in the office of the Clerk of the District Court of Washington County, a bond in amount and with sureties to be fixed and approved by said Court, payable to the appellant, conditioned that the City shall, in case the assessment against the property appealed from be annulled and set aside by said Court, pay whatever sum shall finally be awarded as damages for such property so condemned and appropriated. This provision shall apply as well to all proceedings for condemnation now pending, in whatever stage such proceedings may now be, as to those hereafter to be commenced. The Mayor of the City is hereby authorized and empowered to execute the bond herein provided.

265. LAND TAKEN--ANNULS LEASES, ETC.--When the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for the purposes provided in this article, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

266. PART OF LAND TAKEN--ANNULS LEASES, ETC.--

Where part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes provided in this article, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the notice provided in Section 264 shall be absolutely discharged, as to the part thereof taken; but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

267. DAMAGES--ASSESSMENT OF--BUILDING ON LAND.-- In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of allowing said building to remain upon such land taken as aforesaid, for such time after condemnation as they may deem for the best interest of the City, and if they shall determine to allow the building to remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained, shall be deducted from the damages awarded for said building.

ARTICLE XIII.

ACCOUNTS and CONTRACTS.

268. ACCOUNTS TO BE ITEMIZED AND VERIFIED.-- No account, claim or demand against the City for any property or services, shall be allowed by the Council until it is reduced to writing in items, and verified by the claimant or his agent to the effect that such account, claim or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used as therein stated, and was of the value therein charged, and that the services therein charged were actually rendered and either were of the value therein stated or, if official for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law, and that no part of said claim or demand has been paid: Provided, this section shall not apply to any claim for salaries of officials that have been fixed by law, or to the fees of jurors or witnesses and the verification aforesaid shall not be required in case of a claim or demand presented by an administrator or executor in behalf of the estate of a deceased person.

269. AUDITING OF ACCOUNTS.-- Accounts or claims presented to the Council as prescribed in the preceding section, shall be allowed or disallowed in whole or in part

as shall appear to the Council just and lawful.

270. ACCOUNTS NOT ITEMIZED--PENALTY.--Every member of the Council who shall audit and allow any claim without the same having been first duly itemized, and approved in writing by the proper officer, shall be guilty of a gross misdemeanor.

271. APPEALS.--Appeal may be taken from the action of the Council on any claim or demand against the City as provided in this article by proceeding in accordance with the provisions of Article XVI relative thereto.

272. CONTRACTS--MINIMUM AMOUNT--\$500.00--CONSTRUING OF.--All contracts for commodities, or service to be furnished or performed for the City, involving an expenditure of more than Five Hundred (\$500.00) Dollars shall be made as in this article provided.

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

The word "contract" as used in this article shall be construed to include every agreement, in writing or otherwise, executed or executory, by which any commodities, labor 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.

Any action in this article required or authorized to be taken by the Council shall be by resolution or ordinance.

273. CONTRACTS--ESTIMATES--PUBLIC BIDS.--The Council, in the first instance, shall on its own motion, or may, on the recommendation or report of any officer of the City, determine in a general way, the commodities, labor or service to be done or furnished, and shall estimate the cost thereof, and in order to determine such estimated cost may require estimates from any officer or employe of the City.

In case such estimated cost does not exceed the sum of Five Hundred (\$500.00) Dollars, the Council may direct that the commodities, labor or service be procured by or through the proper officer of the City without public bids.

In all cases where such estimated cost exceeds the sum of Five Hundred (\$500.00) Dollars, said commodities, labor or service shall be furnished or done only upon public bids.

274. CONTRACTS FOR IMPROVEMENTS.--Any contract for the making of any improvement, or the doing of any work designated in this charter may be for the entire improvement complete and include all labor, material, machinery and whatever may be necessary for the full completion thereof, or it may be for doing the work alone, the City furnishing the necessary material therefor, as the Council may deem to the best interest of the City; and the Council may also, at its dis-

cretion, cause the making of any such improvement by separate contracts for different portions thereof or by separate contracts for the labor, material and machinery required for the making of such improvement: in each such instance the bids to be advertised as prescribed by Section 277 shall contain a distinct statement of the nature and extent of such separate contracts, and shall definitely describe such separate portions of such improvement.

275. IMPROVEMENTS--MACHINERY--PATENT APPLIANCES.--

Whenever any machinery or mechanical appliances shall form a part of any improvement authorized, the Council may select patented appliances and materials to enter into such construction, if the cost, maintenance and efficiency thereof is deemed relatively the lowest or most satisfactory, all things considered, and the decision of the Council therein shall be final. The Council may award a contract for the same after taking into consideration the efficiency, duty, cost of operation and maintenance and the construction, workmanship and operation generally of the several machines or appliances designated in the several bids, without regard to the amount of such bids.

276. CONTRACTS--PLANS--SPECIFICATIONS,--Before advertising for bids, the Council shall cause to be prepared by the proper officer of the City, and filed in the office of the city clerk, detailed plans and specifications and the

proposed contract for commodities and service.

277. CONTRACTS--ADVERTISING BIDS.--After filing the plans, specifications and proposed contract, or when the Council has determined to proceed with any improvement, and the public hearing has been had thereon, as provided in Section 205 the Council shall direct the City Clerk to advertise for bids for doing or furnishing said commodities, labor or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the official paper 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 and read, at a public meeting of the Council, in the Council Chamber, upon a certain day and hour, and in said advertisements there shall be reserved the right of the City to reject any and all bids.

278. BIDS--CERTIFIED CHECK TO ACCOMPANY.--The Council shall require all bids for the doing of all work or the furnishing of all skill or material authorized by this charter, to be accompanied by a certified check payable to the City, for at least five per cent. of the total amount of such bid, or cash to the same amount to secure the execution by the bidder of a contract with the City for the doing of the work or the furnishing of the skill or material for the price mentioned in his bid, and according to the plans and specifications therefor in case the contract shall be awarded to him;

and in case of default on his part to sign and enter into such contract therefor within the time prescribed by Section 280, the said money or check shall be deemed forfeited, and become the property of the city absolutely.

279. BIDS--TO BE NUMBERED, OPENED AND READ IN PUBLIC.--

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 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 may so desire an opportunity to inspect all bids when they are opened. No bid shall be considered if unaccompanied by a certified check.

280. BIDS--ACCEPTANCE OF--AWARD OF CONTRACTS.--

The Council shall act upon such bids and determine which one, if any, shall be accepted by an affirmative vote of a majority of all its members, and authorize the doing of the proposed work, or any part thereof by the person whose bid shall have been accepted, and direct that written contract be made with him therefor. 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 the bid shall consider the question of responsibility of the bidder and his ability to

perform his contract without reference to the responsibility of sureties on 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 him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of the commodities, labor or service, the Council may reject all bids or abandon the proposed improvement or work, or it may require the City Clerk to advertise for new bids in the manner hereinbefore provided; or if it is deemed by the Council to be to the best interest of the City, and the estimate of the City Engineer is less than the lowest bid, the Council may reject all bids offered, and authorize the doing of such work under the direction of the City Engineer without contract, or may in its discretion, from lack of quorum or any other reasons, postpone the consideration and decision of the whole matter, or any branch thereof to a future definite time, of which postponement all parties interested shall be required and deemed to take notice

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 unless the Council, for good cause shown, extend his time.

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

281. CONTRACTS--EXECUTION OF.--After the acceptance by the Council of any bid, it shall direct the execution of a contract on behalf of the City by the Mayor and attested by the City Clerk, in accordance with the plans, and the specifications.

282. CONTRACT WORK--TIME OF COMPLETION--CITY MAY COMPLETE.--If in the opinion of the Council and the City Engineer, any work under any contract authorized by this charter does not proceed each month so as to insure its completion within the time named in the contract, the City Engineer shall have power, when authorized by the Council, to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due him or to become due such contractor, or may be collected from him in suit by the City.

283. CONTRACTOR ABANDONING WORK--CITY MAY COMPLETE OR RELET CONTRACT.--In all cases when any work or any improvement contemplated by the provisions of this charter, shall be suspended before final completion, or the contractor

shall abandon his work under his said contract or shall fail to perform the same for any cause, or if at any time the work or any part thereof is unnecessarily delayed, or the contractor is violating any of the conditions of his contract or executing any of the same in bad faith, then at the option of the Council, the contractor may be excluded from further control and superintendence of the work required by his said contract, and the City may then assume such control and superintendence and proceed to complete the work or improvement, either by authorizing the City Engineer to procure and furnish all necessary labor and material and complete same by day work, or, as the Council may determine, relet the unfinished portion of such work or improvement in the same manner, as nearly as may be, as provided for the letting of contracts in the first instance for such improvements; and in every case of such new contract, the work shall be carried to completion and shall be paid for in the same manner as contracts for other like improvements, and any and all damages and increased cost of the work to the City, including both labor and material, shall be a charge against the original contractor and shall be deducted from any moneys remaining unpaid him or to become due such contractor, and the balance, if any, may be collected by the City from him and his sureties as provided by law.

284. CONTRACTS--CONDITIONS OF,--Any contractor or person who accepts a contract authorized by this charter, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury which may arise or in any way, directly or indirectly, be suffered by the city by reason of any occurrence while the work is going on, and before acceptance thereof by the council, caused by any negligence or misconduct on his part or on the part of his servants or employees in doing the same; and every such contractor shall guard all such work by suitable guards by day and with red lights at night, so as to prevent any loss, damage or accident.

285. CONTRACTS--BONDS,-- Before any contract whatever for the doing of any work or furnishing any skill or material contemplated herein to the city for the making of any improvement herein authorized shall be valid for any purpose, the contractor therefor shall execute a bond to the city, procured from a regularly accredited surety company authorized to do business under the laws of Minnesota, or a bond with two or more sufficient sureties to be approved by the council, in such amount as the council may direct, not less than the contract price agreed to be paid for the performance of such contract, and in no event less than Five Hundred (\$500.00) Dollars, conditioned as provided by the General Laws of the State requiring the giving of bonds by

contractors for public works and improvements, and conditioned further, that such contractor shall indemnify and hold harmless the City against such damage, loss or injury which may arise in any way, directly or indirectly, or be suffered by the City by reason of any occurrence while the work is going on and before acceptance thereof by the Council, caused by any negligence or misconduct on the part of such contractor, his servants or employees in doing the same. Such bond shall in all respects be executed as required by such General Laws, and all provisions in such laws contained, shall be applicable, as near as may be, to contracts herein authorized. Every such bond shall be filed with the contract in the office of the City Clerk.

286. REPORTS OF OFFICIALS.--It shall be the duty of each officer to report to the Council, quarterly, the commodities, work and services likely to be needed for the operation of his department or office, for the ensuing quarter, and not previously contracted for.

287. EMERGENCIES.--In case of emergency, and when delays occasioned by carrying out the provisions of this article would cause great damage to the public or endanger the public safety, the Council may do such work as it may deem necessary by day labor and procure materials therefor in the open market.

288. FINAL PAYMENTS UNDER CONTRACTS.--Before any contractor or his representative shall receive payment on a final estimate on any contract, said contractor or his representative, shall make and file in the office of the City Clerk an affidavit that all claims for materials and labor to date on the work on which such payment is asked, have been fully paid.

289. OFFICIAL ADVERTISING--PROPOSALS FOR--LETTING CONTRACT FOR.--The Council shall let annually, in the month of January, or as soon thereafter as practicable, contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for two consecutive days, and ask for sealed proposals therefor. The proposals shall specify the type and spacing to be used. The Council shall let the contract for such official advertising to the lowest responsible bidder publishing a newspaper having a general circulation in the City which is a legal newspaper according to the laws of the State, provided, the Council may reject any or all bids. If the Council shall deem it best for the interest of the City to select a newspaper that is not the lowest bidder, it may select such newspaper. The newspaper to which the award is made shall be designated as the "official newspaper." The successful bidder shall be required to give a bond to the City in the sum of Five Hundred (\$500.00) Dollars for the faithful performance of the contract.

290. CONTRACTS--OFFICIALS NOT TO AID BIDDERS--ACCEPTING INFERIOR MATERIAL.--Any officer of the City, who shall aid or assist any bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of a gross misdemeanor and shall be removed from office.

291. CONSPIRING BETWEEN BIDDERS--VOID CONTRACTS,-- If, at any time, it is found that the person to whom a contract has been awarded has, in presenting any bid or bids, conspired with any other party or parties for the purpose of preventing any other competing bids being made, or has entered into an agreement by which he made a higher or lower bid than some other person for the purpose of dividing the contract profits therefrom between two or more bidders, then, the contract so awarded shall be null and void, and the Council shall advertise for new bids for said work, or provide for such work to be done in the manner provided by this charter.

292. VIOLATIONS OF THIS ARTICLE--VOID CONTRACTS--

RECOVERY OF MONEY PAID.--Any contract made in violation of the provisions of this article shall be absolutely void, and any money paid on account of such contract by the City, may be recovered by the City, without restitution of the property or the benefits received or obtained by the City thereunder.

ARTICLE XIV.

FRANCHISES.

293. FRANCHISE ORDINANCES--TERMS--MAXIMUM PRICE--TO BE STATED IN.--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, 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.

294. FRANCHISE SERVICE--CONTROL OF MAXIMUM RATE.--The Council shall have the power to regulate and control the maximum price to be charged by any corporation or person exercising any franchise for the service rendered by it to the City and to any other person or corporation, but such price shall be fair and reasonable to such public service corporation, or person and to the public.

295. FRANCHISES--MAXIMUM TIME LIMIT--TWENTY-FIVE YEARS.--The maximum length of time for which a franchise or privilege may be granted to any person, firm or corporation shall be twenty-five years.

296. TEMPORARY LICENSE--NOT A FRANCHISE.--Temporary license to use the streets, parks and public places of the city for a period not exceeding one year for public service purposes shall not be considered a franchise under the restrictions of this article.

297. FRANCHISES--RENEWALS OR AMENDMENTS.--No franchise shall be renewed, amended or extended except under the requirements exacted in case of a new franchise; nor shall any franchise be renewed, amended or extended until within one year before its expiration.

298. FRANCHISES--CONDITIONS OF.--In addition to such other requirements as the Council may exact, the following conditions shall be inserted in and be a part of every franchise, so far as the same may be applicable, to-wit:

(a) Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations, or conditions thereof, and that in all such cases, the Council shall have power to declare the termination and forfeiture of any such franchise or privilege.

(b) Every grantee of a franchise or assigns thereof shall make all reports and furnish all information required by the Council, as the latter shall determine, from time to time, to enable the Council to determine what rates

shall be charged the public for service rendered by virtue of and under the same, or to determine as to valuation of the property or income of said grantee for purposes of taxation, and in default thereof, the Council may declare a forfeiture of the franchise.

(c) No franchise shall become operative unless the grantee shall, within twenty days after the ordinance granting it shall be ratified by vote of the people, file in the office of the City Clerk, a written notice accepting its provisions and agreeing that the grantee and assigns shall hold and exercise the same under all the conditions of this charter and such regulations and requirements as the Council may, from time to time, lawfully exact.

(d) All street railway franchises shall, ipso facto, impose on the grantee or assigns, the duty to sprinkle, clean, keep in repair, and free from snow and other obstructions and to pave and re-pave so much of the streets and public places occupied by its tracks, including the space between the rails and between the lines of double track and for one (1) foot additional on the outside of each rail thereof, in the same manner in which such street is sprinkled, cleaned, repaired, freed from snow and other obstructions, paved and re-paved by the City; and on failure so to do the City may perform such labor or service and recover the cost

thereof from such grantee or its assigns.

(e) Every franchise granted for the erection of poles or masts on or along the highways, or other public places of the City, for the conduct of electricity, or for any telegraph or telephone purpose, shall also contain a provision that the upper arm of all such poles or masts shall be for the exclusive use of the City, and any franchise granting the right to construct conduits in or under such places for said purposes, shall also contain a provision reserving a definite and reasonable portion thereof for the exclusive use of the City, and that the Council may require the placing underground, or in any other safe or convenient position, of wires carrying electricity, and other wires.

(f) Every franchise shall reserve to the City the right to require the grantee or its assigns to elevate or depress its railway or street-railway tracks, at the expense of the owner of the franchise, and to require reasonable extension of any public service system, and to make such rules and regulations as may be deemed necessary to secure adequate and proper service and provide sufficient accommodations for the public.

(g) No grantee of any franchise shall include in its estimate of the value of its property devoted to public use as a basis for fixing its charges for public service,

either any sum as capitalization of its franchise or any unearned increment.

(h) It shall be a condition of every franchise that in any proceedings for the condemnation of the property or public utility of the grantee or assigns by the city for public use the compensation to be paid shall not include any value for the franchise, or for any unearned increment.

(i) No incumbrance upon the property of a grantee of franchise from the city shall extend to the franchise right.

(j) No sale or lease of rights granted by any franchise shall be operative until the same is approved by the council.

(k) Every franchise shall provide that it and all things constructed thereunder or used in connection therewith, except rolling-stock, shall be subject to common use by the grantee or assignee of any other franchise, whenever there shall be necessity therefor, upon payment or tender of compensation for such use.

The question of common use, necessity, compensation and all other questions relating thereto, shall be judicial questions, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring

such common use shall deposit in the court such sum as the court, in a preliminary hearing, may determine.

299. FRANCHISES--RIGHT OF COUNCIL TO INSERT CONDITIONS.--

The enumeration and specification of particular matters in this charter which must be included in every franchise, grant, renewal or extension of any franchise or grant, shall not be construed to impair the right of the council to insert in the same such other and further provisions, conditions and restrictions, as the council shall deem proper to protect the interests of the city.

300. ORDERS OF COUNCIL--TESTING IN COURT.--When any person or corporation against whom any order of the council is directed under the provisions of this article shall believe such order to be unjust and unreasonable, he or it may test its justice or reasonableness by proper action in the courts, commenced within thirty days after the service of such order, and in such action such order shall be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto, and if not so tested, such right to question the action of the council or test its right in the premises shall terminate.

301. FRANCHISES--APPROVAL BY VOTERS.--No ordinance granting, renewing, amending or extending any franchise passed by the council shall become operative, unless it be submitted

to the voters of the City, and be approved by a majority of the qualified electors voting on the same.

302. ORDINANCE FOR FRANCHISE--PUBLICATION PRIOR TO VOTING ON.--The Council shall provide for the publication in full at least once in the official paper of the City of the full text of any ordinance submitted under this article to the voters of the City for approval or rejection. Such publication shall take place not less than ten days nor more than twenty days before the date of said election. When any such ordinance is to be so submitted at any special or general election, the notices of said election shall so state and shall designate said ordinance by number and title, and shall set forth syllabi of said ordinances prepared by the City Attorney.

303. VOTERS NOT APPROVING OF ORDINANCE--NO RE-ENACTMENT FOR ONE YEAR.--No ordinance submitted to popular vote hereunder that is not approved by a majority of the qualified electors voting thereon, shall be of any effect whatever; and the same shall not be re-enacted by the Council within one year from the date of the election at which it was disapproved.

304. BALLOTS FOR VOTING ON ORDINANCE.--The ballots used in voting upon any ordinance as provided for in this article shall set forth in full the title thereof and state briefly the general nature thereof, and thereafter in larger

type contain the words, "For the ordinance," and "Against the ordinance," and shall contain a square opposite each of the aforesaid phrases in quotations so that the elector by a cross in the square may indicate whether he is for or against the ordinance.

305. RESULTS OF ELECTION--COUNCIL TO CANVASS RETURNS.--

The result of any election in this article provided for shall be determined by a canvass made by the Council, and by it declared in a resolution to be recorded and published in one issue of the official paper of the City; and when so published the said ordinance shall be in force if approved by the electors, and accepted by the grantee, as provided herein, but not otherwise.

306. FRANCHISE ORDINANCES--CITY ATTORNEY TO PREPARE

SUMMARIES OR SYLLABI OF.--On request of the City Clerk, the City Attorney shall prepare forthwith or cause to be prepared summaries, or syllabi of all franchise ordinances where summaries are required in carrying out the provisions of this article.

307. FRANCHISES--FURTHER REGULATIONS BY COUNCIL.--

The Council shall by resolution make such further regulations as may be convenient or necessary to fully carry out the various provisions of this article.

ARTICLE XV.

PLATS, STREETS and HIGHWAYS
and the
VACATION THEREOF.

308. PLATTING OF LAND--DONATIONS.--Plats of land shall be made in accordance with the provisions of this article, and when so made and recorded, every donation to the public, or any person or corporation noted thereon shall operate to convey the fee of all land so donated for the uses and purposes named or intended, with the same effect, upon the donor and his heirs, and in favor of the donee, as though such land were conveyed by Warranty Deed. Land donated for any public use in the City shall be held in the name of the City in trust for the purposes set forth or intended.

309. PLATS--UNIFORMITY--SIZE OF.--All original plats shall be drawn on good and substantial muslin-backed paper, and be accompanied by three tracings of said original plat, each of said tracings to be made on tracing vellum. Every original plat and the said three tracings shall be of a uniform size of twenty-five inches in width, and thirty-five inches in length.

310. SURVEY AND PLAT--MONUMENTS.--The land shall be surveyed and a plat made setting forth and naming all thoroughfares, streets, alleys, lanes and public grounds. All principal and important streets and avenues shall be at least sixty feet in width, and all alleys or lanes shall be at least sixteen feet in width, and shall be surveyed and platted to join and conform to the thoroughfares, streets, alleys, lanes, or other public grounds in the older or accepted additions, and each plat of any proposed new addition shall show enough of the adjoining additions, if any there may be, to indicate that the said proposed new addition joins and conforms to the foregoing requirements as to thoroughfares, etc. At each corner of each and every lot, in each proposed new addition, a substantial stake shall be set, and an iron or stone monument with a proper cross-mark shall be set at each corner of said addition where it is possible to do so, in such way that the lines between said monuments form two or more base lines from which to make public survey. The monuments and the angles between the base line shall be shown on the plat, as well as the North and South line. All rivers, streams, creeks, lakes, ponds, swamps, and all public highways, streets, lanes, alleys, or public grounds, laid out, opened or traveled--existing before the platting--shall be correctly and plainly shown and designated on each plat.

311. DEDICATION--CERTIFICATION--VERIFICATION.--On the plat shall be written an instrument of dedication, which shall be signed and acknowledged by the owner of the land. Said instrument shall contain a full and accurate description of the land platted, and shall set forth what part or parts of said land are dedicated, and also to whom, and for what purpose said part or parts are dedicated. The surveyor shall certify on the plat that the plat is a correct representation of the survey, and that all distances are correctly shown on the plat, that the monuments for guidance of future surveys have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, and that the topography of the land is correctly shown on the plat. If there are no wet lands or public highways to be designated in accordance with the preceding section of this article, he shall so state. The certificates shall be sworn to before any officer authorized by the State laws to administer an oath.

312. PLATS--ACCEPTANCE BY COUNCIL.--All plats shall be presented to the Council for acceptance and approval, together with an abstract and certificate of title. The Council may accept or reject said plats or direct them to be changed or modified in such manner as it shall deem expedient. No plat shall be accepted by the Council, unless same is

presented with the said three tracings. If the Council has any reason to doubt the accuracy of the plat, it may, after having notified the proprietor to that effect, employ a competent surveyor to check and verify the surveys and plat, and the surveyor shall make a full report of his findings. If the survey or plat is found incorrect, the expense of verifying the same shall be paid by the proprietor, but if the survey and plat is found correct, then this expense shall be paid by the City. Whenever any plat is accepted and approved by the Council, the City Clerk shall so certify on the original plat, and also shall certify each of said three tracings to be a true copy of the original plat accepted and approved by the Council.

313. RECORDING, ETC.--Every original plat, and one of said tracings, when duly certified, signed and acknowledged as provided in this article shall be recorded in the office of the Register of Deeds of Washington County, and likewise one of said tracings shall be filed in the office of the County Auditor of Washington County, and likewise one of said tracings shall be filed in the office of the City Engineer, and all fees in connection with said recording and filing shall be paid by the proprietor.

314. DISPOSAL OF LAND--PENDING PLATTING--PENALTY.--Any person who shall dispose of, lease, or offer to sell any land included in a plat before the same is recorded, and

filed as provided herein, shall forfeit to the City, Twenty-five Dollars for each lot or part of ^a lot so disposed of, leased, or offered. All forfeitures under this section shall be recovered in the name of the City. No person shall be entitled to any damage for the laying out or extension of any street, avenue or alley over any lot or parcel, sold or offered for sale contrary to the provision of this section or contrary to the State laws.

315. EFFECT OF ACCEPTING PLATS.--The acceptance of any plat or addition of ground within the City limits shall not make the City liable to grade the streets therein designated, or responsible for any insufficiency of such streets, until the Council shall direct the same to be graded and opened for travel.

316. VACATION OF STREETS, HIGHWAYS, ETC.--CHANGE OF.--To vacate or discontinue public grounds, streets, alleys, or highways, or to alter, change or modify the same within the City, a petition signed by the owners of more than one-half of the property on the line of such public grounds, streets, alleys or highways, shall be presented to the Council. Each petition shall set forth the reasons and facts for such vacation or discontinuance, and be verified by the oath of one petitioner, and each petition shall be accompanied by a plat of such public grounds, streets, alleys or highways, proposed to be vacated or discontinued, altered, changed or modified.

317. VACATING--PROCEDURE.--The Council, upon deeming it expedient that the matter shall be proceeded with, shall order the petition to be filed in the office of the City Clerk, and the City Clerk shall give notice by publication in the official paper of the City for four successive weeks to the effect that such petition has been filed as aforesaid and stating concisely its object, and that said petition will be heard and considered by the Council on a certain day and place therein specified, not less than ten days after the last publication of said notice. The Council, at the time and place appointed, shall investigate and consider the matter and shall hear the testimony and evidence on the part of the parties interested, and thereafter by a resolution passed by vote of all the members, the Council may declare such public grounds, streets, alleys or highways, altered, changed or modified, or vacated absolutely, or with such modifications and restrictions as it shall deem necessary to protect all parties interested. Before the same shall go into effect such resolution shall be published as in the case of ordinances and a transcript of such resolution, and a duplicate of said plat duly certified by the City Clerk, shall before the same is valid, be filed for record and recorded in the office of the Register of Deeds of Washington County. No vacation of any streets, alley or public grounds in the City shall hereafter be allowed except upon such terms and conditions

as to the compensation, if any, to be paid by the persons seeking such vacation or otherwise as shall be specified in the resolution ordering such vacation, nor shall the Council order any vacation without adequate compensation to the City.

318. PUBLIC LANDS--DEDICATION OF ITS EQUIVALENT.--

In case the plat embracing the premises proposed to be vacated dedicates to the public use, in the opinion of the Council, land equivalent in area and value to the premises sought to be vacated, then said Council may by a majority vote of all members accept said plat and pass a resolution of vacation and after said plat and said resolution have been recorded in said Register's office, said vacation shall be valid without the payment of money into the City treasury.

319. VACATION OF ROADS--COUNTY--TERRITORIAL--STATE.--

The procedure for the vacation and discontinuance of county, territorial and state roads, within the City limits, shall be the same as provided in the foregoing sections of this article, except that the owners shall provide another road properly dedicated, acceptable to the Council and deemed by it suitable for public purposes, to be used in lieu of the proposed vacated road, of which fact the acceptance of the plat, and the resolution of vacation shall be conclusive evidence when recorded in the office of the Register of Deeds of Washington County.

ARTICLE XVI.

APPEALS.

320. OWNER MAY APPEAL.--Any owner whose property is proposed to be taken, destroyed or damaged by proceedings in condemnation may appeal to the District Court of Washington County and there review any action of the Council or Commissioners appointed in such proceedings, for any reason, or on any ground that could have been urged before the Council at any stage of such proceedings.

Any owner of property assessed for local improvements under this charter may likewise appeal to said Court and there review such proceedings, so far as they affect the property in which he may be interested, as to any matters involved in the action of the Council on which such proceedings are based.

321. APPEALS--NOTICE OF--BOND--COPY OF PROCEEDINGS--FILING.--Appeals shall be taken by notice filed in the office of the City Clerk within ten days after final confirmation by the Council of the award of Commissioners in condemnation proceedings, and within ten days after confirmation by the Council of any assessment for local improvements; and such notice of appeal shall specify the grounds on which the

same is taken, and contain a description of the property as to which such appeal is taken, and be accompanied with a bond to the City-executed by the appellant, or by some one in his behalf, with two sureties to be approved by the City Clerk or Mayor, in the penal sum of One Hundred Dollars (\$100.00) and conditioned to pay the City all costs and disbursements that may be awarded against appellant on such appeal. Thereupon said City Clerk shall immediately notify the City Attorney thereof and shall make out and file in the office of the Clerk of the District Court a copy of so much of the proceedings appealed from as shall be necessary to enable the Court to fully determine all questions raised by such appeal, which copy shall be so filed within ten days from the perfecting of the appeal, and the appellate court may order such further return to be made by the City Clerk on said appeal as may be required for a full and fair determination of said appeal.

If more than one appeal is taken in one proceeding the return in all except one need not contain any copy of proceedings other than such as shows the property or other matters special to such separate appeal, unless the court shall otherwise direct.

322. APPEALS--COURT PROCEDURE--APPOINTMENT OF COMMISSIONERS--AWARD OF.--There shall be no pleading on such appeal, but the Court shall determine in the first instance whether there was, in the proceedings, any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections, that as to him the award or assessment of the Commissioners ought not to stand, and whether said Commissioners had jurisdiction to take action in the premises. The case may be brought on for hearing, on eight day's notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings in so far only as the same affect the property of the appellant proposed to be taken, damaged or assessed for benefits, and described in said written objection. In case the amount of damages awarded or assessment made for benefits is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three disinterested freeholders, residents of the City, commissioners to re-appraise such damages or benefits. The parties to such appeal shall be heard by said court upon the appointment of such commissioners, and the court shall fix the time and place of the meeting of such commissioners. They shall be sworn to the faithful

discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs, pertinent to the question of the amount of such damages or assessments. Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and the offset thereto, of benefits to other property of the same owners, and in all other material respects, as are in this charter made for the government of commissioners appointed by the Council. They shall, after such hearing and viewing of the premises, make report to the said court of their appraisal of damages or assessment of benefits in respect to such appellant. The award or assessment of such commissioners shall be final unless set aside by the court for good cause shown. In case such report is set aside, the court may, in its discretion, recommit the same to the commissioners, or appoint new commissioners, as it shall deem best: Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, including the compensation of such commissioners, as it shall deem just in the premises. In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. But the Council shall have the right, at any time within ten days after notice of such award, to abandon the proceedings for

such improvement, if it shall consider the public good to require such abandonment. Such commissioners shall perfect and complete their award and make the same to the court with all convenient speed, and vacancies occurring among the commissioners shall be filled by the court or judge thereof.

323. ACCOUNTS OR DEMANDS AGAINST CITY--APPEALS FROM ACTION OF COUNCIL.--Appeal may be taken from the action of the Council in allowing or disallowing in whole or in part any claim or demand against the City required to be presented and verified as provided in this charter, and the same shall be taken by filing a written notice of such appeal in the office of the City Clerk within ten days after the allowance or disallowance of said claim or demand by the Council from which appeal is taken, and by giving security for costs and disbursements to be approved by the City Clerk or Mayor; and upon ^{such} notice being served upon him, the City Clerk shall immediately notify the City Attorney thereof; and thereafter no order shall issue in payment of a claim or demand or any part thereof from which such appeal is taken until a certified copy of the judgment of the court shall be filed in the office of the City Clerk. The City Attorney shall, upon the request of five tax payers of the City, if the amount allowed exceeds \$25.00, appeal in behalf

of the City from such action of the Council to the District Court of Washington County by filing a notice of appeal in the office of the City Clerk within ten days after the date of the action of the Council appealed from, and thereafter no order shall be issued in payment of any part of such claim until a certified copy of the judgment of the District Court shall be filed in the office of the City Clerk. Upon the filing of such notice of appeal, the District Court shall acquire jurisdiction of the parties and the subject matter, and may compel a return to be made as in the case of an appeal from a judgment of the Municipal Court of the City.

324. PROCEEDINGS ON APPEAL--Within ten days after an appeal has been taken, the City Clerk shall file in the office of the clerk of the District Court a certified copy of the claim or demand and a transcript of the record of the action of the Council thereon together with a copy of the notice of appeal and the date of the filing ^{thereof} in the office of the City Clerk. The appeal shall be put upon the calendar of the District Court for trial as an issue of fact at the next general term of the District Court, unless both parties shall stipulate that the same may be placed upon some special term calendar of said court and tried by the court without a jury; and on or before the second day of such term, the court shall direct pleadings to be made up as in civil actions and

all questions of law summarily heard and determined. Issues of fact shall be tried and judgment rendered and prosecuted as in civil actions but no execution shall issue thereon, except for the collection of a counter claim or costs and disbursements in case of a judgment against the claimant.

325. APPEAL TO SUPREME COURT--COUNTER CLAIM.-- Appeal from the judgment of the District Court may be taken to the Supreme Court as in civil actions. If no appeal is taken to the Supreme Court, a certified copy of the judgment shall be filed in the office of the City Clerk, and if an appeal is taken to the Supreme Court, and the judgment appealed from is affirmed, modified or reversed, the final judgment of the District Court shall be certified to the City Clerk, and if said judgment shall determine any sum to be due from the city to the claimant, an order shall be drawn on the City Treasurer in payment therefor in favor of the claimant or his assigns. If the final judgment in the District Court shall determine anything to be due from the claimant to the city, execution therefor including costs and disbursements shall issue out of the office of the Clerk of the District Court for the collection thereof against said claimant: Provided, where costs are allowed, against claimant and there is any allowance on the claim in his favor the amount of such costs shall be deducted from such allowance; and in any case of an

appeal to the District Court, the city may interpose, as a counter claim, any demands which it has against such claimant, and have execution for the collection of any judgment rendered in its favor.

ARTICLE XVII.

STILLWATER CITY SCHOOL DISTRICT.

326. CONTINUANCE OF.--All ^{the} provisions of that certain act of the legislature of the state of Minnesota entitled, "An act to amend an act entitled "An Act for the establishment and better regulation of the common schools in the city of Stillwater; approved February twenty-eighth, (28) one thousand eight hundred and sixty-three, (1863) and the several acts amendatory thereof", approved February 14th, 1887, being Chapter 82 of the Special Laws of Minnesota for 1887, and all acts amendatory thereof and supplementary thereto, so far as applicable to the School District of the city, are hereby continued in force and made a part of this charter, except in so far as such provisions are inconsistent with the express provisions of this charter.

327. SCHOOL DISTRICT.--The city of Stillwater is hereby declared to be a school district and a body corporate by name Stillwater City School District, and by such name may contract and be contracted with, sue and be sued in any court having competent jurisdiction, and by the name Stillwater city School District shall hold the title of all lands and other property now held or which may hereafter be acquired

for school district purposes in such district. Said school district may also convey or sell any real estate belonging to, or held, or which may be hereafter acquired by said district. Said school district may receive by gift, grant, devise, bequest, or otherwise, any real or personal property; and use, sell, convey, control, and enjoy the same and make any and all contracts proper and necessary relating to the same.

328. BOARD OF EDUCATION.--The property and affairs of said school district shall be managed by a Board of Education consisting of five directors, who shall be styled "School Directors", and who shall be elected at large in the city, and who shall be residents and voters thereof. Said directors shall be elected in the same manner and at the same time as provided in this charter for the election of the city councilmen, by male and female voters possessing the requisite qualifications now or hereafter specified in the state constitution and laws. At the first election two of said directors shall be elected for the short term, and three for the long term, as provided in article III herein, and thereafter at the expiration of their respective terms of office, their successors shall be elected for a period of four years each.

329. POWERS OF THE BOARD OF EDUCATION.--The Board of Education shall have full power and authority, and it shall be its duty to purchase, lease, or erect such school houses as may be necessary, to keep the same in repair, to furnish all other things necessary to the school houses during the time a school shall be kept therein, and apply for and receive from the County Treasurer, or other officers, all moneys appropriated for the common schools and district library, and designate a place where the library may be kept therein. The said Board of Education shall have also full power and authority to make by-laws and ordinances relative to the making of all necessary reports and transmitting the same to proper officers as designated by the State laws, so that the said District may be entitled to its proportion of the school funds, the visitation of schools; the duration of time schools shall be kept, which shall not be less than five months in each year; the employment of teachers, their powers and duties; the regulation of the schools and the books to be used, and the course of study to be pursued therein; the appointment of necessary officers, and prescribe their powers and duties; also relative to anything whatever that may advance the interests of education, the good government and prosperity of the public schools in the City, and the welfare of the public concerning the same, not inconsistent with the State laws.

330. QUALIFICATION and ORGANIZATION.--Each school director before entering upon the duties of his office shall take, subscribe to, and file in the office of the City Clerk an oath or affirmation that he will support the constitution and laws of the State of Minnesota, and discharge the duties of his office honestly and to the best of his ability.

The annual meeting of said Board shall be held on the second Tuesday of January in each year. At the annual meeting, following the election of directors, said Board shall organize itself by electing a president, vice-president, secretary and treasurer for a term of two years, or until their successors are elected and qualified. Said president, vice-president and secretary shall be members of the Board of Education, but the treasurer may be any resident and legal voter of the City whom the Board may elect, and he may be a member of the Board.

The secretary and treasurer, within twenty days after their election, shall each give a bond for the faithful performance of his duties payable to said Board of Education, in such sum as shall be fixed by said Board, and with sureties who shall be freeholders of the City, or each may give a bond procured from a regularly accredited surety company, authorized to do business under the laws of Minnesota; premiums on such bonds may be paid by the Board: Said bonds shall be formally approved by the Board of Education and deposited in the office of the City Clerk.

331. DUTIES OF OFFICERS.--The respective officers of the Board shall perform the duties usually incident to their respective offices, and such other duties as shall be specifically required of them by the Board of Education.

332. MEETINGS.--Regular meetings of the Board other than the annual meetings shall be at such times and places as may be determined by the Board. Special meetings of the Board may be called by the President or any two school directors upon a written notice stating the time, place and object of the meeting, served personally, or at the place of abode of the other directors, at least twenty-four hours before such meeting. Whenever all the directors shall be present at any special meeting, such meeting shall be a legal meeting at which any business which could come before a regular meeting may be transacted whether there was any notice given of such meeting or not.

333. TAXATION.--The Board of Education is hereby authorized and empowered to levy upon the taxable property of the City each and every year such taxes as will raise sufficient sums of money for all school purposes of every character whatsoever, including money for the purchase, construction, and repair of school buildings and also money to defray the expenses incident to the maintenance thereof; and also such ^{as} sums will provide for the prompt payment of all indebtedness of said district, provided that the aggregate annual amount

shall never exceed in any year fifteen mills on the dollar upon the assessed valuation of said district. The Board of Education shall make and return its annual levy of taxes on or before the first day of September of each year to the County Auditor of the County of Washington, and such taxes shall be collected and the payment thereof enforced in like manner as state and county taxes are collected and the payment thereof enforced, and when collected shall, together with all costs, interest, and penalties collected thereon, be turned over by the County Treasurer to the Treasurer of said Board, at the times as said County Treasurer is required to make settlement with the City Treasurer of the City.

334. REAL ESTATE.--The Board of Education may acquire or dispose of real estate for school purposes, and title to all such real estate shall be vested or conveyed in the name of Stillwater City School District, and all conveyances of such real estate shall be signed by the president and secretary and sealed with the seal of said School District.

The acquisition or disposal of all such real estate shall be authorized by a resolution of the Board of Education receiving the affirmative vote of not less than four directors; said voting to be by ayes and noes, and each vote shall be recorded in the record of the proceedings of the Board.

335. AYE AND NAY VOTES.--Aye and nay votes shall be taken and recorded for the issuing of warrants in payment of all bills and obligations, except warrants for salaries of teachers and other employes.

336. VACANCIES.--In the event that any school director or officer dies, resigns, or removes from the district or otherwise vacates his office before the expiration of his term, the Board of Education shall fill the vacancy by selecting a successor for the balance of the unexpired term of said school director or officer. Three successive absences by any director without the consent of the Board of Education shall create a vacancy. If any school director elected at any election shall fail or refuse to qualify before the next annual meeting, there shall be deemed to be a vacancy, which shall be filled in the same manner.

337. SALARIES.--The Board of Education shall fix the salaries of the treasurer and secretary at such reasonable sums as said Board may deem proper. No other School Director shall receive any pay or compensation for the services performed.

338. ANNUAL STATEMENTS.--Upon the installation of the accounting system prescribed in Section 144, said Board shall cause its books and accounts to be kept and maintained in accordance therewith, and shall prepare and deliver to the Council the statements as provided by said Section 144.

339. CONTINUATION OF CONTRACTS and WORK.—The Stillwater City School District, constituted under the provisions of this article, shall be deemed a continuation of, and the successor-in-interest of the former Stillwater City School District: all contracts, obligations and liabilities entered into, and all matters, proceedings, acts or doings, had or done, by said former Stillwater City School District, shall continue in force and effect; and all work begun by said former Stillwater City School District prior to the taking effect of this charter, shall be continued, carried on and completed by the Board of Education of the Stillwater City School District, constituted by this charter.

ARTICLE XVIII.

BOARD OF WATER COMMISSIONERS.

340. HOW CREATED.--The system of water works now owned and operated by the City of Stillwater shall be under the control and management of a Board of Water Commissioners, and said Board shall be known by name Board of Water Commissioners of City of Stillwater, and said Board shall hold office and be appointed as provided in this article, and shall have all the powers and duties hereinafter prescribed.

341. BOARD MAY SUE AND BE SUED.--Said Board may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in its own name, and may have a corporate seal and alter the same at pleasure. A majority of said Board shall constitute a quorum, and all contracts and engagements, acts and doings of said Board within the scope of its duty and authority shall be obligatory upon and as binding in law as if done by the Council.

342. MEMBERSHIP--HOW CONSTITUTED.--Said Board shall consist of three members who shall be voters of the city and always appointed by the Mayor. The present members of the former Board, upon the taking effect of this charter, shall each continue to hold his office until the expiration of the

time for which he was appointed, and said Board shall constitute the Board of Water Commissioners under this article. Thereafter appointments, except appointments to fill vacancies, shall be for the term of three years. Vacancies in said Board from any cause other than expiration of term of office shall be filled by appointment for the unexpired term. Each member of said Board shall serve without compensation, shall qualify by subscribing to and filing in the office of the City Clerk an oath that he will faithfully and impartially perform the duties of his office, and his term of office shall continue until his successor is appointed and qualified.

343. PRESIDENT--HOW ELECTED.-- Upon the taking effect of this charter, and in each year after the expiration of the term of any member thereof, and the qualifying of his successor, said Board shall elect one of its members President of the Board, and one of its members Vice-President of the Board.

344. SECRETARY--HOW ELECTED--BOND--DUTIES.-- Said Board shall appoint some suitable person as its secretary who shall hold office during the pleasure of said Board, and who shall, before entering upon his duties, furnish a bond running to the City and with such sureties and in such amount as shall be fixed by said Board, and if such bond is furnished by a surety company authorized to do business in the State of Minnesota, the premium thereon may be paid by said Board and

such bond shall be conditioned that he will faithfully perform all the duties of his office as required by this charter and promptly pay over to the treasurer of said Board all moneys and deliver up all property belonging to the city that he may have in his possession, or for which he is or may be accountable. It is made the duty of said secretary under the direction of said Board to collect and receive and promptly pay to the treasurer of said Board all moneys due on account of the operation of said water works or any transaction of said Board. He shall keep an accurate record in books kept for that purpose, of all the proceedings and business transactions of said Board; he shall also keep a set of books which shall contain a full and complete statement of the condition and operation of said water works and of all moneys received and paid out on account thereof for any cause whatsoever, together with an accurate account of the expenses of said Board and of said system, and of the income thereof, and in such manner as to show at all times the exact financial condition of said Board, and he shall make a detailed statement of the same to said Board semi-annually at such time as said Board shall fix. He shall perform such other and further duties as said Board may from time to time require and shall receive such salary or compensation as shall be fixed by said Board.

345. CITY TREASURER TO BE TREASURER OF BOARD.—

The City Treasurer shall be ex officio the treasurer of said Board, and it shall be his duty to receive all moneys which may be paid to said secretary on account of said Board of Water Commissioners from any source whatever. All moneys so received shall be kept by said Treasurer in a fund known as the "Water Works Fund" and separate from all other moneys of the City, and shall be paid out only upon the orders of said Board signed by the President, and countersigned by the secretary thereof. He shall report semi-annually to said Board at such times as it may determine, and at such other times as said Board may require, in detail showing the amounts paid into said fund, the sums paid therefrom, and the sums remaining to the credit of said fund. The City Treasurer shall receive in addition to the salary or compensation fixed by the Council, such further sum as said Board may determine for services performed by him pursuant to this article.

346. POWERS OF BOARD.—Said Board shall have full, absolute and exclusive control of and power over the water works and water plant of the City, and all parts, attachments and appurtenances thereto, and all apparatus and material of every kind and description used or to be used in operating said plant and owned and controlled by the City. It shall have the power to operate the same and to extend, add to, change, or modify the same, and to do any and all things in and about the same which it may deem necessary for the proper, sanitary,

healthful and economical operation thereof: Provided, it shall not have the right to sell, lease, rent or in any way dispose of or incumber the said property. It shall have authority to buy all material and employ all help necessary to make any extension or addition to or change or modification of said plant, or it may contract to extend, add to, change or modify said plant or any part thereof. Said Board shall also have authority to buy all necessary fuel and supplies, to appoint and remove at pleasure such employes and officers as in its judgment may be necessary and to fix their salaries and compensation from time to time. And in case any person holding any office of the City or employed thereby shall be employed or appointed by said Board, said Board shall fix the compensation or salary of such person for all services or duties performed by such person for said Board. Said Board shall also have power to make by-laws and regulations, not inconsistent with law, or this charter, for the government of its officers and employes, for the control and management of said plant, and the several portions thereof, and for the regulations and transactions of the business entrusted to them. It shall have power to require payment in advance for water or service furnished by it in or upon any building, place or premises, and in case prompt payment shall not be made, it may shut off the water from such building, place or premises and shall not be compelled to again supply

such building, place or premises with water until said arrears, with interest thereon together with costs of turning said water off and on as fixed by said Board, shall be fully paid. It shall also have power to fix and determine conditions and requirements for making or continuing connections with said plant, to make regulations governing the use of water furnished therefrom and to prevent waste thereof and in case of the default, refusal or neglect of any patron in the due observance of any such requirement or conditions or regulations to discontinue the furnishing water to any one so offending.

347. FIXING RATES AND REGULATING DISTRIBUTION.--

Said Board shall control and regulate the distribution of water from said system of water works, in all places and for all purposes where the same may be required for either private or public use, and fix the price and rates therefor, and from time to time cause to be assessed the water rate to be paid for any public use thereof, or by the owner or occupant of each house or other building having or using water, upon such basis as it shall deem equitable, provided, that such rate may be greater for the water furnished to the owner or occupant of any building or premises situate on any lot, place or parcel of land for any reason not liable for or exempt from the frontage tax hereinafter provided, than the rate charged for a like service furnished to the owners or occupants of

lands liable for and not exempt from such frontage tax. Every such water rate shall become a continuing lien, until paid, on each house or other building, and upon the lot or lots upon which such house or other building is situate, and shall have equal rank thereon with the liens of the State and County for taxes and with the liens of assessments for local improvements levied thereon. The Board shall erect such number of new public hydrants and in such places as shall be ordered from time to time by the Council of the City. Said Board is hereby authorized and required to restrain and prevent any and all wastage of water, whether occurring under public or private use, and to that end may, when in its judgment necessary turn off the water or take such other action as in its judgment may be proper.

348. SEPARATE ACCOUNTS FOR CITY AND VARIOUS BOARDS.-- The said Board shall keep separate accounts for water furnished for all public purposes to the City and its various Boards, and shall collect the amount of said accounts from the City and its various Boards in the same manner, and subject to the same rules and regulations as if the City and its various Boards were private persons.

349. USE OF GROUNDS, ETC.--Said Board in behalf of the City, and all persons acting under its authority, shall have the right to use the grounds or soil under any road, railroad, railway, highway, street, lane, alley, court or

public place for the purpose of constructing, enlarging, improving or repairing the water works of the city, on condition that it shall cause the surface of such road, railroad, railway, highway, street, lane, alley, court or public place to be restored to its original state and all damages done thereto repaired. Provided, however, that in acting under this section, said Board shall respect and obey all ordinances of the City.

350. ASSESSMENTS--HOW LEVIED.--In addition to all other powers conferred upon said Board, said Board is authorized for the purpose of defraying in whole or in part the cost of such water works and of subsequent extensions thereof, to assess upon each and every lot, piece or parcel of land in the City, except only lands which are or may be exempt by law from assessments for local improvements, in front of which water mains are or shall hereafter be laid, a water frontage tax at the rate of seventy-five cents on each lineal foot of the frontage of such lot, piece or parcel of land, and which shall be a lien upon such lot, piece or parcel of land until paid, and shall be due in fifteen equal installments, and collected at the time and as hereinafter provided. Every lot, piece or parcel of land in the City situate at the intersection of two or more streets, each having a water main laid therein, shall be allowed an exemption from such frontage tax on one of said streets at each corner thereof, but no such

exemption shall be allowed until after such lot, piece or parcel of land shall have been fully assessed for such frontage tax on one of the streets intersecting at the corner where such exemption is allowed. Such exemption shall be the number of feet of the shorter frontage of every such lot, piece or parcel of land on either of such intersecting streets not exceeding, however, fifty feet at any corner. No property shall be subject to any such frontage tax on any frontage thereof upon which frontage the owner or owners thereof shall have theretofore and without cost to the City, or to said Board, laid or caused a water main to be laid in front of such property and which water main has been thereafter accepted by the City, or by said Board, and made a part of said system of water works.

361. ASSESSMENT ROLL.--The Board shall make up a detailed assessment roll duly certified by its President and Secretary, and under the seal of said Board for the frontage tax described in the foregoing section, upon each lot, piece or parcel of land liable therefor, and all duly certified assessment rolls made by the former Board prior to the taking effect of this charter shall continue in force and effect, and shall be the official assessment rolls of the Board, created under this Article, and the said Board shall thereafter, and prior to the first day of August in each year, make

up a like assessment roll for the said frontage tax upon each lot, piece or parcel of land then liable therefor by reason of any extension or addition to said system of water works, subsequent^{to} the making up of the first or any subsequent assessment roll as hereinbefore provided. Every such assessment roll shall be filed in the office of the Secretary of said Board and preserved by him and shall be kept as a public record in his office.

352. FRONTAGE TAX—WHEN DUE.—The first installment of every such frontage tax shall be due immediately upon the filing of the assessment roll for such tax in the office of said Secretary, and one subsequent installment thereof shall become due on the first day of July in each year thereafter, and, until the respective installments thereof have been certified to the County Auditor as herein provided, they shall be collected by said Secretary. Upon the filing of any such assessment roll in his office, said Secretary shall prepare a written notice over his signature, stating therein that an assessment roll for the water frontage tax authorized by this Article, and assessed under the provisions hereof upon each lot, piece or parcel of land in the city, liable therefor, at the date of said assessment roll, has been filed in his office, that the first installment of such assessment is then due, and also stating therein the date of such assessment

roll and of the filing thereof. Said Secretary shall cause such notice to be published for three successive weeks in the official newspaper of the City, and a printed copy thereof to be posted in each of three public places in the City, provided that no defect or irregularity in any such notice or in the publication or posting thereof, shall in any way to any extent impair or invalidate any such assessment roll, or any assessment therein contained, or any part thereof, or any penalty thereon hereinafter provided for.

353. FRONTAGE TAX--WHEN DELINQUENT.--The first installment of every such frontage tax shall be delinquent at the expiration of sixty days after the assessment roll therefor shall have been filed in the office of said Secretary and shall, at the expiration of said sixty days, be subject to and there shall be added thereto a penalty of ten per cent. of the amount of such installment. Every subsequent installment of such frontage tax, if not paid prior to the first day of October in the year in which the same becomes due, shall be delinquent on said day, and shall also be subject to and there shall be added thereto a penalty of ten per cent. of the amount of such delinquent installment.

354. STATEMENT OF DELINQUENT ASSESSMENTS.--Between the first day of October and the fifteenth day of October in each year said Board shall make up a detailed statement duly certified by the President and under its seal, of all installments of such tax or assessments becoming delinquent

during the year preceding and of all penalties thereon, which statement shall be transmitted by the Secretary of said Board on or prior to said fifteenth day of October to the County Auditor of Washington County, as delinquent taxes for collection, whereupon it shall be the duty of said County Auditor to extend the same in proper columns on his rolls against the property described in said statement as aforesaid for collection, and every such installment of such tax or assessment shall be collected and the payment thereof enforced with and in the like manner as State, County, and other taxes are collected and the payment thereof enforced and shall be subject to all the penalties and charged as property delinquent for taxes delinquent for County and State purposes. Every such installment of such tax or assessment, when collected, shall be paid over by the County Treasurer to the Secretary of said Board, together with all costs, penalties and interest collected thereon at the time of making payment of city taxes to the Treasurer of the City. At the time of making such payment, said County Treasurer shall transmit to the Secretary of said Board a detailed statement showing the several parcels of land upon which collections have been made by him, and for which payments are so made and the amount collected on account of each such parcel. Provided, that said Board may, prior to sale of any lot, piece or parcel of land

for the enforcement of taxes pursuant to the state law, by resolution direct its Secretary or said County Auditor to cancel on any record where the same appears any installment of said tax or assessment, whether because the same be irregular or erroneous, or because the extension or improvement for which the same shall have been assessed shall have been abandoned by said Board in whole or in part. Said Board may in like manner direct its secretary or said County Auditor to divide any such installment of such tax or assessment and place parts thereof on any part of the real estate against which the same is assessed, and to make the necessary corrections and records thereof. A copy of any resolution authorized by this section, certified by the Secretary of said Board and under seal of said Board, filed with said County Auditor shall be sufficient authority for his acts in compliance therewith.

355. CANCELLATION OF ASSESSMENTS BY COURTS.-- If any assessment made by said Board as herein authorized and directed shall be cancelled by it or vacated, annulled or set aside, either in whole or in part, by any court for any reason except that the land whereon the same was assessed was and is not liable therefor, in every such case, all portions of every assessment so cancelled, vacated, annulled or set aside which have not been theretofore paid or which shall

have been repaid by said Board, shall be re-assessed by said Board and the collection thereof enforced in the same manner as hereinbefore prescribed for the assessment of said frontage tax upon lands becoming liable therefor by reason of an extension of or an addition to said system of water works, and in case for any reason any lot, piece or parcel of land liable for such frontage tax shall at any time for any cause be omitted from any assessment made while the same was liable therefor and unassessed, such lot, piece or parcel of land shall be likewise, so soon as such omission shall be discovered, assessed for such frontage tax as though the same had become liable therefor by reason of such extension or addition to said water works.

356. EXTENSION OF WATER WORKS SYSTEM—ISSUANCE OF CERTIFICATES.—Said Board is further authorized and empowered whenever at any time or from time to time it shall determine to make an extension or addition to the system of water works of the City, and when authorized by a resolution of the Council of the City to issue the same, to cause to be issued and sold as the proceeds thereof shall be needed for the purpose of paying the cost of the extension of or addition to said system of water works so determined upon certificates of indebtedness in anticipation of the collection of any frontage tax assessed or to be assessed, on account of such extension

or addition. Such certificates of indebtedness shall be issued to mature serially and as nearly as may be at such times and in such amounts as will correspond with the times of collection of the several installments of the frontage tax assessed on account of such extension or addition, and shall bear interest at not to exceed six per cent. per annum, payable annually, and may have interest coupons attached thereto for such installments of interest and shall be payable at such place as said Board may determine. Such certificates shall be issued under the seal of said Board, signed by its president and secretary and countersigned by the City Clerk, and shall be issued in such denominations as said Board shall determine, but shall not be authorized in sums aggregating more than Ten Thousand Dollars in any calendar year. The certificates issued for each extension or addition shall constitute a separate series and shall be consecutively numbered and state upon the face thereof the extension or addition for which the same are issued.

The principal and interest of the series of certificates sold on account of any such proposed extension or addition shall be a first charge on the moneys received by said Board from the installments of frontage tax levied for defraying the cost of extension or addition for payment of the cost of which the same were issued, and no part of such moneys shall be used for any other purpose until the

principal and interest on such series of certificates shall have been fully paid or the moneys for the payment thereof have been set apart in the treasury of said Board.

Such certificates may be sold at such time and manner as said Board shall determine, but shall not be sold for less than par and accrued interest, and said Board may and is hereby authorized to purchase any such certificates at any time, with any funds in its hands available therefor, as an investment of such funds and may again sell certificates so purchased at pleasure at not less than cost. No part of the moneys arising from the sale of any such certificates shall be used for any other purpose than that of the extension or addition for which such certificates were authorized.

357. CERTIFICATES NOT TO BE INDEBTEDNESS OF CITY.--

None of the certificates of indebtedness hitherto issued by the former Board or upon the taking effect of this charter, none that may be issued by the new Board pursuant to the terms of this Article shall be deemed or taken to be a part of the indebtedness of the City within the purview of any law limiting the amount of any bonded or other indebtedness of the City, and certificates of indebtedness authorized by this Article may be issued notwithstanding and without regard to any limitations of indebtedness of the City, nevertheless the full faith and credit of the City is irrevocably pledged to the full payment of such certificates and interest.

358. ANNUAL STATEMENTS.--Upon the installation of the accounting system prescribed in Section 144 said Board shall cause its books and accounts to be kept and maintained in accordance therewith, and shall prepare and deliver to the Council the statements as provided by said Section 144.

359 CONTINUANCE OF CONTRACTS AND WORK.--The Board of Water Commissioners constituted under the provisions of this article shall be deemed a continuation of, and the successor-in-interest of the former Board of Water Commissioners, constituted under the provisions of Chapter twenty-one (21), Laws of Minnesota, 1911, and the ordinances enacted to carry said law into effect: all contracts, obligations, and liabilities entered into, and all matters, proceedings, acts or doings had or done by said former Board shall continue in force and effect; and all work begun by said former Board, prior to the taking effect of this charter shall be continued, carried on, and completed by the Board constituted by this charter.

ARTICLE XIX.

STILLWATER PUBLIC LIBRARY.

360. CONTINUANCE OF.--From and after the taking effect of this charter, the Stillwater Public Library shall continue in full force and effect, as the same now exists under the authority of the State laws, and all ordinances, resolutions and by-laws of the City enacted to carry such laws into effect, and all such State laws and ordinances, resolutions and by-laws of the City are hereby adopted and made a part of this charter.

361. MEMBERS OF BOARD.--TO CONTINUE IN OFFICE.--
The members of the present Board, upon the taking effect of this charter, shall each continue to hold office until the expiration of the time for which appointed.

362. MEMBERS OF BOARD--APPOINTMENT AND APPROVAL OF.--
Under this charter, the Mayor and the Council shall have the same authority and power to act under the aforesaid State laws, and ordinances, resolutions and by-laws of the City, including the appointment and approval of members of said Board, and otherwise as may be required.

363. ANNUAL STATEMENT.--In addition to the annual report required by the State laws, said Board, upon the installation of the accounting system prescribed in Section 144, shall cause its books and accounts to be kept and maintained

in accordance therewith, and shall prepare and deliver to
the Council the statements as provided by said Section 144.

ARTICLE XX.

GENERAL PROVISIONS.

364. SUMMONS--PROCESS--SERVICE ON CITY.--Service of summons, process or notice in any action or proceeding against the City may be made by leaving a copy thereof with the City Clerk, and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof who shall take such other proceedings as may be needful to defend the interests of the City.

365. PROSECUTION--BY WARRANT--OR ARREST.--In all prosecutions for the violation of the laws of the state, the provisions of this charter, or the ordinances, resolutions, regulations, by-laws and orders of the City, the first process shall be by warrant, provided that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of the charter or ordinances, resolutions, regulations, by-laws and orders of the City; and the person or persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant.

366. MISDEMEANOR--DEFINED.-- The term, "misdemeanor", as used in this charter, shall mean a violation of this charter, or of any ordinances, resolutions, regulations, by-laws and orders of the City, of which the Municipal Court shall have jurisdiction.

367. MISDEMEANOR--PUNISHMENT--PENALTY.--Every act or omission to act which, under this charter or the ordinances, resolutions, regulations, by-laws and orders of the City and its various Boards is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days or by fine of not more than One Hundred (\$100.00) Dollars.

368. PRISONERS IN STATE CASES--BOARD OF--CITY NOT LIABLE FOR.--The City shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the City or any magistrate to the jail of Washington County for any offense punishable under the state laws.

369. ACTIONS IN WHICH CITY IS PARTY IN INTEREST--INHABITANTS NOT DISQUALIFIED.--No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of the City, in any proceeding or action in which the City shall be a party in interest.

370. ACTIONS FOR DAMAGES--NOTICE OF--LIMITATION.--No action shall be maintained against the City on account of any injuries or damages to persons or property unless such action shall be commenced within one year from the occurrence of the injury or damage, nor unless notice shall have been given in writing to the City Clerk within thirty days of the

occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred, and that the person injured or damaged will claim damages of the city therefor; but such notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason, or rendered incapable of giving such notice, in which case, such notice shall be given within thirty days after such person becomes capable of giving the same.

371. LIABILITY FOR DAMAGES--RIGHT OF CITY TO RECOVER.--

If any judgment shall be recovered in any action against the City for any injury or damage caused by any obstruction, excavation, opening or defect in any highway or public grounds caused or occasioned by the act or omission of any person or corporation, the City shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening or defect.

372. BOND--JUDICIAL PROCEEDINGS--NOT REQUIRED OF CITY.--

The City shall not be required in any judicial or quasi judicial proceedings to enter into any bond or undertaking or to give any security whatever.

373. ENFORCEMENT OF JUDGMENTS.--When any judgment is recovered against the City or any of its officers in actions

prosecuted by or against them officially, or where the same is to be paid by the City, no execution shall issue except as herein provided; but, unless reversed, the same shall be paid from funds in the City treasury if there be any available; if not, the amount thereof shall be levied and collected as other City charges, and, when so collected, shall be paid to the person in whose favor the judgment was rendered upon the delivery of a proper satisfaction therefor. If payment is not made within thirty days after the time the County Treasurer is required by law to make settlement with the City Treasurer for all moneys collected on the aforesaid levy, then execution may issue, but the property of the city only shall be liable thereon.

374. CITY ATTORNEY--DUTIES OF.-- The City Attorney shall attend to all the legal business of the City. He shall be the legal adviser of the Mayor, the Council, the Stillwater City School District, Stillwater Public Library, Board of Water Commissioners, and all City officials, and when requested by any thereof shall furnish opinions upon such legal questions concerning the business of the City as may be submitted to him. He shall prosecute, in behalf of the City, all criminal cases arising from violations of the provisions of this charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City, the

Stillwater City School District, Stillwater Public Library, or Board of Water Commissioners may be legally interested; provided that, in any case in which, by reason of interest, the City Attorney cannot act, or in any case of special or unusual circumstances necessitating the employment of special counsel, the Council may, by resolution, authorize the employment of an attorney to act as special counsel for the City in such cases. He shall render and perform such other legal duties as may be prescribed by the Council.

375. MUNICIPAL COURT--STATE LAWS GOVERN.--The Municipal Court of the City of Stillwater shall continue as now established by law, and the various provisions of law now in force establishing said court, defining its jurisdiction and powers, its officers and their terms of office and salaries or compensation, and the practice and procedure therein, or in any other respect, shall remain unaffected by the taking effect of this charter.

376. ORDINANCES--MUNICIPAL COURT TO TAKE JUDICIAL NOTICE.--In all prosecutions and proceedings of every kind before the Municipal Court of this City, such Court shall take judicial notice of all ordinances, resolutions, regulations by-laws and orders of the City, and it shall not be necessary to plead or prove same in such court.

377. CHARTER--COURTS TO TAKE JUDICIAL NOTICE--NEED NOT PLEAD OR PROVE.--The Courts shall take judicial notice of this charter, and it 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.

378. CITY RECORDS--CERTIFIED COPIES AS EVIDENCE.--All documents, records and books of the City shall be prima facie evidence of the facts therein stated and copies thereof when certified by the person entitled to the official custody thereof to have been compared by him with the original, and to be a correct transcript therefrom, shall be received in evidence in all cases, and in all courts, with the same force and effect given to such original.

379. OFFICIAL PUBLICATION--AFFIDAVIT FILING OF.--When any notice, ordinance or resolution, or proceedings of the Council, or any other matter is required to be published in the official paper or other newspaper, an affidavit of the printer of such paper, or his foreman or clerk, annexed to a printed copy of same, taken from the paper in which it was published, and specifying the times when, and the paper in which the same was published, shall be filed with the City Clerk immediately after the last day of the publication of the same. No claim or bill for any such publication shall be allowed or paid, until such affidavit shall have been filed with, and approved by, the City Clerk.

380. **PRINTER'S AFFIDAVIT--WHEN EVIDENCE.**--The original affidavit specified in the preceding section and copies of the same, or of the record thereof, certified by the City Clerk, shall be prima facie evidence of such publication and of the facts stated therein, in all cases and in all courts.

381. **ADVERSE POSSESSION OF CITY PROPERTY--OF PUBLIC HIGHWAYS.**--No right, title, estate or easement of the City in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the City in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

382. **MEETINGS OF COUNCIL--BOARDS, ETC.--TO BE PUBLIC.**--All meetings of the Council, of all Boards, Committees and officials, whether elected, appointed or employed, shall be public meetings open to the public under proper regulations, and all proceedings and records of all such bodies or officials, and all documents, records and books belonging to the City shall be public records and documents accessible to the public under proper restrictions to be fixed by the Council, or by its Boards.

383. **PRIOR CHARTER--EFFECT OF SUPERSEDURE.**--- The supersedure by this charter of any prior charter or any part thereof, and all laws amendatory thereof, whether the same

be revised or re-enacted herein or not, shall not revive any law heretofore repealed or hereby superseded, or any office abolished; neither shall it affect any act done, ratified or confirmed, nor any right accrued or established, nor any action or proceeding had or commenced; but future proceedings save as herein specifically provided, shall conform as far as practicable to the provisions of this charter.

384. CONTINUANCE OF PRESENT OFFICIALS--ABOLISHMENT OF OFFICES.--All persons holding office, at the time this charter goes into effect, shall continue in office, and in the performance of their duties until provision shall have been made otherwise in accordance with the provisions of this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such official shall expire and the office be abolished.

The powers which are conferred and the duties which are imposed upon any official, board, or department of the city under the laws of the state, shall if such official, board, or department is abolished by this charter be thereafter exercised and discharged by the official, board, or department, upon whom are imposed corresponding functions, duties and powers under this charter.

385. CONTINUANCE OF CONTRACTS.--All contracts entered into by or with the City, prior to the taking effect of this charter, shall be continued in force and with the same effect as though made under this charter. All the procedure entered into by any of the authorities of the City for making local improvements or any other public work shall be continued and perfected under this charter, except where otherwise provided, with the same effect as though the same had been commenced hereunder, except that where the completion of the same is impracticable within the terms of this charter, the same shall be completed under the terms of the laws in force prior to the adoption thereof.

386. SUCCESSION--SUBSISTING RIGHTS--EXISTING ORDINANCES--PROVISIONS OF THIS AND PRIOR CHARTER.--From and after the taking effect of this charter, the City, the Stillwater City School District, the Board of Water Commissioners, and the Stillwater Public Library shall be in all respects each the legal successor of the former City, the former Stillwater City School District, the former Board of Water Commissioners, and the former Stillwater Public Library, and this charter, nor any amendment thereof, shall not prejudice any subsisting right, lien or demand against the superseded City, or the superseded Stillwater City School District, or the superseded

Board of Water Commissioners, ^{or} the superseded Stillwater Public Library. All rights, penalties and forfeitures accrued or accruing to such former City, Stillwater City School District, Board of Water Commissioners, or Stillwater Public Library, all property vested therein, or held in trust therefor, all taxes and assessments levied in its or their behalf and all its or their privileges and immunities not inconsistent with this charter, shall pass to said successor. All ordinances, resolutions, regulations, by-laws and orders in force at the taking effect of this charter, not in conflict with its provisions, shall continue in force until amended, altered or repealed and so far as the provisions of this charter are the same as the provisions of the prior charter, and all laws amendatory thereof, the provisions of this charter shall be construed as continuations of the prior charter.

387. MAYOR AND COUNCIL--TO HOLD OFFICE UNTIL SUCCESSORS QUALIFY.-- Until the first Mayor and Council shall be elected and qualified under this charter, the Mayor and Aldermen in office at the time this charter takes effect shall continue in their respective offices with the authority then vested in them by the laws and ordinances in force prior to the time this charter takes effect, together with such further authority as is conferred upon them by this charter necessary to the election and qualification of their successors.

388. ABOLISHMENT OF OFFICES--TERMINATION OF TERMS OF OFFICE.--Upon the qualification of the Mayor and four Councilmen elected at the first election under this charter, the office of the present Mayor, Aldermen, City Clerk, City Treasurer, City Attorney, City Engineer, Assessor, and all other offices and employes of the City, and all members of the Board of Education of the Stillwater City School district, shall be abolished and the term of each of said offices shall cease and terminate, except the Judge and Special Judge of the Municipal Court, all the members of the Board of Water Commissioners, and all the members of the Board of Directors of the Stillwater Public Library.

389. CHARTER--ORDINANCES, ETC.--TO MAKE EFFECTIVE.--The Council shall pass such ordinances, resolutions, regulations, by-laws and orders as may be necessary to carry out and make effective the provisions of this charter.

390. CHARTER--STATE LAWS--CITY POWERS.--This charter shall not be construed as depriving the City, or its various Boards of any power, privilege or authority conferred upon it by any special law or by any general law of this state, except in such instances as are specifically provided for in this charter.

391. CHARTER AMENDMENTS.--The Board of Freeholders may propose amendments to this charter, and shall do so upon

the petition of five per cent. of the voters of the City, setting forth in substance the amendment desired. Amendments shall be submitted as in the case of this charter, and the proposal shall be published for at least thirty days in not exceeding three newspapers of general circulation in the City. The form of ballot and mode of voting shall be similar to those used upon the adoption of this charter, the general nature of each amendment being briefly indicated. If three-fifths of those lawfully voting at each election shall declare in favor of any amendment so proposed, the same shall be certified, deposited and recorded, and shall take effect as in the case of this charter; provided that, if it be proposed that any amendment shall take effect at a specified time, it shall take effect as proposed.

392. CHARTER AMENDMENTS--ALTERNATIVE PROPOSALS.--In submitting an amendment to the voters any alternative section or article may be presented and voted on separately, without prejudice to other articles or sections of the charter, or any amendments thereto.

393. WHEN CHARTER TAKES EFFECT.--For the purpose of nominating and electing all elective officials and exercising the powers of the City so provided herein, this charter shall take effect at the end of thirty days from the date of its adoption by the electors of the City. For the purpose of appointing City officials, and for establishing departments, and offices, and distributing the functions thereof, it shall take effect on the first Monday of January, 1916.

We, the undersigned, members of the Board of Freeholders of the City of Stillwater, Minnesota, appointed by Honorable P. H. Stolberg, Judge of the Nineteenth Judicial District of Minnesota, on the twenty-first day of April, 1915, have prepared, and hereby deliver to the Mayor, as chief executive of said City, the draft of a proposed charter for the City of Stillwater, Minnesota.

Done in duplicate in the City of Stillwater, this twenty-eighth day of April, A. D. 1915.

THE BOARD OF FREEHOLDERS.

By Dean M. Keefe Chairman.

William H. Bean Secretary.

James W. Brown

Gust Johnson

E. E. Johnson

John Q. MacKintosh

Edwin D. Sappington

Augusta Merrill

E. C. Mosier

Oscar Osborn

M. L. Murphy

Carl Olson

Robert Haughton

Frank J. Wilson

Frank Withrow

1480 1/2

City of Stillwater

STATE OF MINNESOTA

DEPT OF STATE

FILED IN THE Office of Secretary
of State

~~of State~~ 1915

James A. Johnson
Secretary of State