

#2219

THE CHARTER  
OF THE  
CITY OF MINNEAPOLIS

---

DRAFTED AND PROPOSED

BY THE

Minneapolis Charter Commission

SEPTEMBER 21, 1920

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS

I, J. E. Meyers, the Mayor and Chief  
Magistrate and Chief Executive Officer of  
the City of Minneapolis, a municipal  
corporation in the county of Hennepin and  
state of Minnesota, do hereby certify that  
the following printed document, consisting  
of pages numbered from 1 to 132 inclusive,  
together with the corrections and interlineations  
therein made and noted, is the Charter of the  
City of Minneapolis, Minnesota, framed and  
proposed by the board of fifteen freeholders  
appointed by the District Court of the county  
of Hennepin, Minnesota, fourth judicial district,  
on March 30, A. D. 1920, to frame a charter for the  
government of the city of Minneapolis, a draft of  
which said proposed charter of the city of  
Minneapolis was signed by fourteen of the members  
of said board of freeholders and was by said  
board of freeholders returned and delivered to  
the Mayor and Chief Magistrate and Chief  
Executive Officer of said City of Minneapolis  
on September 31, A. D. 1920, and which said  
proposed charter of the city of Minneapolis is  
as follows, to-wit:

CHARTER  
of the  
CITY OF MINNEAPOLIS

Framed pursuant to Section 30, Article 4, of the Constitution  
of the State of Minnesota and the State laws enacted pursu-  
ant thereto, by the board of freeholders appointed by  
the District Court of Hennepin County, Minnesota,  
on March 30th, 1920, as and for a Home Rule  
Charter for the City of Minneapolis.

CHAPTER I.  
CITY AND WARD BOUNDARIES.

**Section 1. Municipal Corporation Created—General Powers at Common Law—Special Powers.**—All that district of country in the County of Hennepin and State of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city by the name of MINNEAPOLIS, and all the people now inhabiting and those who shall hereafter inhabit the said district shall be a Municipal Corporation by the name of the "City of Minneapolis," and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal and alter it at pleasure; take and hold, lease and convey all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by Municipal Corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

**Section 2. Limits of City.**—The district of country constituting the City of Minneapolis shall include the following described lands and territories:

The southwest quarter ( $\frac{1}{4}$ ) of section seven (7) and all of sections eighteen (18), nineteen (19), thirty (30) and thirty-one (31), all in township twenty-nine (29), range twenty-three (23) west. And all of sections one (1), two (2), three (3) and four (4), the east half of sections five (5) and eight (8), all of sections nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16), the east half of sections seventeen (17) and twenty (20), all of sections twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), all in township twenty-nine (29), range twenty-four (24) west; sections one (1), two (2), three (3), four (4), five (5), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and seventeen (17), all in township twenty-eight (28), range twenty-four (24) west; sections six

(6), seven (7) and eighteen (18), all those parts of sections five (5), eight (8) and seventeen (17) lying west of the center line of the Mississippi river, all in township twenty-eight (28), range twenty-three (23); all that part of section thirty-two (32) lying west of the Mississippi river in township twenty-nine (29), range twenty-three (23), west; all of section eleven (11) and of fractional section fourteen (14) and all that part of section twelve (12) and of fractional section thirteen (13) lying west of the center line of the Mississippi river, all in township one hundred eighteen (118), range twenty-one (21), west; all of said district of country being in the County of Hennepin and State of Minnesota.

**Section 3. Thirteen Wards—Boundaries and Description of Same.**—The City of Minneapolis is hereby divided into thirteen (13) wards, bounded and described as follows:

**First Ward.**—The First (1st) Ward of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at a point in the center of the Mississippi river on the north line of section three (3), township twenty-nine (29), range twenty-four (24), thence southerly along the center line of the main channel of said river to a point where the same is intersected by the center line of the steel arch bridge in said city, running thence easterly along the center line of said bridge, along the center line of East Hennepin avenue to its junction with Fifth (5th) street northeast, thence along the center line of Fifth (5th) street northeast, and upon a line which would be an extension of said center line of Fifth (5th) street northeast to the north line of section two (2), township twenty-nine (29), range twenty-four (24), thence west to the point of beginning.

**Second Ward.**—The Second Ward (2nd) of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at the intersection of the center line of the Mississippi river in said city with the center line of the steel arch bridge, thence following down the center of the main channel of said river to its intersection with the east line of section thirty-one (31), township twenty-nine (29), range twenty-three (23), thence north along the line dividing the County of Hennepin from the County of Ramsey, to the northeast corner of section nineteen (19), township twenty-nine (29), range twenty-three (23), thence westwardly along the center line of East Hennepin avenue to its intersection with the center line of Ninth (9th) street southeast, thence northwesterly along the center line of Ninth (9th) street southeast to its intersection with the center line of Central avenue, thence along the center line of Central avenue in a southwesterly direction to its intersection with the center line of East Hennepin avenue, thence along the center line of East Hennepin avenue in a southwesterly direction, and of the steel arch bridge to the point of beginning.

**Third Ward.**—The Third Ward (3rd) of the City of Minneapolis shall comprise all the following bounded lands and territory: Commencing in the center of the Mississippi river at a point where the center of the main channel of the said river would be intersected by the center line of Twenty-sixth (26) avenue north, if directly extended thereto, thence southerly along the center line of the main channel of said river to a point where the same would be intersected by the center line of Third (3rd) avenue north if directly extended thereto, and running thence southwesterly along said extended line and along the center line of Third (3rd) avenue north to Sixth (6th) street north, thence northwesterly along the

center line of said Sixth (6th) street north to its intersection with the center line of Sixth (6th) avenue north, thence west along the center line of Sixth (6th) avenue north, to the west boundary line of said city, thence north along the west boundary line of said city to the center line of Twenty-sixth (26th) avenue north, extended thereto, thence east to the point of beginning.

**Fourth Ward.**—The Fourth Ward (4th) of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing in the center of the Mississippi river at a point where the center of the main channel of said river would be intersected by the center line of Third (3rd) avenue north if directly extended thereto, and running thence southwesterly along said extended line and along the center line of Third (3rd) avenue north to Sixth (6th) street north, thence northwesterly along the center line of said Sixth (6th) street north to the center line of Sixth (6th) avenue north, thence west along the center line of Sixth (6th) avenue north to the west boundary of said city, thence south to the north line of section twenty-nine (29), township twenty-nine (29), range twenty-four (24), thence west to the west line of said section twenty-nine (29); thence south to the southwest corner of said section twenty-nine (29), thence east along the south line of sections twenty-nine (29), twenty-eight (28) and twenty-seven (27) to the southeast corner of the southwest quarter ( $\frac{1}{4}$ ) of said section twenty-seven (27), township and range aforesaid, being at the intersection of Nicollet and Franklin avenues in said city, thence north along the center line of Nicollet avenue to the center line of Grant street, thence along the center line of Grant street to the center line of Marquette avenue, thence along the center line of Marquette avenue and along a line which would be a direct continuation of said center line of Marquette avenue to the center line of the main channel of the Mississippi river and running thence up said river along the center line of its channel to the point of beginning.

**Fifth Ward.**—The Fifth (5th) Ward of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at a point where the center line of Marquette avenue extended in a direct line would intersect the center line of the main channel of the Mississippi river, thence southwesterly along said extended line and along the middle line of Marquette avenue to Grant street, thence along the center line of Grant street to Nicollet avenue, thence south on the center line of Nicollet avenue to the center line of Twenty-fourth (24th) street south, thence east along the center line of Twenty-fourth (24th) street to the center line of Tenth (10th) avenue south, thence north and north-easterly along the center line of Tenth (10th) avenue south to the center line of the main channel of the Mississippi river, thence up the center line of the main channel of the Mississippi river to the point of beginning.

**Sixth Ward.**—The Sixth (6th) Ward of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at a point in the center of the main channel of the Mississippi river, which would be intersected by a line which would be a direct continuation of the center line of Seventh (7th) street south, thence west and northwesterly along said line and the center line of said Seventh (7th) street south, to the center line of Tenth (10th) avenue south, thence along the center line of Tenth (10th) avenue south to the center line of the main channel

of the Mississippi river, thence down the center line of the main channel of the Mississippi river to the point of beginning.

**Seventh Ward.**—The Seventh (7th) Ward of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at the intersection of Chicago avenue and Twenty-fourth (24th) street; thence running easterly along the center line of Twenty-fourth (24th) street to the intersection of Hiawatha avenue; thence southeasterly along the center of Hiawatha avenue to the intersection of Twenty-eighth (28th) street; thence west along the center line of Twenty-eighth (28th) street to the intersection of Twenty-first (21st) avenue south; thence southerly along the center line of Twenty-first (21st) avenue to the southern limits of the city; thence westerly along the southern limits of the city to the intersection of Chicago avenue; thence northerly along the center line of Chicago avenue to the place of beginning.

**Eighth Ward.**—The Eighth Ward of the City of Minneapolis shall comprise all of the following bounded lands and territory: Commencing at the intersection of Chicago avenue and Twenty-fourth (24th) street, thence west along the center line of Twenty-fourth (24th) street to the center line of Nicollet avenue, thence north along the center line of Nicollet avenue to the center line of Franklin avenue, thence west along the center line of Franklin avenue and along a line that would be a direct continuation of said center line of Franklin avenue to the west boundary of the City of Minneapolis, thence along the west boundary line of said city to the southwest corner of section thirty-two (32), township twenty-nine (29), range twenty-four (24); thence east along the south line of said section to the southeast corner thereof, thence south to a point which would be intersected by the direct extension of the center line of Thirty-fourth (34th) street thereto, thence east along said line and along the center of Thirty-fourth (34th) street to the center line of Chicago avenue, thence north to the point of beginning.

**Ninth Ward.**—All that part of the City of Minneapolis which lies north and east of the First (1st) and Second (2nd) Wards of said city as above described shall constitute the Ninth (9th) Ward.

**Tenth Ward.**—All that part of said city which lies north of the Third (3rd) Ward of said city as above described, and west of the center line of the main channel of the Mississippi river, shall constitute the Tenth (10th) Ward.

**Eleventh Ward.**—All that part of said city which lies east of the Fifth (5th) Ward and south and west of the Sixth and Second Wards of said city as above described, and north of the center line of Twenty-fourth street east, and the center line of said Twenty-fourth street east, extended to the center of the main channel of the Mississippi river, shall constitute the Eleventh Ward of said city.

**Twelfth Ward.**—All of the territory within the limits of the city, lying south of the Eleventh (11th) Ward, and east of the Seventh (7th) Ward, shall constitute the Twelfth (12th) Ward.

**Thirteenth Ward.**—All that part of said city which lies south of the Eighth (8th) Ward and west of the center line of Chicago avenue, shall constitute the Thirteenth (13th) Ward.

## CHAPTER II. OFFICERS—ELECTIONS.

**Section 1. Elective Officers.**—The elective officers of the City of Minneapolis shall be, a Mayor, a City Treasurer, a City Comptroller, members of the City Council (who shall be known as aldermen), members of the Board of Education, and such members of the Board of Park Commissioners, the Library Board and the Board of Estimate and Taxation, as are elective by the terms of this Charter. The City Council shall consist of 26 aldermen, two from each of the 13 Wards of said City, to be elected by the qualified voters of their respective wards as hereinafter provided.

**Section 2. Council to Appoint City Officers—Terms of Office.**—Except as in this Charter otherwise specifically provided, all other officers provided for in this Charter or deemed necessary for the proper management of the affairs of the city, shall be appointed by the City Council. The appointment of such officers shall be determined by ballot and it shall require the affirmative vote of a majority of all members of the City Council to appoint such officers. All officers required to be appointed by the City Council, shall, unless in this Charter otherwise provided, hold their respective offices for the term of two years from and after the first Monday of July of the year of their appointment, and all officers elected by the people, or appointed by the City Council or otherwise, shall continue in office until their successors are elected or appointed and have qualified. Nothing in this Charter contained shall be construed as legislating out of office any elected official of the City of Minneapolis, or any officer appointed by the City Council thereof. Except as in this Charter otherwise specifically provided, all present officers of the city heretofore appointed by the City Council, shall continue to hold their respective offices, unless removed, until the first Monday of July, 1921, and until their successors are appointed and have qualified.

**Section 3.—Terms of Office of Mayor—City Treasurer—City Comptroller and Aldermen.**—The terms of office of the Mayor, City Treasurer and City Comptroller shall be two years commencing on the first Monday of July of the year of their election; the terms of office of aldermen shall be four years commencing on the first Monday of July of the year of their election.

**Section 4. Terms of Elective Officers.**—Each elective officer of the City of Minneapolis heretofore elected for a term expiring on the first Monday of January, 1921, shall continue to hold his office, unless removed, until the first Monday of July, 1921, and until his successor is elected and has qualified. Each elective officer of the City of Minneapolis heretofore elected for a term expiring on the first Monday of January, 1923, shall continue to hold his office, unless removed, until the first Monday of July, 1923, and until his successor is elected and has qualified. Each elective officer of the City of Minneapolis heretofore elected for a term expiring on the first Monday of January, 1925, shall continue to hold his office, unless removed, until the first Monday of July, 1925, and until his successor is elected and has qualified.

**Section 5. Elections.**—A general city election for the election of city officers shall be held biennially on the second Monday of June of each odd numbered year, the first of such elections to

to be held on the second Monday of June, 1921. The terms of office of city officers elected at such elections shall commence on the first Monday of July next succeeding their election.

**Section 6.—Election in June, 1921.** At the general city election to be held on the second Monday of June, 1921, and every two years thereafter, there shall be elected a Mayor, a City Treasurer and a City Comptroller, for the term of two years, and also one alderman from each ward of the city for a term of four years, the term of each of said officers to commence on the first Monday of July following their election.

**Section 7. Primary Elections.**—Primary elections shall be held on the second Monday of May, 1921, and biennially thereafter, to make nominations for the elective officers of the city.

**Section 8. Judges and Clerks—Council to Fix Compensation.**—The City Council shall at least 50 days before any general city election appoint such judges of election as may be necessary to constitute a full board for every election precinct, as provided by general laws. The City Council shall fix the compensation of judges and clerks of election and other election officers.

**Section 9. City Council to Designate Election Precincts and Places of Holding Elections.**—The City Council, shall, from time to time as it shall deem necessary, by a resolution adopted at least 90 days previous to the general city election to be held on the second Monday in June of each odd numbered year, designate the boundaries of the several election districts of the city, and for that purpose may divide the several wards into such number of precincts as it may deem necessary; but no election precinct shall cover any territory of more than one (1) ward, nor comprise territory which contained more than four hundred (400) voters at the last preceding general election. The City Council shall also designate the place of holding elections in each precinct; and such place so designated shall not be subject to change by the voters present at the commencement of such election, except as such change shall be authorized by the state election laws. In case the City Council shall neglect or refuse to provide such election precincts and places of holding election as herein provided, and in all cases of special elections, the election precincts and places of holding elections shall continue to be the same as at the general election next preceding said election: Provided, That when it may be necessary to designate any other place for holding a special election, than the place where was held the last general election in any precinct, the City Council may so designate some other place in such precinct for holding said special election.

**Section 10.—City Council to Provide Ballots and Ballot Boxes.**—The City Council shall provide all necessary ballots and ballot boxes to be used for each general, primary and special election held in the city for the election of city officers or for any other city purposes.

**Section 11. Ballot at City Election.**—The names of all candidates to be voted on at any general city election, city primary election or special election for city purposes shall be placed on one ballot. Charter amendments shall be placed at the head of the city ballot. Other propositions to be voted on shall also be placed on the same ballot unless otherwise ordered by the City Council.

**Section 12. Council to Call Special Elections.**—The City Council

may order special elections, when necessary for any purpose, and provide for the holding of the same.

**Section 13. City Clerk to Give Notice of Time and Places of Holding Elections.**—The City Clerk shall give notice of the time and places of holding general city elections and at the same time and in the same notice give notice of the time and places of holding primary elections, which notice shall be given at least 15 days before the primary election, and unless otherwise specifically provided for in this Charter, the City Clerk shall give 15 days' notice of the time and places of holding special elections.

**Section 14. In Case of Tie Vote.**—When two or more candidates for any elective city office shall receive an equal number of votes at the general city election or at a special election, the election shall be determined by the casting of lots in the presence of the City Council at such time and in such manner as the City Council shall direct.

**Section 15. Filing for Nominations.**—All candidates for nomination at any city election shall file their affidavit for such nomination, and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor, and such filing must be made, and the fee therefor paid, not later than the 20th day preceding the primary election.

**Section 16. Election Returns.**—The returns of all elections for city officers, charter amendments and other propositions or elections for any other city purpose, shall be made to the City Clerk, and within one (1) week after such election, the City Council shall meet and canvass the returns thereof, and declare the results as it appears from such returns, and the City Clerk shall forthwith give notice to the officers elected of their respective elections.

**Section 17. General Laws to Govern Elections—Exceptions.**—All general laws of the State of Minnesota relating to primaries and elections and the preliminaries thereto, unless this Charter otherwise specifically provides, shall so far as applicable, apply and govern all elections under this Charter and the same are hereby adopted and made part of this Charter.

**Section 18. Vacancy in Office of Mayor and Aldermen—How Filled.**—Whenever a vacancy shall occur in the office of Mayor or any Alderman of said City, such vacancy shall be filled by a special election which shall be ordered by the City Council and held within 40 days after such vacancy shall occur, in accordance with the provisions of sections 433 and 434, General Statutes of Minnesota, 1913, and laws amendatory thereof, so far as applicable. Provided, however, That whenever any vacancy shall occur in the office of Alderman within six months prior to the expiration of the term for which he was elected, then, and in that case there shall be no election to fill such vacancy, and should a vacancy occur in the office of Mayor within six months of the expiration of the term for which he was elected, then, and in that case there shall be no election to fill such vacancy, and it shall be the duty of the President of the City Council to serve as and perform the duties of the Mayor of such City.

For the purpose of selecting two candidates to be voted upon at such special election, a primary election shall be held at least

14 days prior to the special election above provided for. The returns of such primary election shall be returned to the City Clerk and shall be canvassed within three days following such primary election by a canvassing board consisting of the City Clerk, City Comptroller and the City Treasurer.

Such canvassing board shall meet and canvass the returns and determine the result of such primary election as above provided and shall forthwith certify in writing the result of such canvass to the City Clerk of such City who shall file the same and forthwith in writing notify the successful candidates of their nomination.

In the event that any of the said officers above named to act on such canvassing board is a candidate for the office to be filled, or is for any reason unable to act on the canvassing board, the Mayor shall designate and appoint another city officer as a member of such canvassing board in place of the officer named who is unable to act.

The action of the majority of such canvassing board, in making such canvass, shall be legal and sufficient.

The City Clerk shall give at least 20 days' notice of the time and places of holding such special election and in the same notice shall give notice of the time and places of holding such primary election, designating the officers to be elected as above provided, but no defect in such notices or failure to give such notices shall invalidate any such election.

All candidates for nomination at such primary election must file their affidavit for such nomination, and pay their fee therefor, in the same manner as provided in the general laws governing primary elections, except only that such filing shall be made with, and such fee paid to, the City Clerk instead of the County Auditor, and such filing must be made, and the fee therefor paid, not later than the 20th day preceding the primary election.

The two persons receiving the highest number of votes at such primary election shall be declared the nominees, and their names shall be placed on the ballot to be used at such special election, and no other names of candidates shall appear on the ballot to be used at such special election except the names of the two candidates receiving the highest number of votes at such primary election: Provided, however, that in the event that not more than two persons file as candidates for nomination for the office to be filled at such special election, then, and in such event, no primary election shall be held, but the two persons so filing shall be considered and shall be the nominees for such office, and their names and their names only, shall be placed on the ballot to be voted on at said special election.

At the primary election so to be held to select candidates to be voted on at such special election, all persons entitled to vote at such special election shall be entitled to vote at such primary election provided such person has resided in the election district at least 30 days preceding the primary election, and except as herein otherwise provided, such primary election and all things pertaining thereto shall be in accordance with and controlled by the laws of Minnesota in respect to primary elections, except only that whenever any act in connection with any regular election is required to be done by the County Auditor all such acts in connection with special primary elections shall be done by the City Clerk.

**Section 19. Removal from City—Neglect, Etc.**—Any officer removing from the city or ward for which he was elected or appointed, or any officer elected under the provisions of this Charter,

who shall refuse or neglect to enter upon the discharge of the duties of his office for ten (10) days after the beginning of the term which he was elected to fill, he having at least ten (10) days prior thereto been notified of his election, or any officer appointed under the provisions of this Charter who shall refuse or neglect to enter upon the discharge of the duties of his office for ten (10) days after notice of his appointment shall be deemed to have vacated or abandoned his office. Any officer having entered upon the duties of his office may resign the same by and with the consent of the City Council. All vacancies, except as herein provided, shall be filled by the City Council.

**Section 20. Oath of Office—Bonds of City Officers—Approval of Bonds.**—Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the Clerk of the City. The Treasurer, Clerk, Comptroller, Street Commissioners, and such other officers as the City Council shall require, shall, severally, before they enter upon the duties of their respective offices, execute to the City of Minneapolis, bonds in such amounts and upon such conditions as the City Council shall prescribe; and in the absence of special provisions, such officers shall give bonds in the amounts and upon the conditions of the bonds of their predecessors in office.

The bonds of the City Treasurer shall be executed by at least four (4) personal sureties who shall justify in the aggregate amount of at least double the penal sum of such bond or by a responsible surety company, and shall be approved by the City Council by resolution approved and published. The bonds of the other city officers shall be such as shall be approved by the City Council.

**Section 21. Officers Not to Be Interested in Contracts.**—No person shall be eligible to or shall be elected to or appointed to any city office whatever who is at the time either directly or indirectly interested in any contract with the city, whether said contract is made by the City Council or by any Board or officer of said city, and every such contract in which any city officer shall be directly or indirectly interested shall be void.

Any elective or appointive officer of the City of Minneapolis, or any person employed in the services of the City of Minneapolis, who shall wilfully violate or evade any of the provisions of law, or commit any fraud, upon the city, or convert any of the public property to his own use or knowingly permit any other person to convert it, or by gross or culpable neglect of duty allow the same to be lost to the city, shall be deemed guilty of a misdemeanor and in addition to the penalties imposed by law, and on conviction, shall forfeit his office and be excluded forever after from receiving or holding any office under the Charter of the City of Minneapolis and shall be liable to refund to the city, at the suit of any taxpayer or citizen, any amount lost to said city by reason of any such violation of law.

## CHAPTER III.

## POWERS AND DUTIES OF OFFICERS.

**Section 1. Powers and Duties of Mayor.**—The Mayor shall take care that the laws of the State and the ordinances of the city are duly observed and enforced within the city. He shall take care that all other officers of the city discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action against any delinquent city officer.

He shall from time to time give the City Council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and resolutions shall, before they take effect, be presented to the Mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the City Council, with his objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at their next meeting thereafter. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or resolution shall not be returned by the Mayor within five days, Sundays excepted, after it shall be presented to him, the same shall have the same force and effect as if approved by the Mayor.

The Mayor shall sign all contracts made for the City of Minneapolis, by authority of the City Council.

**Section 2. City Council—Election of President and Vice-President—Their Duties.**—At the first meeting of the City Council in July of each year after a general municipal election they shall proceed to elect by ballot from their members a President and Vice-President. The President shall preside over the meetings of the City Council and during the absence of the Mayor from the city or his inability for any reason to discharge the duties of his office the said President shall exercise all the power and discharge all the duties of the Mayor. In case the President shall be absent from any meeting of the City Council, the Vice-President shall discharge the duties of such President and act in his place. The President or temporary presiding officer while performing the duties of Mayor shall be styled acting Mayor, and acts performed by him when acting as Mayor as aforesaid shall have the same force and validity as if performed by the Mayor.

**Section 3. City Clerk—Election—Duties.**—There shall be a Clerk of said city, styled the "City Clerk," who shall be elected by the City Council. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the City Council, at whose meetings it shall be his duty to attend.

Copies of all papers filed in his office and transcripts from the records of the City Council certified by him under the corporate seal, shall be evidence in all courts the same as if the originals were produced.

He shall draw and sign all orders on the treasurer in pursu-

ance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose.

The Clerk shall have power to administer oaths and affirmations; he shall perform all other services by law required of clerks of cities or townships, within said city.

All clerk hire shall be paid by the city. The clerk shall pay into the city treasury upon the last day of each month, all fees and moneys, allowed by public law and collected by him during that month, and shall hold his office for the term of two (2) years, beginning with the day of his qualification as clerk.

**Section 4. Assistant City Clerk—Powers and Duties.**—The City Clerk may appoint an Assistant City Clerk, to be confirmed by the City Council; the salary of which Assistant City Clerk shall be fixed by the City Council, unless included in the salary of the City Clerk; and said Assistant City Clerk shall have all the powers, duties and responsibilities of the City Clerk. It shall be the duty of such Assistant Clerk to assist the Clerk in the care of the papers and files, and in making the records of said city, and also to write out such records as the Comptroller is required to keep and under his direction. Such Assistant Clerk shall also attend such meetings of any of the committees of the City Council as such committee may designate, and act as clerk of such committees. He shall have authority in the disability or absence of the City Clerk to certify and affix the corporate seal to copies of files and transcripts of records, and all certificates so made by him shall have the same validity as if made by said City Clerk.

**Section 5. City Attorney—Appointment—Powers and Duties.**—The City Council shall at the time and in the manner specified in this chapter for the appointment of other city officers elect and appoint a City Attorney.

The City Attorney may appoint an Assistant City Attorney, who shall be designated as the First Assistant City Attorney, and the City Attorney may, by and with the consent of the City Council, appoint such other assistants and clerical force as may be necessary.

The City Attorney and his assistants shall constitute the legal department of the City of Minneapolis, and shall have charge of all legal matters connected with the city government and all the several heads and departments of the same, and of the several boards of said city which now exist or are hereafter established in connection with the city government.

The City Attorney shall be the head of such legal department and shall have the control, supervision and direction of all matters of such department. He shall be the legal adviser of the Mayor, City Council, its committees, and all other officers of the city and of the boards hereinabove named. He shall, either personally or by such assistants as he may designate, render and perform all the legal services incident to the legal department, when required furnish opinions on legal questions submitted to him by the Mayor and other officers, the City Council or its committees, or by any of the above named boards. He shall personally, or by an assistant by him designated, attend the stated and special meetings of the Council, and when requested, the meetings of the committees or any of the above named boards.

The Assistant City Attorney shall assist in the legal department of the city as the City Attorney may direct and indicate, and shall be under his supervision and direction in the performance of their duties. The First Assistant City Attorney shall act as



City Attorney in the absence or inability of the City Attorney to act. The above named boards shall in no case employ, retain or pay any attorney for legal services in their boards or departments, and it is hereby made the duty of said boards and each of them, whenever the advice, opinion or services of an attorney is required, to call upon the City Attorney for such advice, opinion or services, and the same shall be given by him personally or by an assistant by him indicated. Provided, That the provisions of this section shall not apply to the Board of Park Commissioners of the City of Minneapolis.

**Section 6. City Engineer—Assistant Engineer—Compensation.**—There shall be appointed by the City Council a City Engineer, who shall be a practical surveyor and engineer. He may by and with the consent of the City Council employ such assistants as may be necessary. He shall keep his office at some convenient place in said city, and the City Council shall prescribe his duties and fix his compensation and the compensation of all assistants employed by him.

The City Engineer may appoint an Assistant City Engineer who shall assist him in the duties of his office, and act as City Engineer in the absence or inability of the City Engineer to act.

**Section 7. City Engineer—Duties and Power.**—The City Engineer shall have supervision and general charge of all work done for the city and of all work done on any street, highway or alley in the city, may direct the manner of performing such work, and the constructions of all sidewalks, street crossings, bridges or other structures in or upon such streets, may suspend any such work or construction as shall not conform to his requirements or those of the City Council, and shall take care that the terms of all contracts for any work or construction in behalf of the city are fully complied with.

**Section 8. City Engineer—Plans and Surveys Made by City Engineer—City Property.**—All surveys, profiles, plans and estimates made by the City Engineer or any of his assistants, for the city shall be the property of said city and shall be carefully preserved in the office of the Engineer, open to the inspection of parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the City Engineer at the expiration of his term of office, to his successor or to the City Council.

**Section 9. City Comptroller—Powers and Duties—Assistant Comptroller.**—It shall be the duty of the City Comptroller to keep regular books of account, both of the City of Minneapolis and of the several Boards of said city, in which he shall enter all indebtedness of said city, and said several Boards and the several wards of said city, and which shall at all times show the precise financial condition of the city and the several wards thereof, and of said several Boards, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding, and the redemption of the same when redeemed.

The City Comptroller may, by and with the consent of the City Council, appoint an Assistant City Comptroller, who shall assist him in the duties of his office and act as City Comptroller in his absence or in case of his inability to act.

**Section 10. Comptroller to Countersign Bonds, Etc.**—The City Comptroller shall countersign all bonds, orders, certificates or

other evidence of indebtedness of the city, or any ward or Board thereof, and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

**Section 11. Comptroller to Keep Records and Accounts.**—The City Comptroller shall keep accounts of orders drawn on the treasury in separate books and shall note thereon the cancellation thereof whenever the same shall be canceled, and shall keep such other books and records as shall be convenient for the preservation of the accounts of all transactions and business of the city, or its wards, or of said Boards, and all books, lists and records heretofore kept, or which shall be kept, in the Comptroller's office, and copies thereof by him certified shall be competent evidence of all matters shown by them.

**Section 12. Comptroller to Keep Accounts With Other Officers.**—The City Comptroller shall keep accounts with the City Treasurer, and all other receiving or disbursing officers of said city or its wards or of said several Boards. In such accounts he shall charge such officers with all amounts received by them from all sources of revenue and with all city property in their hands or control as such officers, and credit them with all amounts disbursed or property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall examine the reports, books, papers and vouchers of the Treasurer and of other receiving and disbursing officers, and perform such other duties as the City Council may direct.

**Section 13. Comptroller to Render Yearly Financial Statement.**—The City Comptroller shall as soon as may be after the close of each fiscal year report to the City Council the financial condition of the city and the several wards and Boards thereof.

**Section 14. Comptroller to Countersign Contracts.**—The City Comptroller shall countersign all contracts made in behalf of said city, and no such contract shall be valid until so countersigned. He shall keep a book in which he shall enter all contracts, which shall be open to the inspection of all parties interested. He shall not, directly or indirectly, be interested in any contract or job to which the city or any ward or Boards thereof is a party.

**Section 15. Comptroller to Audit Claims Against the City and Boards.**—All claims and demands against the City of Minneapolis, before the same shall be allowed by the City Council, and all claims against the several Boards thereof, before the same shall be allowed by said Boards, shall be audited and adjusted by the Comptroller; and all orders on the treasury, either on the part of the city or of said Boards, shall be examined and countersigned by him, and by him kept until delivered to the persons entitled thereto, and he shall take and preserve receipts for all orders so delivered. He may keep and use a seal of office which may be used instead of the seal of the city in the execution of licenses and such other sealed instrument as the Comptroller shall be specially directed to issue, and any use of such seal by the Comptroller heretofore, is hereby legalized; or he may use the seal of the city in his discretion.

**Section 16. City Treasurer—Receive Money—Keep Accounts—Ex-officio Treasurer of Boards.**—The City Treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such man-

ner as the City Council shall from time to time direct. He shall also be ex-officio Treasurer of the several Boards of the City of Minneapolis.

**Section 17. Treasurer—Give Bonds.**—The Treasurer shall give separate bonds for the safe keeping of the funds of the city and the Board of Education, in such sums as may be required by the City Council and the Board of Education respectively.

**Section 18. City Treasurer—Furnish Annual Report.**—The Treasurer shall as soon as may be, after the close of each fiscal year and at least fifteen days before the annual election for city officers, exhibit to the City Council a full and detailed account of all receipts and expenditures for the last fiscal year, and also of the state of the treasury, which account shall be filed with the Clerk, and a copy of the same shall be published in the official paper of the city.

**Section 19. Wharfmaster—Power and Duties.**—The City Council shall have power to provide for the appointment of a Wharfmaster, with power of a police officer, or may devolve the duties of such officer on any member of the police force, and may by ordinance define the duties of such Wharfmaster, and regulate all wharf landings and levees in the city.

**Section 20. City Officers—To Deliver City Property to Successors.**—If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars (\$1,000) besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the law of this state.

**Section 21. City Officers—Not to Be Interested in City Contracts.**—No Alderman or other officer or employee shall be a party to or interested in any job or contract with the city or either of the wards thereof, and any contract in which any Alderman or other officer or employee shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the amount so paid may be recovered by a joint or several action from the parties to such contract, and the Alderman or other officer or employee interested in the same.

**Section 22. City Council—May Prescribe Additional Duties for City Officers—Appoint Additional Officers.**—The City Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this chapter, and to appoint such other officers as may be necessary to carry into effect the provisions of this chapter, and to prescribe their duties, unless herein otherwise provided for.

**Section 23. Salary of Mayor and Aldermen.**—The Mayor shall receive an annual salary of \$6,000. Each Alderman shall receive an annual salary of \$1,800. All such salaries shall be paid pro rata monthly out of the City Treasury. In addition thereto members of the Board of Equalization of taxation may be given compensation for such special services.

**Section 24. City Officers Exempt from Jury Duty.**—The Mayor, Aldermen, all city officers and the men employed in the several departments of said city while holding such office or engaged in the service of the city shall be exempt from serving as jurors in any court.

**Section 25. Council to Fix Compensation of Officers.**—The City Council shall have power, where the same is not herein fixed, to fix the compensation of all officers elected or appointed under this act. Such compensation shall be fixed by resolution at the time the office is created, and at the commencement of any year, as soon after election as practicable, and when so fixed shall not be increased or diminished during the term for which such officer shall have been elected or appointed. All fees and emoluments of whatever character, accruing to any city officer as such officer, shall be reported to the City Council monthly, and paid monthly into the City Treasury.

**Section 26. Officers to Take Yearly Inventory of City Property.**—All officers of the city having charge of any city property shall at the close of each fiscal year make and return to the City Council a full inventory of all public property in their hands or control respectively. Such inventories shall be preserved and filed by the City Clerk, and kept open to inspection of all parties interested, but need not be printed in the proceedings unless the Council shall so specially direct.

**Section 27. Appointments in Classified Service.**—The appointment, employment, suspension and discharge of any deputy, assistant, clerk, or employee by any of the officers enumerated in this chapter, if included in the classified service of the city as defined in the chapter on civil service of this Charter, shall be under and pursuant to the provisions contained in such chapter.

**Section 28. Board Defined.**—The term "Board" or "Boards" as used in this chapter shall include all the Boards existing in the City of Minneapolis at the time this Charter goes into effect and all Boards which may be hereafter established in connection with the City Government under this Charter.

#### CHAPTER IV.

##### CITY COUNCIL—POWERS—DUTIES—ETC.

**Section 1. City Council—Quorum—Officers.**—The Aldermen shall constitute the City Council. A majority of the Aldermen shall constitute a quorum. The President or Vice-President of the Council shall, when present, preside at all meetings. In their absence the Council may elect a President pro tem, who shall for such meeting have the same power as the President.

**Section 2. City Council—Meetings—Regular and Special.**—The City Council shall hold stated meetings, and the Mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual places of abode. At such special meeting no other business shall be transacted than such as is designated in the call. In case of the attendance of less than a quorum at any stated meeting the members present may adjourn to any special time they may designate, and all business transacted at such adjourned meeting shall have the same va-

idity as if done at a stated meeting. All adjourned meetings of any stated or special meeting shall be a part of the meeting adjourned, but the first and subsequent meetings of any stated or special meeting so adjourned shall be designated as "sessions" of said meetings.

**Section 3. Council Judge of Election of Members.**—The City Council shall be the judge of the election of its own members, and in such cases shall have the power to send for persons and papers. It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

**Section 4. City Council—Power to Remove Officers—Place and Manner of Trial.**—The City Council shall have power to remove from office any officer of said city whether appointed by the City Council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his own defense. Continued absence from the meetings of the Council in case of Aldermen, and neglect of duty in case of other officers, unless for good reason, shall be deemed a good cause of removal.

The City Council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge the City Council may declare the office vacant.

**Section 5. City Council—Power to Make Ordinances.**—The City Council shall have full power and authority to make, ordain, publish, enforce, alter, amend or repeal all such ordinances for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient, and in and by the same to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate the provisions of any ordinance, passed and ordained by it, and all such ordinances are hereby declared to be and to have the force of law, Provided, That they be not repugnant to the laws of the United States or of this State, and for these purposes the said City Council shall have authority by such ordinances:

**First.**—To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, roller skating rinks, places of amusements and museums for which money is charged for entrance into the same, newsboys and bootblacks, and theatrical performances, also to license and regulate all auctioneers, pawnbrokers, dealers in secondhand goods, junk dealers, keepers of intelligence or employment offices, as well as all persons doing the business of seeking employment for others or procuring or furnishing employes for others, billiard tables, pigeonhole tables, nine or ten-pin alleys, bowling saloons, shooting-galleries, taverns, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented or malt liquors. Provided, That all licenses, except for exhibitions, caravans, menageries, circuses, concerts and theatrical performances shall extend to and terminate upon the first Monday

in May next after the same shall be issued, unless sooner revoked.

And Provided further, That the power to regulate, above given, shall be constructed to include among other powers, the power to define who shall be considered as auctioneers, pawnbrokers, dealers in secondhand goods and junk dealers, and to compel each and every such person whether licensed or not to keep in such manner as it may direct open at all times for inspection, a record of all such property as it may designate, with the time when received, and the name, residence and description of the person from whom the same was received, and to make daily reports thereof to the police department of said city, as it shall direct. And also among other powers, the power to require all persons doing the business of seeking employment for others, or procuring or furnishing employes for others, to keep open at all times for inspection, such records of their business as it may designate, and to furnish to every person with whom they may deal such written evidences of the transaction as it may designate, and to prescribe and punish all kinds of unfair dealings by such persons in the course of their said business, and to establish such rules of legal evidence as it may see fit for the proof of such unfair dealings.

And Provided further, That the City Council may appropriate the whole or any part of the money received for licenses issued to newsboys and bootblacks, to the establishing, providing and maintaining a home for such newsboys and bootblacks.

Provided further, That no license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists, to sell for medicinal, chemical or mechanical purposes, not to be used or drunk upon the premises), outside of the following territory in said city, to-wit:

**First.**—Commencing at the intersection of the east bank of the Mississippi river and Second (2nd) Avenue Southeast; thence along the center line of Second (2nd) Avenue Southeast to the intersection of Ninth (9th) Street Southeast; thence along the center line of said Ninth (9th) Street and along the center line of Division Street, easterly to the center line and intersection of Tyler Street; thence north along the center line of said Tyler Street to the center line of Spring Street; thence west to the intersection of Washington Street with Spring Street; thence across said Washington Street to the intersection of Fifth (5th) Street and Sixth (6th) Avenue Northeast; thence southwest along the center line of said Sixth Avenue to the intersection of Fourth (4th) Street Northeast; thence northwest along the center line of Fourth (4th) Street Northeast to the center of Broadway Street; thence east along the center of Broadway Street to the intersection of the center line of Fourth Street Northeast formerly Four-and-a-half (4½) Street Northeast; thence north along the center line of said Fourth (4th) Street Northeast, to the north limit of the City of Minneapolis; as the same existed February 23rd 1887, thence west on the said north limit of the City of Minneapolis to the east bank of the Mississippi river; thence along the east bank of the Mississippi river to the place of beginning; Also all that part of Nicollet Island embraced within the distance of one hundred and fifty (150) feet on either side of East Hennepin Avenue across said Island.

**Second.**—Commencing at the intersection of the west bank of the Mississippi river and Twenty-first (21st) Avenue North, and running thence west along the center line of said Twenty-first (21st) Avenue North to the intersection of Fourth (4th) Street North;

thence South along the center line of said Fourth (4th) Street North to the center of Fourteenth (14th) Avenue North, thence west along the center line of said Fourteenth Avenue North to the center of Lyndale Avenue; thence South along the center of said Lyndale Avenue to the center of Eleventh (11th) Avenue North; thence east along the center line of said Eleventh (11th) Avenue North to the center of Sixth (6th) Street North; thence northerly along the center line of Sixth (6th) Street North to the center of Twelfth Avenue North; thence along the center line of said Twelfth (12th) Avenue North to Third (3rd) Street North; thence south and southeasterly along the center line of said Third (3rd) Street North to the center of First (1st) Avenue North; thence southwesterly along the center line of said First (1st) Avenue North to the center of Sixth (6th) Street North; thence southeasterly along the center line of Sixth (6th) Street North to the center of First (1st) Avenue South; thence northeasterly along the center line of said First (1st) Avenue South to the center of Fourth (4th) Street South; thence southeasterly along the center line of said Fourth (4th) Street South to the right-of-way of the Chicago, Milwaukee & St. Paul Railway Company; thence southeasterly along said right-of-way of said railway company to Franklin Avenue; thence south on the center line of said Franklin Avenue to the center line of Nineteenth (19th) Avenue South; thence north along the center line of Nineteenth (19th) Avenue South to the west bank of the Mississippi river; thence northerly along the west bank of the Mississippi river to the place of beginning; Also commencing at the intersection of the west bank of the Mississippi river and Washington Avenue South, and running west along the center line of said Washington Avenue South to the center of Twenty-second (22d) Avenue South; thence south along the center line of said Twenty-second (22d) Avenue South to the intersection of Fifth (5th) Street South; thence northeasterly along the center line of said Fifth (5th) Street South to the west bank of the Mississippi river; thence northerly along the said west bank of said Mississippi river to the place of beginning at said Washington Avenue.

Third.—Also all that territory bounded on the northeast by the right of way of the Chicago, Milwaukee & St. Paul Railway Company; on the northwest by Eleventh (11th) Avenue South; and on the southwest by Sixth (6th) Street South; also all that other territory bounded on the northeast by the right of way of the Chicago, Milwaukee & St. Paul Railway Company; on the northwest by Thirteenth (13th) Avenue South, and on the southwest by Seventh Street South; Also all that territory bounded on the south and southwest by the right of way of the Chicago, Milwaukee & St. Paul Railway Company's so-called short line; on the east by Twenty-seventh (27th) Avenue South, and on the north by Twenty-fifth (25) Street South; on the west by Twenty-third (23d) Avenue South, to the Chicago, Milwaukee & St. Paul Railroad.

Provided, further, that licenses may be granted for the sale of intoxicating liquors in hotels located within the following described territory in said city, to-wit: A strip of land 205 feet in width lying northwesterly of a line which is distant 150 feet northwesterly of and parallel with the northwesterly sideline of Nicollet Avenue and extending from the center line of Sixth Street South to the northeasterly line of lots 1, 2, 3, and 13, block 223, Wells, Sampson and Bell's Addition to Minneapolis.

But no such license shall be granted in the district last designated for the sale or other disposition of intoxicating liquor in any hotel unless the same shall contain adequate facilities for the entertainment of transient guests and shall have at least 200 rooms fully furnished, equipped and kept for that purpose under the control of a single proprietor or manager in whose name the license shall be granted, and every such license for the sale of such liquor in any such hotel shall immediately become void when such hotel shall cease to have the requisites or be of the character above described.

No intoxicating liquor shall be served in any hotel as herein provided except in a regular dining room thereof. No liquor shall be stored or kept in stock in any room in which such liquor is served, nor shall there be any sign or notice of any kind upon, in, or about such hotel, indicating in any manner that liquor is dispensed therein, except upon the bills of fare, provided by the management of said hotel.

It is also expressly provided that the power herein given to grant licenses for the sale of intoxicating liquor shall be inoperative and of no force and effect during any period when such sale is prohibited by the laws of the United States or the State of Minnesota.

No person shall vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors, within the present or future limits of said City of Minneapolis except within the limits herein designated, except for medicinal, chemical and mechanical purposes, by druggists when duly licensed by the City Council, the same not to be used or drunk upon the premises where sold; and any person who shall vend, deal in or dispose of spirituous, vinous, fermented or malt liquors within the present or future limits of said City of Minneapolis, except when licensed by the City Council of the City of Minneapolis, and within the limits herein designated, shall be subject to all the pains and penalties provided by the laws of this state, for selling spirituous, vinous, fermented or malt liquors without a license, as well as to any punishment provided by any ordinance passed by the City Council of the City of Minneapolis as in this Charter provided.

It is hereby expressly provided, however, that no spirituous or malt liquors shall ever be sold in any territory added to the limits of the City of Minneapolis by Chapter 10 of the Special Laws of the State of Minnesota for 1887 as such limits existed prior to the passage of said act; and the city of Minneapolis is hereby expressly forbidden from ever licensing the sale of any spirituous or malt liquors within the territory added to the limits of said city by said Chapter 10.

Second.—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from vending or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the City Council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

**Fourth.**—To compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

**Fifth.**—To direct the location and management of stock yards, slaughter houses and markets, breweries and distilleries, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of gunpowder, dynamite, or other combustible materials, and to regulate the use thereof in blasting. Provided, That when the City Council shall have established by ordinance the territory within which no slaughter house shall be established, if there shall be at the time of the passage of said ordinance any slaughter house within such territory, from which the same are thereafter to be excluded, then said City Council may direct within what reasonable time, not to exceed six (6) months, said slaughter house shall be removed from such territory within which slaughter houses are to be excluded. Provided, That no slaughter house shall be hereafter located within the city limits without the consent, by an affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the whole Council.

**Sixth.**—To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with carriages, carts, wagons, automobiles, trucks sleighs, boxes, lumber, firewood posts, awnings, or any other materials or substances whatever.

**Seventh.**—To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen or the construction and maintenance of gates at the crossings of railway tracks over such streets or avenues as said City Council shall deem to require such precautions; to regulate or prohibit the whistling of locomotive engines; to regulate and prohibit the unnecessary discharging of steam therefrom, and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate, for the purpose of preventing or lessening the noise from the discharge or escape of steam; and may direct what kind of coal any yard or switch engine shall use while being run or operated for any yard or upon any railroad, within the limits of said city; and to prevent and punish immoderate driving or riding in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the city limits.

**Eighth.**—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

**Ninth.**—To prevent the running at large of dogs, and to require a license for keeping the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

**Tenth.**—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default

to authorize the removal thereof by some competent officer, at the expense of such person or persons.

**Eleventh.**—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to erect lamps and to provide for lighting of the city, and contract for the erection of gas-works for lighting the streets and public grounds and public buildings, and to create, alter and extend lamp districts.

**Twelfth.**—To provide hospitals and hospital grounds, the registration of births and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

**Thirteenth.**—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

**Fourteenth.**—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks.

**Fifteenth.**—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any firearms in any situation which may be considered by the Council dangerous to the city, or any property therein, or annoying any citizen thereof.

**Sixteenth.**—To prevent open or notorious drunkenness in the streets or public places of said city, and to prevent and restrain obscenity, lewdness or indecency within said city, whether committed in a public or a private place therein, and to provide for the arrest and punishment of all persons who shall be guilty of the same. Provided, that no officer shall have the right to break into or enter a private house or office.

**Seventeenth.**—To restrain and regulate porters, expressmen, hackmen, taxicab drivers and also runners, agents and solicitors for boats, vessels, stages, cars public houses or other establishments.

**Eighteenth.**—To establish public markets and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

**Nineteenth.**—To license and regulate butchers' stalls, shops, and stands, for the sale of game, poultry, butchers' meat, butter, fish, and other provisions, and also to license and regulate all peddlers doing business within said city.

**Twentieth.**—To regulate the place and manner of weighing hay and straw and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

**Twenty-first.**—To compel the owner or occupant of buildings or grounds to remove snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such occupant or owner to remove from the lot owned or occupied by him, all such substances as the Board of Public Welfare shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Also to compel the owners of low grounds where water is liable to collect and become stagnant to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

Provided, That said Council may require snow and ice to be removed, as aforesaid, throughout such districts in said city as it shall direct, and may make the expense of any removal or destruction

of any such substances which said Board of Public Welfare may direct to be removed, and the expense of filling or draining any such low place, a lien upon the property from which said substances are removed or on which destroyed, or on which said low grounds are filled or drained, and may make a special assessment for the same to be collected as other special assessments are collected.

**Twenty-Second.**—To control and regulate the construction of piers and wharves, or grading said wharves into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said river, and to prescribe and regulate 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 said city and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

**Twenty-Third.**—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereof are contagious or infectious diseases or disorders and to make such dispositions of such persons as to preserve the health of said city.

**Twenty-Fourth.**—To regulate the time, manner and place of holding public auctions or vendues.

**Twenty-Fifth.**—To regulate the inspection of wood, hay, grain, flour, pork, beef, mutton, veal, and all other kinds of meat, poultry and game, fish, salt, whiskey and other liquors and provisions and milk; and to provide for the taking and summarily destroying or disposing of to soap factories, to be used only as soap grease, any diseased, unsound or unhealthy pork, beef, mutton, veal or any other kind of meat, poultry, game or fish, in case the owner does not at once so destroy or so dispose of the same and to provide for the taking and summarily destroying any spoiled, unsound or unhealthy flour or other provisions.

**Twenty-Sixth.**—To appoint City Sealers, Inspectors, Weighers and Gaugers, to regulate their duties and prescribe their compensation.

**Twenty-Seventh.**—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

**Twenty-Eighth.**—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

**Twenty-Ninth.**—To do any and all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws and enforce the same within the city.

**Thirtieth.**—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

**Thirty-First.**—To license and regulate hackmen, draymen, expressmen, taxicab drivers and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges, therefor; to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles used for such carriage may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses to such draymen, hackmen or other person, and to prohibit them from

standing or waiting at any other place within such streets and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the Mayor or Chief of Police of said city to regulate and direct the location of vehicles at such railroad depots or stations.

**Thirty-Second.**—To regulate the construction of all buildings within said city, and by such regulations to prescribe the depths 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, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulations 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 prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it 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 inspector on any city officer; to give such Inspector or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits, and to direct the suspension of any such building operation as does not conform to such regulations. Provided, however, That neither said City Council nor any Inspector or officer of said city shall have control or regulation of any building erected by the United States or the State of Minnesota.

**Thirty-Third.**—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city, in its discretion.

**Thirty-Fourth.**—To regulate the opening of hatchways and compel proper guards about the same.

**Thirty-Fifth.**—To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

**Thirty-Sixth.**—To require the owner or lessee of any building or structure, now or hereafter built or constructed in said city, to place thereon such fire escapes, and such appliances for protection against, and for the extinguishment of fire, as it may direct. And also to require such owner or lessee to construct, provide and furnish each and every other thing, and to 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.

**Thirty-Seventh.**—To regulate or prohibit the location and use of such steam boilers, in size and construction, as it may designate as being dangerous to life or property or to prohibit the location of any such steam boiler except where permission therefor is first given by the City Council, specifying the location and prescribing the regulations for its use.

**Thirty-Eighth.**—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and gas meters, and to appoint an Inspector and other officers if needed for that purpose, and prescribe their duties.

**Thirty-Ninth.**—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric and other wires, along or across the streets of said city, and to require any or all

already placed or suspended, either in limited districts or throughout the entire city, to be removed or to be placed in such manner as it may designate beneath the surface of the street or sidewalk.

**Fortieth.**—To regulate and designate the width of tires of all wheels used on any and all vehicles used in said city, and the highest weight of any load to be drawn over any street in said city, and may direct upon what streets heavily-loaded vehicles may be drawn and from what streets, avenues and boulevards the same shall be excluded.

**Forty-First.**—To require and provide for the removal throughout the city, or in such districts or on such streets and avenues and in such manner as the council may direct, of any or all swill, offal, garbage, ashes, barnyard litter, manure, rubbish, yard cleanings and the contents of any privy, vault, cesspool or sink, dead animals or any other foul or unhealthy stuff or material, with the authority to assess the expense of such removal upon the property from which such above named matter or things shall be taken; and said council is hereby authorized and empowered to make and enter into a contract or contracts with any person or persons, corporation or corporations, for such removal of said material and substances, or any of the same, or such terms and conditions as it may deem best, and for any time not to exceed five (5) years.

**Forty-Second.**—To provide for requiring owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down to prevent accident; and in case of refusal or neglect of said owner to so take down the same, when ordered by the officer designated by said City Council, then to cause the same to be done at the expense of the owner, the cost thereof to be made by special assessment on the land on which the same stands.

**Forty-Third.**—To regulate the piling of lumber, shingles or lath in said city, and to require any person maintaining any lumber, shingle and lath pile or mill wood yard in said city, to remove the same when the same is or may become dangerous to any buildings or other property near the same; also to regulate and designate where the following kinds of business or amusements may be hereafter located or carried on, to-wit: foundries, tanneries, dye houses, boiler shops, rendering houses, store houses for oil and powder, glue factories, soap houses, store houses for hides, stables, roller-rinks and base-ball grounds.

Provided, however, that nothing herein contained shall interfere with the limits within such lumber, shingles, lath and mill wood and piles may not be piled as now established by ordinance of said city, or with the fire limits of said city, as now existing or which may hereafter be established by ordinance in said city.

**Forty-Fourth.**—To license, prohibit, regulate and control the carrying of concealed weapons and provide for the confiscation of the same.

And to regulate and determine the manner in which bodies which have been buried or placed in a vault, or tomb, or other place for the purpose of burial, may be removed.

**Forty-Fifth.**—To regulate the construction of buildings, chimneys and stacks within the limits of said city, also the emission of dense smoke; it shall also have authority to prohibit and prevent the erection or maintenance of any insecure or unsafe buildings, stacks, walls or chimneys and the emission of dense smoke in said

city, and to declare them to be nuisances, and to provide for their summary abatement.

It shall also have authority to enact ordinances imposing penalties upon persons or parties who may create, continue or suffer nuisances to exist, such penalties not to exceed, however, in any case, a fine of one hundred dollars (\$100) or ninety days imprisonment.

**Section 6. City Council May Impose Penalties for Breach of Ordinance.**—The City Council may impose punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding ninety days, or both, and may provide that the offender during such imprisonment be fed on bread and water at the discretion of the judge of the Municipal Court, and offenders against such ordinances may be required to give security to keep the peace and for good behavior, for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

**Section 7. City Council May Provide For Confinement in Workhouse.**—The City Council may also provide by ordinance that anyone convicted of an offense before the Municipal Court subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in case of a male offender, be kept at hard labor during his term of punishment in such workhouse or upon the public improvements of said city, or both; and may also provide by ordinance 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 said city aforesaid; or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said Council may prescribe, for a time not exceeding said commitment; and the City Council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escape and secure proper discipline, and shall have power to establish a proper workhouse in said city or outside thereof for the purpose aforesaid, and under such regulations as said City Council may prescribe. Provided, That the City Council aforesaid is hereby authorized to use the Hennepin County jail as the workhouse of the City of Minneapolis provided for in this act; the prisoners of the city to be as at present in the custody of the sheriff of Hennepin County, except while working on the improvements of said city, when they shall be under the control of the police force of said city; And provided further, That the Judges of the Municipal Court of said city shall have power, for vagrancy, to commit any person to the city prison, or workhouse, or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety days.

**Section 8. Style of Ordinances—Subject and Title.**—The style of all ordinance shall be "The City Council of the City of Minneapolis do ordain as follows." The subject of every ordinance shall be expressed in its title, and no ordinance shall embrace more than one subject.

**Section 9. Ordinances and Resolutions—How Passed.**—All

ordinances and resolutions of the City Council shall be passed by an affirmative vote of a majority of all the members of the City Council, by ayes and nays which shall be entered in the records of the Council. No ordinance shall be passed at the same session or at any session occurring less than one (1) week after the session at which it shall have had its first (1st) reading, of the Council at which it shall have been presented except by the unanimous consent of all the members present, which shall be noted in the record, but this shall not preclude the passage of ordinances reported by any committee of the Council to whom the subject of such ordinance shall have referred at any previous session. When approved, they shall be recorded by the City Clerk in books provided for that purpose, and before they shall be in record they shall be published in the official paper of the city.

**Section 10. Copy of Record of Ordinance—Prima Facie Evidence—Compilation of Ordinances—Judicial Notice.**—A copy of the record of any ordinance or resolution heretofore passed and recorded or that may hereafter be passed, certified by the Clerk and verified by the seal of the city, any copy thereof published in the official paper of the city, or printed in the books containing the official proceedings of the City Council, or published in any compilation of ordinances made under direction of the City Council, shall be prima facie evidence of the contents of such ordinances and of the regularity and legality of all proceedings relating to the adoption and approval thereof, and shall be admitted as evidence in any Court in this State without further proof.

In all actions, prosecutions and proceedings of every kind before the Municipal Court of the City of Minneapolis, such Court shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in said Municipal Court.

**Section 11. Majority Vote for Appropriations.**—No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays and entered among the proceedings of the Council.

**Section 12. Council May Abate Nuisances.**—The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

**Section 13. City Council to Audit Accounts of Officers—Publication of Books.**—The City Council shall examine, audit and adjust the accounts of the Clerk, Treasurer, Clerk of the Municipal Court and all other officers and agents of the city at such times as they deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the City Council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said Council in the discharge of his said duties in pursuance of this Section, or shall neglect or refuse to render his accounts or present his books or vouchers to said Council or a committee thereof, it shall be the duty of the City Council to declare the office of such person vacant, and the City Council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his

official duties, and shall make a full record of all such settlements and adjustments.

**Section 14. City Council to Have Control of City Finances and Property.**—The City Council shall have the management and control of the finances and all property of the city, including among other property the real estate formerly belonging to certain school districts included in the territory added to the City of Minneapolis by Chapter 10, Section 1, Special Laws of Minnesota for 1887, the title to which real estate was by said act vested in the City of Minneapolis, and may provide for the sale of any such property, in such manner as it shall consider for the interest of the city. Provided, That no real estate belonging to said city shall be sold unless ordered sold by a vote of two-thirds (2-3) of all the members of the City Council.

**Section 15. City Council Shall Have Power to Acquire Property for Public Buildings and Public Streets.**—The City Council shall have the power 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 in the city, 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 may appoint commissioners to appraise such values or damages, or acquire information thereof in any other manner it shall deem advisable.

**Section 16. Licenses May Be Revoked.**—Any license issued by authority of the City Council may be revoked by the Mayor or City Council at any time, and upon conviction before the Municipal Court of the City of Minneapolis, of any person holding a license for a violation of the provisions of any ordinance relating to the exercise of any right granted by such license, the said court may, and upon a second conviction shall, revoke such license in addition to the penalties provided by law or by ordinance for any such violation.

**Section 17. Council May Exercise Power by Resolution—When.**—If in any case any of the powers granted to said City Council, to be exercised by ordinances named in section five (5) of this chapter, cannot well be exercised by the passage of ordinances, then said City Council may exercise any of said powers by means of the passage of resolutions.

**Section 18. Current Expense Fund.**—The City Council is hereby authorized and empowered to expend for purposes not in this charter otherwise authorized during any fiscal year, moneys out of the current expense fund of said city not exceeding in the aggregate the sum of ten thousand (10,000) dollars; provided, that no part of such sum shall be expended except by a resolution adopted by the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of the members of said Council.

**Section 19. City Council may Establish Purchasing Department.**—The City Council is hereby authorized and empowered and shall at all times hereafter have the power and authority, to establish and maintain a purchasing department as a branch of the city government, which department shall have full charge of the



purchase by the city and the several boards of the city of all supplies and materials required for the use of the city and the several departments and boards of the city, including the Board of Public Welfare, Board of Education, Board of Park Commissioners and Library Board, of the city, and for making and maintaining public works and improvements of the city, excepting from the provisions of this section the purchase of books, periodicals, pamphlets, works of art and other like supplies for the library board and art museum of the city, and the purchase of supplies for the use of the Board of Park Commissioners of the city at its several refectories and places of amusement, and to appoint a purchasing agent who shall be the head of such purchasing department, and to appoint all necessary assistant purchasing agents and other employes required for the proper management of such purchasing department, and to prescribe the duties of such purchasing agent, assistant purchasing agents and other employes, and by ordinance or otherwise to make all rules and regulations necessary for the conduct and management of such purchasing department.

**Section 20. Payment of all Current Bills Authorized.**—The City Council may provide by ordinance for the payment of all current bills incurred by the city for goods, wares and merchandise, the purchase whereof has been duly authorized for the use of the city or any of its departments, without awaiting the formal vote of said City Council directing payment thereof. The Board of Park Commissioners may likewise by ordinance provide for the payment of all current bills incurred by it or under its authority for goods, wares, and merchandise without awaiting the formal vote of such board directing payment thereof. The ordinance may provide for the immediate payment by the City Treasurer, out of the appropriate fund, or out of a special fund set aside for the purpose, of all bills approved by the city purchasing agent. And all officers of the city who are authorized by law to sign or countersign warrants or orders for the payment of merchandise accounts may accept the approval of the purchasing agent as a sufficient audit of such bills. Should any bill so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the city on demand of the city attorney all such excess, or be subject to an action at law for double the amount thereof. Said ordinance or ordinances may contain such further provisions as the governing body shall deem necessary for protecting the city against fraud, irregularity and mistake in the matter of such purchase and may provide that any violation thereof shall be a misdemeanor and punishable as such.

## CHAPTER V.

### TAXATION AND FINANCE.

**Section 1. City Assessor.**—The City Council shall at its first meeting in July, 1921, or as soon thereafter as may be, and every two years thereafter, appoint one (1) assessor, who shall be an officer of said city styled "City Assessor," and who shall keep an office to be provided by said city, and whose term of office shall be two years from and commencing on the first Monday in July of the year in which such Assessor shall be appointed, and until his successor is appointed and qualified.

The City Assessor shall in each year subject to the provisions of the Civil Service Chapter of this Charter appoint such number of deputies as may be required to enable him to properly do his work, such appointments, however, to be approved and confirmed by the City Council; which deputies shall serve during the time of the making of the lists, but only so long as their services may be needed, the City Assessor discharging such of said deputies, from time to time as the work proceeds, as he can spare.

The City Assessor shall also with the approval of the City Council and subject to the provisions of the Civil Service Chapter of this Charter employ such clerks as may be necessary, their number to be reduced or increased whenever occasion requires, or the City Council directs. The City Assessor shall, so far as may be, present to the City Council, at its second regular meeting in March of each year, the names of such persons as he shall desire to have for deputies, designating in each case the time when the appointee shall, with the approval of the City Council, commence to serve as such, which time shall be long enough before May first (1st) so that each may before that day be assigned his portion of the work and be properly instructed and prepared to do the same. He may, however, in case his deputies are not all appointed, or all confirmed at that time, present to the City Council other names for deputies at subsequent meetings as occasion shall require.

The City Assessor and his deputies shall qualify in the manner, and discharge the duties, prescribed by general law. It shall also be the duty of the City Assessor to make full preparation and do whatever he can toward the making of his lists beforehand, and the County Auditor shall deliver to him assessment books and blanks in season to enable him to do so. He shall commence on the first (1st) day of May of each year, and as soon as may be thereafter complete his lists, according to law, but he shall be allowed until the second Monday in July to revise his lists, correct, and equalize his appraisals, and make out and complete the assessments of said city. Notices may be signed and given, and other acts in the line of his duty by any Deputy Assessor may be done, in the name of the City Assessor.

**Section 2. Laws to Govern Assessors.**—In all respects not herein expressly provided for, the City 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 in other parts of the state.

**Section 3. Board of Equalization.**—The Standing Committee on Taxes of the City Council shall constitute a Board of Equalization, who shall be sworn according to law as such Board, and meet at the City Council room in said city on the second Monday of July of every year, and revise, amend and equalize the assessment on the roll of the City Assessor. It shall be the duty of the City Assessor to be present at all meetings of the said Board of Equalization; and to present before the Board all facts relating to the assessment. 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 applicable, but shall not be restricted by any limitation in respect to reducing aggregate sum of real or personal property as returned by the Assessors.

**Section 4. Meetings of Board.**—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 such assessment. It shall complete such equalization on or before the second Tuesday of August 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 attention of the Board to such undervaluation and to make application in behalf of the city for the correction of such undervaluation.

**Section 5. Duty of City Clerk.**—When the assessment rolls shall have been revised by the Board of Equalization, they shall be returned to the City Council, who may confirm the same or return the same to said Board for further revision, to be again reported to the City Council.

When the City Council shall have confirmed the assessment the City Clerk shall enclose therein a memorandum of such confirmation, and such rolls shall then be returned to the County Auditor as other assessment rolls. In case said City Council shall neglect to take final action on such rolls on or before the second (2nd) Thursday after the first (1st) Tuesday of August of every year it shall be the duty of the City Clerk to return them to the County Auditor, with a certificate of the fact, and in such case the assessment rolls, as revised or equalized by such Board, shall have the same validity as if confirmed by said City Council.

**Section 6. Salary of Assessors.**—The City Assessor shall be paid a stated annual salary to be fixed by resolution of the City Council. All Deputy Assessors, Clerks of Assessors and of the Board, and the members of such Board of Equalization, shall be paid such reasonable compensation upon accounts of time, audited by the Comptroller, as shall be determined by the City Council.

**Section 7. Fiscal Year.**—The fiscal year of said city shall commence on the first (1st) day of January of each and every year.

**Section 8. City Comptroller to Estimate Expenses.**—The City Comptroller shall, on or before the tenth (10th) day of September of each year, report to the City Council an estimate of the current expenses of the city and the several wards thereof, for the fiscal year commencing on the first (1st) day of January next ensuing, together with a statement of the amount of all revenues received by the city for the year ending on the first (1st) day of September, from other sources than taxation. He shall also, as soon as may be after the Minnesota Tax Commission shall have completed its adjustment of the assessment of the taxable property in said city, report to the City Council a computation of a rate of tax-levy which, with the amount of revenue received by the city for the last year, reported as aforesaid and applicable to the current expenses of the city, shall be sufficient to defray the current expenses of the city for the next fiscal year, according to the aforesaid estimate, and, at the same time, a computation of the amount of tax levied on the several wards of the city necessary to defray the expense of such wards, according to his said estimate.

**Section 9. Revenue from Licenses, Fines, Etc.**—The revenues of said city derived from licenses, rents, fines, except such fines collected from keepers or inmates of houses of prostitution as may be otherwise provided for, and all costs and judgments collected in favor of said city, shall be devoted to the current expenses of the city. All receipts from sales of property shall be applied to the permanent improvement fund.

**Section 10. City Council to Levy Tax.**—After the making of the reports of the City Comptroller, provided for in section eight (8) hereof, the City Council shall levy such tax on all the taxable property in said city as it shall deem necessary, in addition to the other revenue of the city applicable thereto, to defray the current expenses of the city for the next fiscal year, but no such taxes for such current expenses shall in any year amount to more than eleven (11) mills on each dollar of the assessed valuation. Prior to the levying such tax to defray the current expenses of the city for the next fiscal year, said City Council shall by resolution appropriate a certain sum of money for the expenses of each department of the city government which is to be paid out of said current expenses fund, and no more money than thus appropriated shall be expended for any fiscal year for any such department of the city government.

**Section 11. Comptroller to Make Quarterly Report of Expenses.**—The City Comptroller shall as soon as may be after the first (1st) Monday in January of each year, make report to the City Council of the actual expenses of the city for the first quarter 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 for such quarter have exceeded the estimates upon which the tax levy therefor was based, or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the City Council shall forthwith proceed to reduce the current expenses of said 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 of number of men employed in the several departments of the city, except the Fire Department, but in the discharge of such employees said City Council so far as may be, shall provide that such discharge shall be operative only during the summer months of the year.

In all future contracts for lighting streets the right of the city to reduce the amount of the service on account of deficiency of revenue shall be reserved.

**Section 12. Ward Levy.**—The City Council shall also at the time of making such levy for current expenses, and upon the recommendation of a majority of the Aldermen of each of the several wards of the city, levy upon the taxable property in such wards such tax, not exceeding one-fourth ( $\frac{1}{4}$ ) of one (1) per cent. of the assessed valuation of such wards as may be necessary to defray the expenses of such ward for the next fiscal year.

**Section 13. Interest on Bonded Indebtedness.**—The City Council shall also at the same time levy, upon all the taxable property in said city, such taxes as shall be sufficient to pay the interest to become due during such next fiscal year upon all the bonds or debt of said city, and an additional tax of three mills on a dollar of the assessed valuation of all such taxable property to provide for

the principal of said bonds or debt when the same shall have become due, and the amounts collected pursuant to this section shall not be applied to any other purpose than herein named, but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

**Section 14.**—In addition to the aforesaid levy of three mills the City Council shall have the power and authority, in its discretion, to transfer and cause to be transferred, by resolution duly passed, to the credit of such sinking fund, any or all unused balances of moneys and funds which are the proceeds of bonds heretofore or hereafter issued and sold by the city for any municipal purpose whatever, including bonds issued for public schools, public libraries and public parks and parkways, whenever the improvement or purpose for which the bonds were or shall be issued has been completed or abandoned, and any and all unused balances of moneys and funds now or hereafter existing in the permanent improvement fund and permanent improvement revolving fund of the city, and any or all unused moneys and funds now or hereafter raised by general taxation in the city for any purpose whatever, and to invest and cause to be invested all said moneys and funds in the same manner as the sinking fund of the city is now or may be invested, or in such manner as the City Council may in its discretion deem best, and to use and cause to be used said moneys and funds for the payment and redemption of the bonds and other indebtedness and obligations of the city as they mature and become payable (Ch. 78, L. 1917).

**Section 15. Sinking Fund.**—In order to provide for the certain payment of the bonds and debts of the city, the City Council is authorized to maintain the sinking fund already established, and to provide by ordinance for the care, investment and security thereof, and from time to time to amend such ordinances in such manner as may be necessary or expedient but shall have no authority to abolish such sinking fund until all the debts of the city are fully paid, nor shall it divert said fund or any revenue or increase thereof to any other purpose. All amounts, if any there be, collected of the tax to pay the interest on the bonds of the city in excess of the amount of such interest, the whole amount of the three mill levy for the payment of the bonds of the city provided for in the preceding section, and all revenues of the city not otherwise appropriated, shall be applied to the increase of such sinking fund.

The City Council shall by such ordinance provide for and appoint a Board of Sinking Fund Commissioners, consisting of three persons, determine the time such Commission shall serve and define such of their duties as are not herein enumerated. Such Commissioners shall have charge of said sinking fund, and, by and with the consent of the City Council invest the same in the bonds of the said city, or such other bonds as are permitted for the investment of the permanent school fund of the State of Minnesota, or in the bonds of any city in the State of Minnesota having a population of five thousand or more, or in such county or school bonds in the State of Minnesota as may be approved. In case of investment in the bonds of said city the same shall not be canceled but shall be held by such Commissioners and the interest thereon paid over and applied to the increase of such sinking fund. Whenever the principal of any of the bonds of the city shall become due such Commissioners shall, by and with the consent of the City Council, dispose of such of the bonds belonging to such fund as with the money

on hand belonging to the same shall be necessary to pay such bonds. Whenever the amount of such sinking fund shall with the interest or revenues thereof computed to the time of maturity of the bonds or debt of the city, be sufficient to pay all of said bonds or debt at the maturity thereof, the levy of the three mill tax aforesaid, or so much thereof as the City Council shall determine, may be omitted, but in case by reason of decrease of interest or depreciation of investments or other cause said fund shall not be sufficient, the levy of such taxes shall be resumed.

In case the City Council, Sinking Fund Commissioners, or other city officers shall violate or neglect to conform to any of the provisions of this section, any tax-payer of the city, or any owner of any of the bonds of said city, shall have the right to maintain, in any court of competent jurisdiction, any appropriate action to enforce compliance therewith.

The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds or debt of said city, is hereby declared to be part of the contract with the holder of any bonds of the city that have been or may hereafter be issued, and shall be kept inviolate.

**Section 16. Bonds for Interest.**—Whenever the sinking fund, provided for in section ~~fourteen~~ <sup>fourteen</sup> (14) hereof, shall be insufficient to pay all the bonds of the city that may at any time become due, or when it shall by the City Council be deemed advisable and for the interests of the city to take up any bonds of the city not due, which may be offered for sale by the holders thereof, the City Council may issue the bonds of the city, to run not to exceed thirty years, on such terms as to place of payment and rate of interest as may be deemed advisable to such an amount as may be necessary to meet such deficiency or to take up and refund such bonds not due, provided the refunding bonds shall in no case draw a higher rate of interest than the bonds so taken up; but neither said City Council, nor any officer nor officers of said city, shall otherwise, except as in this Charter or by state law authorized, have authority to issue any bonds, or create any debt, or any liabilities against said city, in excess of the amount of revenue actually levied and applicable to the payment of such liabilities.

**Section 17. Permanent Improvement Fund.**—There shall be a fund of the city to be known and designated as the Permanent Improvement Fund, which shall be kept distinct from all other funds of the city. In the Permanent Improvement Fund shall be kept and placed the proceeds of all bonds heretofore or hereafter issued by the city for permanent improvements, and the proceeds of all taxes levied by the city for permanent improvements. The City Council may provide for the payment out of said fund of the expenses of any such improvement as may be assessed in whole or in part upon any special property to be benefited by such improvement, and in advance of the collection of such assessments.

From said fund shall also be paid all such portions of the expenses of such assessable improvement as shall devolve on said city, and also the expense of all bridges, buildings, water works and other permanent improvements not otherwise specially provided for by law. No part of such fund shall ever be applied to the payment of the current expenses of said city, nor to any other purposes than such as are herein designated. All sums collected upon special assessments, whose costs shall have been advanced out of such fund, shall be returned to said fund. The City Council

cil shall annually, at the time of making the other tax levies of said city, levy a tax sufficient to replace all expenditures made from said fund, not provided for by such special assessments, and may by tax-levy provide for the increase of such fund to such amount as may be deemed necessary, provided, that the whole amount of tax levied in any year shall not exceed two and one-half ( $2\frac{1}{2}$ ) mills on a dollar of the assessed valuation of the taxable property of said city.

**Section 18. City Council of Minneapolis Authorized to Issue Certain Bonds.**—The City of Minneapolis and the City Council of the city, in addition to all other powers to them hereby granted, shall have, possess, be vested with and may from time to time exercise and execute any and all powers and authorities to issue and sell bonds of the City of Minneapolis and incur indebtedness for and on behalf of the city, which have been granted to, vested in or conferred upon the City of Minneapolis or the City Council of the city, or both or either thereof, under or by virtue of any and all special and general laws and acts of the state Legislature, made applicable to the City of Minneapolis as a city of the first class not governed under a home-rule charter or otherwise made applicable to the city, and conferring such powers and authorities to issue and sell bonds and incur indebtedness for and on behalf of the city, and passed by the Legislature prior to the adoption of this Charter, which powers and authorities shall not have been fully exercised or executed and are still held and possessed by the city or City Council at the time of the adoption of this Charter by the electors of the city. And all such powers and authorities to issue and sell bonds of the city and incur indebtedness for or on account of the city, shall continue under this Charter and the city and City Council shall have and possess full power and authority to, and may from time to time, as they may deem necessary and expedient, incur indebtedness for and on behalf of the City of Minneapolis and issue and sell municipal bonds of the city in such amounts and for the several purposes and on the terms and conditions specified in the aforesaid several laws and acts of the Legislature conferring such powers and authorities, to the extent such powers and authorities shall not have been exercised at the time of the adoption of this Charter, and to the same extent as if this Charter were not adopted and as fully and to the same extent as if the provisions of said laws and acts of the Legislature were incorporated in and made a part of this Charter.

In addition to the foregoing, the City Council shall at all times hereafter, have the power and authority at its option and through its proper officers to issue and sell at private sales, through such agencies and in such manner and at such time and place and with or without published or other notice of such sale, as the City Council shall determine, all or any part of the municipal bonds of said city, the issue and sale of which have been now are, or shall hereafter, be authorized by law. The bonds so sold at private sale shall be in denomination of \$100 or any multiple thereof, not exceeding \$1000.00, and none of such bonds shall be sold at private sale for less than the amount for which they are by law authorized to be sold and accrued interest thereon. All bonds so sold at private sale shall be reported to the City Council for confirmation. (Ch. 204, L. 1915).

**Section 19. Levy Tax—Arterial Streets—Sell Bonds.**—The City Council shall be vested with the power to levy annually during the

years 1921 and 1922, a tax not exceeding one mill on each dollar of the assessed valuation of all property, real and personal, within the City of Minneapolis, subject to taxation, for the purpose of constructing permanent roadways not over twenty-four (24) feet in width in arterial streets, designated by the City Council as arterial streets, but not more than 40% of the expense of paving any street shall be paid out of this fund. (Ch. 218, L. 1917).

**Section 20.**—The City Council shall have authority to determine, in and by any resolution duly passed directing that any arterial street in the City of Minneapolis, or any part thereof which may be paved, what portion of the cost of such paving shall be defrayed by a special assessment upon the real property fronting thereon. Such proportions, however, shall in no case be less than  $\frac{1}{2}$  of the cost to the City of Minneapolis of paving that part of the arterial street lying between the center line thereof and such abutting property.

Whenever the proportions to be so assessed, <sup>as</sup> determined in the manner aforesaid, the assessment shall be levied accordingly and the remaining cost of such paving shall be paid by the city out of any funds in its treasury not derived from such special assessment available for paving purposes.

In all such cases the City Council may levy with the other city taxes, a tax sufficient to pay the amount not so assessed upon abutting land on property within the city subject to general taxation, and may direct into what fund the proceeds of such tax shall be paid. (Ch. 278, L. 1915).

**Section 21. Comptroller to Notify Council When Funds Deficient.**—Whenever the amount contracted or appropriated to be expended out of such permanent improvement fund or of any ward fund shall be equal to the amount of such fund actually on hand and nine-tenths of the amount of uncollected taxes levied for the current fiscal year as aforesaid, and applicable to such fund, or when the amount called for by any proposed contract shall, together with the amounts previously appropriated or contracted for, exceed the amount of such fund on hand, and such nine-tenths of the uncollected taxes, the City Comptroller shall forthwith notify the City Council of such fact, and he shall not countersign any contract payable out of such fund until the amount of such fund on hand, with nine-tenths of the amount of uncollected taxes aforesaid, shall be sufficient to meet the liabilities created by such contract in addition to all liabilities previously contracted for, and he shall never countersign any contract payable out of the revenues of any other fiscal year than the one in which such contract shall be performed. Provided, That where special assessments have been made for any improvement, or where the city has been authorized to sell bonds to raise money for any improvement, then, in such cases, said Comptroller may countersign any contract for such improvement, where said contract provides that no payments shall be made until such money is in the treasury, and in any case, where the money is to be raised by such sale of bonds, such contracts may provide for the construction of such improvement to extend over a period of several years, to be paid for as finished, or on periodical estimates, out of the revenues or moneys provided for the year, when to be so paid. He shall countersign no order upon the treasury until there shall be money in the treasury belonging to the proper fund wherewith to pay the same, and all orders on the treasury shall be countersigned in the order in which the

claims are allowed, upon each fund respectively.

**Section 22. Taxes to be Levied by Resolution.**—All taxes shall be levied by resolution of the City Council, and 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 special purpose for which the sum is levied, but in such case the surplus shall go into the fund to which such tax belongs and may be applied to the further uses of such fund.

**Section 23. Statement of Tax Levy.**—The City Council shall cause to be transmitted to the County Auditor of Hennepin County, on or before the tenth day of October of every year, a statement of all taxes by it levied, and such taxes shall be collected and payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

**Section 24. County Treasurer to Pay Over Taxes.**—The County Treasurer of said Hennepin County shall pay over such taxes, together with all interest and penalties which shall be collected on account of the same, when collected, to the Treasurer of said city, and in the several settlements of the funds to be so paid over as provided for by general law, and Chapter 123, Special Laws of Minnesota for 1891 (page 756), hereby adopted, and made a part hereof, said County Treasurer shall account for and pay over to the City Treasurer such portions of the interest paid by bankers with whom funds of said county are deposited, as have accrued upon funds arising from city taxes and assessments so deposited, with such county funds or as parts thereof.

Whenever, previous to any of the settlements provided for by law, there shall be a lack of funds in the City Treasury for any purpose, and there shall be funds in the County Treasury which shall have been collected on account of city taxes or assessments, the County Treasurer shall, on the application of said City Treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlements with said city. The City Treasurer shall also forthwith, after such settlements, adjust and apportion the funds so advanced among the several city funds in his hands.

**Section 25. County Auditor's Tax Statement.**—It shall be the duty of the County Auditor of the County of Hennepin to make out and transmit to the City Comptroller of said city, on or before the first (1st) day of February of each year, a statement showing the exact amount of taxes levied on account of the several funds of said city, and each ward thereof, and of the several boards of said city, according to the tax lists made out by said Auditor, and at the same time make out and transmit to said Comptroller a statement of all abatements, corrections or additions to said tax lists, and of all amounts of all taxes canceled as uncollectible, within the year next preceding, and the several amounts of such changes affecting each of said several funds; and also a further statement of the amount of taxes delinquent and outstanding applicable to said several funds. He shall, also, at the time of making settlements with the County Treasurer required by law, furnish said Comptroller with a certified statement of the several amounts collected by said County Treasurer on account of each of said several funds as shown by such settlements.

**Section 26. City Orders—When Issued.**—No money shall be paid out of the City Treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the City Council, and shall then be drawn out only upon orders signed by the Mayor and Clerk and countersigned by the Comptroller, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the City Council may determine. Provided, That the City Council may provide by ordinance for the payment of all employes of said city, which are paid by order of the City Council, on pay-rolls, to be prepared as directed by said ordinance, by heads of departments or otherwise, audited by the City Comptroller, ordered paid by said City Council, after so being audited, and paid by the City Treasurer and receipted by the employe on said pay-rolls, which pay-rolls shall be deposited by said Treasurer with said Comptroller on receiving warrants drawn as other warrants are drawn for the sums totals of such pay-rolls; such warrants shall refer to the date, number, sum total, and department paid for, of such pay-roll, and to save time to the employes of said city the Mayor may direct the Treasurer to go to any place in said city at a particular time to pay the employes thereof, where more than ten (10) employes are working on any city work; And also, further provided, that when any of the several boards of said city shall by resolution request the Treasurer of said city to pay the respective regular employes on pay-rolls of the board, making such request, in a similar manner as above named for paying employes who are paid by order of the City Council, as near as practicable, then said City Treasurer shall pay the respective regular employes of such Board so requesting the same, on such pay-rolls.

**Section 27. Orders to be Canceled.**—When any such order shall have been paid to or received by the Treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separately.

**Section 28. Destruction of Canceled Bonds.**—The City Council may provide for the examination from time to time of such canceled orders, and also of canceled bonds or other obligations in the hands of the Treasurer and for their destruction, preserving such record or voucher thereof as the City Council or any committee thereof may deem proper.

**Section 29. Depositories of City Funds.**—The City Council shall at the beginning of each calendar year, and from time to time as may be necessary, designate or redesignate, so far as consistent with the best interests of the city, sufficient banks, banking houses, and other depositories in said city or elsewhere in the United States, in which the City Treasurer of said city shall deposit and keep all the moneys of said City, which may be or are likely to be at any one time in his hands, designating in each instance the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed 25 per centum of the paid up capital and surplus of such depository. Provided, That no bank, or other depository, outside of Hennepin County shall be designated as a depository for city funds unless the same shall have a paid up capital of at least \$50,000. In des-

ignating such depositories the City Council shall require from each of such depositories good and sufficient bonds with sureties thereon to be approved by the City Council, conditioned for the safe keeping and payment of funds so deposited and interest thereon. Such bonds of any depository with personal sureties thereon shall be in the aggregate for double the amount of money likely to be received by such depository and such bonds of any depository with one or more corporate surety company thereon as surety shall be in the aggregate in a penal sum equal to the amount designated by the City Council as the limit of the deposits in such depository, or in lieu of such bonds, the depository may furnish or deposit with the City Treasurer, United States Government bonds, Federal Farm Loan bonds, state bonds of this state or any other state of the United States, Fire Relief Certificate or any other certificates of indebtedness thereof, the issuance and sale of which are now or may hereafter be authorized, bonds of any county, school district, city, town, or village of this state and county drainage bonds of this state of the classes and kinds in which the permanent school fund of the state may be invested in an amount equal to the maximum amount of money designated that may be deposited with such depository. Provided, That, such securities must have a total market value of at least the maximum amount of money so designated or permitted to be deposited and shall be approved by the City Council, and shall be accompanied by a proper assignment to the end that such depository so depositing and assigning such securities shall and will safely keep and pay over to the City Treasurer or his order on demand, free of exchange, all moneys deposited therein at any time while such bonds or securities shall be so deposited, with interest thereon at the rate agreed upon; and provided, that in case of default on the part of such depository, the City Council shall have full power and authority to sell such securities or so much thereof as may be necessary to realize the full amount of the funds so deposited in such depository, together with interest thereon, and to pay the balance or surplus, if any, to the depository entitled thereto.

Authority is given to the Treasurer to return said securities to the depository so depositing them when the trust so created is terminated, and to exchange upon application any other securities for the securities so deposited, of equal value and of any of the classes herein permitted to be deposited. The interest on such bonds or securities so deposited and furnished shall, when paid, be turned over to the depository so depositing the same so long as it is not in default (Ch. 17, L. 1907; Ch. 362, L. 1909; Ch. 423, L. 1919).

**Section 30. Designated Banks—Deposits In.**—After such designation shall have been made, all the funds then in the hands of the City Treasurer, or thereafter received by him, shall be deposited in the depositories designated, on open account or demand certificate of deposit as may be to the best interest of said city, in the name of the City of Minneapolis and subject to the order of the City Treasurer, countersigned by the City Comptroller, and the funds so deposited shall be distributed as near as may be in proportion to the paid-up capital stock of the depository receiving such deposits.

**Section 31. Monthly Statement of Deposits.**—The City Treasurer shall make monthly statements of the amount of money deposited as hereinbefore provided, giving the amount deposited in open account, and in interest bearing certificates, in each depository separately, and file such statement with the City Clerk, who

shall present the same to the City Council at its next regular meeting thereafter; and the City Clerk shall furnish a copy thereof to any local newspaper applying therefor for publication, free of charge.

**Section 32. City Treasurer Exempt from Liability.**—When the funds in the hands of the City Treasurer shall be deposited as hereinbefore provided, such Treasurer and his bondsmen shall be exempt from all liability therefor by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of any such depository to extent and amount of such funds in the hands of such depository at the time of such failure or bankruptcy. The failure of the City Council to designate depositories as herein provided shall not exempt or relieve the City Treasurer or the sureties on his official bond from any liability.

**Section 33. City Treasurer to Secure Interest.**—It is hereby made the duty of the City Treasurer to make every endeavor to secure interest on the public funds, consistent with their safe keeping, as herein provided; and to manage such funds in the interest of the city. But he shall in no case postpone or defer any payments after the same shall become due, in order to secure additional interest on such funds. At the close of each fiscal year, the City Treasurer shall make a statement of the total amount of interest on public funds received by him during the year, and such interest shall be credited to the sinking fund, current expense fund or such other funds of the city as the City Council may from time to time direct.

**Section 34. Council May Require New Bonds.**—Whenever, from the change in the financial ability of sureties, or from other causes, the City Council shall deem the bonds or securities of any depository insufficient security for the funds therein deposited or liable to be deposited by the City Treasurer, the City Council shall require a new bond or securities to be approved by the City Council, to be given by such depository, and if such depository shall fail to promptly execute and present such new bonds or securities, the City Treasurer shall at once withdraw all deposits from such depository and such depository shall cease to be a depository of city funds until it shall be reinstated as such by vote of the City Council upon the execution of such bonds, or deposit of securities, which shall be approved by the City Council.

**Section 35. Bonds to Continue in Force.**—All bonds or securities given or deposited by depositories as provided in this Chapter shall continue and remain in force so long as funds of the city or of which the City Treasurer is the custodian in any way, deposited in such depository shall be unpaid by the depository giving such bonds, or depositing such securities. And the City Council, at its second regular session in the month of March of each year, shall examine all the bonds and securities in the hands of the City Treasurer, and if any are deemed insufficient they shall require new bonds to be executed, or additional securities to be furnished, and the Council may make such examination and orders at any other time. All of such bonds or securities given or deposited by depositories under the provisions of this Chapter shall, upon being approved by the City Council, be recorded by the City Comptroller, and then deposited with the City Treasurer for safe keeping; and the record of such bonds or securities so kept by the City Comptroller, or copies thereof certified by that officer, shall be compe-

tent and prima facie evidence of the contents and tenor of such bonds and securities.

**Section 36. Fines of Bawdy Houses.**—The City Council is authorized to appropriate and set apart the whole or any portion of the fines which may be collected from keepers or inmates of houses of ill-fame, or from persons resorting to such houses, for the use and support of any institution in said city established for the care and reformation of fallen women, or for the building and maintaining of a city hospital, or said City Council may appropriate out of the current expense fund of said city a sum of money sufficient to defray the expenses of any institution in said city established for the care and reformation of fallen women, and the Bethany Home in said city is hereby designated as such an institution, established for the care and reformation of fallen women. Said sum of money shall not exceed the sum of six hundred dollars per month. (Ch. 16, Spl. 1887, p. 452).

**Section 38. Orders Paid from Current Expense Account.**—All appropriations and expenses of the city not otherwise specially provided for shall be paid out of the fund for the current expenses of the city.

**Section 39. Judgments Against City.**—No limitations or restrictions herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against said city, but in case of such judgment the City Council shall at the time of making the next annual tax levy after the rendition of such judgment levy and assess, a special tax upon all the property in the city or such ward thereof as may be responsible for the payment of such judgment, sufficient to pay such judgment. In case of failure to collect taxes or other cause, such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the current expense fund of the city, or the funds of the proper ward, as the case may be.

## CHAPTER VI.

### POLICE DEPARTMENT.

**Section 1. Powers of Mayor over Police Force—Superintendent.**—The Mayor shall be vested with all the powers of said city connected with and incident to the establishment, maintenance, appointment, removal, discipline, control and supervision of its Police Force, subject to the limitations herein contained and the provisions of the Civil Service Chapter of this Charter, and may make all needful rules and regulations for the efficiency and discipline, and promulgate and enforce general and special orders for the government of the same, and have the care and custody of all public property connected with the Police Department of the city. He shall, by and with the consent of the City Council, appoint some suitable person as Superintendent of Police, subject to removal at the pleasure of the Mayor, or for cause by a two-thirds (2-3) vote of the City Council. The Mayor shall also appoint, subject to the provisions of the Civil Service Chapter of this Charter, all members of the Police Force, including Officers, Clerks, Inspectors, Detectives, Patrolmen, Watchmen, Jailers, Teamsters, Drivers and

other employes, prescribing the title, rank and duties of each, and report a list thereof to the City Council, and the Civil Service Commission, but the total number so appointed shall in no case exceed the number of persons on the Police Department at the time this Charter takes effect, unless the City Council shall first consent thereto. Each and every person so appointed shall be subject to removal by the Mayor when he shall deem the same necessary after proper investigation in accordance with the Civil Service Chapter of this Charter. The Mayor may also, in case of riot, large public gatherings or other unusual occasions demanding the same, appoint such number of temporary police as may be needed, but not for a period of more than one (1) week, without the consent of the City Council. All Policemen so appointed shall possess all the common law and statutory powers of Constables, and any warrant for search or arrest issued by any Magistrate or Court of Record in Hennepin County may be executed in any part of said county by any member of said Police Force.

**Section 2. Buildings—Etc.—Salaries and Bonds of Policemen.**—The City Council shall provide all buildings, facilities and equipments, including station houses, lockups, offices, telegraph and telephone lines and instruments, teams, vehicles, books, blanks, stationery, badges and all other public property as may be necessary or deemed essential to the efficiency of said Police Force and Department, and shall, by resolution, fix the salary and compensation of each member of the force and provide for the payment thereof. The City Council shall also fix the amount of the bonds to be required from each officer and the conditions thereof, and pass upon the same, and when so requested by the Mayor, shall determine the maximum number of members to constitute said Police Force.

**Section 3. Special Police—Powers.**—The Mayor may at any time, at the request of any person, firm, society or organization, or several thereof, appoint special policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property at such places and within such limits as may be designated in such appointment for the term therein mentioned, but such special policemen or watchmen shall not exercise any authority or wear any badge of office outside the limits so designated.

**Section 4. Oath and Bond of Policemen.**—Before entering upon or exercising any official duty, each and every appointee under this act shall take, subscribe, and file in the office of the City Clerk an oath that he will support the constitution of the United States and of the State of Minnesota, and faithfully perform the duties of his office, under direction of the Mayor and Superintendent of Police, and shall also file a bond, in manner, form and amount, as prescribed by the City Council, with said City Clerk.

**Section 5. Penalty for Acting as Policemen Without Authority.**—If any person shall, without authority, assume to act as a Policeman, or pretend to have such power, or shall wear the badge of a policeman, or one intended to represent the same or similar thereto, without authority, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (50) dollars, and in default of the payment of the same may be imprisoned until such fine is paid, not exceeding sixty (60) days.

**CHAPTER VII.  
FIRE DEPARTMENT.**

**Section 1. Fire Limits—Wooden Buildings—When and How Prohibited.**—The City Council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of all other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, or of such materials and with such precaution against fire as the City Council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall be damaged to the extent of fifty (50) per cent. or more of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages.

**Section 2. City Council—Powers to Guard Against Fires.**—The City Council shall have power to prescribe in what manner, and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways, to compel the use of spark-arresters in all smoke-stacks connected with apparatus where light fuel is consumed, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fire-works and fire-arms. To regulate and prevent the sale, or keeping for sale or use of any fire-works, chinese crackers, rockets, torpedos or other explosive contrivances, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to have scuttles in roofs and stairs and ladders to the same and compel owners of buildings of three or more stories in height to maintain ladders or fire-escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them where they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire, or to prevent the spreading of fires, which the City Council may deem proper.

**Section 3. Fire Apparatus—Houses—Fire Alarm Telegraph.**—The City Council shall have power to keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire-alarm telegraphs and boxes and every other means of giving notice of fires.

**Section 4. Fire Department Rules—Water Pressure During Fires—Punishment of Offenders.**—The City Council shall have power and authority to make by ordinance 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 to determine the highest limit of pressure to be placed on the force used to force water through the said mains during a fire; and by such ordinance provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by such ordinance make provision to keep away from the vicinity of any fire all idlers and suspected persons, and to compel all bystanders to aid in the preservation of property exposed to danger by such fire.

**Section 5. Chief Engineer—How Appointed—Officers and Men.**—The City Council shall appoint, subject to the Civil Service chapter of this Charter, a Chief Engineer of the Fire Department and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective ranks and duties of such Chief Engineer and other officers and men and their compensation.

**Section 6. Chief Engineer to Nominate Officers and Men—Removals—Discharges, etc.**—The Chief Engineer shall with the approval of the City Council, appoint, subject to the provisions of the Civil Service Chapter of this Charter, all other officers and men connected with such department, and may at any time, as provided by Civil Service Chapter of this Charter, remove or discharge such officers or men as he may deem it for the interest of the city to discharge, and whenever the City Council shall deem it necessary to reduce the number of men employed, said Chief Engineer, shall, upon the direction of the City Council, recommend the lay off of such officers or men as can be released without impairing the working efficiency of such department.

**Section 7. Fire Marshal—Duties, etc.**—The City Council may, subject to the provisions of the Civil Service Chapter of this Charter, 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 danger from fire are not violated, and who 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 of the city 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 City Council at the first regular meeting in every month.

**Section 8. Fire Police—Duty of Regular Police.**—Whenever the City 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 fires.

**Section 9. Authority of Chief Engineer—Punishment for Refusing to Obey.**—If any person shall, at any fire, refuse to obey the orders of the Chief Engineer of the Fire Department, or other officer vested with authority at such fires, 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 said city, shall be punished by fine not exceeding fifty dollars (\$50) and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

**Section 10. Expenses—From What Funds Paid.**—All expenses of the Fire Department and all amounts paid for the purchase of fire apparatus or any property for the use of the Fire Department, or the erection of any telegraph, 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 the use of such departments may be paid for out of the permanent improvement fund of the city.

**Section 11. Wooden Sidewalks to be Prohibited.**—The City Council shall have power to prohibit the construction of wooden sidewalks within the fire limits of the city, whenever it shall deem the safety of the city requires it.

**Section 12. Fourteen Hours Limit of Duty for Firemen.**—No member of the Fire Department shall be compelled or required to be on duty more than fourteen hours in any one day, except days for changing from the day shift to the night shift, and no such member shall be subject to call, or perform any duties in said department out of his regular hours, as defined in this section.

**Section 13. Council to Adopt Measures for Enforcement of Same and Chief of Fire Department Given Extraordinary Powers in Case of Emergency.**—The City Council shall take such steps as are necessary to provide means and money to meet the expenditures which shall be necessary to establish and maintain the double platoon system. Provided, however, that the Chief of the Fire Department may establish such rules as may be necessary to insure the attendance of members of the Department in case of a great conflagration or unusual fire or fires, and in such cases, the Chief of the Fire Department may require each and every member of the Department to assist in the protection of life and property, notwithstanding said member or firemen is off duty. Provided, further, that nothing herein contained shall be construed to apply to any vacation now, or hereafter granted to any firemen by the city. In case of riot or other like emergency, the Chief of the Fire Department may appoint additional firemen and officers for temporary service, who need not be in the classified list of the Department. Such additional firemen or officers shall be employed only for the time during which the emergency exists.

## CHAPTER VIII.

### PUBLIC HIGHWAYS AND BRIDGES.

**Section 1. City Council to Control Streets.**—The City Council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys, and extend, widen and straighten any that now exist, or which may hereafter exist; also for the purpose of drainage, construction of bridges, or making other necessary public improvements, or for the improvement of the health or sanitary condition of the people of said city, to

enter upon, lower, raise, change the course of or divert any stream of water (except the Mississippi river) or any ditch or drain within the limits of said city, and may build, maintain and repair bridges across streams or railway tracks, may provide for the pavement of gutters or the roadbeds of any street or alley.

**Section 2. Street Grades.**—The City Council shall have power to establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the Council change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the City Engineer.

Whenever the grade of any street shall be established or changed by the City Council, the owner of abutting property may file with the City Clerk, within twenty days after said City Council shall so vote to establish or change the grade of any such street in front of any such abutting property, notice that he will claim damages by reason of such establishment or change of grade in front of his said abutting property, giving the description of the land and the buildings thereon, together with the amount of the value of such land and buildings, in his judgment, and the amount of the alleged damages which such establishment or change of grade will, in his judgment, cause to his said land and buildings, which notice shall be sworn to, and shall be accompanied by the certificate of the Building Inspector of said city of the value, in his judgment, of such land and buildings, and of the damages, which in his judgment, such establishment or change of grade will cause to said land and buildings, and said Building Inspector shall examine said buildings and land, and said change of grade, as so voted, and make said certificate on the request of the owner of such property. After the expiration of said twenty (20) days and within thirty (30) days after the expiration of said twenty (20) days, if said City Council shall, from the amount of damages claimed by such notices, deem it unwise to establish such grade or to make such change of grade of such street, it may reconsider the vote by which such establishment or change of grade was made, which reconsideration of such vote shall be by a majority of all the members of said City Council. But if no such reconsideration of such vote shall be had within forty (40) days after the vote of said City Council so establishing or changing the grade of said street, where damages are so claimed, or if on such reconsideration two-thirds (2-3) of the members of the Council shall again vote for such establishment or change of grade, then after the expiration of six months after the work of grading such street shall have been fully completed, said City Council shall appoint five freeholders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such abutting property and permanent buildings who have so filed such sworn notices and certificates of such Building Inspector, and to assess the amount of such damages and compensation upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of said Commissioners to make any award of damages, and they shall be notified of their appointment, and vacancies in their number shall be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of Commissioners appointed under

Section three (3) of Chapter ten (10) of this Charter.

They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the lands and buildings which it is claimed shall have been damaged by such establishment or change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay such compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer. And such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises, and may, for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the City Engineer and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose land or buildings shall have been damaged by such establishment or change of grade of such street. But if the remainder of such land or of the property on which said buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such establishment or change of grade of such street, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits. The said Commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefited by such change of grade, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if, in the judgment of said Commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed thereon and the amount of the excess of such compensation and damages aforesaid, which they shall return unassessed. Said report shall be presented by said Commissioners to the City Clerk of said city, who shall give notice by one publication in the official paper of said city that said report and assessment list will be presented to said City Council for confirmation at the next meeting or session of said Council occurring at least one week after the publication of such notice, at which meeting or at any subsequent meeting or session of said Council, the City

Council may act upon such report and hear any complaint touching any such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice, published once in the official paper of said city, meet at any time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessments and alter and revise the same as they shall deem just and again report the same to the City Council, who may thereupon confirm or annul the same, or said City Council may appoint a new Commission, with like powers, duties and obligations of the first Commission to make such assessment and awards, and to report the same to said City Council in like manner that the first Commission might do, and when the report and assessment lists are finally confirmed by the City Council, such confirmation shall make such award and assessment final and conclusive upon all parties interested. And the City Council shall proceed, at the same time or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the Commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in the form contained in section five (5) of chapter ten (10) of this Charter for opening streets in said city, or any other form which said City Council may adopt, and from which award and assessment as so confirmed by said City Council there shall be no appeal; and the City Clerk, under the instruction of the City Council, shall make and prepare all forms necessary to carry out the provisions of this section. Provided, that no award shall be greater than the amount so claimed in the sworn notice so filed by any person with said City Clerk. And provided, further, that the damages and compensation so to be awarded shall be the damages and compensation which shall be apparent at the end of said six (6) months after the final completion of the work of the grading of such street.

**Section 3. Vacation of Streets.**—The City Council may also by a vote of two-thirds of the members thereof vacate any highway, street, lane or alley, or portion of either and such power of vacating highways, streets, lanes and alleys within the City of Minneapolis is vested exclusively in said City Council, and no court or other body, or authority shall have any power to vacate any such highway, street, lane or alley, nor any plat or portion of any plat of lands within said city.

**Section 4. Street Cleaning.**—The City Council shall have power to designate districts or portions of the streets and alleys of the city, for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract on such terms as shall be deemed advisable.

**Section 5. Contract Work.**—All work done or constructions made of any kind by the said City of Minneapolis, may be done by contract awarded in such manner as the City Council of said city may deem advisable, or said City Council may, in its discretion, direct any such work or construction or any part thereof which it shall deem necessary to be made, to be done by day's

work under the direction of the said City Council, or any officers of said city whom the said City Council may designate.

Whenever said City Council shall determine to do any of said work or constructions by contract, if the amount of expenditure involved in said contract shall exceed the sum of one hundred dollars (\$100), public notice shall be given and proposals invited for the same, in such manner as the said City Council shall direct.

**Section 6. Appointment of Street Commissioners.**—The City Council shall, subject to the provisions of the Civil Service Chapter of this Charter, appoint one Street Commissioner for each ward of the city, whose term of office shall be for one year, and until his successor is appointed and qualified. It shall be the duty of such Street Commissioners to see that all streets and sidewalks under their charge which have been graded and opened for travel are kept clear from obstruction and in such repair as to be safe and passable; also, to superintend subject to the directions of the City Engineer or General Street Commissioner the grading of streets and laying of sidewalks, and to carry into effect all orders of the City Council. But no Street Commissioner shall do any work upon the streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, and unless such work is especially ordered by the City Council. The Street Commissioner shall keep accurate accounts of all their work and expenditures, and make detailed and itemized reports thereof to the City Council at least once in every two months, and oftener if ordered by the Council. And no bill for compensation to such Street Commissioner shall be allowed unless the same shall be accompanied or preceded with full and itemized reports of his work and expenditures up to the time of rendition of such bill. The several Street Commissioners of the city shall also act as Health Inspectors for said city, and shall have the same authority as police officers in enforcing the ordinances of said city for the security of public health and shall act under the direction of the Commissioner of Health of said city.

All work done by the Street Commissioners shall be subject to the approval of the Aldermen of their respective wards and the City Engineer.

The City Council may also appoint one (1) General Street Commissioner for the entire city, who shall receive and observe the instructions of the City Engineer, superintend and have general charge of the work of the Street Commissioners of the several wards, and do all other things which the City Council may require of him to do.

**Section 7. Street Commissioner Not to Furnish Materials.**—No Street Commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed compensation for use of any team, owned by himself or in which he shall have any interest, nor for any material or labor furnished by him except his personal services, nor shall he receive directly or indirectly any commission, gratuity, money, or valuable thing from any person doing work or furnishing material for any work or construction under the charge of such Street Commissioner or any other Street Commissioner or the City Engineer of the city.

**Section 8. Acceptance of Bribes.**—If any City Engineer, Street Commissioner, or any other officer of the city shall have any interest in any contract work or construction done pursuant to this Chapter, all such contracts shall be void, and all such work

done, and material furnished or supplied for the use of the city, shall be forfeited, and every such City Engineer, Street Commissioner or other officer who shall accept any gift or gratuity or any commission from any person having contracts with said city, or furnishing material or performing labor under the provisions of this Chapter, which contract, material or labor shall be under the charge or supervision of such Engineer, Commissioner or other officer, or subject to acceptance by them, or either of them, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

**Section 9. Bridges—A City Charge.**—All bridges in said city crossing the Mississippi river or any natural stream or water course in said city tributary to said river, whatever the form or material used in the construction thereof, shall, together with the guards and embankments connected therewith, and the immediate approaches thereto which form a necessary part of the same, and also all such bridges crossing railway tracks, canals and the approaches thereto or any portions thereof as shall not be chargeable to any railway company, be built, maintained and kept in repair by the city as a general city charge; all other expenses connected with the opening, grading and keeping in repair streets, lanes, alleys, highways and thoroughfares, shall be paid from taxation upon the several wards wherein such works shall be done, except where other provision is made therefor.

**Section 10. Opening of Streets—Drainage.**—Whenever the City Council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist or may hereafter exist, or for the purpose of drainage, construction of bridges or making other necessary public improvements, or for the improvement of the health or sanitary condition of the people of said city, shall determine to enter upon any tract of land and lower, raise, change the course of or divert any stream of water (except the Mississippi river) or any ditch or drain within the limits of said city, it may, for such purposes, purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property by reason of such improvement, and the expense of making such improvement, where it consists in lowering, raising, diverting or changing the course of any stream of water, ditch, or drain, by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvement shall exceed the benefits accruing therefrom to any specific property the excess of such expense shall be made a general city charge and be paid from the permanent improvement fund of the city. Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place and occupied for such purposes, without the consent of the owners of such ground.

**Section 11. Council May Order Pavements.**—The City Council is hereby authorized in its discretion to cause to be paved, repaved or macadamized any street or alley or any part thereof in the city, or any gutter along any side of any street or alley or any

portion thereof, in such manner as it may direct and to collect the expense and cost of the same by special assessment upon the property fronting upon such improvements on each side of the street, but the expense of paving or otherwise improving the crossings of such streets and of such improvements as shall be in front of the property exempt from such assessment or belonging to the city shall be paid from the permanent improvement fund of the city. No assessment shall be made for paving or macadamizing any ground occupied by railway tracks or lying between such tracks.

**Section 12. Owners to Build and Repair Sidewalks.**—It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or as shall hereafter be constructed, or directed by the City Council to be built, and of such material and width, and upon such place and grade as the City Council may by ordinance or otherwise prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Minneapolis shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land construct and fully complete such sidewalk within two weeks after the publication of such resolution as aforesaid, the City Council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way and in all things, as is provided for the collection of special assessments under the provisions of chapter ten of this Charter. And the City Council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such lands fronting on the same, and all street crossings, to be built by the proper Street Commissioner, or upon contract, or by any other person as the Council may determine.

**Section 13. Sidewalk Repairs.**—If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the proper Street Commissioner to immediately repair the same in a good substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the City Clerk; and the City Council shall once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by Street Commissioners the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in chapter ten of this Charter. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the

expense of such rebuilding, it shall be the duty of the proper Street Commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.

**Section 14. Funds for Sidewalks.**—Monies to build or repair sidewalks, when the same shall be done by the Street Commissioner under this act or in case of building by a contractor may be advanced from the permanent improvement fund, to be reimbursed by the special assessment when collected, and the expense of constructing all street crossings of sidewalks, shall be chargeable to the proper ward; and whenever any damages for injuries to any person through or by means of defective sidewalks shall be paid by the city, the money to pay the same shall be raised by taxation upon the ward wherein the injury happened.

**Section 15. Ground to be Graded.**—It shall be the duty of the City Council before ordering the construction of any new sidewalk, to cause the ground on which it is built to be properly graded.

**Section 16. Street Sprinkling.**—The City Council shall have power to sprinkle the streets, avenues and public grounds of said city, or any part thereof, and may make contracts for so sprinkling such streets, avenues, public grounds or district of said city as it may deem best, for any time not to exceed three (3) years, on such terms and conditions and for such portions of each year as it may deem best.

Water for such sprinkling shall be furnished from the city water works free of charge. The supply of such water shall be deemed the proportion of the expense for such sprinkling, for the street crossings and all parts of such streets fronting on land exempt from assessment. The whole cost of sprinkling such portion of the street shall be levied and assessed upon the lots and lands fronting upon that part of the street so sprinkled and which are subject to assessment, by an equal rate per front foot of said lots and lands. Such levy shall be made annually.

**Section 17. Obstruction of Streets.**—All persons who shall, by means of any excavations in or obstructions upon any street of said city not authorized by law or the ordinances of said city, render such street unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendants; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same and may enforce payment of the same from the other defendant and shall be entitled to execution therein against him, and to take such <sup>order</sup> proceedings as judgment creditors are entitled to take.

**Section 18. Service of Summons.**—Whenever any party is

joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant upon like evidence, and in the same manner as prescribed by general law for service by publication in other actions.

**Section 19. Action for Injuries.**—No action shall be maintained against the City of Minneapolis on account of any injuries received or loss sustained by means of any defect in the condition of any bridge, street, sidewalk, road, thoroughfare, highway, public park, public works, public grounds, or any grounds or places whatsoever, or by reason of the negligence of any of its officers, agents, servants or employes, unless such action shall be commenced not less than ten days after and within one year from the happening of the loss or injury, nor unless a written notice to the City Council of such loss or injury, stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded, and that the person injured will claim damages of the city for such loss or injury, shall have first been presented to the City Council, or filed with the City Clerk, within thirty days after the alleged loss or injury. Such notice shall not be required when the person injured or suffering loss shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street, until the same shall have been graded; nor for the insufficiency of the ground where sidewalks are usually constructed, when no sidewalk is built. The provisions of this section shall also apply when any such claim is based on the failure of the city in any of the duties assumed or imposed upon it as a master or employer.

**Section 20. Railways Not to Pile Up Snow.**—No railway company or street railway company shall have any right, in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company, or its servants, for all damages sustained. And in case any damages shall be recovered against the city for injuries caused by such obstruction, the city shall have the right to recover the same again from the company by whom the obstruction was caused.

**Section 21. City Districts—How Designated.**—The City Council shall have power to designate by ordinance or resolution such portions of the territory lying adjacent to or outside of the boundary lines of the city as it may deem proper as a city district, and may from time to time extend the limits of such district to include any territory not lying at a greater distance than three (3) miles at any point in direct line from the boundary line of said city, and within said district the City Council shall have control of the laying out of streets and alleys and the acceptance of plats of additions and the dedication of property for streets and public grounds therein, and may require that all streets and alleys laid out or donated within such district shall conform to and be continuous with the system of streets and alleys within said city, and to that end may indicate by survey and plat such streets, alleys, and arrangement and dimensions thereof as in its discretion will be best calculated to meet the wants and conveniences of said city and its surroundings or any future extension thereof.

The city districts heretofore established shall be continued until modified or extended by said City Council.

**Section 22. Council to Accept or Reject Plats.**—Whenever any person shall subdivide any lot or piece of ground within said city district he shall cause the same to be surveyed and platted in accordance with the provisions of the general statutes of the State of Minnesota, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council. All plats presented to said City Council for acceptance and approval must be drawn in triplicate on such material and of such size as the City Council may direct by ordinance. Said City Council may accept or reject said plats, or direct them to be changed or modified in such manner as it shall deem expedient. Whenever any plat is accepted and approved by said Council the City Clerk shall so certify upon one (1) of said plats, which shall be the original plat to be recorded, and certify the other two (2) to be copies of the one accepted and approved by the said City Council. The original plat and one (1) of said copies shall be presented to the Register of Deeds of Hennepin County for record and the other copy shall be filed in the office of the City Engineer. Whenever said plats shall be presented to the Register of Deeds for record, as provided by the general statutes, the original plat so certified by the City Clerk as accepted and approved by the City Council shall be filed of record as the original plat; the other shall be certified by said Register of Deeds as a true and correct copy of the original plat. The plat filed as the original shall only be open to inspection in the presence of the Register of Deeds or one (1) of his deputies. The certified copy shall always be open to the inspection of the public during business hours. All the provisions of the general statutes, in respect to the manner of filing town plats, shall be applicable to said city or city districts, but said Register of Deeds shall exhibit to any person, free of cost, such original plat on request of any person.

**Section 23. Liability of City in City District.**—The acceptance of such plat or addition of any ground either within or outside the limits of said city shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of any such street, until the City Council shall direct and cause the same to be graded and opened for travel.

**Section 24. Contracts not to be Awarded to Persons in Default.**—Neither the City Council nor any officer or board of said city shall entertain any bid from or let any contract to any person, firm or corporation who is in default to the City of Minneapolis or any department thereof, on any contract or bond, or in any other way, whether said bid or contract be for doing anything or furnishing any material, under this Chapter or any other provision of this Charter.

CHAPTER IX.  
WATER WORKS.

**Section 1. Council to Maintain Water Works and Sewers.**—The City Council shall have power to maintain the water works and sewers now established in said city and to enlarge, extend and relay and improve the same; and shall require, before any street is paved, that the gas, water and sewer pipes be laid therein and connection made with the front line of each lot, and in all cases where any mains have been or are hereafter to be laid, whether the street on which the same are laid is to be paved or not, the Council shall require connection with such mains to be made to the front line of each lot abutting thereon. In the business portions of the city the word "lot" shall be construed to mean a subdivision of twenty-two (22) feet front.

**Section 2. Extension of Water Works and Sewers.**—Whenever in the enlargement or extension of water works or sewers, it shall in the judgment of the City Council be necessary to take any private property, consisting either of land, buildings, water power, or other private property, the City Council shall have power to acquire the same by purchase, or by condemnation, in the manner provided in chapter ten (10) of this Charter, and in such cases of condemnation, as well as purchase, a full title in fee simple for the property acquired shall vest in said city.

Provided, however, That in case of the purchase or condemnation of private property for laying sewers or water mains, where said City Council may deem it best only to obtain the right to lay and maintain said sewers or water mains over, across or through private property, said City Council may either purchase or condemn the right simply to lay, construct and maintain said mains and sewers and the necessary appendages thereto, over, across or through any private property, giving to the owner thereof the right to the use of the surface of said land, except at such times and such places as said City Council, or the proper board, officer or department of the city government of the City of Minneapolis may find necessary to enter upon, dig into or disturb said surface, for the purpose of laying, relaying, constructing, or reconstructing or repairing any such water mains or sewer pipe; and the deed of purchase in such case, or the judgment of the court in the case of condemnation shall define the rights of said city, and its proper boards, officers, agents or said City Council as well as the land owner therein.

**Section 3. Assessment for Water Mains.**—Whenever water mains shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the City Council shall have the power, and it shall be its duty, to levy and collect by special assessment, such portion of the cost or expense thereof as shall not exceed the estimated cost of laying a six-inch main (including pipe hydrants, valves and all necessary specials) by a special assessment upon the property on both sides of such street or alley fronting upon such improvement of an equal sum per front foot without regard to cash valuation. The cost not provided for by such assessment, including the increased cost of larger mains, and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property

which is by law exempt from such assessment, shall be paid out of the water works fund hereinafter provided for.

**Section 4. Assessment for Sewers.**—The City Council may in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer, through any street in said city, and levy and assess, and collect the cost thereof, not exceeding the estimated cost of a sewer two feet in diameter, including all necessary catch basins, manholes, lampholes, and flushing valves, by a special assessment upon the property on both sides of such street and abutting upon such improvement, of an equal sum per front foot without regard to a cash valuation. The cost not provided for 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 said city. A sewer two feet in diameter is hereby declared to be an ordinary street sewer within the meaning of this act, for the drainage of abutting property.

**Section 5. Branch Pipes and Sewers.**—The City Council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private.

The City Council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets or for any other reason, determine in the case of each main line, or of any specified portion of a main line, the location, number and manner of construction, of such branch lines, providing in its discretion one (1) or more for each distinct lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land—may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the office of the City Engineer, and may thereupon whether such main line has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by the private parties interested, from a connection with the main line to the line of the street. Whenever the City Council constructs one or more such branch pipes or sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or frontage of such lot or parcel of land, but in case one (1) branch is to serve two (2) or more lots or parcels of land, it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it, an equal sum per front foot without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in manner substantially like the way pointed out by section eight (8) chapter ten (10) of this Charter, for the improvements therein specified, with such variances in the matters to be reported, and in the other details as shall be suggested by the different character of the improvement; or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings, in which case the actual cost of construction, certified to by the City Engineer, and approved by the City Council shall be assessed, after the completion of the same, against

the private property as above specified. In either case the assessment shall be made and collected substantially as provided in case of other improvements. The City Council may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above named the whole cost thereof, and add the same to, and include it with the assessment for the main line.

The City Council, may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes both water and gas, and branch sewers to a connection with other branches, and also to be laid therein inclosed in tubes or otherwise sufficiently protected, any and all electric and other wires it may at any time require laid beneath the surface of the street. And in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others in the manner and for the purposes above named; and to place therein any hydrant or other part of the water works of said city.

**Section 6. Drainage of Marshes, Etc.**—Whenever any sewer of said city shall be extended to or in the vicinity of any tract of wet or marshy land either within or without the limits of said city, and the City 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 City Council may by resolution therefor direct the commencement of proceedings against the owner or owners of such wet or marshy land, and thereupon said city shall have the right to maintain in the District Court of the County of Hennepin, 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 awards 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 said 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, which lien shall have priority over every other lien or charge upon such parcel, and such judgment may be enforced only against such specific property. If upon the making of such award by said court the City 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.

And whenever the City Council shall determine that any wet or marshy district in said city needs to be drained, for the public health of the city or for other public benefit, then the said City Council may cause to be devised and carried into construction and effect a system of drainage for such wet and marshy district, by sewers or covered drains made of wood, stone, brick, or other material, or partly of one (1) material and partly of other materials, as said City Council shall determine; or by open ditches or canals, where the same will best effect said drainage; or partly of sewers or covered drains, and partly of open ditches or canals. And said City Council may cause the cost of such system of sewers, covered drains, ditches, or canals to be paid by special assessment, to be made upon all the real property within such wet or marshy district, including any high land within or adjoining the same which shall be benefited by said system of drainage, on the assessed value of each parcel of real property so benefited. Said system of drainage for any such wet or marshy district may be constructed at one (1) time or during one (1) year, or at different times in different years, and in different parts or sections. And in case different parts of any such system of drainage shall be constructed during different years, said City Council shall first (1) as near as practicable, cause to be constructed the principal or main sewers, covered drains, ditches, or canals, and afterwards branch or lateral sewers, covered drains, ditches or canals; and in levying the special assessment for the cost of such system, or any portion thereof, it shall levy the special assessment for the principal or main sewer, covered drains, ditches, or canals, and also the cost of the branch or lateral sewers, covered drains, ditches, or canals belonging to the same system of said drainage upon all the real property so to be benefited by such system, whether the same shall be constructed in one (1) year, or whether parts of said system shall be constructed in different years.

**Section 7. City Council to Have Charge of Construction, Maintenance, Repairing and Management of Water Works.**—The City Council shall have charge of the construction, maintenance, repair and management of everything pertaining to the water works of said city, and of all new constructions, additions and alterations, whether of pump houses, mains, hydrants or other constructions, appliances or machinery connected with said water works, and shall have the supervision and direction of the working and operation of the same; and shall make and execute all contracts for the construction, alteration and repair of pump houses and of all machinery and appliances connected therewith, and for the laying, relaying and construction of water mains and putting in of hydrants and other appliances connected therewith; and for the purchase of all material necessary to be used about said water works, and all extensions thereof, and have the charge, care and supervision of the execution of all such contracts. The City Council shall also appoint, subject to the provisions of the Civil Service chapter of this Charter, all officers and employes that may be necessary for the successful operation and management of said water works, and to designate and fix the compensation of the persons so appointed or employed, and may remove such persons in accordance with the provisions of the Civil Service chapter of this Charter.

**Section 8. Water Works Fund.**—The City Treasurer shall collect and receive all monies payable for water rents; and all other

moneys payable to or received into the city treasury to the credit of the water works. All such moneys, together with all moneys which may accrue from any bonds issued by said city for water works purposes and moneys which may be appropriated by the City Council for like purposes shall by the City Treasurer be kept in a special fund called the "Water Works Fund," and shall only be paid out upon order of the City Council, or in payment of bonds of said city or coupons in cases where such bonds have been or may be issued on account of or for the construction, alteration or extension of such water works, all of which bonds and coupons may be paid from said water works fund.

**Section 9. Duties of City Comptroller.**—The City Comptroller shall keep regular books of account of the water works, in which he shall enter all indebtedness of the city incurred for said water works, and which shall at all times show the precise financial condition of the city in respect to said water works, the amount of outstanding bonds, orders or other evidence of indebtedness issued or incurred by the city for said water works, and the redemption of the same when redeemed; and he shall countersign all bonds, orders or other evidence of indebtedness issued or incurred by the city for said water works, and keep an exact account thereof, showing to whom and for what purpose issued and the amount of each and all monies received or paid out by the City Treasurer on account of said water works. All claims allowed by the City Council pertaining to the water works shall before they are paid, be audited by the City Comptroller.

**Section 10. City Council to Provide Office Space, Etc.**—The City Council shall provide and furnish, suitable desks, furniture and fixtures and suitable room and office space convenient to or in the City Hall building of said city for the use of said water works.

**Section 11. City Council to Order Water Mains.**—The City Council shall have the right to determine and direct as to the size and quality of all water mains which shall be laid in said city, and all other things pertaining thereto. All special assessments levied upon abutting property for the laying of water mains, shall when and as fast as collected be credited to said water works fund, and said City Council shall proceed to lay mains in advance of the collection of special assessments thereof, whenever there shall be sufficient moneys in said fund in excess of other necessary or estimated demands thereon to enable advances to be made from such fund. No contract negotiated by the City Council shall be binding upon said city until the same shall be countersigned by the Comptroller; subject to the same rules respecting the possession of funds to meet such contracts as in case of other contracts entered into in behalf of said city; but the City Council shall have the right to make such contract for anything pertaining to said water works of said city in anticipation of the sale of any bonds which said city shall have been authorized to sell, the avails of ~~the sale of said bonds to be set apart to the credit of the water works fund of said city.~~ ~~which are required by the act of the Legislature authorizing the sale of said bonds~~ to be set apart to the credit of the water works fund of said city.

**Section 12. Pump House Repairs.**—If it shall be necessary to make repairs, additions or alterations in any pump house or machinery or water mains, when there shall not be sufficient money in said water works fund to defray the costs thereof, the City

Council may appropriate from the general fund of said city to said water works fund, sufficient money to insure repairs.

**Section 13. Expense of Pump House, Etc.**—All expenses of keeping up and operating said water works, and of constructing, enlarging, altering and keeping in repair pump houses, machinery, hydrants, and laying of water mains, and everything connected with said water works, shall, except so far as the cost of laying water mains, be raised by special assessments upon abutting property, be paid from said water works fund, and any excess of such special assessments shall belong to said water works fund.

**Section 14. Water Rates.**—The City Council shall fix from time to time the rates to be paid by the owner, lessee or occupant for each house, building or place, or any part of the same, in or at which water from said water works may be used, upon such basis as they may deem equitable and the time when the same shall be made payable. The City Council shall have the power to make and enforce such rules and regulations as may be necessary to carry into effect the object and intent of this chapter, and to protect the property, interest and rights of said city; and may make all necessary rules and regulations concerning the tapping of any mains or branches, or making connections therewith, by any private parties or licensed plumbers, and the City Council may revoke the license of any plumber licensed by said city who has disregarded said rules and regulations regarding the tapping of any said mains or branches, or making connections therewith. The City Council may also make rules for the shutting off of water from any premises where rates are payable and remain unpaid; and shall have the right to furnish water free to any public building, association or institution.

**Section 15. Owners of Property Responsible for Rents.**—The owner of private property which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the City of Minneapolis for the rents or rates of all water from said water works used upon such premises; which may be recovered in an action against such owner, lessee or occupant, or against any or all of them. The City Council may provide by ordinance for the punishment of all injuries to or unauthorized interference with said water works or anything connected therewith.

**Section 16. Damage to Water Works or Property.**—Any person who shall, without authority from the City Council, wilfully break, remove or in any way injure or damage any main, branch water pipes, intake pipes, aqueduct, dam, bulkhead, gate, gate house, conduit, air vent, air box, air box cover, main pipe or cover, hydrant, or any part of the machinery or property of the water works of said city; or who shall fill up or partially fill up any excavation, or raise or open any gate, break down or force open any doors of said works, or who shall perforate or bore, or caused to be perforated or bored, any main, distributing pipe, branch pipe, aqueduct or pipes, or cause to be made any connections or communications with any such main, distributing pipe, branch pipe, aqueduct or pipes, or who shall put into or cause to be put into or permit or cause to run into Bassett's creek or the Mississippi river anywhere in the city limits of said city above the falls of St. Anthony, or the Mississippi river within three (3) miles above the north line of said city, or into any reservoir, pipe, main, acque-



duct, intake pipe, vat or other place for collecting water for said water works, any garbage, foul or unhealthy stuff, manure, privy vault deposit, or carcass of any dead animal, or to do any act to pollute the water in said Bassett's creek or said river, at the above named places, on conviction thereof shall be punished by imprisonment of not more than ninety (90) days, or by a fine of not more than one hundred (100) dollars. The Municipal Court of said city shall have jurisdiction of all offenses under this act. *Colapinto*

**CHAPTER X.**  
**LOCAL IMPROVEMENTS—ASSESSMENTS.**

**Section 1. Grounds for Public Improvements.**—Whenever the City Council shall consider it necessary to procure grounds for any public grounds, engine-houses, markets, or public buildings, or for water works, or any water-power for water works, or the right to take from any dam or pond, reservoir or other part or portion of the waters of the Mississippi river, whether the same be private or public property or rights, any and all water necessary or convenient for the purpose of being forced through the conduits, aqueducts, mains, pipes or branch pipes in the City of Minneapolis, or through any part thereof, for the benefit and use of the inhabitants and people residing at or being in the City of Minneapolis, and for the use of said city; or the right to lay intake pipes from any pump station in the City of Minneapolis belonging to said water works, through any mill dam, mill pond, whether above, through or below water, or through the bed or bottom of any such mill dam or mill pond, or through any private real estate, whether the same be water or land, or interests in any water power or water reservoir, and to land and maintain said intake pipe or pipes, and to construct the necessary cribs and other protections of every kind necessary to lay or to protect any such intake pipe or pipes, anywhere in the Mississippi river, or the islands therein or land adjoining thereto; and the right to construct dams and reservoirs, and wing dams, anywhere in said river, whether within or above other dams, ponds or reservoirs, the City Council shall appoint a committee of not less than three of its members, who, together with the City Engineer, shall make examination and propose to the City Council a location and description of land suitable for such public grounds, engine houses, market, or other public building, or for water works as the case may be, and if for water works, the amount of water power deemed necessary to be taken and appropriated, and the most convenient manner of taking and using the same, and present to the City Council a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what canals, tunnels, buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the Council, and such committee may present for the consideration of the Council more than one location and plat.

**Section 2. City Clerk to Give Notice of Action on Report.**—Such committee shall file their report with the City Clerk of said city, who shall give notice by publication twice in the official paper in said city, that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the City Council for action thereon at a meeting of said

Council, to be named in such notice, which shall be the regular meeting of said Council which shall occur after one week from the second publication of such notice. At the meeting named in said notice, the City Clerk shall next after the reading of minutes of previous meeting, present such report, and the matter may be acted upon by the Council at the same or any subsequent meeting. The Council, under such rules as it may prescribe, may hear any person interested in the matter, or refer the matter to a committee to hear such persons and report.

**Section 3. Plat and Survey.**—Whenever the City Council shall determine upon the land, water power and other property to be taken and appropriated, it shall designate the same as nearly as may be convenient, and shall cause such plat or survey as may be necessary to show or explain the same, to be made and filed therewith with the City Clerk, and the City Council shall then or afterwards appoint five Commissioners, who shall be freeholders of said city, and no two of whom shall reside in the same ward, to view the lands, water power or other premises to be taken and appropriated and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken and appropriated.

Three or more of such Commissioners shall constitute a quorum and be competent to do any act required of such Commissioners. They shall be notified by the City Clerk, by notice to be served on them severally, either personally or through the mail, to attend at his office on or before a day fixed by him, not less than two days after the service or mailing of such notice, to qualify and enter upon their duties; and if any Commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the City of Minneapolis the sum of fifty dollars (\$50), to be recovered to the use of said city in a civil action in the Municipal Court; and in case a quorum of such Commissioners shall not so attend at the time and place designated in said notice, the Mayor or Acting Mayor of said city may, in writing, appoint one or more Commissioners in the stead of any such absentees. The Commissioners shall be sworn by the 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 City Council.

They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in such notice on or near the premises proposed to be taken and appropriated, and view the property proposed to be taken and appropriated, and ascertain and award therefor compensation and damages, and that they will there and then hear such allegation and proofs as interested persons may offer. Such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises may, for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city, and such Commissioners shall make a true and impartial appraisement and award of the compensation and damage to be paid to each person whose property is to be taken or appropriated, and report the same to the City Council, and such award shall lie over until the next regular meeting of the Council, which shall occur at least one week after the reception of such award, at which or at any subsequent time the

City Council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objection and report thereon.

The Council may confirm such award or annul the same, or send the same back to the same or a new Board of Commissioners for further consideration, and such Commissioners may in such case, again on giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which shall be at least two days after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time and correct any mistakes in such award, and revise and alter the same as they may deem just, and again report such award to the City Council, who may confirm or annul the same. When any such award shall be confirmed by the City Council, the same shall be final and conclusive upon all parties interested, except as herein-after provided.

**Section 4. Bonds, Abstract of Title, Compensation.**—Whenever an award of compensation and damages shall be confirmed by the City Council, and not appealed from, and whenever the same when appealed from shall not be set aside by the Court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the City Council shall thereupon cause to be paid from the permanent improvement fund of said city to the owners of such property the amount awarded to each severally. In case such payment is not made within one year after the confirmation of the award, or the determination of the appeal thereupon, the proceedings shall be deemed to be abandoned.

Before payment of such award the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damages claimed. In case of neglect to furnish such abstract, or there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the City Council appropriated and set apart in the City Treasury for whoever shall show clear right to receive the same. The City Council may in its discretion require of such claimant a bond with good and sufficient sureties conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded and all loss, costs or expenses on account of such claim.

Provided, That whenever the City Attorney shall certify in writing to the City Council, that he is in doubt to whom the said award shall be paid, said City Council may order a warrant to be drawn for the same payable to the Clerk of the District Court of Hennepin County, and the City Clerk shall deliver the same to said Clerk of the Court, and take his receipt for the same; which deposit with said Clerk of the Court shall have the same effect as if set aside in the City Treasury, as hereinbefore provided, and in which case the parties entitled to the same shall establish their right to the same by a petition to the said District Court, setting up the facts entitling them thereto, and by proving the same to the satisfaction of the Court, and when so established the Court shall make an order directing to whom the same shall be paid.

Upon the payment of said award or appropriation, or the setting apart of the money in the City Treasury to pay the same as

aforesaid, the city shall become vested with the title to the property taken and condemned absolutely for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use provided for in this Chapter.

**Section 5. Street Improvements.**—Whenever the City Council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now or hereafter exist, or to lower, raise, change the course of, or divert any stream of water, or any ditch or drain, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the City Engineer to make and present to the Council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the Engineer can readily ascertain the same, and such statement as may in the opinion of the Engineer be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, and the City Council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain.

When such plat and survey shall be finally adopted by the City Council, it shall be filed with the City Clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the City Council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvement.

The City Council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more of such Commissioners shall constitute a quorum and be competent to perform any duty required of such Commissioners; and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of Commissioners appointed under section three of this Chapter. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the City Clerk, for the examination

of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage and the cost of making the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, and that they will then and there hear such allegations and proof as interested persons may offer. And such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the City Engineer and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits.

The said Commissioners shall then assess the amount of such compensation and damages so awarded, upon the land and property benefited by such proposed improvements, together with the expense and cost of making the improvements as fixed upon by the City Council, if such improvements consist in so lowering, raising, changing the course of or diverting any stream of water, ditch, or drain in said city, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if in the judgment of said Commissioners the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation, damages and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed.

Said Commissioners shall, upon the completion of their said

report, file the same with the City Clerk for presentation by him to the City Council, and thereupon it shall be the duty of said City Clerk to give notice to all interested parties by one (1) publication in the official paper of said city that he will at the next meeting of the City Council, or as soon thereafter as practicable, present such report to said Council for their consideration and action, which said notice shall be published at least five (5) days before the presentation of such report to said City Council; such published notice shall contain descriptions of the several lots and parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, so nearly as they can be readily ascertained. It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report after its presentation to the Council shall lie over until the next regular meeting of the Council, which shall occur at least one week after the reception thereof, at which time, or at any meeting, the City Council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or annul the same, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the City Council, who may thereupon confirm or annul the same. Whenever the City Council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the City Council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of lands described in the assessment list reported by the Commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement, and in and about the....., as shown on the plat and survey of the same on file in the office of the City Clerk of said city. This levy is made conformably to the report and assessment of Commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of Owner, if known	Description of Land	Lot	Block	Amount	
				Dollars	Cts.

Done at a meeting of the City Council this.....  
day of.....A. D. 19.....

.....  
President of the Council.

Attest:

.....  
City Clerk.

Section 6.—Any person whose property is proposed to be taken, interfered with or assessed for benefits under any of the provisions of this Chapter, and who deems that there is any irregularity in the proceedings of the Council or action of the Commissioners, by reason of which the award of the Commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the City Council, file with the City Clerk, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the City Council shall confirm the award or assessment, such person so objecting shall have the right to appeal from such order of confirmation of the City Council, to the District Court of the County of Hennepin, at any time within ten days after such order. Such appeal shall be made by serving a written notice of such appeal upon the City Clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and by also delivering to said City Clerk a bond to the city, of sureties, who shall justify in the penal sum of fifty dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the City Clerk shall make out and transmit to the Clerk of said District Court a copy of the award of said Commissioners, as confirmed by the Council, and of the order of the Council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said City Clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the Clerk in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objection. 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 days' 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 only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits, and described in said written objection. From such determination no appeal or writ of error shall lie.

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 said city, Commissioners, to reappraise such damage 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 Chapter made for the government of Commissioners appointed by said City Council. They shall, after such hearing and view of the premises, make report to said Court of their appraisal of damages or assessments 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 same Commissioners or appoint a new board, as it shall deem best; but no appeal or writ of error shall be allowed from any order of the Court in the premises. Said Court shall allow a reasonable compensation to such Commissioners for their services, and make such award of costs on such appeal, including compensation of such Commissioners as it shall deem just in the premises.

In case the Court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant.

Section 7. Council May Abandon Proceedings—Limitations.—The City Council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this Chapter, or at any time within ninety (90) days after the final order of the Court, on any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so, which right to so abandon such proceedings within ninety (90) days after the final order shall apply to all proceedings now pending in which the City of Minneapolis has not yet paid for or obtained title to any property condemned by said proceedings for public use.

Section 8. Pavements, Water Mains, Sewers, Etc.—Whenever the City Council shall determine to cause to be paved, repaved or macadamized any street, lane or alley in said city, or any gutter or gutters along any such street, lane or alley or to lay, re-lay or extend any water mains or sewer pipes in or through such streets,

Proceeding by the appellant or by some one on his behalf with her

lanes or alleys or any portion thereof, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein, and thereupon it shall be the duty of the City Engineer to make and present to the City Council an estimate of the cost of such improvements, stating therein the proportion of such estimated cost which will be required to construct such improvements in front of abutting lands, which cost shall not in any case of water mains exceed the cost of a six-inch pipe, and in case of sewers shall not exceed the cost of an ordinary street sewer two feet in diameter in front of such abutting lands, and the proportion thereof required to construct the same across the street, lanes and alleys, and in front of lands not subject to assessment, and also the excess of cost in case of water mains and sewers over and above the cost of such six-inch pipe or ordinary sewer, also a list of the several lots and parcels of land fronting upon such proposed improvements with number of feet front of each extending along such improvements, and the names of the owners of the several parcels as nearly as the City Engineer can readily ascertain the same; a brief minute of the reception of such report shall be made and published in the record of the proceedings of the City Council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the City Council which shall occur at least one week after the reception of such report; but the City Council in its discretion may direct the City Engineer to advertise for and receive in the meantime bids for doing the work and furnishing the material required to construct and complete such improvement, and report the same to the Council at the meeting of the City Council to which such report is laid over, or at any subsequent meeting; the City Council may consider such estimate and list, and any further communications from the City Engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements, who may desire to be heard and the City Council may adhere to its resolution for making such improvements, or may modify the character of the same, or abandon it. If the City Council shall determine to go on with such improvements, whether modified or not, it may, either before or after having contracted for the construction of such improvements, estimate and fix upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement, not exceeding in case of sewer, the cost of an ordinary street sewer two feet in diameter when larger sewers are constructed, and in case of water mains not exceeding the cost of laying a six-inch pipe where a larger pipe shall be laid opposite to or in front of the lots and parcels of land described in the list so made by said City Engineer, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvement; and the City Council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following, or any other form which the City Council may deem proper:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. The assessment is levied to defray the expenses of .....in the City of Minneapolis along

.....and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement;

Name of Owner, if known	Description of Land	Lot	Block	Amount	
				Dollars	Cts.

Done at a meeting of the City Council this..... day of.....A. D. 19.....

Attest:

.....  
President of the Council.

.....  
City Clerk.

**Section 9. Discretion as to Corner Lots.**—The City Council may, in its discretion, in case where any lot fronting on two streets has been previously assessed and the assessment paid for laying any water main or sewer pipe upon a different street from the one through which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment, not exceeding the amount of assessment for a frontage of sixty-six feet on such lot, as it may deem just under all the circumstances of the case, but the discretion of the City Council in such manner shall be final, and the refusal or failure of said Council to make such remission shall not be ground for setting aside such assessment in any court or proceeding.

**Section 10. Neglect to Build Sidewalks.**—Whenever the City Council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two weeks neglect to construct the same according to the order of the City Council, the City Engineer shall report to the City Council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels, such estimates shall not be binding upon the City Council, but advisory merely, and the Council may obtain any other information as to such cost, and the Council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land, and thereupon the City Council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any) along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the City Council may adopt:

The City Council of the City of Minneapolis doth hereby assess

and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of..... from a sidewalk along the.....side of.....from .....to....., in accordance with the resolution of the City Council, passed the.....day of..... A.D. 19....., and duly published in the official paper of said city on the.....day of.....A. D. 19..... The amount assessed against and levied against each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same parcel of land.

Name of Owner, if known	Description of Land	Lot	Block	Amount	
				Dollars	Cts.

Done at a meeting of the City Council this..... day of.....A. D. 19.....

.....  
President of the Council.

Attest:

.....  
City Clerk.

**Section 11. Repairs of Sidewalks.**—Assessments for repairs of sidewalks, may be in the following form, or any form which the City Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. The assessment is made to defray the cost of repairs of sidewalks fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper Street Commissioners since the..... day of.....A. D. 19..... The amount assessed against and levied upon each of said lots and parcels of land, is the actual cost of repairs of sidewalks abutting upon such lot or parcel, and so repaired by such Commissioners.

Name of Owner, if known	Description of Land	Lot	Block	Amount	
				Dollars	Cts.

Done at a meeting of the City Council this..... day of.....A. D. 19.....

.....  
President of the Council.

Attest:

.....  
City Clerk.

**Section 12. Sprinkling Streets.**—Assessments for sprinkling streets may be in the following form or any other form which the City Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expenses of sprinkling the streets fronting the said lots and parcels of land, from.....A. D. 19....., to.....A. D. 19....., and said lots and parcels of land, are assessed by an equal rate per front foot of said lots and lands fronting on the portion of the streets so sprinkled.

Name of Owner, if known	Description of Land	Lot	Block	Amount	
				Dollars	Cts.

Done at a meeting of the City Council this..... day of.....A. D. 19.....

.....  
President of the Council.

Attest:

.....  
City Clerk.

**Section 13. Proceedings When Award Annulled.**—Whenever any portion of any award made by Commissioners and confirmed by the Council, under the provisions of Sections 3 and 5 of this Chapter, shall be annulled by the Court upon appeal, as herein before provided, for, the City Council may again appoint Commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had so far as applicable as is prescribed in said Section three (3) and five (5), except as such Commissioners shall make no new assessments of costs and expenses. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and off-set any benefits which in their judgment the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report

their award to the City Council, whereupon the same proceedings may be had as far as applicable as upon an original award, and if such award shall again, upon appeal, be annulled by the Court, still another Commission may be appointed and award made in the same manner, and so on, until a valid award shall be made, but no new assessment for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages, and any sum which may be lacking to pay the awards shall be paid from the permanent improvement fund.

**Section 14. Proceedings When Assessment Annulled.**—If any special assessment heretofore or hereafter made by the City Council, or under its direction, to defray the expenses of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any Court, or if the City Council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the City Council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the City Council shall anew, or hereafter complete and determine upon the cost of making such improvement in a gross amount, upon such data as to it shall seem sufficient, not exceeding, in the case of water mains, the cost of laying a six-inch pipe when a larger pipe was used; and the City Council may then proceed to cause a new assessment of the cost of such local improvement to be made, either on the property fronting upon such improvement, or on the property benefited by such improvements according to the character of such improvements, following as near as may be the provisions of the City Charter in force at the time of making such improvement in determining the property to be assessed and the former manner of proceedings subsequent to determination of the cost of the improvement, and in case such second assessment shall be annulled the City Council may proceed to make other assessment until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where such Court shall determine that the lots of land are not subject to assessment.

After such new assessment roll shall have been completed the City Clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment," which shall cancel such assessment on that parcel.

**Section 15. Assessment Rolls.**—The City Clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall, on or before the first day of October of every year, deliver to the County Auditor of said County of Hennepin all such assessment rolls not theretofore delivered, and the said County Auditor shall extend the assessments in proper column against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payments thereof enforced, and such assessments when collected shall be paid over by the County Treasurer to the City Treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the City Treasurer.

Provided, That the City Council may, by resolution, direct the County Auditor of Hennepin County, to cancel, on any record, where the same appears, any special assessments theretofore as-

essed and levied by said City Council, whether because the same be irregular or erroneous, or because the improvement, for the cost of which said special assessment shall have been assessed and levied, shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied, and in any such case of the cancellation of any such special assessment the Auditor shall make the necessary credits of the amounts of such special assessment so canceled on the proper books and to the proper officers; and said City Council may provide by ordinance or resolution that the certificate of the City Engineer or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said County Auditor, shall be sufficient authority for said Auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for authority in that case for the said Auditor to so make said proper credits. And said Council may also provide by ordinance that the County Treasurer shall receive in lieu of money in payment and satisfaction of such special assessments said certificates of the City Engineer or other city officer named by said ordinance for that purpose, that any such improvement for which a special assessment has been made, has been so constructed by the owner or other person. Said City Council may also direct, by resolution or motion, the said County Auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

Provided, That when the total cost of any improvement, for which special assessments have been assessed and levied, shall be less than the total special assessments assessed levied and collected for the same, said City Council may except as in this Charter otherwise provided, refund out of the permanent improvement fund to the owners of the real estate against which said special assessments have been made, who have paid the same, their proportionate share of the excess of such special assessments so collected over the total cost of such improvements. And provided also, That after any improvement has been ordered and the special assessments for the cost thereof has been assessed and levied, any person or persons desirous of having such improvement constructed before the collection of such special assessment, and such person or persons shall advance the cost of such improvement and pay the same to the City Treasurer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; that said City Council may cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

**Section 16. Irregularities not to Affect Validity of Assessments.**—No omission informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the City Council. And the assessment roll, and the record thereof kept by the City Clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment

roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this Charter. And no failure of the City Clerk to record the assessment roll, or to deliver the same to the County Auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

**Section 17. Invalid Assessment.**—In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the City Council may in its discretion, notify the County Auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment, which shall have been adjudged invalid; and the City Clerk, before delivering such new assessment to the County Auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

**Section 18. Deficiency Paid from Ward Funds.**—No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the fund of the ward or wards wherein such improvement shall be made, except that in the case of water mains and sewers, such balance shall be paid from the permanent improvement fund; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this chapter.

**Section 19. Two-thirds of Council to Order Improvement.**—It shall require a two-thirds vote of the members elect of the City Council to determine in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority vote shall suffice. But this restriction shall not apply to any subsequent act of the Council touching such improvement, or the special assessment to provide means therefor.

**Section 20. Improvements Made by Contract or City.**—Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material, or in any other manner in which the

City Council may deem proper in each particular case. And the City Council may in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made before determining and fixing upon the cost and expense of such improvement and appointing Commissioners to make the assessment.

**Section 21. Council May Await Collection.**—The City Council may, at the time of ordering any improvement for which any assessment may be made determine whether to proceed at once with such improvement or await the collection of such assessment.

**Section 22. Special Assessment Funds to be Kept Separate.**—In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from the funds of the city and not devoted to any other purpose than for such improvement.

**Section 23. Assessments May be Paid to City Treasurer.**—After any special assessment roll shall have been adopted by the City Council and before the same shall be delivered to the County Auditor for collection, any assessment thereon may be paid direct to the City Treasurer of said city; and upon the production of the City Treasurer's receipt therefor to the City Clerk, he shall enter upon such assessment roll, opposite the assessment ~~so paid~~, the words, "Paid to City Treasurer," which entry shall cancel the assessment so paid.

In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

**Section 24. Prior Assessments not Affected.**—Nothing herein shall interrupt or interfere with any assessments which have been heretofore made, but the collection thereof shall go on according to the provisions of the Charter of said city in force at the time of making such assessments.

**Section 25. Assessment Lien to Have Priority.**—No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, for any tax or for any improvements chargeable to or assessed against the property under this Charter, although the confirmation of such assessment may be subsequent to the lien of such judgment decree or other lien or to such transfer or mortgage.

**Section 26. Improvements to be Ordered—When.**—No improvement, the cost of which is required to be made by special assessments, shall be ordered in any year later than the twentieth (20th) day of August of that year.

**Section 27. County Auditor to Divide Assessments.**—Whenever the City Council shall have adopted any assessment roll whereby it shall assess and levy any special assessment against the lots and parcels of land abutting on any street, avenue, alley or other public ground, in the City of Minneapolis, for the purpose of paying the cost of paving, repairing or macadamizing any street, lane or alley in said city, or any gutter or gutters along any such street, lane or alley, or for the purpose of laying or re-laying any curbstone along any such street, lane or alley (but not including the sidewalk proper on any such street, lane or alley) or to lay,



re-lay or extend any sewer pipes in or through any such street, lane or alley or other public grounds or any portion thereof, and when such assessment roll shall have been delivered to the County Auditor of the County of Hennepin, as required in this Chapter, said County Auditor shall divide each assessment for any such paving, re-paving or macadamizing, or for any such curb or gutter stone or stones, or for laying, re-laying or extending any such sewer pipes or sewers, into five (5) equal parts as nearly as the same can be divided, and shall in proper books to be provided and kept by said Auditor of said Hennepin County, extend the same in proper columns in such manner that said assessment shall extend over five (5) successive years succeeding to the year in which said assessments shall have been so ordered, that is to say: Said assessments are to be paid in five (5) equal annual installments, with interest to be paid annually on each one (1) of said installments after the first (1st) installment, at the rate of five (5) per centum per annum, and the owner or owners or other person whose duty or right it may be to pay such special assessments shall have the right to either pay the same at any time after the first (1st) year's installment becomes due, or they may pay the same in said five (5) annual installments with interest on each one of said deferred installments to be paid annually at the time of paying the installment due each year; and the Auditor of said Hennepin County shall at the time of so extending said special assessment on the tax list in such parallel columns for each year's installment, add to the amount of each installment for each year after the first (1st) installment, interest on each installment remaining unpaid at said rate of five (5) per centum per annum on the whole of such unpaid installments, and said interest on the whole of said installments shall be paid each year at the same time and in the same manner that said installments are to be paid.

Said Auditor shall so keep books that the Treasurer of said county can and shall at the times of the proper settlements with said City of Minneapolis, or with its proper City Treasurer, or other officers, report the amount of the interest on said deferred installments separately from the amounts of the installments paid in any year.

Any surplus which may be collected under any such special assessments over and above the actual cost of, said improvement which it is provided by the Charter shall be refunded to the property owner, shall be refunded out of the permanent improvement revolving fund.

**Section 28. Permanent Improvement Fund.**—The special fund called "The Permanent Improvement Revolving Fund," heretofore created and existing in and for the City of Minneapolis at the time of the adoption of this Charter, is hereby continued and recreated as a special fund of said city. To said fund shall be credited the proceeds of all municipal bonds heretofore or hereafter issued by the City of Minneapolis for the purpose of paying the cost of making and constructing local improvements of the kinds specified in the next preceding section in advance of the collection of the special assessments assessed and levied to defray the cost of such local improvements, and also the principal sum and proceeds of each of the installments of all special assessments heretofore or hereafter assessed and levied by the City Council, which are to be paid in five equal annual installments as provided in the next preceding section of this Chapter. All interest on said deferred installments of any such special assessments shall

be credited to the sinking fund of said city to be invested the same as provided for the sinking fund of said city; and the Board of Sinking Fund Commissioners are hereby charged with the duty of investing, so far as practicable, any accumulations of money in said Permanent Improvement Revolving Fund not needed to carry on the operations to facilitate which the same has been created. Should there at any time be an accumulation of money in said Permanent Improvement Revolving Fund greater than the probable demands upon said fund during the two (2) years next following, then it shall be the duty of the City Council to report such fact to the Board of Sinking Fund Commissioners, who shall as soon as practicable, invest the same substantially in the same manner that funds in said Sinking Fund are invested.

The aggregate amount of special assessments which shall be made in any one (1) year for sewers, paving, and curb and gutter stones, as in the next preceding section provided, shall not exceed the sum of four hundred thousand (400,000) dollars; but this limit shall not prevent said City Council from ordering work aggregating more than said sum of four hundred thousand (400,000) dollars in any one (1) year; Provided, That the abutting property owners desiring such improvements to be made, shall advance and pay into the City Treasury of said city the cost of any such improvements over and above the amount of said sum of four hundred thousand (400,000) dollars, and in such case the entire amount of such assessments so to be advanced by the abutting property owners, shall be so prepaid into said City Treasury, to the credit of said Permanent Improvement Revolving Fund.

There shall be paid each year out of said Permanent Improvement Revolving Fund, only the whole cost of all that portion of all such sewer, paving and curb and gutter improvements as are named in the next preceding section, the payment of which has been provided for by such special assessments against such abutting property and said fund shall be diverted to no other purpose except as in the last paragraph of section twenty-seven (27) provided.

**Section 29. Procedure When City's Right to Enter Land, Etc., Is Questioned.**—Whenever the City of Minneapolis shall have made or caused to be made, erected, constructed or laid on, across, through, in or upon any land or real estate to which said City Council has not the title or the right to enter upon the same for the purpose of so making, erecting, constructing or laying any water main, sewer, building, structure, intake pipe, dam, improvement, pavement, sidewalk, curb stone, gutter or other public work, improvement structure or street grade, the City Council shall have the right at any time in any, and in which the title to said real estate or land, or the right of said city to so be thereon for such purpose is called in question, said city may by answer admit and allege the taking of the claimant's land or other real estate, for public purposes, and that no compensation has been made for such taking and that said City of Minneapolis is ready and willing to pay such compensation on having the same assessed and ascertained in the manner in this Chapter provided, provided, the claimant on the trial shall establish his right to recover the land or other real estate in question, and in such case the Court shall first determine whether the claimant is entitled to recover the land or other real estate in controversy. Provided, That when it shall appear that the land or other real estate was so taken or appropriated by and with the consent or acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued

prior to demand for compensation for such land or other real estate, and he shall be limited to a recovery in such case, to compensation for the land taken and damages; and the court shall have power to make all necessary orders and render all necessary judgments to carry out the provisions of this section.

**Section 30. City Engineer to Request Descriptions.**—When the City Council shall order any improvements or work which are to be paid for by special assessments on the abutting property, the City Engineer of the City of Minneapolis shall make a written request of the County Auditor of Hennepin County for a list of the descriptions of lots or other parcels and blocks or other divisions of real estate or land lying upon or along the streets, lanes, alleys, avenues or other public grounds on which said improvements are to be made, together with the names of the respective owners of each of said lot or parcel of land or real estate so far as they can be ascertained by said Auditor from the records of his office, and said City Engineer may accompany such request with such plats or other information as may be necessary to enable such Auditor readily and accurately to make such list. Upon the receipt of such request said County Auditor shall promptly make and return to said Engineer such list of descriptions and owner's names called for. For making such list and for keeping all of the books which may be required of said Auditor under the various special assessment plans which have now or may hereafter be adopted by the City Council of the City of Minneapolis, which shall include every kind of entry whether ordered or requested by said City Council or any Court, said city shall pay said County Auditor the sum of five (5) cents for each entry of a special assessment entered by him upon the tax list of the county, the same to be payable upon the completion of the tax list for each year.

#### CHAPTER XI. MISCELLANEOUS PROVISIONS.

**Section 1. Continuation of the City as a Corporation.**—The City of Minneapolis shall continue and be a municipal corporation under this Charter and shall continue to be vested with all property, franchises, rights and immunities formerly vested in the City of Minneapolis under its former Charter, and it shall be subject to all obligations and duties resting upon said city at the time this Charter goes into effect. The government of the City of Minneapolis and its several boards and departments existing at the time this Charter goes into effect shall continue as the government of said city and its several boards and departments under this Charter and all ordinances and regulations then existing and in force shall continue to exist and be in force unless otherwise provided in this Charter.

**Section 2. City Council to Set Aside \$5,000 for Use of Mayor.**—The City Council of the City of Minneapolis is hereby authorized and directed to annually appropriate and set aside from the general fund of said city the sum of five thousand (5,000) dollars, as a contingent fund, for the use of the Mayor of said city. The Mayor shall have absolute control over such fund, and may use and expend the same as he may deem best and for the interests of said City of Minneapolis. The Mayor shall tender to the City

Council detailed statements of all expenditures made under authority of this provision.

**Section 3. Evidence.**—All ordinances and resolutions heretofore made and established by the City Council of the City of Minneapolis, and not inconsistent with the provisions of this Charter shall remain in force except as altered, modified or repealed by the City Council of the City of Minneapolis; and all books and pamphlets published or which may be published, purporting upon their title page to be published by the authority, order or direction of the City Council, and purporting to contain the ordinances of said city, standing rules and orders of said City Council, or either, are hereby declared to be competent and prima facie evidence of the contents of such ordinances, standing rules and orders of any resolution or other matters purporting to be the act of said City Council, which may be found printed therein, and of the due and legal adoption, approval and publication thereof, and the certificate of the City Clerk that any printed slip of paper to which such certificate may be attached, contains or is a true copy of any ordinance, resolution, proceeding of the City Council or other paper, the original of which is presumably in the possession of said City Clerk, shall constitute such printed slip or paper competent and prima facie evidence of the contents and purport of the ordinance, resolution, proceeding of the City Council or other paper, and of the legal passage, adoption, approval and publication thereof.

**Section 4. Compilation of Ordinances.**—The City Council may from time to time provide for the compilation and publication of the ordinances of the city, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion, and may also provide for exchange of such printed compilation for similar publications of other cities.

**Section 5. Inhabitants Not Incompetent as Judges.**—No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

**Section 6. Action Against City Service, Etc.**—When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the Mayor, and it shall be the duty of the Mayor forthwith to inform the City Council thereof, or to take such other proceedings as by the ordinances or resolutions of said Council may have been in such case provided.

**Section 7. Actions in Name of City.**—All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

**Section 8. Violation of Charter, Ordinances, Etc.—Warrant.**—In all prosecutions for any violation of this Charter or of any by-laws, or ordinance of the City of Minneapolis, the first process shall be by warrant; Provided, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of the City of Minneapolis, but the person or persons so arrested may be proceeded against, tried, convicted, punished, or discharged, in the same manner as if arrested by warrant. All processes issued by the Municipal Court for violation of any ordinance or by-laws of the said city, shall run in the name of the State of Minnesota, and

shall be directed to the Chief of Police or any police officer of said city.

**Section 9.** The Municipal Court of the City of Minneapolis shall have exclusive cognizance and jurisdiction of all trials and examinations within said city, cognizable before a Justice of the Peace under the laws of the state, and of all suits, prosecutions and proceedings for the recovery of all forfeitures, fines and penalties or inflictions of punishments, for the breach of any by-laws, regulation or ordinance of said city, and of all offences against the same. And in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses or houses of ill-fame, the Municipal Court may, in addition to any fine or punishment authorized or imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior, for a period not exceeding six months, and in a sum not exceeding five hundred dollars (\$500). The Judge and Special Judges of said Court shall have powers of Justices of the Peace as conservators of the peace and in all ministerial and ex parte matters, and it shall have all the powers of Justices of the Peace to take depositions to be used in other courts. All fines and penalties imposed by said Court (for the violation of any ordinance or regulation of the city) shall belong to and be a part of the revenue of said city. Said Court shall also have power in all criminal actions within its jurisdiction, when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any work-house established by the city for that purpose, or in case of male offenders to sentence them to labor on any public work or improvement, in like manner and under the same qualifications as hereinafter provided in case of offences against city ordinances.

**Section 10. Penalty or Fine in Municipal Court.**—In all cases of imposition of penalty or fine, or the rendering of a judgment by the Municipal Court of said city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the said City of Minneapolis, as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Hennepin County, and there be imprisoned for a term not exceeding three months, in the discretion of said Court, unless the said fine or penalty be sooner paid, and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no such prison, in the common jail of Hennepin County.

**Section 11. City Not Liable for Board.**—The City of Minneapolis shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Hennepin County under the state laws.

Nor shall it be liable to any jailer or other officer for any fee for the committing any person to the county jail or for the receiving any person so committed in any case where the warrant of commitment or other process is served or executed by a police officer of the city.

**Section 12. Penalty, Etc.—How Remitted.**—No penalty or judgment recovered in favor of said city shall be remitted or discharged, except by a vote of two-thirds of the members of the City

Council; but nothing in this section shall be so construed as to prohibit the Judges of the Municipal Court from granting new trials or reversing any judgment rendered by them according to the usual procedure of courts, not to prohibit said Court from suspending execution of sentence, in its discretion.

**Section 13. City Property Not to be Converted.**—No city officer, or employe of the city, shall sell, dispose of, or convert to his own use, any city property in his charge without special authority from the City Council.

**Section 14. Official Advertising.**—The City Council shall at its first meeting in April of each year, or as soon thereafter as may be, cause the City Clerk to advertise in the official paper of the city, for one week, for sealed proposals for publishing in some daily newspaper, which shall have been printed, published and of general circulation in said city at least six months prior to the advertising for such proposals, the ordinances, official proceedings of the Council and other matters required in the Charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the price per inch for the first insertion and for each additional insertion of all matter so to be published, said proposals to be marked "Proposals for Advertising," and addressed to the City Council, which proposals shall be opened at the next meeting of the Council and the contract for such publishing awarded to such daily newspaper bidding the lowest thereof, which papers shall be declared the official paper of the city; Provided, That in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof as a medium for advertising and for placing before the tax payers of said city the matters herein provided to be advertised. And in case any two bids are the same, the Council may by vote select one of such papers; Provided, further, That if each and all of said proposals fix a price exceeding thirty (30) cents per inch for any first or additional insertion of such matters, the Council may reject all such proposals, and adopt such other method of publishing such matter as it may, in its discretion, determine; Provided, further, That the proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of twenty-five hundred dollars (\$2500) with two satisfactory sureties, to be approved by the Council conditioned for the faithful performance of such contract. The daily newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall remain in force, for the term designated, and until the City Council shall designate another paper as the official paper of the city.

**Section 15. Affidavits of Publication.**—The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, file with the Clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

**Section 16. Job Printing.**—The City Council shall, at its first annual meeting in each year, or as soon thereafter as practicable, cause its City Clerk to advertise in the same manner as hereinbe-

fore prescribed in section 14, for sealed proposals for doing the job printing of said city; said bids to state the price per 1,000 ems for composition, the price per pound for paper and the price per token for presswork; which said bids shall be marked "Proposals for Job Printing," and addressed to the City Council of the City of Minneapolis, and opened at its next meeting, and the contract awarded to the lowest responsible bidder. Provided, always, That such lowest bidder shall enter into a written contract for the performance of such job printing, with like bond and sureties as specified in Section 14 of this chapter, for the faithful performance of such contract.

#### CHAPTER XII.

#### POWER OF CITY COUNCIL TO GRANT STREET RAILWAY FRANCHISE.

**Section 1. Council May Grant Franchise to Street Railway Company.**—The City Council of the City of Minneapolis, is hereby authorized, unrestricted by any other provision of this Charter to grant a franchise for the construction, extension, maintenance and operation of street railways in and upon the streets, highways and public grounds within the City of Minneapolis, and within any park or parkway heretofore or hereafter acquired by the city with in or without the corporate boundaries. But no street railway shall be laid in any park or parkway without the consent of the board of park commissioners. No franchise shall be granted under this chapter except to a corporation organized under the laws of this state and having power to construct, maintain and operate street railways for the common carriage of passengers, nor shall the same, or any interest in the same, ever, for purposes of operation, be assigned or transferred to or owned by any person or corporation except a corporation organized under the laws of this state having the powers aforesaid. And in case of any assignment or transfer to, or ownership by, any such domestic corporation, all privileges and immunities contained in such franchise, as well as all obligations imposed thereby, shall pass to and be enjoyed by and be binding upon such assignee, transferee or owner. The city shall reserve the right to authorize any existing or future suburban railway company the joint use of tracks, poles, wires, appliances, power and electric current, of any company to which a franchise is granted under this chapter, and the franchise shall contain provisions for determining the compensation to be paid for such joint use. The provisions of this chapter shall not be construed to authorize the extension of any existing contract or franchise.

Such franchise shall not be granted hereunder for more than thirty (30) years in the first instance, and shall contain an option on the part of the city to purchase the entire street railway property at the end of each five (5) or ten (10) year period of such term and at the expiration of such term of the franchise and thereafter at the expiration of any five year period, upon giving one (1) year written notice to the owners of said railway of the city's intention to purchase said street railway property. The franchise may provide that upon failure of the city to condemn or exercise such option to purchase at or before the expiration of the franchise said franchise shall without further act continue until terminated by purchase or condemnation of the property, but not ex-

ceeding thirty (30) years or such lesser period as the franchise may fix. The term of such franchise may begin at the expiration of a now existing franchise, and the new franchise may, in the discretion of the Council be granted to the holder of an old or existing franchise, provided such holder is a Minnesota corporation having the powers aforesaid. The reservation of such option to purchase on the part of the city shall not prevent resort to eminent domain. The franchise shall terminate at the time of purchase or condemnation of the entire plant and properties. The word "may" shall nowhere in this chapter be construed as "shall."

**Section 2. What Franchise May Contain.**—The franchise may embrace an agreement fixing fares and shall provide for compensation to the city in the form of a division of surplus earnings, amortization or otherwise. The council shall have power to regulate reasonably construction and operation and may, from time to time require reasonable improvements and service. The Council shall have power to fix in said franchise, the terms and conditions upon which it may require extension. Any agreement fixing fares shall not exceed the period of thirty (30) years. Any agreement fixing fares may provide for different fares at different times or under varying circumstances. In the absence of an agreement fixing fares and upon the expiration of any agreement fixing fares, the council shall have power to fix a reasonable fare. The power of regulation herein granted shall not be contracted away. The power of regulation may be exercised by ordinance, with penalty by fine and imprisonment in case of violation and regulations may be enforced by mandamus, injunction or other appropriate civil action.

**Section 3. Provisions for Purchase of Property by the City.**—For the purpose of fixing a basis for the purchase price of the property and for a division of surplus earnings, a physical valuation of the property shall, in case of a grant to a company already having a street railway property, be made either before the granting of the franchise and incorporated therein, or at the beginning of the term of the franchise. The valuation may include a fair going concern value but shall not include any franchise or goodwill value. The franchise may provide for increasing such valuation by additions and improvements and decreasing it by depreciation, alienation and loss of properties. Additional provisions may be made in the franchise for making the valuation.

**Section 4. Annual Reports to be Filed With City Clerk.**—The holder of the franchise shall file with the city clerk annual reports by the corporation, from the beginning of the franchise until its termination, of receipts and disbursements, inventories, stock and bond issues, and there shall be an annual inspection by the city of all property, books, accounts, records, checks, vouchers, contracts and documents of the corporation, and such further inspection thereof by the city as the franchise may provide.

**Section 5. Valuation of Stock.**—The holder of the franchise shall not sell, dispose of or pledge any shares of its capital stock, or issue any certificates therefor, for less than ninety-five per cent. (95%) of their par value nor until such shares shall have been paid for in money, nor issue any bonds, except for money to the market value of the bonds, not, however, less than ninety per cent. (90%) of the par value thereof. The proceeds of all stocks and

bonds shall be devoted to the lawful purposes of the holder under such franchise.

**Section 6. Franchise to be Granted Only After Ordinance is Adopted by City Council.**—The power to grant a franchise under this chapter shall be exercised only by ordinance adopted by a majority of all the members of the council at a regular meeting, and the ayes and nays shall be entered in the minutes. The vote on the final passage of the ordinance shall not be taken until the expiration of at least fourteen (14) days after the publication of the proposed ordinance in its final form in the official newspaper of the city. The corporation shall have such time as may be fixed by the ordinance, not less than thirty (30) days after final passage and publication, in which to accept. Acceptances shall be first authorized by the board of directors of the corporation and a copy of the resolution authorizing such acceptance shall be filed with the acceptance in the office of the City Clerk. The grant shall be fully effective when made and accepted as aforesaid, and ratified as provided in the next section.

**Section 7. To Be Ratified By a Majority of the Votes of the City.**—No such franchise shall be effective until it shall have been ratified by a majority of the votes of the electors of the city cast upon the question at a general or special election not less than ninety (90) days after the filing of the acceptances of the franchise. The franchise shall provide for such submission.

**Section 8. \$50,000 Bond Issue Authorized for Valuation of Street Railway.**—For the purpose of raising funds for making the valuation provided for in Section 3, the Council is hereby authorized to issue and sell bonds of the city to an amount not exceeding fifty thousand (\$50,000) dollars in par value. Said bonds shall be issued only in pursuance of a resolution adopted by the affirmative vote of a majority of all the members of the City Council. The faith and credit of the city shall be pledged to the payment of said bonds and the interest thereon. The City Council shall include in the tax levy of each year an amount sufficient to pay the current interest on such bonds, and the sinking fund of the city shall be pledged to their redemption at maturity. Bonds issued under this section shall not run for a term longer than thirty years or bear a rate of interest higher than four per cent per annum, payable semi-annually. The place of payment of principal and interest and the denominations of said bonds, shall be fixed by the resolution authorizing their issue, and all or any of them may be in the form of coupon bonds, or of registered certificates, so-called as the purchaser may prefer.

All bonds or certificates so issued shall be signed by the Mayor, attested by the City Clerk, and countersigned by the City Comptroller of the city, and be sealed with the city seal, except that the signature to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold at less than ninety-five per cent (95) of their par value and accrued interest, or to any but the highest responsible bidder therefor.

Provided, however, that any bonds issued and sold under authority granted by Chapter 124, Laws of 1915, for the purpose of making a valuation of street railway properties shall be considered as part of the fifty thousand (\$50,000.00) dollars bond issue herein mentioned and the City Council shall only be authorized to issue such portion thereof as remains unsold at the time this Charter takes effect.

### CHAPTER XIII. CITY PLANNING DEPARTMENT.

**Section 1. City Planning Department—Commission and Membership.**—There shall be in the City of Minneapolis an executive department of the city to be known as the "City Planning Department," which shall be in charge of a city planning commission consisting of nine persons. One shall be the Mayor; the City Council, the School Board, the Park Board and the County Board of the County of Hennepin shall each select one of its own members, as a member of the commission, in July of each odd numbered year; and four legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the Mayor with the approval of the City Council.

The appointed members of the commission shall serve for four years. If no members have been appointed to the commission by the Mayor at the time this Charter goes into effect, the first members appointed thereafter by him shall so classify themselves by lot that one shall go out of office at the end of July of the odd year next after their appointment; one at the end of one year thereafter, one at the end of two years thereafter and one at the end of three years thereafter, and shall certify the result of the classification to the City Clerk. If the appointive members have been appointed by the Mayor under authority given by Chapter 292, Laws of 1919, at the time this Charter goes into effect, such members then serving shall continue to serve until the first Monday of July of the year in which their respective terms shall expire, and at the expiration of such terms the Mayor shall appoint new members to take their place. Vacancies for any unexpired term shall be filled by appointments as in the first instance.

The members of the commission shall serve without compensation, but the commission may with the consent of the City Council, employ engineers or other persons and incur such other expenses as are deemed necessary.

The commission shall make and alter rules and regulations for its own organization and procedure. It shall make an annual report to the City Council.

**Section 2. Powers of Commission.**—The city planning commission shall have power, except as otherwise provided by law:

1. To acquire or prepare a comprehensive city plan for the future physical development and improvement of the city, based primarily upon public utility, convenience and general welfare, which plan shall be known and designated as the official city plan.
2. To prepare and recommend to the proper officers of the municipality, specific plans for public improvements consistent with the comprehensive plan for the city.
3. To recommend to the City Council, ordinances regulating the height, location and ground areas of buildings and structures, and ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

**Section 3. City Council May Grant Certain Powers.**—The City Council may pass ordinances authorizing the city planning department to administer and enforce ordinances relative to city planning.

**Section 4. Commission to Approve Public Improvements Contemplated.**—No public improvements shall be authorized to be constructed in the city until the location and design of the same have been approved by the city planning commission, provided in case of disapproval the Commissioner shall communicate its reasons to the City Council, and the majority vote of such body shall be sufficient to overrule such disapproval. If the reasons for disapproval are not given to the City Council within thirty days after the plans for the public improvements are submitted to the city planning commission, said plan shall be deemed to be approved by the city planning commission. Provided, that the term "public improvements" shall include all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountain arches, gates, gateways or other structures of permanent character intended for ornament or commemoration.

**Section 5. Plans, Plats, Etc., to be Submitted to Commission for Approval or Rejection.**—All plans, plats, or replats of land hereafter laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon, or adjacent thereto, and located within the city limits, shall be submitted to the city planning commission for its approval; and it shall be unlawful to receive or record such plans in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of such plan, plats, or replats by the city planning commission, shall be deemed a refusal by the city of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance by the city of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the city shall have made actual appropriations of the same by entry, use or improvements.

The duty of the city planning commission in accepting or rejecting a plat shall be deemed legislative and discretionary and not administrative.

#### CHAPTER XIV.

##### DEPARTMENT OF PUBLIC WELFARE.

**Section 1. Department of Public Welfare and Membership of Board.**—There shall be in the City of Minneapolis an Executive Department, to be known as the Department of Public Welfare. The powers and duties of such Department shall be exercised and performed by an Executive Board to be known and designated as the Board of Public Welfare. Such Board shall consist of the Mayor, two members of the City Council to be appointed by the City Council, and four members appointed by the Mayor, which appointments shall be subject to confirmation by the City Council. The members of the Board serving at the time this Charter goes into effect shall hold office until the first Monday in July of the year in which their respective terms expire. The two members of the Board to be appointed by the City Council from among its members shall be appointed for terms of two years each beginning the first Monday of July, 1921, and bi-annually thereafter. The four appointive members of the Board shall be appointed by the Mayor for terms of four

years each. The first of such appointments shall be for a term beginning the first Monday of July, 1921. The second of such appointments shall be for a term beginning the first Monday of July, 1922. The third of such appointments shall be for a term beginning the first Monday of July, 1923, and the fourth of such appointments for a term beginning the first Monday in July, 1924. Any vacancy occurring for any cause in the office of any member of the Board appointed by the Mayor shall be filled for the unexpired term by appointment of the Mayor of a member to fill such vacancy in the above prescribed manner. Each member of the Board shall continue in office until his successor has been duly appointed and has qualified. Before entering upon the discharge of the duties of his office each member of the Board shall make and file with the City Clerk an oath that he will faithfully discharge the duties of his office.

**Section 2. General Powers Granted to Board.**—The Board of Public Welfare hereby created shall have and exercise general supervision and administrative control of all activities and agencies carried on and maintained by the city for: (1) The promotion and preservation of health, and the prevention and suppression of disease in the city; (2) The care, conduct, management and operation of all hospitals, dispensaries, and clinics maintained by the city and the furnishing by the city of medical and dental service to the poor; (3) The relief of the poor, aged, and indigent, and the maintenance, management, control and operation of all public institutions now or hereafter established by the city for the relief of the poor, aged and indigent, and (4) The maintenance, care, management, conduct and operation of all penal and correctional institutions established or to be established by the city; (5) Provided nothing herein contained shall be construed as limiting the present power of the Board of Education of the city to provide for the promotion of health of the public school children.

**Section 3. Special Powers and Duties of Board.**—In addition to the general powers herein granted the Board of Public Welfare shall have the following powers and duties:

(a) To enforce all sanitary laws of the State of Minnesota applicable to the City of Minneapolis, the provisions of this Chapter and all city ordinances relating to the sanitary regulations of the city.

(b) To make rules and recommend such ordinances as to the Board may seem necessary and proper for the purpose of compelling all physicians practicing within the limits of the City of Minneapolis to make reports of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, and all inn-keepers and hotel keepers to make reports of all cases of contagious diseases occurring within their respective houses and generally to make such rules and regulations as the Board may deem necessary to carry into effect the provisions of this section.

(c) To take such measures as the Board may in good faith declare the public safety and health to demand in case of pestilential or epidemic diseases or all danger from anticipated or impending pestilences or diseases or in case the sanitary conditions of the city shall be of such a character as to warrant it.

(d) To direct the Commissioner of Health to inspect any part of the city which from its location or from any collateral circumstances may be deemed the cause of diseases and in all cases where he may discover any agent the existence of which will prove dangerous to the health of the city and there is no ordinance competent

to the correction of the evil, he shall immediately report the same to the Board of Public Welfare accompanied with his opinion of the necessity of extraordinary or particular action.

(e) To have on hand as far as practicable a sufficient quantity of vaccine virus which the Board shall supply to physicians, who will vaccinate without charge all persons who may apply to them for that purpose, and said Board shall give certificates of vaccination to children who have been vaccinated and require such certificates for admission to the public schools.

(f) To give a notice, written or printed in large letters, to be placed upon or near any house in which any person may be affected or sick with smallpox, scarlet fever, or any infectious, pestilential or epidemic disease, upon which shall be written or printed the name of such disease and an order forbidding any person or persons, excepting the medical attendants and spiritual advisors, from going to or leaving said premises, and if any person or persons shall deface, alter, mutilate, destroy or tear down such notice, without permission of the Board of Public Welfare, or shall otherwise fail to comply with said order, such person or persons shall be subject to the penalty hereinafter provided; the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall be held responsible for the compliance with the order and for the unauthorized removal of the notice, and if the same shall be removed without the permission of the Board of Public Welfare, such occupant shall be subject to the penalty hereinafter provided.

(g) To keep a record of the proper registration of births and deaths and such other statistical information necessary for efficient working of said department, and to keep on hand and furnish on application all necessary blanks to be used by physicians and midwives.

(h) To cause all nuisances in the city to be abated with reasonable promptness, and for such purposes the Board and its officers and employes shall be permitted and are hereby authorized, at all reasonable times, to enter upon or into any premises, house or other building or structure in the city and make all necessary examinations to determine the sanitary conditions thereof, and to cause any and all nuisances existing there to be forthwith removed and abated, after giving notice to the owner, agent or occupant of such premises, house or other building or structure as herein provided. The notice to abate any such nuisance shall be served personally upon the owner, agent or occupant of the premises, house or other building or structure in or upon which such nuisance exists in all cases where such owner, agent or occupant can be readily ascertained and found in the city. Such notice may be served by mail in all cases where such owner, agent or occupant is not in the city or cannot be found therein, and his postoffice address is known. It may likewise be served by posting and keeping posted for 24 hours, a copy of such notice upon the premises, house, building or other structure in or upon which any such nuisance exists whenever the owner, or agent thereof is not known or cannot be found, and his postoffice address is unknown. If such nuisance is not abated within a reasonable time after the service or posting of said notice, such reasonable time to be stated in such notice, such nuisance may be abated by or under the direction of said Board and the cost of such abatement may in the first instance be paid from any funds under the control of the Board. The cost of the abatement of any such nuisance paid by the Board and not reimbursed by the owner, occupant or agent, shall be reported by the Board to the City Council, and the City Council shall assess and levy,

and cause to be collected, the amount of such cost as a special assessment upon and against the premises and property upon which such nuisance existed, in like manner as other special assessments, payable in one sum, are assessed, levied and collected in the city. Such assessments, when collected, shall be paid over by the County Treasurer to the City Treasurer of the city and placed to the credit of the board.

(i) To make such rules and regulations as may be deemed necessary regarding the reception and interment of dead bodies within the City of Minneapolis and to prescribe the duties of all sextons and keepers of all cemeteries therein relating to the reception and burial of dead bodies. Also to make rules and recommend ordinances relating to the entry into, removal from and passage through the City of Minneapolis of dead bodies, and no body shall be buried or exhumed within the city limits of the City of Minneapolis, removed therefrom, or received therein, or pass through the said city without a written permit first obtained from the Board of Public Welfare to be issued in the manner and under the condition by it prescribed.

(j) To authorize at all reasonable times, the Commissioner of Health or any inspector to enter into any house, store, stable or other building, and to cause the opening of the floor, if he should deem it necessary, in order to have a thorough examination of cellars, vaults, sinks, or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals, or nauseous or unwholesome things or substances to be buried, or removed, or disposed of as the Board of Public Welfare may direct.

(k) To select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes and erect from time to time such buildings and hospitals upon such sites and places and to keep the same in repair as in the judgment of the Board may be deemed necessary, all subject to the approval of the City Council.

(l) To order or cause any excavation, erection, vehicle, vessel, watercraft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing in the City of Minneapolis, regarded by said Board as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved, and may also order any substance, matter or thing being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be in private or public) and which said Board may regard dangerous or detrimental to life or health, to be speedily removed, and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said Board is already provided.

(m) To aid in the enforcement of, and, as far as practicable, to enforce all laws to this state applicable within the limits of the City of Minneapolis, to the preservation of human life or to the care, promotion or protection of health; and said Board may exercise the authority given by the laws aforesaid, to enable them to discharge the duties herein imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or foods. And said Board is authorized to require reports and information at such times and of such facts, and generally of such nature and extent relating to the safety of life and the promotion of health, as its by-laws and rules may provide, from all dispensaries, hospitals, asylums, infirmaries, prisons and schools from the managers, principals and officers thereof; and from all other insti-

tutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theaters and other places of public resort or amusement in said city; and it is hereby made the duty of the officers, institutions and persons so called on or referred to promptly to give such reports, verbally or in writing, as may be required by said Board.

**Section 4. Orders, Rules and Regulations to be Issued.**—The Board of Public Welfare shall have authority to issue orders, adopt rules and regulations for the promotion and preservation of public health and the relief of the poor, aged, and indigent in the city, and for the management of the institutions under its care and control, which rules and regulations shall be in accordance and not inconsistent with the laws of the state or the ordinances of the city. The sole power and authority to pass ordinances relating to the promotion and preservation of health and the prevention and suppression of diseases in the city shall remain in the City Council.

**Section 5. Expenses to be Paid for Quarantine.**—When practicable, each person taken into quarantine or stations and receiving the aid and care afforded thereby shall pay a sum of money sufficient to meet all expenses, labor and care incurred in his behalf, which money shall be faithfully kept, reported and accounted for by physicians, health officers or other persons in charge of said quarantine or station.

**Section 6. Duty of Coroners.**—It shall be the duty of all coroners within the City of Minneapolis, within three (3) days after the taking of any inquest to file a written statement with the said Commissioner of Health, signed by the coroner making the same, stating, so far as he is able, where and upon the body of whom such inquest was held, and the cause and date and place of the death of such person.

**Section 7. Duty of Police Department.**—It shall be the duty of the Chief of Police to cause to be executed all orders of the Board of Public Welfare so far as they may relate to the preservation of the health of the city whenever requested to do so by the Board, and the Policemen and Street Commissioners of the City of Minneapolis shall promptly report at the office of the Board of Public Welfare any violation of the rules of said Board that may become known to them while on duty.

**Section 8. Penalty for Violation of Ordinances and Rules.**—Any person who shall fail or neglect to comply with any clause, provision, requirement, duty or orders, or who shall interfere with or in any manner resist any officer or agent of the Department of Public Welfare of the City of Minneapolis, in the discharge of his duty, as herein contemplated, or who shall commit any such breach of peace or be guilty of any act or thing calculated to defeat or interfere with the carrying into effect of any part of this act, or any regulation or order of said Board of Public Welfare or ordinance of said city in relation to the public health shall, upon arrest and conviction by the Municipal Court of the City of Minneapolis, or in the District Court of the County of Hennepin, be subject to a fine of not to exceed one hundred dollars (\$100) nor less than ten dollars (\$10) for each offense, together with costs of prosecution.

**Section 9. Annual Meeting—Officers to be Appointed.**—The Board shall hold its annual meeting on the first Tuesday after the first Monday in July of each year, and at such time shall elect a President from among its members who shall hold office for one year

and until his successor is elected and qualified. The Board shall have power and authority to appoint a Secretary of the Board, a Commissioner of Health, a City Physician, a Superintendent of Hospitals, a Superintendent of Relief, a Superintendent of Corrections, and such heads of divisions of the public service under its control as the Board may from time to time deem necessary. The City Physician shall be the physician and surgeon to all departments of the city. The Board shall have power and authority to fix the term, salary and compensation of each of such officers and to prescribe their duties and to discharge and remove any of them from office. The Commissioner of Health, shall not be included in the classified service of the city, under the Civil Service Chapter of this Charter, and shall not be subject to the provisions of such Chapter.

The Commissioner of Health shall be a competent physician of regular practice. He shall have the management and control of all matters pertaining to the public health, under the supervision of the Board of Public Welfare. Before entering upon the duties of his office, the Commissioner of Health shall execute a bond to the City of Minneapolis, in such sum and with such sureties as the Board of Public Welfare shall approve, conditioned for the faithful performance of the duties of said office. The Board may also require that bonds of such amounts as it may designate shall be executed by the various inspectors employed by the department.

**Section 10. To Fix Salaries of Employees.**—The Board shall have power and authority to determine the number of employees in each division under its control and to fix their salaries. The head of each division shall have power to appoint, subject to confirmation by the Board, all subordinate employees in his division, and prescribe their duties. All employees of the Board other than the Commissioner of Health, including those serving at the time this Charter takes effect, shall be included in the classified service of the city under the Civil Service Chapter of this Charter, and their appointment, employment, suspension and discharge shall be made under and pursuant to the provisions of such Chapter.

**Section 11. Report to be Submitted to Council in September of Each Year.**—The Board of Public Welfare shall prepare and submit to the City Council at or before the first meeting of the Council in September of each year, the amount of money required for the support, maintenance and operation of said Board and of the several divisions of the public service under its control for the next fiscal year, and the City Council shall, in making its annual estimate and levy for expenses of the city government, estimate and provide such sums as may be necessary for compensation of the officers and employees which the said Board is authorized to appoint and employ, and for the improvement, repair and maintenance of the buildings and grounds under its control, and all other expenses required for the Board and each and every department or division of the public service under its control. The City Council is hereby authorized, empowered and required to levy a tax annually by resolution upon the taxable property within the city for such necessary amount; provided, that the aggregate annual levy of such tax shall never exceed in any one year three and three-fourths (3¾) mills on the dollar upon the assessed valuation of the city. Such taxes shall not at any time be in excess of the maximum rate of taxation fixed for the purposes above mentioned by the Board of Estimate and Taxation. Such taxes when levied shall be extended upon the tax books and the tax lists of the county, and such taxes shall be collected and payment thereof enforced in like manner as



other city and county taxes are collected and payment enforced. The Board of Public Welfare shall not issue any bonds or incur any indebtedness beyond the appropriations made by the City Council for the use of such Board. The Board of Public Welfare shall be entitled to all fees and other receipts from its own department.

**Section 12. Supplies to be Furnished Through the Purchasing Department.**—All goods, wares, merchandise, supplies and materials of every kind, required by the Board of Public Welfare for the support, care, maintenance and administration of the several divisions of the public service under its control shall be obtained, purchased and furnished by and through the Purchasing Department of the city in like manner as supplies and materials are supplied, furnished and obtained for other departments of the city and the Board shall appropriate and pay into the city treasury its proportionate share of the expense of the maintenance of such Purchasing Department. The officers and employes of said Board shall be paid their salaries and compensation upon payrolls in like manner as other city employes are paid their salaries and compensation. All bills and claims of every kind against the Department of Public Welfare shall be audited by the City Comptroller, and no moneys shall be paid out of the city treasury for the uses or purposes of said department except upon orders signed by the President and Secretary of the Board and countersigned by the City Comptroller.

#### CHAPTER XV.

##### BOARD OF ESTIMATE AND TAXATION.

**Section 1. Composition of Board of Estimate and Taxation.**—There shall be in the City of Minneapolis a Board of Estimate and Taxation, consisting of the Mayor, the City Comptroller, the Chairman of the Committee on Ways and Means of the City Council, the President of the Board of Education or such other member thereof as the Board may designate at its annual meeting each year, the President of the Board of Park Commissioners or such other member thereof as the Board may designate at its annual meeting each year, and two qualified electors to be elected at large for terms of four years each. One of the elective members shall be elected at the general municipal election in the month of June, 1921, and every four years thereafter, and shall take his office on the first Monday of July of the year in which he is elected. The other elective member shall be elected at the general municipal election in the month of June, 1923, and every four years thereafter, and shall take his office on the first Monday in July of the year in which he is elected. The members of the Board, serving at the time this Charter takes effect, shall continue in office until the first Monday in July of the year in which their respective terms expire, until their successors have been duly chosen and have qualified. Vacancies occurring in the office of any of the elective members shall be filled for the unexpired term by appointment by the Mayor, subject to the confirmation of the City Council. Before entering upon the discharge of the duties of his office each member of the Board shall make and file with the City Clerk an oath that he will faithfully discharge the duties of his office. The Board shall elect a President and a Vice-President from its own members and shall adopt, and from time to time amend and change, rules governing the call-

ing and holding of meetings and its own procedure. The City Comptroller and the City Treasurer shall be respectively the accounting officer and the Treasurer of the Board. The Board, subject to the provisions of the Civil Service Chapter of this Charter, shall have power to appoint a Secretary and such other employes as it may deem necessary and shall fix their salaries and determine their duties. Meetings shall be held at least once a month and from time to time throughout the year as the business may require. All members except those receiving other compensation from the city shall receive Ten (\$10.00) Dollars per diem but not to exceed Five Hundred (\$500.00) Dollars per year, as full compensation for their services on the Board.

**Section 2. Budgets To Be Submitted to Board.**—The City Council, and every board and department of the city having any power to levy taxes, shall on or before the first day of September of each year, submit to the Board of Estimate and Taxation a budget showing the estimates of its needs for the year, commencing on the first Monday in January next following for each fund under its control, and the Board of Estimate and Taxation shall, on or before the 15th day of October of each year fix and determine the maximum amount of money and maximum rate which may be raised in the aggregate by general taxation by the City Council, board or department for each such fund, and no general taxes shall be levied in such year in excess of the amounts so fixed. *Provided*, that the Board of Education may submit its budget on or before the first day of April in each year and the Board of Estimate and Taxation shall in that case fix the maximum of the moneys to be raised by taxation for the purposes of the Board of Education on or before the first day of May next following. The Board of Estimate and Taxation shall as soon as practicable prescribe a form or forms and the classification of titles for the budget estimates of the City Council and of every board and department of the city having any power to levy taxes, and the form or forms and the classification of titles so prescribed shall thereafter be followed and compiled with by each department in preparing budget estimates.

**Section 3. Certificates of Indebtedness Authorized to Cover Preliminary Expenses.**—The Board of Estimate and Taxation shall have the power to levy for its own expenses upon all the taxable property of the city, real and personal, a tax not exceeding one-fifteenths of a mill upon the taxable property of the city, and cause such levy to be certified to the County Auditor and the County Auditor shall include the same with and as part of the general taxes for state, city and county purposes, to be collected and enforced therewith together with like penalties, interest and costs, and the County Treasurer upon collection shall transmit the proceeds of such levy to the City Treasurer, to be placed in the Board of Estimate and Taxation fund. Warrants on such funds shall be drawn by the president and secretary of the Board and countersigned by the City Comptroller.

**Section 4. Exceeding of Appropriation a Misdemeanor.**—The City Comptroller shall at the beginning of every fiscal year and from time to time thereafter, charge against each fund or appropriation the salaries and other ascertained obligations of the year payable therefrom, which charges shall be known as encumbrances upon the fund or appropriation and only that part of the fund or appropriation not so encumbered shall be deemed available for ad-

ditional expenditures. In no case shall the total encumbrance exceed the total sum appropriated by the City Council or any board of the city to any of its departments, bureaus or divisions; neither shall the City Comptroller issue nor Treasurer pay warrants drawn upon the funds or appropriations of any board, department, bureau or division of the city, the funds or appropriations which are already fully encumbered. Any officer of the city who shall knowingly vote for any contract or appropriation or order any work or purchase or sign, countersign or issue any warrant or check, the effect of which shall be to exceed the appropriation or fund provided, shall be guilty of a misdemeanor and shall be personally liable for the excess. This provision shall not exempt any person from the penalty of any other statute. The City Purchasing Agent is hereby ordered and directed not to issue purchase orders or sign contracts payable out of a fund or an appropriation so as to exceed or over-encumber such fund or appropriation, and all orders or contracts made by the Purchasing Agent shall first be submitted to the City Comptroller for entry on his books before being issued.

**Section 5. Transfer of Funds Authorized.**—The Board of Estimate and Taxation may by a vote of at least five (5) of its members upon the written request of the City Council or of the governing body of any department having control of expenditures, permit the transfer of moneys from one appropriation to another appropriation within the same department during the fiscal year, but this section shall not apply to the proceeds of bonds or obligations sold by the city.

**Section 6. Certain Proceedings May Be Set Aside.**—Any proceeding hereafter taken by the City Council and the Board of Park Commissioners or either under Chapter 185, General Laws of 1911, as amended, the entire cost of which is not to be paid out of assessments against the benefited property may, by a vote of at least five (5) of its members be set aside by the Board of Estimate and Taxation at any time within thirty (30) days after confirmation of awards and making of assessments by the City Council or Board of Park Commissioners as the case may be, and in case of appeals, within thirty (30) days after the termination of the last of all appeals in a proceeding or at any other earlier time, which action of the Board of Estimate and Taxation shall have the effect to cancel all awards and assessments and terminate and abandon the entire proceeding. Such action shall not be taken by said Board except after a public hearing of which not less than two weeks' published notice shall be given by two publications, once each week for two successive weeks, in the official newspaper of the city.

**Section 7. Levying and Collection of Taxes.**—All taxes may be levied and collected within the maximum fixed by statute and within the maximum fixed by the Board of Estimate and Taxation for the various purposes of said taxation and without regard to the maximum rate of taxation fixed from time to time by any board other than the boards and departments governed by this chapter.

**Section 8. Board of Employ Assistance.**—For the purposes of this Chapter the Board of Estimate and Taxation shall employ such assistance as it may deem necessary from time to time and shall have access to all the boards and departments of the city and to all accounts, contracts, records and files thereof, and shall have the right to call upon every board or department and every member

and employ for any information it may deem necessary, and it shall be the duty of every board or department and every member and employ thereof to furnish the information so called for.

**Section 9. To Incur Indebtedness for Municipal Purposes on Request of Council.**—Upon the request of the City Council expressed by ordinance or resolution adopted by the votes of two-thirds of all members thereof, the Board of Estimate and Taxation in its discretion shall have power by a vote of at least five (5) of its members to incur indebtedness for municipal purposes other than the purchase of public utilities and to pledge the credit of the city for the payment of principal and interest and for that purpose shall have power to issue and sell negotiable bonds of the city or any other form of obligation it may deem best, but any such bonds or obligations shall be sold only in the manner provided by Section 1856, General Statutes 1913, to the purchaser who will pay the highest price therefor at the rate of interest fixed by the Board of Estimate and Taxation and the obligations or bonds shall be drawn accordingly. Any premium received from the sale of such bonds shall revert to the sinking fund provided for the redemption of such bonds. Any such bonds or obligations shall be signed by the Mayor and the City Clerk under the city corporate seal and shall be countersigned by the President of the Board of Estimate and Taxation and by the City Comptroller. If the proceeds of the bonds or obligations be intended for the use of any board or department the expenditures of which are not controlled by the City Council, there shall be in addition to the request by the City Council, a like request expressed by ordinance or resolution adopted by the governing board of such department by the vote of at least two-thirds of the members thereof. The proceeds of such bonds or obligations shall be put into the City Treasury and credited to the proper fund.

**Section 10. Issuance and Sale of Bonds.**—The bonds authorized by Section 9 of this chapter or any portion thereof, may be issued and sold by the city, notwithstanding any limitation contained in the Charter of this city or any law of this state, prescribing or fixing any limit upon the bonded indebtedness of the city, provided the issuance of said bonds will not increase the net bonded indebtedness of the city as defined in Section 1848, General Statutes, 1913, and acts amendatory thereof, to an amount in excess of ten (10) per cent of its assessed valuation, but the full faith and credit of the city shall at all times be pledged for the payment of any bonds issued under this chapter and for the current interest thereon, and the City Council shall each year include in the tax levy for the city a sufficient amount to provide for the payment of such interest and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

**Section 11. Meetings to be Open to Public.**—The meetings of the Board of Estimate and Taxation shall at all times be open to the public and the rules and regulations of the board shall provide for public hearings in connection with the determination of maximum amounts or maximum rates to be allowed to the different bodies, boards or commissions having power to levy taxes. The minutes and proceedings of the board shall be published in the official paper of such city.

**CHAPTER XVI.  
PARKS AND PARKWAYS.**

**Section 1. Park Commissioners—Election—Term of Office.**—The Board of Park Commissioners of the City of Minneapolis shall consist of one Commissioner from each senatorial district in the city, and four Commissioners At Large from the whole city, all of whom shall be elected, together with the following persons who shall be ex-officio members of the Board, to-wit: the Mayor for the time being of the city, the Chairman for the time being of the Standing Committee on Public Grounds and Buildings, and the Chairman for the time being of the Standing Committee on Roads and Bridges of the City Council, all of whom shall continue in office until the expiration of their several terms and until their successors are elected or appointed and qualified as provided by law; and the said Board of Park Commissioners and its successors shall be a department of the government of the said city.

At the regular city election to be held on the second Monday of June in the year 1921, the electors of the entire city shall elect four Commissioners At Large for a term of six years, and at the city election to be held on the second Monday of June, 1923, the electors residing within the city limits of each odd numbered senatorial district, any part of which lies within the boundaries of the city, shall elect one Commissioner for a term of six years, and at the city election to be held on the second Monday of June, 1925, the electors residing within the city limits of each even numbered senatorial district, any portion of which lies within the boundaries of the city, shall elect one Commissioner for a term of six years.

The successors of each of the Commissioners provided for here-in shall be elected in the same manner at the city election next preceding the expiration of their several terms.

All elected Commissioners in office at the time of the adoption of this Charter shall serve out their respective terms and hold their respective offices until their successors are elected and qualified.

Said Board of Park Commissioners shall have a common seal, and shall be capable of entering into, making, performing and enforcing contracts in the name of, and in behalf of the City of Minneapolis, to carry out the purposes expressed in this Chapter. And all contracts so made and entered into shall be signed and executed by the President and Secretary under the direction of the Board.

All persons elected to the office of Park Commissioner shall before entering upon the discharge of their duties severally file a written acceptance and oath of office in the office of the City Clerk of the City of Minneapolis.

The said Board of Park Commissioners shall elect annually from their own number a President and a Vice President, and shall appoint annually a Secretary who shall not be a member of said Board. And said officers shall hold their respective offices until their successors are elected and qualified.

The said election shall be held on the first Monday in July of each year; Provided, that the persons now holding said offices shall continue in office until the first Monday in July, one thousand nine hundred and twenty-one (1921), and until their successors are elected and qualified, and whenever vacancies shall occur in said offices they shall be at once filled in like manner for the unexpired term.

Whenever a vacancy may occur in the office of an elected Commissioner, it shall be filled by the Board.

The person elected as Secretary, before entering upon the duties of his office, shall file with the Comptroller of said city a bond in the penal sum of ten thousand (10,000) dollars, with at least three (3) good and sufficient sureties, acceptable to said Board of Park Commissioners. Said Secretary shall have power and is hereby authorized to administer oaths in all proceedings under this Chapter and incident thereto.

It shall be the duty of the said Secretary to submit to the said Board at the first meeting in January, a report showing the transactions of his office, and other information necessary for the conduct of business.

The said Board of Park Commissioners shall make rules to govern its proceedings, and may meet from time to time, as it may by rule or vote determine, and adjourn its said meetings. It shall make and publish from time to time, rules, ordinances and regulations for the government of its officers, agents, servants, and employes, and for the government and regulation of the parks and parkways, which may be required under and pursuant to the provisions of this Chapter. A majority of the members of said Board shall constitute a quorum; but no action of said Board, designating or purchasing or leasing lands, creating a bonded debt, or filling vacancies in the Board of Park Commissioners, shall be valid unless voted for by ten (10) members of said Board; and a record of its proceedings shall be kept, and the said Board shall make and publish an annual report setting forth their general proceedings, and containing a statement of the receipts and expenditures of said Board; which statement of receipts and expenditures shall be submitted to the City Comptroller and audited by him in the same manner as accounts of city officers. The said Commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be audited and allowed by the said Board. The Board of Commissioners shall be authorized to employ and dismiss, subject to the provisions of the Civil Service Chapter of this Charter, such attorneys, surveyors, agents and employes as may be necessary, and to fix the compensation of all its appointees and employes, which shall be payable from the fund hereinafter established for the purpose of this Chapter, upon the order of said Board, countersigned by the City Comptroller.

No Commissioner shall be interested in any contract made under the authority of said Board, or in any lands to be required by said Board, except that if any Commissioner shall be owner of, or interested in, any lands which may be designated or appropriated for the uses of this Chapter, he shall be entitled to receive compensation therefor as provided herein, but shall not act officially in respect to any matter in which he may be pecuniarily interested.

Any Commissioner may be removed from office by the District Court of Hennepin County, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at the trial that such Commissioner has been guilty of misdemeanor, or malfeasance in office.

Upon the presentation of such petition to one of the Judges of said Court he shall issue an order returnable before such Judge, or the Court, requiring such Commissioner to appear and show cause why he shall not be removed from his office, and upon the

return of such order the Court or Judge shall direct the method of hearing and procedure.

The office of any Commissioner under this Chapter who shall not attend meetings of the Board for three (3) successive months after having been duly notified of said meetings, without reasons satisfactory to the Board, or without leave of absence, from said Board, may by said Board be declared and thereupon shall become vacant.

**Section 2. Parks and Parkways.**—The Board of Park Commissioners of the City of Minneapolis and its successors shall have the power and it shall be its duty, to devise, adopt, and maintain parks and parkways in and adjacent to the City of Minneapolis, and from time to time to add thereto; to designate lands and grounds to be used and appropriated for such purpose; to cause the same to be platted, surveyed, and plats thereof filed in the office of the Secretary of said Board, and in the office of the City Engineer of the City of Minneapolis; and the right to take possession, upon obtaining title to the same or any part thereof, of same or any part thereof; to hold, improve, govern and administer the same for such purposes.

The said Board of Commissioners, and their successors, shall have power, and it is hereby authorized, to obtain title for and in the name of the City of Minneapolis, to any lands so designated by it for the purpose of this Chapter, by gift, devise, purchase or lease.

And said Board may enter into any contract in the name of said city, for the purchase of any lands to be paid for in such time, or times, and in such manner as the Board may agree to; and said Board may accept title to lands and give back a mortgage or mortgages in the name of said city, with or without bonds to secure the unpaid purchase price. Provided, That no personal or general liability on the part of said city shall be created by any such contract, or mortgage, or bond beyond the means at the time available therefor, except the liability to pay such amount as may be realized from benefits assessed on benefited property on account of the lands included in such contract or mortgage.

And it is hereby made the duty of said Board to pay on each such contract or mortgage an amount equal to the sum or sums so realized from such assessments; and said Board shall have power to accept and receive donations of money, property or lands, for the use of the said city for the purposes contemplated in this Chapter.

**Section 3. Authority to Condemn Land—Appraisers.**—The Board of Park Commissioners shall have power, and it is hereby authorized to condemn for the use of said city, any tract or tracts, parcel or parcels of land, or any interest therein, which it may have designated as hereinbefore provided in the second (2) section of this Chapter; and when such condemnation shall have been completed and the land paid for as herein provided, the title to such land shall pass, and be vested in fee simple in the said city. For the purpose of making and perfecting such condemnation, the said Board of Commissioners shall proceed in the manner following:

1st. The Board of Park Commissioners shall appoint five (5) appraisers who shall be disinterested freeholders and qualified voters of said city, and none of who shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making said im-

provements; said appraisers shall be notified as soon as practicable by the Secretary of said Board at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such appraiser, upon being so notified shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50.00) and shall be liable to be prosecuted therefor before the Municipal Court of said city, as in case of a violation of an ordinance of said city. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the Board of Park Commissioners.

2nd. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the Board of Park Commissioners.

3rd. The said appraisers shall with all reasonable speed give notice by publication in the official newspaper of said city once a week for two (2) consecutive weeks; which last publication shall be at least ten (10) days before the day of such meeting; which notice shall contain a general description of the lands designated by the Board of Park Commissioners, and give notice that a plat of the same has been filed, and the said appraisers will meet at a place and time designated in said notices and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by such improvement.

4th. At the time and place according to said notice, the said appraisers shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement.

5th. If there should be any building standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall in each case determine the amount of damage which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he or they should elect to remove such building.

6th. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the appraisers. Provided, That neither such award of the appraisers nor the confirmation thereof by the Board of Park Commissioners shall be deemed to require payment of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

7th. The said appraisers having ascertained and appraised the damage aforesaid, shall make and file with the Secretary of said Board of Park Commissioners a written report of said Board of Park Commissioners of their action in the premises, embracing a schedule and appraisal of the damages in each case, with a description of the lands and names of the owners if known to them, and also a statement of the costs of the proceedings.

8th. Upon such report being filed, the Secretary of the Board

of Park Commissioners shall give notice that such appraisalment has been returned, and that the same will be considered by the Board of Park Commissioners at a meeting thereof to be named in the notice; which notice shall be published in the official newspaper of said city once a week for two (2) successive weeks, and the last publication shall be at least ten (10) days before such meeting.

Any person interested in any building, standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting, in such notice, notify the said Board of Park Commissioners in writing of his election to remove such buildings, if he so elect.

The Board of Park Commissioners, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisalment, in whole or in part; giving due consideration to any objections interposed by parties interested in manner hereinafter specified, provided, that said Board shall not have the power to reduce the amount of any award.

In case the appraisalment is annulled, in whole or in part, the Board may thereupon appoint new appraisers who shall proceed in like manner, as in case of the first appraisalment, as to any lands as to which the former appraisalment was annulled; and upon the coming in of their report the Board shall proceed in like manner and with the same powers as in case of the first appraisalment, and may order re-appraisalment so often as it shall deem proper.

9th. The damages shall be paid out of the park fund, and shall be so paid, or be deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisalment and report; but in case any appeal or appeals shall be taken from the order confirming said appraisalment, then the amount of such damage shall not in any case be required to be paid or deposited and set apart as aforesaid, until sixty (60) days after the determination of all appeals which shall have been so taken.

And in case of any re-appraisalment or re-appraisalments, the amount of such damage shall not in any case be required to be paid or deposited or set apart, as aforesaid, until sixty (60) days after final action and determination, including determination, upon appeals of such re-appraisalments, it being the intention that said Board shall be enabled to ascertain the entire cost of any improvement before paying for any part of such improvement.

The land and property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall have been paid to such owner or his agent, or deposited and set apart for his use as aforesaid. And in case the said Board of Park Commissioners shall be unable to determine to whom damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, or in case of the legal disability of any person interested, the amount of damage in any such case may be deposited by order of the Board of Park Commissioners in the District Court of Hennepin County, in the same manner as moneys are paid into court as provided by law, and in every case such deposit of the money in court shall satisfy all requirements of this act; and said court upon the proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

10th. In case any owner or owners of buildings as aforesaid

shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the Board of Park Commissioners may allow for the purpose, and shall thenceforth be entitled to payment from said park fund of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said Board of Park Commissioners shall direct, and the same or the proceeds thereof shall belong to the said park fund.

11th. Any person whose property is proposed to be taken or interfered with, under any provisions of this Chapter, and who deems that there is any irregularity in the proceedings of the said Board of Park Commissioners, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for taking of or interference with his property, may at any time before the time specified for the consideration of the award by the Board of Park Commissioners, file with the Secretary of said Board, in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property in which he is interested affected by such proceedings, and his interest therein, and if, notwithstanding such objections, the said Board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the Board to the District Court of the County of Hennepin, within ten (10) days after such order; such appeal shall be made by serving a written notice of such appeal upon the Secretary of said Board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said Secretary a bond to the City of Minneapolis, executed by the appellant, or by some one in his behalf, with two (2) sureties who shall justify in the penal sum of fifty dollars (\$50), conditioned to pay all costs that may be awarded against the appellant. Thereupon the said Secretary shall make out and transmit to the Clerk of the said District Court a copy of the award of said Commissioners as confirmed by the Board, and of the order of the Board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said Secretary to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the Secretary, in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objection that as to him the award or appraisalment or (of) the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case may be brought on for hearing on eight (8) days' 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, only so far as the said proceedings affect the property of the appellant proposed to be taken or dam-

aged, and described in said written objection. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three (3) disinterested freeholders, residents of said city, appraisers, to re-appraise such damages. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers; they shall be sworn to the faithful discharge of their duties of such appraisers, 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; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects as are in this Chapter made for the government of appraisers appointed by said Board. They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages in respect to the property of such appellant. The award of such appraisers 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 re-commit the same to the same appraisers or appoint new appraisers, as it shall deem best; said court shall allow a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers, 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. The Board of Park Commissioners shall have the right at any time during the pendency of any proceedings for the acquisitions of lands for any improvement authorized by this Chapter, or at any time within sixty (60) days after the final order by the court, of all appeals taken in such proceedings to abandon all such proceedings in respect to the whole improvement or any part thereof, whenever they shall deem it for the interest of the city so to do.

12th. As soon as said proceedings for acquiring the title to such lands shall have been completed, it shall be the duty of said Commissioners to make, or cause to be made, an accurate description of all such lands as shall have been so acquired, with a statement of the amount of damages awarded and paid to each former owner for the land so acquired, which shall be certified by the President and Secretary of said Board, under the official seal of said Board, and be filed in the office of the Secretary of the Board of Park Commissioners, and for record in the office of the Register of Deeds of said County of Hennepin; and it is hereby made the duty of said Register of Deeds to record the same among the records of transfers of real estate in said county, which records shall be prima facie evidence of title to such land, and of the transfer of all the interests of such former owner in the same to said City of Minneapolis.

It shall also be the duty of said Board of Park Commissioners to have correct plats of all such lands as they may acquire for the purposes of this Chapter, prepared and filed in the office of the Secretary of said Board of Park Commissioners, in the office of the City Engineer of the City of Minneapolis, and in the office of the Register of Deeds of Hennepin County; which said plat shall be kept on file and of record in the office of said Register of Deeds in like manner as plats of additions to the City of Minneapolis.

Section 4. Assessment of Benefits—Appointment of Park As-

sessors.—As soon as the amount required for the purchase and condemnation of the land selected for any park or parkway, or park purposes, shall have been ascertained by said Board of Park Commissioners with reasonable certainty, it shall determine what percentage, if any, of the amount so ascertained shall be assessed upon the lands benefited by said park or parkway, and it shall apply to the District Court of Hennepin County for the appointment of three (3) freeholders of the City of Minneapolis, as park assessors, none of whom shall be residents of the ward or wards in which the property so designated is situated.

Notice of such application shall be given by publication thereof in the official newspaper of said city at least six (6) days successively, the last of which publication shall be at least three (3) days prior to the date fixed therefor, and all persons interested may appear and be heard by the court touching such appointment. After such hearing the court shall appoint three (3) disinterested assessors who shall proceed to assess upon such lots, blocks, tracts and parcels of land in the City of Minneapolis as they shall deem to be specially benefited by such park or parkway, whether such land shall adjoin and abut upon such park or parkway or not, and whether exempted from assessment or not, such sum as they shall deem a just proportion respectively of the total sum so to be assessed for benefits; and the determination of said assessors as to what lots, blocks and parcels of land especially are specially benefited shall be deemed to include all the lands so benefited. In case of the purchase of lands for any such parks or parkways, or of any part thereof, it shall be competent for said Board of Park Commissioners to agree with the vendor or vendors of the land so purchased upon a price therefor, which may in addition to the purchase price thereof include exemption from an assessment for benefits upon any remaining contiguous or adjacent lands owned by such vendor or vendors, the amount of which exemption shall be specifically agreed upon in the contract or conveyance; provided in all such cases an accurate description shall be furnished to said Board by the party to be exempted, specifying the lands so to be exempted, which description shall be filed in the office of the Secretary of said Board and a certified copy thereof shall be recorded in the office of the Register of Deeds of Hennepin County; and it shall be the duty of said Register of Deeds to file and record the same. Before proceeding to act under such appointment the said assessors shall make oath faithfully and impartially to discharge the duties of their said office, and shall then give notice of the time and place of their meeting, for the purpose of making said assessment, by publication thereof for six (6) successive days in the official newspaper of said city, the last of which publication shall be at least three (3) days before the time of meeting; all parties interested may appear before said assessors and be heard touching any matter connected with the assessment.

The assessors shall have power to administer oaths to witnesses and shall hear and consider any pertinent testimony offered and they may adjourn their meetings from time to time until the assessment is completed. When completed the assessment shall be signed by the assessors or by a majority who shall concur therein; and shall be returned to and filed in the office of the clerk of said District Court.

The Board of Park Commissioners shall cause to be published in the official newspaper of the City of Minneapolis at least six (6) days successively, a notice of the filing of said assessment roll;

which notice shall set forth the boundaries of the district in which said assessments have been levied; and they will on a day named therein apply to said court for the confirmation of said assessment, the last of which publications shall be at least five (5) days prior to said application.

Said District Court shall have power to revise, correct, amend and confirm said assessment in whole or in part, and may make or order a new assessment in whole or in part, and the same revise, correct, amend and confirm upon like notice. All parties interested may appear before said court at the time of such application, and object to said assessment either in whole or in part, but all objections shall be in writing specifying the tracts or parcels of land in respect to which objection is made, and shall be filed with the clerk of said district court at least two (2) days before the time fixed for the application. Objections which relate merely to the amount assessed upon the premises specified shall not be available, unless the court shall be satisfied that the assessors in fixing such amount were governed by improper motives, or proceeded upon erroneous principles, or under an obvious mistake of facts. After the confirmation of such report, the Board of Park Commissioners shall cause a copy thereof, as amended and confirmed, to be filed in the office of the Auditor of Hennepin County, and the copies of such assessment rolls as have heretofore been filed in the office of the clerk of said court, shall be transferred to and filed in the office of said County Auditor. Such assessment shall be a lien upon the several tracts or parcels of land so assessed for benefits, as aforesaid, and ten (10) per cent of the amount thereof shall be due and payable annually.

The Auditor of said Hennepin County shall include in the general tax list for the collection of state, county and city taxes, ten (10) per cent of said assessment for each year, until the whole sum is paid, setting opposite the several tracts or parcels of land assessed the amount of such assessment in an appropriate column to be headed "park assessments" and like proceedings, in all respects, shall be had for enforcing the collection of the same as is now provided by law for the collection of state, county and city taxes. In case any of the tracts or parcels of land which have been or which may hereafter be assessed for benefits, as aforesaid, have been or shall hereafter be re-platted or otherwise subdivided, said County Auditor shall have power to apportion the amount originally assessed therein among the several lots, blocks or parcels into which the same has or shall be so subdivided, in such manner that the several subdivisions thereof shall bear their just proportion of the benefit tax as so assessed or confirmed. Said County Auditor shall provide, and keep, as one of the records of his office, a suitable book or books, in which he shall enter the several tracts and parcels of land so assessed, with a statement of the amounts assessed thereon respectively, and all payments made on account of such assessments, with such other facts in relation thereto as he may deem advisable; and the Board of Park Commissioners may compensate said Auditor for such services in any sum which said Board shall deem just and reasonable.

If the owner of any tract or parcel of land assessed as aforesaid, shall at any time make payment of such sum as being put at simple interest at seven per cent per annum would amount to the sum of the several installments of such entire assessment, at the time they would respectively become due under the provisions of this section, the said lands shall henceforth be free from the lien of the assessments so paid and discharged.

**Section 5. Issuance of Bonds.**—For the cost of acquiring a title to lands for said parks and parkways, the said Board of Park Commissioners shall have power to borrow, from time to time, for such times as it shall think expedient, not exceeding fifty (50) years, a sum of money the annual interest upon which for all the moneys so borrowed including the sums heretofore borrowed, shall not exceed thirty-five thousand dollars (\$35,000), and for that purpose shall have authority to issue bonds of the City of Minneapolis, to be denominated "park bonds," secured upon said parks and the improvements thereon; which bonds shall issue under the seal of said Board of Park Commissioners, and shall be signed by the President and Secretary of said Board, and countersigned by the Comptroller of the City of Minneapolis, and shall bear interest not exceeding four and a half (4½) per cent per annum. And in no case shall bonds be issued by said Commissioners so that the bonded debt of the city shall exceed the limit fixed by law. It shall be the duty of the Secretary of said Board of Park Commissioners and of the City Comptroller to keep an accurate register of all bonds issued, showing the amount, number and date of each bond. And for the payment of the principal and interest of said bonds, the said parks and improvements thereon shall be irrevocably pledged with a first lien thereon, and the City of Minneapolis shall be irrevocably bound; provided, that all lands shall be first subject to the unpaid purchase price thereof; and said bonds may be sold by said Board of Park Commissioners, upon such terms and for such prices as in its judgment are the best that can be obtained for the same.

**Section 6. Assessment of Tax—City Park Fund, Etc.**—The said Board of Park Commissioners shall annually, on or before the first (1st) day of October in each year, transmit to the Auditor of Hennepin County an estimate in writing of the amount of money necessary for the payment of interest on bonds issued by said Board, and that will be required for the purchase, improvement, maintenance and government of said parks and parkways during the succeeding year; which amount shall not exceed what will be raised by a tax of one and one-half (1½) mill upon each dollar of valuation of the taxable property in said city; and the said Auditor shall proceed to determine what per cent said sum is on the taxable property of said city according to the assessor's returns, and shall, in the next general tax list for the collection of city, state and county taxes, in said city, set down the amount chargeable to the several persons, corporations, lots or parcels of ground in a separate or appropriate column, and the proper officers shall proceed to collect the same in a manner now provided by law for the collection of city, state and county taxes, and all the provisions of law in respect to the collection of city, state and county taxes, and proceedings to enforce the same as far as applicable, shall apply to said assessments and taxes; the said sum of money, together with all other moneys provided for the purpose of this act, shall be placed by the City Treasurer of the City of Minneapolis to the credit of said Board of Park Commissioners, and shall be drawn by said Board from the City Treasurer by warrant signed by the President and Secretary of the Board countersigned by the City Comptroller and in no other way; and shall constitute a special fund to be known and denominated the "city park fund."

The City Board of Park Commissioners in addition to all other powers and authority herein granted or already possessed for the collection of taxes, is hereby authorized and empowered, and it shall

be its duty to levy annually, on real and personal property of the city, a tax not exceeding one-fourth ( $\frac{1}{4}$ ) of a mill on each dollar on the assessed valuation of said city for the purpose of acquiring, equipping, maintaining and governing playgrounds for the public use as part of the system of parks and parkways of said city. Provided, that credits and real estate mortgages shall be subject only to the levy and collection of taxes now or hereafter provided by law, and provided, further, that the rate of such levy shall not exceed the maximum fixed by the Board of Estimate and Taxation in any year.

The said Board of Park Commissioners in addition to all other power and authority, is hereby authorized and empowered, and it shall be its duty to levy annually, upon all the property, real and personal, a tax not exceeding  $\frac{1}{20}$  of a mill upon each dollar of the assessed valuation of this city, for the purpose of protecting, caring for, replacing, and maintaining the shade and ornamental trees and shrubbery in the streets and avenues of the city. Provided, however, that grants and real estate mentioned shall be subject only to the levy and collection of taxes now or hereafter provided by law, and provided, further, that the rate of such levy shall not exceed the maximum fixed by the Board of Estimate and Taxation in any year. All taxes so levied, pursuant to the foregoing paragraph, shall be certified to the County Auditor of this county on or before the 10th day of October of each year and shall be collected with, and the payment therefor enforced in the same manner as such general tax and with like penalties and interest. The tax collection for playground purposes shall be paid to the City Treasurer and paid in a fund to be known as "Playground Fund," and the tax collected for the protection and preservation of trees, etc., shall be paid to the City Treasurer and placed in a fund to be known as "Street Forestry Fund," and only moneys collected and paid to the credit of either of the foregoing funds shall be paid by warrant of the Board of Park Commissioners and signed by the President and Secretary of such Board and countersigned by the City Comptroller.

**Section 7. Board Authorized to Accept Gifts, Etc.**—The Board of Park Commissioners is authorized to receive and accept in the name of the city, any gift or devise of land or buildings to be used for a public park, museum, gallery, or school of arts or crafts, or for the construction, equipment, improvement, maintenance or use thereof, or for any one or more of such purposes, with the right reserved by the donor or deviser to the free and exclusive occupancy, management, control and use of any such building by any incorporated society of this state organized for the general purposes of fostering and promoting educational, artistic and scientific interests, or some one or more of them, and not for any purpose of pecuniary gain or profit to any of its members, and upon such other conditions, but subject to such regulations and restrictions, as shall be approved by such Board of Park Commissioners.

The Board may likewise accept gifts and bequests of money and other personal property to be used for any of the purposes aforesaid.

Such Board, out of any moneys received for the Park Museum Fund, as hereinafter provided, or from any gift or bequest applicable thereto, shall care for and maintain as a public park, any land or grounds acquired and used as aforesaid, and shall maintain and keep in repair, alter, enlarge, improve and equip, heat, light and care for, any and all such buildings, shall maintain proper insur-

ance thereon, and shall make suitable provision for the custody of, and for keeping, preserving and exhibiting any and all collections, objects and specimens contained therein. In case of the destruction or damage of any such building from any cause, the proceeds from any insurance thereon, together with any funds available therefor received under the provisions of this act, shall be used for the restoration of such building, such boards shall have power to make any contracts or arrangements, in the name of the city, necessary or convenient to promote the general purposes of this Chapter, and shall have power to make rules and regulations for the use and government of such land and buildings, and, for that purpose, may adopt rules and ordinances, and provide penalties for their violation.

After the acquirement of any such museum, gallery, or school or arts or crafts as aforesaid, there shall be annually levied and it shall be the duty of such Board of Park Commissioners to cause to be included in the annual tax levy, upon all the taxable property of the city, a tax of one-eighth ( $\frac{1}{8}$ ) of one mill upon each dollar of the assessed valuation of property in this city subject to taxation, and such board shall certify such levy to the Auditor of the County of Hennepin, and the same shall be added to, and collected with and as part of the general real and personal property taxes with like penalties and interests, in case of non-payment and default, and all provisions of law in respect to the levy, collection and enforcement of other taxes shall, so far as applicable, be followed in respect to such taxes. All of said taxes, penalties and interest, when collected, shall be paid to the City Treasurer, and shall be credited to a fund to be known and denominated as the Park Museum Fund, and shall be used for the purposes specified in this Section 7, and for no other purpose. Any part of the proceeds of such levy not expended for the purposes specified in this paragraph may be used for the erection of new buildings for the same purposes. The Board of Park Commissioners may, by ordinance, provide for the payment of all current bills incurred by it, or under its authority, for goods, wares and merchandise, without awaiting the formal vote of such Board directing payment thereof.

**Section 8. Vacation and Closing of Streets.**—It shall be lawful for said Board of Park Commissioners to vacate and close up any and all public roads and highways excepting railroads which may pass through, divide or separate any lands selected or appropriated by it for the purpose of parks, and no such road, highway nor any railroad shall be laid out through said parks or any of them, except such as the said Board of Commissioners shall itself lay out and construct or shall consent to.

**Section 9. Construction of Bridges and Viaducts.** The said Board shall have power to construct all necessary bridges and viaducts over water courses and railroads within or on the line of said parks and parkways.

**Section 10. Expenditures of Money Received for Benefits.**—The funds which may be received for and upon the special assessments of benefits herein provided for, shall be paid into the City Treasury as a part of the park fund.

**Section 11.—Shore Rights.**—Whenever the title shall have been acquired for the purpose of this Chapter, to the land constituting the shore or shores of any stream of water, lake or pond, said Board may regulate and control the use of such shore or shores and the



water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said Board is hereby empowered to take any and have exclusive charge and control of the waters of said lake, and may in all things regulate and govern the use of such waters, and may prescribe penalties for the violation of such rules and ordinances as it may adopt for that purpose; provided, that said Board shall not prohibit the use of sail or row boats on such waters.

**Section 12. Lands Acquired Subject to Lien for Bonds Issued.**—The lands which may be designated and obtained under the provision of this Chapter, shall remain forever for parks and parkways for the use of all the inhabitants of the said city, subject to such rules and regulations as the Board of Park Commissioners shall prescribe, said parks being subject to the lien of the bonds which may be issued for their purchase, provided that land purchased shall be first subject to the unpaid purchase price; which lien, in case of non-payment of said bonds at the maturity thereof, may be enforced by sales pursuant to any decree of a court of competent jurisdiction.

**Section 13. Sale of Lands Available for Park Purposes.**—Whenever the title to any piece or parcel of real estate that has, or may hereafter be, acquired under the provisions of this Chapter, either by purchase or condemnation and the proceedings for the establishment of a particular park or parkways, of which said piece of land, or parcel of land, was designated to form a part has been, or may hereafter be, abandoned by said Board, as by this Chapter authorized, in consequence of which abandonment said piece or parcel of land has or may become unavailable as a part of said park system, such lands may be sold and conveyed by deed executed in the name of said city by the President and Secretary of said Board, at such price and upon such terms as said Board may direct or approve. No such sale shall be valid, however, unless authorized by the District Court of Hennepin County by its order describing the premises to be sold and entered upon the petition of such Board, after hearing of all interested parties upon such notice by publication or otherwise, as such court may prescribe. And such District Court is hereby empowered to make and enforce all such orders, judgments and decrees as it may deem proper in the premises and such conveyance so authorized and executed shall vest in the grantee all right, title and interest of the City of Minneapolis in such lands acquired by such condemnation or purchase.

**Section 14. Rules and Penalties.**—Said Board shall have power to regulate the use of parks and parkways acquired in the name of the city, whether within or without the corporate boundaries, and may adopt ordinances to acquire and secure the quiet, orderly and suitable use and enjoyment of such parks and parkways by the people, and fix and ordain penalties for the violation thereof, which ordinances shall take effect from and after the publication thereof in the official newspaper of the city. The penalty for such violation may include fines not exceeding \$100 or confinement in the city workhouse not exceeding 90 days, and the same shall be enforced by prosecution in the Municipal Court of said city, as in the case of other ordinances of said city. The Clerk of the Municipal Court of said City of Minneapolis shall receive all fines and penalties imposed by the said Municipal Court for the violation of park ordinances, and shall keep full, accurate and detailed account of the same; and shall, on the first Monday of every month,

deliver over to the City Treasurer of the City of Minneapolis all moneys so received; which moneys so received when so paid to the City Treasurer shall become a part of the park fund of said city.

The City Attorney of the City of Minneapolis shall have charge of all prosecutions, and shall prosecute all violations of park ordinances before the Municipal Court of said City of Minneapolis.

The Mayor of the City of Minneapolis shall, upon request of the Board of Park Commissioners, and subject to the provisions of the Civil Service Chapter of this Charter, appoint as policemen such persons as such Board may request; and which policemen shall be under the control and direction of said Board, and may be discharged by said Board, subject to the provisions of said Civil Service Chapter and said Board shall provide for the payment of such policemen out of the park funds.

All policemen so appointed shall possess all the common law and statutory powers of constables; and any warrant for search or arrest issued by any magistrate or court of record in Hennepin County may be executed in any part of said county by any member of said police force.

**Section 15. Opening, Improving and Vacation of Streets.**—The said Board of Park Commissioners shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is, or hereafter may be, conferred upon the City Council in respect to the laying out, opening, widening and improving, vacating and discontinuance of streets; the grading, paving, and curbing thereof; the construction of sidewalks; and the cost of all lands acquired, and of all improvements made by said Board pursuant to this section shall be levied upon and collected from the property specially benefited thereby. And the proceedings for the condemning of land and for assessing benefits for improvements shall be conducted in the manner hereinbefore in this Chapter provided for condemning lands and assessing benefits.

The City Council of said City of Minneapolis shall have the same power and jurisdiction in respect to laying water mains and sewers along parkways in the said city as it now has in respect to laying the same along the public streets; and the same proceedings for levying and collecting special assessments for water mains and sewers along such streets shall apply to levying and collecting the same for water mains laid along the parkways.

The Board of Park Commissioners is hereby authorized in its discretion to cause curb and gutter or either to be built along any side of any parkway or any portion thereof, and to cause to be constructed and built any sidewalk along any parkway or any portion thereof, such curb, gutter and sidewalk to be built in such manner and of such materials as it may direct, and to collect the expense and the cost of the same by special assessment upon the property fronting upon such improvements on the same side of the street; but the expense of so improving any part of such parkways as shall be in front of property exempt from such assessment, or property belonging to the city shall be paid from the general fund of said Board.

It is hereby made the duty of all owners of land adjoining or abutting upon any parkway of the city to construct, reconstruct and maintain in good repair sidewalks along the side of the parkway contiguous to the lands of such owner, whether such sidewalks were heretofore or shall hereafter be constructed, the same to be built of such material and width and upon such place or grade, as the said Board may prescribe by ordinance or otherwise.

Whenever said Board shall deem it necessary that any sidewalk shall be constructed or reconstructed along a parkway in any such city, it shall by resolution direct such construction or reconstruction specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owner shall each on his respective land, construct and fully complete such sidewalk within two weeks after the publication of such resolution as aforesaid, the said Board shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which said sidewalks shall front. Such assessment shall be made and collected in the same way so far as may be, except as herein otherwise provided for the collection of special assessment made by the City Council for the construction of sidewalks upon streets and alleys under its control, and the duties to be performed by the city, the City Engineer and the City Clerk respectively, shall appertain to and be performed by the said Board, its Engineer and Superintendent, and its Secretary respectively. And the said Board may either before or after making such assessment, cause the portion of sidewalks on such parkways as have not been built by the owners of such lands fronting on the same, to be built upon contract or by its own labor or by any other person as the said Board may determine.

If the owner of any lot or parcel of land fronting on any such parkway shall suffer any sidewalk along the same to become broken or out of repair, the said Board may repair the same in a good and substantial manner, and assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired, the cost and expense of making such repairs. In each case the assessments of all such repairs within the year may be combined in one assessment roll and be collected in the same manner and time as the City Council collects similar assessments for repairs upon streets and alleys under its control, except as herein otherwise provided. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, the said Board may cause the same to be entirely removed and replaced by a new sidewalk, and the expense of removal and cost of rebuilding shall be assessed upon the abutting property and collected in the manner hereinbefore provided for constructing sidewalks.

The said Board before ordering the construction of any new sidewalk or curb or gutter shall cause the ground or parkway along which they are to be built, to be properly graded.

It shall require a majority vote of the members elected to said Board to determine in the first instance to make any improvement of curb, or gutter or sidewalk along any such parkways for which a special assessment may be levied.

Any curb, gutter or sidewalk which said Board determines to make on any such parkway, the means to make or construct which are to be raised by special assessment, may be performed by contract let in the ordinary way or may be constructed directly by said Board by the employment of labor or purchase of material, or in any other manner in which said Board may deem proper in any particular case. The said Board may in its discretion in any case, instead of causing the special assessment to be made entirely upon estimates, wait until the letting of the contract for such improvement, or until such improvement shall be

made, before determining and fixing the cost and expense of such improvement. And the said Board may at the time of ordering any such improvement for which any assessment is to be made, determine whether to proceed at once with such improvement or wait the collection of the assessments made therefor, or said Board may if the owner or owners of the property abutting on such improvements do not within the space of two weeks construct the sidewalks as ordered in front of their respective properties, and in all cases where the improvement is a curb or gutter or both, may proceed to build or cause to be built said sidewalks or said curb or gutter, and thereafter when the cost and expense of such improvements are ascertained, proceed to assess the same upon the respective property fronting upon such improvements.

All special assessments for curb or gutter or sidewalks made by said Board under this Chapter, shall be assessed and made payable in one installment and collected with the taxes for the year in which the assessment is made, anything herein, or in the method or manner of collection of similar assessments by the City Council to the contrary notwithstanding.

All parkways which have been or which may be acquired in or adjacent to the City of Minneapolis shall be subject to the control and government of the Board of Park Commissioners of said city, in respect to the construction, maintenance, regulation and government thereof; and to the use, travel and traffic over and upon the same; provided, that no street, alley or public place, or any part thereof shall be taken for a parkway without the consent of the City Council of said city.

The said Board of Park Commissioners may acquire by gift, lands without the corporate limits of said city for the purpose of continuing or completing any system of parkways within said limits; and shall possess the same powers and jurisdiction over said parkways as if they were wholly within the city limits.

**Section 16. Planting of Trees.**—The Board of Park Commissioners of the City of Minneapolis shall hereafter have the authority to direct and regulate the planting and preservation of shade and ornamental trees and shrubbery in the streets, alleys and public grounds of said city. And to appoint, upon the recommendation of its President, subject to the provisions of the Civil Service Chapter of this Charter, a City Forester, whose general duties it shall be to inspect, and in his discretion condemn and destroy any trees or shrubs offered for sale in said city, if so ordered by said Park Board. To superintend and regulate the planting and culture of the same in said streets, alleys and public grounds, and to perform such other similar duties as said Board may by ordinance prescribe.

Said Board is also authorized to enact such ordinance or ordinances as it may deem proper to carry out the purposes of this Chapter and shall provide for the proper compensation of such City Forester to be paid out of the park funds.

No shade or ornamental trees or shrubbery growing in the streets, alleys and public grounds of said city, shall be destroyed or removed except by leave in writing first obtained from the President of said Board of Park Commissioners; the same to be duly countersigned and recorded by the Secretary of said Board.

And the said Board of Park Commissioners may, by proper ordinance, provide for the enforcement of this section, fix penalties for the violation thereof; and the Municipal Court of said city shall have jurisdiction of all offenses against such ordinances.

**Section 17. Shade Trees.**—Said Board of Park Commissioners may in its discretion cause suitable shade trees to be planted along, and upon any street or alley, or any portion thereof, and upon any public grounds in said city; and may cause to be assessed upon the piece or parcels of land abutting and upon such street, alley or public ground, and benefited by such improvement, the cost of purchasing and planting such trees, together with such sum as may be deemed necessary for the proper care of said trees for the period of three (3) years after such planting.

The sum so assessed shall not be greater than fifty (50) cents per front foot upon any piece or parcel; and any trees that may die within three years after having been planted by said Board of Park Commissioners, shall be replaced by said Board without additional assessment.

The Board shall, by resolution, direct the amount to be assessed against each piece or parcel of land; and its assessment shall be deemed to include all pieces or parcel of land; and its assessment shall be deemed to include all pieces or parcels benefited, and the Secretary of said Board shall, on or before the first (1st) day of October, of each year, transmit to the County Auditor of Hennepin County a certified copy of all such resolutions not previously certified to said County Auditor. And the said County Auditor shall extend the assessments in proper columns against the pieces or parcels assessed, and such assessments shall be collected and the payment thereof enforced with, and in like manner as state, county and other taxes are collected, and the payment thereof enforced. And such assessments when collected shall be paid over by the County Treasurer to the City Treasurer of the City of Minneapolis and be placed by him in the park fund.

The Board of Park Commissioners shall have power to sprinkle or oil the parkways of said city, or any part thereof, and to levy and assess the cost of said sprinkling or oiling upon the lots and lands fronting upon that part of the parkway so sprinkled or oiled by an equal rate per front foot of said lots and lands. No assessment shall be levied against property outside the city limits of said city. The Board of Park Commissioners shall cause each such assessment to be certified on or before the 10th day of October of each year to the County Auditor of Hennepin County, and the said Auditor shall include the same with and as part of the annual taxes for the current year upon the same lands, and such assessment shall be collected and the payment thereof enforced with and as a part of such annual taxes and with like interest, penalties and costs, etc. Such taxes when collected shall be paid to the City Treasurer and placed in the City Park Fund.

## CHAPTER XVII. LIBRARY BOARD.

**Section 1. The Library Board—General and Special Powers.**—There shall be a Library Board in the City of Minneapolis, which shall be styled "The Library Board of the City of Minneapolis." Said Board shall have full power to establish and maintain in the City of Minneapolis public libraries and reading rooms, galleries of art and museums for the use and benefit of the inhabitants of said city, and for the purpose of so doing it shall have the following powers, that is to say: It may adopt a common seal, and be

capable of suing and being sued, and of taking by gift, grant, purchase, devise, bequest, or otherwise, any real or personal property and of using, selling, controlling, conveying, and enjoying the same, and of entering into, making, performing and enforcing contracts. It may make and publish from time to time by-laws for its own guidance, rules and regulations for the government of its agents, servants and employes, and for the government and regulation of the libraries and other collections under its control. It may hire, or erect and maintain as it shall deem best, buildings suitable for the purposes contemplated by this act; but it shall never erect any building upon land to which it has not the title in fee simple. It may appoint and remove subject to the provisions of the Civil Service Chapter of this Charter all necessary agents and employes, and fix their compensation. It shall have control of the expenditures of all moneys collected by taxation or otherwise and placed to the credit of the library fund; and shall, in addition to the herein enumerated powers, have full power and authority to undertake and perform every act necessary or proper to carry out the spirit and intent of this act.

**Section 2. Compositions of Board—Elections—Resignations.**—Said Library Board shall consist of the Mayor of the City of Minneapolis, the President of the Board of Education of the City of Minneapolis, the President of the University of the State of Minnesota, who shall respectively be ex-officio members thereof, and six (6) other members, who shall be elected from time to time, as herein provided, by the legal voters of the City of Minneapolis, and who shall be resident and qualified electors of said city. At the city election to be held on the second Monday in June, 1921, there shall be elected two Library Directors for the term of six (6) years and thereafter there shall be elected every second year, two (2) Library Directors for the term of six (6) years; the term of said directors to begin on the first Monday in July of the year of their election.

**Section 3. Vacancies.**—In case any Library Director shall die, resign, or move from the district, or otherwise vacate his office, more than one year before the expiration of his term of office, a Library Director may be chosen at the next city election after such vacancy shall occur, to fill the place of the unexpired term of the director so vacating.

**Section 4. Elections—Continued.**—All elections for Library Directors shall be at the general city election, and as a part of such city election, and in all matters pertaining to said election, the rules provided for the election of said city officers shall apply.

**Section 5. Oath of Office—Officers of the Board—Secretary and Treasurer to Furnish Bonds.**—Every Library Director, before he shall enter upon the duties of his office, shall take, subscribe and file in the office of the City Clerk of said city, an oath or affirmation that he will support the constitution and laws of the State of Minnesota, and discharge the duties of his office to the best of his ability.

The officers of the Library Board of the City of Minneapolis shall consist of a President and Secretary, who shall be Library Directors. The City Treasurer shall be Treasurer of the Board, and the Comptroller shall perform such duties in connection therewith as hereinafter prescribed. The Secretary of the Board and the City Treasurer of the City of Minneapolis shall each, before enter-

ing upon the duties of his office, execute and deliver to the Library Board of the City of Minneapolis a good and sufficient bond, payable to the Library Board of the City of Minneapolis, in such sum as shall be fixed by the Board, and with sureties who shall be freeholders of said city, and who shall justify in the aggregate to double the amount of the bond; or by a responsible surety company, conditioned that the principal in the bond shall well and faithfully perform and discharge all the duties of his office, and pay and turn over to his successor, or to whomsoever the Board may direct, all monies, and every valuable thing which shall come into his hands by virtue of his office, belonging to said Board. Such bonds shall be approved by said Board and shall be filed for safe keeping with the City Comptroller of the City of Minneapolis.

**Section 6. Duties of Officers—Orders—How Drawn—Depositories of Funds.**—The President, or, in his absence, a President pro tempore, shall preside at all meetings of the Board, and sign all orders on the Treasurer, for all monies voted to be paid, and shall perform all duties necessary for the transaction of the business of the Board, and which are usually performed by the President of a corporation. The Secretary, or, in his absence, the Secretary pro tempore, shall keep a full and fair record of all the proceedings of the Board at its meetings, and shall draw and attest all orders drawn upon the Treasurer, and keep a record thereof showing the date, number, amount, purpose for which drawn, and name of payee of each order separately. All such orders shall be made payable to the order of the payee therein named, and shall not be paid without his endorsement, either personally or by his authorized agent or attorney. The Secretary shall perform such other duties as are usually performed by such officer, or as may be directed by the Board, and shall draw no orders on the Treasurer except such as have been allowed by the Board, by a majority vote of all its members, taken by ayes and nays, and entered on the record of the proceedings of the Board. The City Comptroller shall keep the regular books of account of the Board, in which he shall enter all indebtedness of such Board, and which shall at all times show the precise financial condition of said Board, the amount of bonds, orders or other evidences of indebtedness outstanding, and the redemption of the same when redeemed, and he shall countersign all bonds, orders, or other evidence of indebtedness of said Board and keep an exact account thereof, showing to whom and for what purpose issued and the amount of each, and all monies received or paid out by the City Treasurer on account of said Board. All claims allowed by the Board shall, before they are paid, be audited by the City Comptroller. The City Treasurer shall receive and safely keep all monies of the Board and pay the same only upon orders signed by the President and attested by the Secretary of the Board and countersigned by the City Comptroller and properly endorsed by the payee, and shall keep full books, records and vouchers of all his transactions.

He shall deposit the monies of said Board as the monies of the City of Minneapolis, in any banks which shall be designated by the City Council of said city as depositories of funds of said city, and the funds while so on deposit in such banks shall for all purposes connected with such deposit be regarded as the money of the City of Minneapolis, and may be recovered as such by said city from said banks, and the sureties of such banks, upon the bonds which said bank shall execute to the said city, but when

drawn or recovered from such banks shall be accounted for to its proper fund. And the Treasurer shall have the same exemption respecting such funds deposited in such banks as in respect to other funds of said city. The Secretary of the Board is hereby forbidden from signing or issuing any orders upon the Treasurer of said Board, except when there is money in the hands of the Treasurer to pay the same. The said Board shall never issue any bond or promissory note, certificate of indebtedness, or other obligation for the payment of money, except the same shall be made to become due at a date not later than the first day of January then next ensuing, and then for no greater sum than can be paid, when due, out of the regular revenues of the Board for the fiscal year in which such bond, note, certificate or other obligation of indebtedness is issued.

**Section 7. Tax Levy and Proceeds—County Auditor's Duties.**—Said Library Board is hereby authorized and empowered to levy upon the taxable property of said city, in each and every year, such taxes as will raise sufficient sums of money, as will be required during the succeeding year for the establishment, maintenance and government of the libraries and collections contemplated by this act, and for the payment of all other expenses properly incidental to the same. Provided, that the aggregate annual levy of such taxes shall never exceed in any one year one (1) mill on the dollar upon the assessed valuation of said district. The Board shall make a return of its annual levy of taxes on or before the first (1st) day of November of every year to the County Auditor of the County of Hennepin, and such taxes shall be collected and the payment thereof enforced with and 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 paid over by the County Treasurer to the City Treasurer of the City of Minneapolis as often as said County Treasurer is required to make settlement with said City Treasurer in respect to city taxes. Provided, however, that if, for any reason, said Board shall in any year fail to make return of its annual levy of taxes to the County Auditor by the time herein specified, that in such case the rate of taxation determined and fixed by the Board of Estimate and Taxation of the City of Minneapolis as the maximum rate which said Library Board shall levy for such year, shall be taken to be the rate of taxation determined upon by said Library Board for such year, and the County Auditor shall govern himself accordingly, and any taxes which shall hereafter be extended upon the tax list of Hennepin County by the County Auditor of said county, based upon the action of said Board of Estimate and Taxation, said Library Board having for any reason failed to make a return as herein provided, shall be and remain legal and valid.

**Section 8. Real Estate—How Purchased and Sold—Donations, Requests, Etc.—How Accepted.**—Said Library Board may purchase real estate for the purposes contemplated by this Chapter, whenever six (6) Library Directors shall vote to make such purchase, and the Board may also sell and convey any of its real estate, but only when five (5) of the Library Directors shall vote to make such sale. In the case of sale of real estate by the Board the deed of conveyance thereof may be executed by the President and Secretary officially, having the seal of the Board affixed thereto. All votes under this section shall be by yeas and nays, and recorded

in the record of the proceedings of the Board. Any person desiring to make donations of money, personal property, real estate, for any of the purposes herein contemplated, shall have the right to vest the title to the money, property or real estate so donated in said Board of Library Directors created under this act, to be held and controlled by such Board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property the Board shall be held and considered to be special trustees.

**Section 9. Annual Meeting—Regular and Special Meetings.**—The annual meeting of the Board for the election of its officers for the year shall always be on the first Thursday after the first Monday in July, at such hour and place as the Board may by its rules appoint for its regular meetings. But vacancies may be filled whenever they shall happen during the year, and officers shall hold until their successors are elected and qualified, unless they cease to be eligible. The regular meetings of the Board shall be fixed by its rules and laws. Special meetings may be called by the President or any two Library Directors, by written notice, stating the time, place and object of the meeting, to be served personally or by mail, at least twenty-four (24) hours before such meeting. But whenever a majority of all the Directors are present at any meeting the same shall be a legal meeting at which any business which could come before a regular meeting may be transacted, irrespective of whether any legal notice was given for such meeting or not.

**Section 10. Board May Associate With Independent Societies Owning Libraries, Etc.**—Said Library Board may enter into association with any independent society or other organization owning libraries, or museums, or existing for purposes kindred to those contemplated in this act, upon such terms and conditions as shall best promote the object for which said Board is created.

**Section 11. Libraries and Museums to be Forever Free—Rules and Regulations.**—All libraries and museums established under this Charter, and, so far as consistent with the preceding section, all collections in any manner under the charge of the Library Board shall be forever free to the inhabitants of the City of Minneapolis; always subject, however, to such reasonable rules and regulations as shall be necessary for their effective administration.

**Section 12. Library Board May Enter into Arrangements With Certain Counties, Cities, Towns and Villages.**—The Library Board may admit to the benefits of its libraries and museums, persons not residing within the municipality, under such regulations and upon such conditions as to payment and security as it shall by rule prescribe. Said Library Board may also contract with the authorities of Hennepin County or any of adjacent country, or with the village trustees, or other governing body of any neighboring town, city or village, to loan books of said Library, either singly or in traveling libraries, to the residents of said counties, towns, cities, or villages, upon such terms as shall be agreed upon in said contract, and the authorities of any such county, town, city or village shall defray the expenses that any such arrangement may involve.

**Section 13. Library Board Authorized to Accept Certain Gifts.**—The Library Board of the City of Minneapolis is hereby empowered to accept gifts of land, books, money, works of art, pot-

teries, glass, stones, jewels, antiquities, objects of natural history, objects showing the progress of art, science or invention, and any other similar objects useful for exhibition or instruction, upon such terms and agreements and conditions as to said Board may seem best.

**Section 14. Previous Gifts of Land, Etc., Ratified and Confirmed.**—Every deed and instrument of conveyance or gift of land or other property hereinbefore described heretofore made is hereby authorized and confirmed, and said Library Board is hereby authorized and empowered to keep and perform the terms and conditions thereof, and to enter into every promise and agreement needful therefor, and said Board may provide by a standing rule for a commission which shall have the care and custody of such property hereinbefore described, other than land, under general rules and regulations to be prescribed by said Board, the members of such commission to be appointed in the first instance by said Board, and vacancies to be filled by nomination of the commission itself, subject to confirmation by said Board.

**Section 15. Library Board Permitted to Erect Buildings on Land Acquired.**—Said Library Board may erect buildings on any land acquired as aforesaid—any prior provision of law to the contrary notwithstanding.

**Section 16. \$500,000 Bond Issue Authorized.**—In order to raise funds to adequately house its libraries and collections, the City of Minneapolis is authorized, through its City Council, upon request of the Library Board, to issue and sell from time to time negotiable bonds of the city in such sums as may be deemed necessary, but not exceeding five hundred thousand (\$500,000.00) dollars par value in amount in the aggregate, including in such aggregate all bonds if any which may be hereafter issued or sold for like purposes under Chapter Five (5) General Laws of 1912, and to pledge the credit of the city for the payment thereof, principal and interest.

The proceeds of such bonds shall be placed to the credit of the Library Board of such city, and shall be used by said Board to acquire or improve a site or sites and for the construction, furnishing and equipping of a building or buildings thereon; for housing its libraries and collections, and for such purposes only.

Such bonds shall bear interest at a rate not exceeding five (5%) per cent per annum, payable annually or semi-annually and shall have such maturities as said City Council may determine, and shall be issued and sold in the manner specified in Section 1856, General Statutes of 1913, and acts amendatory thereof.

The said City Council shall each year include in the tax levy for such city a sufficient amount to provide for the payment of such interest and for the accumulation of a suitable sinking fund for the redemption of such bonds at their maturity. All such bonds shall be signed by the Mayor, attested by the City Clerk and countersigned by the Comptroller, and shall be sealed with the seal of such city; provided, that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

Two hundred and fifty thousand (\$250,000.00) dollars par value of said bonds and no more may be issued and sold before May 31st, 1921, and the unissued and unsold portion of said bonds may be issued and sold on and subsequent to June 1st, 1921.

CHAPTER XVIII.  
BOARD OF EDUCATION.

**Section 1. Corporate Powers.**—There shall be in the City of Minneapolis a Board, which shall be a corporation, under the name of "The Board of Education of the City of Minneapolis," and shall have a common seal and be capable of suing and being sued and of taking by gift, grant, purchase, devise or bequest, or otherwise, any real or personal property, and of using, selling, conveying, controlling and enjoying the same and entering into, making, performing, and enforcing contracts. From and after the time this Charter goes into effect, said Board of Education shall become and be the legal successor of the previously existing body known as "The Board of Education of the City of Minneapolis," and shall be vested with all property, and property rights and interests then vested in said last named body, but subject to all obligations and trusts under or by reason of which said body acquired, owned, or possessed the same.

It shall have the entire control and management of all common schools within the City of Minneapolis, and said city shall constitute one single school district. It shall be entitled to demand, have and receive all monies which have accrued or shall accrue to said district for school purposes under any law of this state or otherwise, and may appropriate and use such monies for the support and maintenance of the schools within such district as such board may deem best. It may also hire or erect and maintain, as it shall deem best, school houses and school rooms, but it shall never erect any building upon land to which it has not the title in fee simple. It may employ superintendents and teachers, and make rules and regulations for the government of schools, and for the employment and examination of teachers, and prescribing their powers and duties; and prescribing the description, grading and classification of scholars and their management, and the course of instruction and books to be used, and all other matters pertaining to the government and welfare of schools, including the contract for and purchase of text books, pencils, tablets and such other school supplies, needful for the schools of the district, and providing for the free use of such text books, pencils, tablets, and other school supplies, by the pupils of such schools, or the sale to them at cost; but no such adoption or contract for text books shall be for less than three nor more than five years, during which time such text books adopted or contracted for shall not be changed.

It may also provide by resolution for the payment of all current bills incurred by the Board for goods, wares and merchandise purchased for school purposes, the purchase whereof has been duly authorized by the Board, without awaiting a formal vote of the Board directing the payment thereof. Should bills so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the Board of Education on demand of the Board or of the City Attorney all such excess, or be subject to an action at law for double the amount thereof. Such resolution may contain such further provisions as the Board of Education shall deem necessary to protect the Board against fraud, irregularity and mistake in the matter of such purchase.

It may also make by-laws, rules and regulations for its government.

**Section 2. Number of School Directors—Terms of Office.**—The Board of Education in the City of Minneapolis shall consist of seven (7) School Directors each of whom shall be elected for a term of six (6) years. All the directors holding office at the time this Charter goes into effect shall continue to serve until the first Monday in July of the year in which their respective terms expire and until their successors have been legally elected and have qualified. At the general municipal election in the month of June, 1921, and every six years thereafter, there shall be elected three (3) School Directors who shall take their office on the first Monday in July of the year of their election. At the general municipal election in June, 1923, and every six years thereafter, there shall be elected two (2) School Directors who shall take their office on the first Monday of July of the year of their election, and at the general municipal election in June, 1925, and every six years thereafter there shall be elected two School Directors whose terms shall begin the first Monday in July of the year of their election. All the School Directors shall serve until their successors are elected.

**In case any School Director shall die, resign, or remove from the district, or otherwise vacate his office, more than one year before the expiration of his term of office, a School Director may be chosen at the next city election after such vacancy shall occur, to fill the place, for the unexpired term, of the director so vacating.**

gregate to double the amount of the bond, conditioned that the principal in the bond shall well and faithfully perform and discharge all the duties of his office, and pay and turn over to his successor, or to whomsoever the Board may direct, all monies and every valuable thing which shall come into his hand by virtue of his office belonging to said Board. Such bonds shall be filed for safe keeping with the City Comptroller of the City of Minneapolis.

**Section 4. Power and Duties of Officers—Finances.**—The President, or in his absence a President pro tempore, shall preside at all meetings of the Board, and sign all orders on the treasury for all monies voted to be paid by the Treasurer, and shall perform all duties necessary for the transaction of the business of the Board, and which are usually performed by the President of a corporation.

The Secretary, or in his absence the Secretary pro tempore, shall keep a full and fair record of all the proceedings of the Board at its meetings, and shall draw and attest all orders upon the Treasurer, and keep a record thereof, showing the number, date, amount, purpose for which drawn, and name of payee of each order.

**CHAPTER XVIII.  
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for and purchase of school supplies, needful for the schools of the district, and providing for the free use of such text books, pencils, tablets, and other school supplies, by the pupils of such schools, or the sale to them at cost; but no such adoption or contract for text books shall be for less than three nor more than five years, during which time such text books adopted or contracted for shall not be changed.

It may also provide by resolution for the payment of all current bills incurred by the Board for goods, wares and merchandise purchased for school purposes, the purchase whereof has been duly authorized by the Board, without awaiting a formal vote of the Board directing the payment thereof. Should bills so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the Board of Education on demand of the Board or of the City Attorney all such excess, or be subject to an action at law for double the amount thereof. Such resolution may contain such further provisions as the Board of Education shall deem necessary to protect the Board against fraud, irregularity and mistake in the matter of such purchase.

It may also make by-laws, rules and regulations for its government.

**Section 2. Number of School Directors—Terms of Office.**—The Board of Education in the City of Minneapolis shall consist of seven (7) School Directors each of whom shall be elected for a term of six (6) years. All the directors holding office at the time this Charter goes into effect shall continue to serve until the first Monday in July of the year in which their respective terms expire and until their successors have been legally elected and have qualified. At the general municipal election in the month of June, 1921, and every six years thereafter, there shall be elected three (3) School Directors who shall take their office on the first Monday in July of the year of their election. At the general municipal election in June, 1923, and every six years thereafter, there shall be elected two (2) School Directors who shall take their office on the first Monday of July of the year of their election, and at the general municipal election in June, 1925, and every six years thereafter there shall be elected two School Directors whose terms shall begin the first Monday in July of the year of their election. All the School Directors shall serve until their successors have been elected and have qualified. \*

**Section 3. Directors to File Oath of Office, Etc.**—Every school director, before he shall enter upon the duties of his office, shall take, subscribe and file in the office of the City Clerk of said city an oath or affirmation that he will support the constitution and laws of the State of Minnesota, and discharge the duties of his office to the best of his ability.

Its officers shall consist of a President and Secretary, who shall be School Directors. The City Treasurer shall be Treasurer of the Board, and the City Comptroller shall perform such duties in connection therewith as hereinafter prescribed. The Secretary of the Board and the City Treasurer of the City of Minneapolis shall each, before entering upon the duties of his office, execute and deliver to the Board of Education of the City of Minneapolis a good and sufficient bond, payable to the Board of Education of the City of Minneapolis, in such sum as shall be fixed upon by the Board, and with sureties who shall be freeholders of said city or a Surety Company authorized to do business in Minnesota and shall be approved by the Board, and who shall justify in the aggregate to double the amount of the bond, conditioned that the principal in the bond shall well and faithfully perform and discharge all the duties of his office, and pay and turn over to his successor, or to whomsoever the Board may direct, all monies and every valuable thing which shall come into his hand by virtue of his office belonging to said Board. Such bonds shall be filed for safe keeping with the City Comptroller of the City of Minneapolis.

**Section 4. Power and Duties of Officers—Finances.**—The President, or in his absence a President pro tempore, shall preside at all meetings of the Board, and sign all orders on the treasury for all monies voted to be paid by the Treasurer, and shall perform all duties necessary for the transaction of the business of the Board, and which are usually performed by the President of a corporation.

The Secretary, or in his absence the Secretary pro tempore, shall keep a full and fair record of all the proceedings of the Board at its meetings, and shall draw and attest all orders upon the Treasurer, and keep a record thereof, showing the number, date, amount, purpose for which drawn, and name of payee of each order

separately. All such orders shall be made payable to the order of the payee therein named, and shall not be paid without his endorsement, either personally or by his authorized agent or attorney. The Secretary shall perform such other duties as are usually performed by such officer, or as may be directed by the Board, and shall draw no orders on the treasury except such as have been allowed by the Board by a majority vote of all its members taken by ayes and nays, and entered on the record of the proceedings of the Board.

The City Comptroller, as Comptroller of the Board of Education, shall keep regular books of account of the Board, in which he shall enter all indebtedness of said Board, and which shall at all times show the precise financial condition of said Board, the amount of bonds, orders or other evidences of indebtedness outstanding, and the redemption of the same when redeemed, and he shall countersign all bonds, orders or other evidences of indebtedness of said Board, and keep an exact account thereof, showing to whom, and for what purpose issued, and the amount of each, and of all monies received or paid out by the City Treasurer on account of said Board. All claims allowed by the Board shall, before they are paid, be audited by the Comptroller.

The City Treasurer, as Treasurer of the Board of Education, shall receive and safely keep, all monies of the Board, and pay the same only upon order signed by the President and attested by the Secretary of the Board and countersigned by the Comptroller and properly endorsed by the payee, or in payment of outstanding matured bonds or coupons of said Board, and shall keep full books, records, and vouchers of all his transactions. He shall deposit the monies of said Board in any banks which shall be designated by the City Council of said city, as depositories of funds of said city, and the funds while so on deposit in such bank, shall for all purposes, connected with such deposit, be regarded as the money of the City of Minneapolis, and may be recovered as such by said city from said bank, and the sureties of such banks, upon the bonds which said banks shall execute to the said city, but when drawn or recovered from such banks, shall be accounted for to its proper fund. And the Treasurer shall have the same exemption respecting such funds deposited in such banks, as in respect to other funds of said city.

Nothing in this act shall be construed as prohibiting said Board from paying its teachers, janitors and other employes on payrolls, or otherwise, in accordance with such regulations as said Board may establish.

**Section 5: Meetings—Annual, Regular and Special.**—The meetings of the Board of Education shall be held at such times and places as shall be appointed by the Board. The annual meeting of the Board of Education for the election of its officers for the year, shall always be on the second Thursday, after the first Monday in July of each year, at such hour and place as the Board may by its rules appoint for its regular meetings.

The regular meetings of the Board shall be fixed by rules and by-laws. Special meetings may be called by the President for any two (2) School Directors by written notice, stating the time, place, and object of the meeting, to be served personally or by mail, at least twenty-four (24) hours before such meeting. But whenever a majority of all the Directors are present at any meeting, the same shall be a legal meeting at which any business which could come

before a regular meeting may be transacted, irrespective of whether there was any notice given for such meeting or not.

**Section 6. Tax Levy—Amount—Purposes.**—Said Board of Education is hereby authorized and empowered to levy upon the taxable property in said city, in each and every year, such taxes as will raise sufficient sums of money for all school purposes of every character, including the purchase of sites and buildings, and expenses incident to the maintenance thereof, and as will also provide for the prompt payment of all indebtedness of said district, provided, that the aggregate annual levy in any one year shall not exceed the following amounts for the following named purposes:

1. An amount equal to eleven mills on each dollar of the taxable property of the city for the purchase of school sites and the erection, repair, furnishing and fitting of school buildings, the payment of teachers' salaries and the general maintenance of the schools.

2. An amount equal to one mill on each dollar of the taxable property of the city, to be used only for the purpose of the repair, upkeep and maintenance of public school buildings and the equipment thereof.

3. An amount equal to four-tenths of one mill on each dollar of the taxable property of the city for the support and maintenance of evening and summer schools for elementary and high school grades.

4. An amount equal to twenty-five hundredths of one mill on each dollar of the taxable property of the city for educational work among immigrants, candidates for naturalization and removal of illiteracy.

5. An amount equal to three and one-half mills on each dollar of the taxable property of the city for additional salaries for teachers, janitors, engineers and firemen; provided, that the total annual levy of taxes for school purposes exclusive of the state and county school taxes, shall not exceed sixteen and fifteen hundredths mills on each dollar of the taxable property of the city. The Board shall make return of its annual levy of taxes on or before the first (1st) day of November of every year, to the County Auditor of the County of Hennepin, and such taxes shall be collected and the payment thereof enforced, with and 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 paid over by the County Treasurer to the City Treasurer of the City of Minneapolis, as Treasurer of the Board of Education, as often as said County Treasurer is required to make settlement with said City Treasurer in respect to city taxes; Provided, however, that if for any reason said Board shall in any year fail to make returns of its annual levy and taxes to the County Auditor, by the time herein specified, that in such case, the rate of taxation determined and fixed by the Board of Estimate and Taxation as the maximum rate which said Board of Education shall levy for such year, shall be taken to be the rate of taxation determined upon by said Board of Education for such year, and the County Auditor shall govern himself accordingly; and any taxes which have been heretofore or shall hereafter be extended upon the tax lists of Hennepin County by the County Auditor of said county, bases upon the action of the Board of Estimate and Taxation, said Board of Education having for any reason failed to make a return as herein provided, shall be and remain legal and valid.



**Section 8. Real Estate—Purchase and Sale.**—The Board may purchase real estate for school purposes whenever six School Directors shall vote to make such purchase; and the Board may also sell and convey any of its real estate, but only when five of the School Directors authorized to be elected shall vote to make such sale. In the case of sale of real estate of the Board, the deed of conveyance thereof may be executed by the President and Secretary, officially, having the seal of the Board affixed thereto. All votes under this section shall be by ayes and nays, and recorded in the record of the proceedings of the Board.

**Section 9. Orders—Bonds—Restrictions of Indebtedness.**—The Secretary of the Board is hereby forbidden from countersigning or issuing any orders upon the Treasurer of said Board except when there is money in the hands of the Treasurer to pay the same. The said Board shall never issue any bond nor promissory note, certificate of indebtedness or other obligation for the payment of money, except the same shall be made to become due and shall be paid at a date not later than the first (1st) day of July then next ensuing, and then for no greater sum than can be paid when due out of the regular revenues of the Board for the school year in which such bond, note, certificate or other obligation of indebtedness is issued.

**Section 10. Condemnation Proceedings.**—When the Board of Education deems it expedient and necessary to acquire the title to any lands situated within the City of Minneapolis, either for a school house site, or for an addition to school site, the same may be acquired at the option of said Board by the exercise of right of eminent domain and proceedings as provided in Chapter 41, General Statutes, 1913, of the State of Minnesota and acts amendatory thereof, except as herein otherwise directed. The title which said board shall acquire to any lands by proceedings herein provided, shall be an absolute estate in fee simple. Said Board in its application to the District Court for the appointment of commissioners, shall, in addition to the requirements of said Chapter, state that the title to be acquired by said Board is an absolute title in fee simple, and the judgment entered in such proceedings shall among other things declare that upon the payment of the assessment or verdict in case of appeal, with costs, to the owner of such lands or to the Clerk of the District Court of Hennepin County an absolute estate in fee simple in such lands as are in said petition described, shall be, and become, vested in said Board of Education.

Said Board of Education may at any time after the filing of its petition as aforesaid, enter upon and occupy such lands as are in its petition described until such proceedings shall have been fully determined and it shall not, during such time, be disturbed in such possession or occupancy by any proceedings either in law or equity.

#### CHAPTER XIX. CIVIL SERVICE.

**Section 1. Civil Service Commissioners of Minneapolis to be Appointed by Mayor with Approval of a Majority of City Council and to Receive Salary of \$1,000 Per Annum Each—Mayor to File Name of Persons Whom He Proposes to Appoint.**—There shall be in the City of Minneapolis a Civil Service Commission (hereinafter called the commission) of three commissioners, who shall be citizens of the

state and residents of the city, and for this service each commissioner shall receive \$1,000 per annum as compensation, payable in equal monthly installments. No commissioner shall at the time of his appointment, or while serving, hold any other office or employment under the city, the United States, the State of Minnesota, or any public corporation or political division thereof other than the office of Notary Public. The Mayor shall, with the consent and approval of the City Council, expressed by a majority vote thereof, appoint as commissioners, persons known to favor the principle of merit and efficiency in the public service. The term of office of each commissioner shall be three years from and after the first day of August of the year of his appointment. In case of a vacancy occurring otherwise the appointment shall be for the unexpired term. The commissioners shall continue in office until their successors are appointed and have duly qualified. Each commissioner before entering upon his duties, shall subscribe and file with the City Clerk an oath for the faithful discharge of his duties. Thirty days prior to the appointment of a commissioner, the Mayor shall file with the City Clerk the name of the person whom he proposes to so appoint. The commissioner heretofore appointed for a term expiring on the 1st day of February, 1921, shall continue to hold his office until the 1st day of August, 1921, the commissioner heretofore appointed for a term expiring on the 1st day of February, 1922, shall continue to hold his office until the 1st day of August, 1922, the commissioner heretofore appointed for a term expiring on the 1st day of February, 1923, shall continue to hold his office until the 1st day of August, 1923.

**Section 2. Civil Service Fund Authorized.**—The City Council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city, according to the next preceding state or national census, to be known as the civil service fund and to be used only for the purposes of this chapter. Unexpended balances at the end of the year shall revert to the current expense fund of the city. To provide such fund, the City Council shall levy a sufficient annual tax upon all the taxable property of the city, real and personal, in addition to all other taxes authorized by law. Warrants on the fund shall be drawn by order of the commission and signed by its president or vice-president and secretary and countersigned by the City Comptroller. The commission shall audit its own bills and payrolls.

**Section 3. Commission to Meet on Second Monday of August for Organization and All Employes to Be in Classified Service.**—The commission shall meet on the second Monday of August of each year, and at each said meeting elect a president and vice-president to serve until their successors are elected. The commission shall select a secretary who shall keep the records and files of the commission and be ex officio the chief examiner. The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure. The commission may appoint other necessary employes. All employes of the commission shall be in the classified service.

**Section 4. Powers of Commission to Extend Only to Classified Service.**—The powers of the commission shall extend only to the classified service, which shall embrace the entire service of the city except the following officers and employes, which shall be known as the "unclassified service," namely:

Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the superintendent of police; the city assessor; superintendents, principals, supervisors of teachers and teachers in the public schools, the city attorney, the attorney of the park board; the librarian and assistants of the public library; the superintendent of parks; a landscape architect, a chief of park police, and the Mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this chapter.

**Section 5. "Employee" Designated.**—The term "employee" as used in this chapter, shall include every officer, agent, employe and other person in the classified service of the city.

**Section 6. Listing, Grading and Classifying of Employes.**—All employes of the city of every nature excepting those in the unclassified service, shall be listed, graded and classified, and a service register prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data as to each employe as the commission may deem useful. To enable the commission to make such service register, the Mayor, City Council, each board and commission and each appointing or employing officer shall prepare and furnish to the commission complete lists of all employes in the classified service, containing the names and data aforesaid and such other information as the commission may call for.

**Section 7. Commission to Make, Alter and Change Rules—Appointment of Non-skilled Laborers Without Examination—Street Commissioners To Be Selected from Wards in Which They Reside.**—The commission shall, from time to time, make, amend, alter and change rules, to promote efficiency in the city service and to carry out the purposes of this chapter. The rules shall provide, among other things, for:

- a. The classification of all offices, positions and employments in the classified service.
- b. Public competitive examinations to test the relative fitness of applicants.
- c. Public advertisement of all examinations at least ten days in advance in two newspapers of the city of general circulation, one of which shall be the official newspaper, and posting such advertisement a like time in a conspicuous place in the city hall.
- d. The creation of lists of eligible candidates after successful examination, in the order of their standing in the examination, and without reference to time of examination. Such lists shall be embraced in an eligible register. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.
- e. The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applications.
- f. The certification of the name standing highest on the appropriate list to fill any vacancy.

g. Temporary employment without examination, but with the consent in each case of the commission, in cases of emergency and pending appointment from the eligible list; but no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be permitted for the same position.

h. Transfer from one position to a similar position in the same class or grade and for reinstatement of persons who, without fault or delinquency, are separated from the service or reduced.

i. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority. Promotion shall be deemed, among other things, to include increase in salary, and the rules shall be framed to encourage the filling of vacancies by promotion rather than otherwise.

j. Suspension, with or without pay, for not longer than ninety days, and for leave of absence, with or without pay.

k. Appointment of unskilled laborers in the order of priority of application—without examination—except such tests of physical fitness as the commission may prescribe. Such certification shall be so far as practicable, for each ward of said city. Selection of street commissioners for each ward shall be made from the residents thereof only.

l. Removing names from the service register upon termination of service.—The commission shall adopt such other rules not inconsistent with the provisions of this chapter, as may from time to time be found necessary to secure the purposes of this chapter.

**Section 8. Commission to Give Notice of Change of Rules.**—Before the adoption, amendment or repeal of any rule, the commission shall give notice of consideration thereof by publishing and posting a brief notice, as required in section 7, stating the subject of the rule or rules to be acted on.

**Section 9. Second Register To Be Kept.**—The commission shall keep a second register to be known as an application register, in which shall be entered the names and addresses and order and date of application of all applicants for examination, and the offices or employments they seek. All applications shall be upon forms prescribed by the commission.

**Section 10. Mayor To Be Notified of Rules and Amendments.**—The commission shall notify the Mayor, the City Council, the several boards and commissions, and each appointing officer of the city, of the rules adopted by them and all amendments thereof. No office, position or employment shall be filled in the classified service except from names certified by the commission and in accordance with the provisions of this Chapter.

**Section 11. Officers or Employes Not To Be Removed after Six Months Except for Cause—Investigation of Charges.**—No officer or employe after six months continuous employment shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said Civil Service Commission or by or before some officer or board appointed by said commission to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this chapter shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding ninety days for purposes of discipline. In the course of an investigation of charges, each mem-

ber of the commission and of any board so appointed by it or any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

**Section 12. Duties of Each Office To Be Ascertained and Grade Established.**—The commission shall ascertain the duties of each office, position and employment in the classified service, and designate by rule as well as may be practicable, the grade and title of each office, employment or position. Each grade shall comprise those offices, employments and positions having substantially similar duties. The commission shall by rule indicate the lines of promotion from each lower to higher grade wherever the experience derived in the lower tends to qualify for the higher. The commission shall prescribe standards of efficiency for each office, position and employment and for each grade, and adapt its examinations thereto. The commission shall make and keep a record of relative efficiency of each employe in the classified service other than unskilled laborers, and shall provide by rule methods for ascertaining and verifying the fact from which such records of relative efficiency shall be made.

**Section 13. Conduct of Examinations.**—All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust shall be specially examined as to moral character, sobriety and integrity, and all applicants for positions requiring special experience, skill or faithfulness shall be specially examined in respect to those qualities. Where written answers are required from applicants for positions calling for expert knowledge, the rules may provide for examination of the answers and the comparative ranking of the various applicants, without a disclosure of the names of the applicants to the examiners. The commission may furnish to the chief examiner such assistance as may be necessary. It shall be the duty of every employe of the city to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission, collectively or individually, may act as examiners or assistant examiners.

**Section 14. Notice of Examination.**—Notice of the time, place and scope of each examination shall be given by publication and posting, as specified in section 7, and by mailing to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible, after giving credit for character and previous successful experience, shall be entered, with their addresses and percentages, in appropriate lists of the eligible register. No names shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination.

**Section 15. Filling of Vacancies.**—When a vacancy is to be filled in the classified service, the Mayor, City Council, board, commission or employing officer, shall notify the commission, and the commission shall certify the highest name from the appropriate list of the eligible register, except in the case of unskilled labor, and then shall certify the name first in time on the list. All

vacancies shall be filled from the names so certified, and the commission shall be immediately notified of the employment and of the compensation to be paid. The names selected shall be stricken from the eligible register and transferred to the service register. All changes in grade, title or compensation shall be likewise reported.

**Section 16. Filling of Certain Positions Without Examination.**—In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, the commission, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some person of recognized attainments, without examination, and after hearing in an open, regular meeting of the commission and by the affirmative vote of all three members, may suspend competition; but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the commission.

**Section 17. Restrictions on City Comptroller in Payment of Salaries.**—After the receipt by the City Comptroller of the payroll, he shall not approve the payment of any salary, wages or compensation for any office or employment in the classified service, nor countersign any warrant therefor, unless the name of the person claiming the same appears upon the service register for the time for which such salary, wages or compensation is claimed, nor at any higher rate than shown on such register; and if the City Comptroller, shall wilfully or negligently approve any payment or countersign any warrant in violation of this section, he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any tax payer for the use of the city without making previous request to the city to sue.

**Section 18. Commission to Make a Report on or Before January 30 of Each Year.**—The commission shall in each year, on or before the 30th day of January, make to the Mayor and City Council a report, showing as fully as may be the acts and disbursements of the commission for the preceding calendar year; the rules in force at the beginning of such year and changes made during the year; the practical effect and working of the rules and of this chapter; the results of the efforts to standardize services and compensation and the departures therefrom; together with such recommendations as the commission may see fit to make, to promote the efficiency and integrity of the public service. The commission shall furnish a suitable number of copies of such report to the Mayor, the City Council and each board and commission and each employing officer of the city.

**Section 19. Investigation by Commission or Individual Commissioner and Trial of Accused.**—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the action of all examiners; the duties of all departments and of all employes of the city; the efficiency of the service, and such other matters as come within the scope of this chapter. In the course of such investigations each commissioner shall have power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall wilfully testify falsely shall be guilty of perjury

and any person who shall refuse to obey the lawful subpoenas or directions of the commission or any commissioner in any such investigation shall be guilty of a misdemeanor. Any member of the commission shall have power of his own motion to file written charges against any employe in the classified service, and thereupon the commission shall try the charges, after not less than ten days' written notice to the person accused, in the manner and with the powers prescribed in this section; but in such case the complaining commissioner shall not sit. If found guilty of breach of duty, such employe may be removed by the commission and his name be stricken from the service register. The commission may make complaint to the District Court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the District Court, except that any officer, agent or employe of the city who receives compensation for his services, shall not be entitled to fees or mileage.

**Section 20. False Answers or Statements Cause for Forfeiture of Right To Be Entered Upon Eligible Register.**—Any applicant for an office or employment in the classified service, who shall knowingly make any false answer or statement upon any examination in regard to any material matter upon which he is examined, shall thereby forfeit his right to be entered upon the eligible register, and, in case he has been appointed to any office or employment, shall forfeit the same and shall not within three years thereafter be eligible to any office or employment in the unclassified service of the city, nor shall he during such time be entitled to any of the examinations of the commission.

**Section 21. Giving or Taking of Money or Service for Position a Misdemeanor.**—Any applicant for examination or for appointment to the classified service, who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person for or on account of or in connection with his examination, appointment or proposed appointment, or who shall ask for or receive any recommendation or assistance from any person in the classified or unclassified service of the city, except a statement of his previous service and the character thereof, if any, to the city, as a subordinate under such officer or employe shall be guilty of a misdemeanor.

**Section 22. Assessments Prohibited.**—Any officer or employe in the classified service of the city, who shall in any manner directly or indirectly solicit or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor.

**Section 23. Payment of Additional Dues or Assessments During a Political Campaign Declared a Violation.**—Any person who shall solicit or receive, directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution or payment for any political purpose whatever from any officer or employe in the classified service of the city, shall be guilty of a misdemeanor. Provided that sections 22 and 23 of this chapter shall not apply to the solicitation payment or receipt of regular

and fixed dues by or from a member of an established organization, but the solicitation, payment or receipt of additional dues or assessments during a political campaign shall be construed to be a violation of this chapter.

**Section 24. Action of Superior Officers or Employes Declared a Misdemeanor in Certain Cases.**—Any officer or employe in the classified or unclassified service of the city, who shall discharge, promote or reduce in rank or in any manner change the official rank or compensation of any other officer or employe or promise or threaten so to do, for giving or withholding or neglecting to make any service or contribution or money or other valuable thing for any party or political purposes, shall be guilty of a misdemeanor.

#### CHAPTER XX.

#### LAWS MADE PART OF THE CHARTER BY REFERENCE, ETC.

**Section 1. Laws to Continue in Force.**—The following mentioned and described laws and acts of the Legislature of the State of Minnesota heretofore enacted and made applicable to the City of Minneapolis and all the provisions thereof, except the words and phrases of said acts limiting the application thereof to cities of the first class not governed under a home-rule charter, are hereby continued in force and effect in the City of Minneapolis and are hereby made a part of this Charter as fully and to the same extent as if incorporated herein at large; and all the rights, powers, authorities, duties and privileges granted to or conferred or imposed upon or vested in the City of Minneapolis or any of its officers, several boards or departments, under and by virtue of said several acts of the Legislature, and vested in and held, possessed, exercised and enjoyed by said city, its officers and several boards and departments at the time of the adoption of this Charter, shall continue to be vested in, held, possessed, exercised and enjoyed by the City of Minneapolis, its officers, several boards and departments, under this Charter; said several laws and acts of the Legislature being known and described as follows, to-wit:

Chapter 345, Special Laws of 1889, page 988, approved April 22, authorizing the City of Minneapolis to establish, maintain, vacate, remove, regulate and control cemeteries.

Chapter 441, Special Laws of 1889, page 1111, approved March 1, regulating the payment of witness fees to officers and employes of the City of Minneapolis.

Chapter 136, Special Laws of 1891, page 769, approved April 15, authorizing the City Council to appoint inspectors of bread and defining their powers.

Chapter 143, Special Laws of 1891, page 774, approved April 17, providing a fund for the Minneapolis Police Department Relief Association.

Chapter 204, General Laws of 1893, page 333, approved April 12, as amended by Chapter 128, General Laws of 1895, and Chapter 270, General Laws of 1897, authorizing the issuance and sale of certain bonds.

Chapter 68, General Laws of 1897, page 75, approved March 22, relating to contracts for the purchase of electric power with which to operate water works.

Chapter 159, General Laws of 1903, page 231, approved April

10, as amended by Chapters 109 and 184, General Laws of 1905; Chapters 67 and 188, General Laws of 1911; Chapter 290, General Laws of 1913, and Chapters 157 and 460, General Laws of 1919, relating to police pensions.

Chapter 194, General Laws of 1903, page 290, approved April 14, as amended by Chapter 504, Session Laws of 1919, relating to building line easements.

Chapter 247, General Laws of 1903, page 368, approved April 18, as amended by Chapter 556, General Laws of 1913, creating "The Municipal Building Commission."

Chapter 18, General Laws of 1905, page 27, approved February 28, relating to diversion of surface streams and control of the flow thereof.

Chapter 103, General Laws of 1905, page 126, approved April 5, relating to payment for public parks.

Chapter 24, General Laws of 1907, page 30, approved February 28, as amended by Chapter 318, General Laws 1913, and Chapter 523, General Laws of 1919, relating to a fund for pensions and relief by Firemen's Relief Association. See also Chapters 331, General Laws 1907, and Chapter 514, General Laws of 1917, and Chapter 68, General Laws of 1919.

Chapter 57, General Laws of 1907, page 66, approved March 21, relating to Auditorium building, etc.

Chapter 291, General Laws of 1907, page 395, approved April 22, relating to and authorizing condemnation of lands for public school buildings and all other municipal or public buildings, etc.

Chapter 376, General Laws of 1907, page 532, authorizing issuance of \$2,000,000 bonds for gas works and plants.

Chapter 372, General Laws of 1909, page 425, approved April 22, as amended by Chapter 158, General Laws of 1913, relating to acquisition of plants for furnishing gas, electricity and water for municipal purposes, etc.

Chapter 374, General Laws of 1909, page 429, relating to the auditing and adjusting by City Comptroller of expenditures of public funds, etc. No contract to be valid unless countersigned by Comptroller.

Chapter 26, General Laws of 1911, page 39, approved March 16, relating to exchange of certain lands for parks or playgrounds.

Chapter 185, General Laws of 1911, page 229, approved April 18, as amended by Chapter 345, General Laws of 1913, Chapter 86, General Laws of 1915; Chapters 11 and 103, General Laws of 1917, and Chapter 219, General Laws of 1919, relating to the acquisition of lands for streets, parks and parkways and improvement thereof (Elwell Act).

Chapter 98, General Laws of 1913, page 102, approved March 24, relating to designation of residence districts, etc.

Chapter 420, General Laws of 1913, page 618, approved April 21, relating to designation of residence and industrial districts, etc.

Chapter 127, General Laws of 1913, page 146, approved March 27, authorizing the disposal of surplus electricity to private consumers.

Chapter 283, General Laws of 1913, page 411, approved April 15, confirming investment of city's funds in city bonds and authorizing the resale of bonds purchased.

Chapter 288, General Laws of 1913, page 414, approved April 15, providing for the removal of rubbish from lots and lands in the city.

Chapter 295, General Laws of 1913, page 422, approved April

15, relating to local assessments for acquisition of lands for streets, parks and boulevards and improvement thereof, etc.

Chapter 397, General Laws of 1913, page 562, approved April 19, relating to acquisition and operation of union railway stations, etc.

Chapter 419, General Laws of 1913, page 617, approved April 21, authorizing pensions to retired volunteer firemen.

Chapter 128, General Laws of 1915, page 180, approved April 16, as amended by Chapter 297, General Laws of 1919, relating to establishment of restricted residence district.

Chapter 204, General Laws of 1915, page 279, approved April 20, relating to sale of municipal bonds at private sale.

Chapter 255, General Laws of 1915, page 354, approved April 22, authorizing contracts between city and street railway company for transportation of garbage, etc.

Chapter 275, General Laws of 1915, page 390, approved April 23, relating to drainage of low marsh or swamp lots or lands.

Chapter 278, General Laws of 1915, page 397, approved April 23, relating to paving of arterial streets and assessments therefor.

Chapter 291, General Laws of 1915, page 411, approved April 23, relating to leasing of certain public streets by City Council.

Chapter 78, General Laws of 1917, page 101, approved March 20, authorizing transfer of certain moneys and funds to sinking fund.

Chapter 91, General Laws of 1917, page 111, approved March 22, regulating the hours of employment of firemen.

Chapter 105, General Laws of 1917, page 133, approved March 23, authorizing transfer of city department funds in payment for goods and services furnished by one department for another.

Chapter 137, General Laws of 1917, page 185, as amended by Chapter 517 General Laws of 1919—the so-called Housing Act.

Chapter 189, General Laws of 1917, page 273, authorizing refunding of excess of special assessments for public improvements.

Chapter 196, General Laws of 1917, page 281, approved April 11, relating to pensions for disabled fire insurance patrolmen.

Chapter 218, General Laws of 1917, page 327, approved April 12, relating to levy of taxes for paving arterial streets.

Chapter 3, General Laws of 1919, page 4, approved January 22, legalizing and authorizing expenditures and obligations in excess of annual appropriations and authorizing the issuance of \$1,000,000 bonds therefor.

Chapter 7, General Laws of 1919, page 7, approved February 3, prohibiting the harvesting of ice from certain waters within the city.

Chapter 215, General Laws of 1919, page 211, approved April 11, relating to issuance of \$2,750,000 school bonds.

Chapter 227, General Laws of 1919, page 218, authorizing the city to sell surplus water and furnish fire protection to other municipalities.

Chapter 396, General Laws of 1919, page 424, approved April 23, relating to lost, stolen and unclaimed property in the city.

Chapter 402, General Laws of 1919, page 469, approved April 23, authorizing issuance of \$1,000,000 public market bonds.

Chapter 522, General Laws of 1919, page 712, approved April 25, authorizing and providing for establishment of a retirement board and payment of retirement allowances for city employes, and providing funds therefor.

Chapter 524, General Laws of 1919, page 731, approved April

25, authorizing city to establish, construct, equip, maintain and operate toilet stations.

Chapter 433, General Laws of 1919, page 508, approved, April 24, authorizing Park Board to issue \$5,000 bonds for investigating feasibility of making a park and playground of Nicollet Island, and directing board to report their findings at next session of the Legislature.

Section 2. Existing Powers, Etc., to Continue.—The City of Minneapolis and the several Boards and Departments of said city, in addition to all the rights, powers, duties, functions, privileges and immunities expressly conferred upon and vested in them or any of them under and by virtue of the provisions of this Charter, shall under this Charter also have, possess, perform, exercise and enjoy all other rights, powers, duties, functions, privileges and immunities held, possessed, performed, exercised or enjoyed by said city and its several departments and boards respectively at the time of the adoption of this Charter.

Section 3. Certain Laws Excluded.—No law heretofore passed by the Legislature of the State of Minnesota and expressly made applicable only to cities of the first class having a home-rule charter or governed under a charter adopted pursuant to Section 36, Article 4, of the State Constitution, and in force at the time of the adoption of this Charter, shall apply to the City of Minneapolis or any of its departments, boards or officers, and no such law shall confer or impose upon or vest in the City of Minneapolis or any of its departments, boards or officers any rights, powers, duties, functions, privileges or immunities whatever.

TO THE HONORABLE J.E.MEYERS, MAYOR OF THE  
CITY OF MINNEAPOLIS:

We, the undersigned, appointed on the 30th day of March, 1920, by the Honorable Judges of the District Court in and for the County of Hennepin, State of Minnesota, as a Commission to draft a proposed Charter for the City of Minneapolis, pursuant to Section 36, Article IV, of the Constitution of the State of Minnesota, and Laws of the State of Minnesota enacted in pursuance thereof, do hereby respectfully submit and return to you the foregoing draft of the proposed Charter for the City of Minneapolis.

Marion D. Shutter,

~~Chairman.~~

John R. Coan

Secretary.

John H. Berg

Henry Wireman Cook M.D.

Rugh Jennings

Erney G. Johnson

Edward J. Kelly

Cayour S. Langdon

Bryan P. Roberts

William R. Morris

William H. Morse

Wesley S. Woodworth

Paul C. von Muster

John A. Larimore

And I as the Mayor and Chief Magistrate and Chief Executive Officer of said city of Minneapolis do hereby further certify that in pursuance of the law relating thereto and pursuant to a resolution duly passed by the City Council of the City of Minneapolis on September 24, 1930, approved by the Mayor of said city October 4, 1930, and published in the official paper of said city October 6, 1930, entitled "Resolution relating to and providing for the submission of the proposed new city charter for the city of Minneapolis to the qualified voters of Minnesota for adoption at the general election to be held in the city of Minneapolis, Minnesota, on November 3, 1930," said foregoing proposed city charter of the city of Minneapolis was submitted to the qualified voters of said city of Minneapolis for ratification and adoption at the general election duly and legally held in the city of Minneapolis, Minnesota, on Tuesday, the 2nd day of November, A. D. 1930, for the election of state and county officers and other purposes; that at said general election held in the city of Minneapolis on November 3, 1930, said proposed charter of the city of Minneapolis was duly ratified and adopted by a majority vote of more than four-sevenths of the qualified voters of said city voting at said election; that the total number of votes cast at said general election for any purpose was 134,391;

that the number of votes cast at said election in favor of and for the adoption of said proposed charter of the city of Minneapolis was 90,888;

that the number of votes cast at said general election against the ratification and adoption of said proposed city charter of the city of Minneapolis was 43,503;

that four-fifths of the total number of the votes cast at said election and necessary for the adoption of said proposed city charter was 76,735;

That at the end of thirty days after said election on November 3, A.D. 1920, said foregoing proposed charter will become effective and become and be the charter of said city of Minneapolis, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Minneapolis, Minnesota, at the city of Minneapolis, Minnesota, on this 26<sup>th</sup> day of November, A.D. 1920.

*J. O. Meyers*

Mayor and Chief Magistrate  
and Chief Executive of the  
City of Minneapolis, Minnesota.

#2219



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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
Filed in the office of Secretary of State

NOV 27 1920

*Julius A. Schnaak*  
Secretary of State