

#2306

# CHARTER

OF THE

# CITY OF BLUE EARTH,

FARIBAULT COUNTY,

STATE OF MINNESOTA.

FRAMED AND ADOPTED MARCH 16, A. D. 1899,

PURSUANT TO SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION  
OF THE STATE OF MINNESOTA, AND CHAPTER 255 OF THE  
GENERAL LAWS OF THE STATE OF MINNESOTA  
FOR THE YEAR 1897 AND AMEND-  
MENTS THEREOF.

BLUE EARTH CITY:  
FARIBAULT COUNTY REGISTER.  
1899.

Village  
Magistrate  
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position  
Blue Earth

State of Minnesota,  
County of Faribault. ss.  
Village of Blue Earth City.

I, W.E.C. Ross, President of the Village Council of the Village of Blue Earth City, Faribault County, Minnesota, and Chief Magistrate of said village, do hereby certify that the following is the Charter of the City of Blue Earth, framed and adopted under the laws of the State of Minnesota, to supersede the Charter of said Village of Blue Earth City and that said Charter of the City of Blue Earth hereinafter set forth in words and figures as a part of this certificate was duly adopted and ratified at a special election duly called and held pursuant to law in said Village of Blue Earth City on the 16th day of March 1899, and was so adopted and ratified at said special election by more than Four sevenths of the qualified voters of said Village of Blue Earth City voting at said special election, voting upon said proposition to ratify and adopt the same. said Charter of the City of Blue Earth being in the words and figures following, viz:-

CHARTER  
OF THE  
CITY OF BLUE EARTH.

CHAPTER I.

**Name and Powers.**

Section 1. All that district of country in the County of Faribault and State of Minnesota contained within the limits and boundaries hereinafter described and all the people now inhabiting and all those who shall hereafter inhabit the said district shall be a municipal corporation by the name of the City of Blue Earth and by that name may sue and be sued, plead and be impleaded in any court or tribunal, and shall have perpetual succession, make and use a common seal and alter it at pleasure, take, hold, lease and convey all such real, personal and mixed property within or without the limits of said district as the purpose of the corporation may require or the transaction or exigencies of its business may render necessary and shall be capable of contracting and being contracted with and shall have all the general powers possessed by municipal corporations at common law and in addition thereto all the powers that may be granted to it under the general laws of the State of Minnesota, or by this charter and such powers and functions only.

**Legal Succession.**

Sec. 2. When this charter takes effect the City of Blue Earth shall be and become the legal successor of the Village of Blue Earth City under its former charter and shall be vested with all its franchises, rights and immunities vested in the said village corporation except as herein otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in said Village of Blue Earth City, or in any board of public officers of the same, shall, when this charter takes effect, be and become vested in and be possessed by the City of Blue Earth, under this charter, and all previously existing indebtedness, obligations and liabilities of said Village of Blue Earth City, or any board or department thereof, shall, together with all the interest accrued or to accrue thereon, be assumed and paid by the City of Blue Earth.

**City Boundaries.**

Sec. 3. The district of country constituting the City of Blue Earth shall include the following described land and territory situate in the County of Faribault and State of Minnesota, to-wit: The

south half of the southeast quarter of section seven (7); the south half of section eight (8); the west half of the west half of section sixteen (16); all of section seventeen (17); the east half of the east half of section eighteen (18); and the north half of the north half of section twenty (20), all in township one hundred two (102) north of range twenty-seven (27), west.

The territory hereinbefore described shall from and after the adoption of this charter and organization thereunder cease to be a part of the township of Blue Earth City for any purpose whatever except for school, county and state purposes, provided, that if there remains any money in the said township treasury exceeding the floating indebtedness of said township, which has been collected from assessment in common of the property, or has been assessed upon the property in common of said township, the city shall, upon said separation being complete, be governed by and entitled to demand and receive from the said township its proportion of said taxes as provided in chapter 121 of General Laws of 1897.

**Ward Boundaries.**

Sec. 4. The City of Blue Earth is hereby divided into three wards bounded and described as follows: The first ward of the City of Blue Earth shall comprise all the following bounded lands and territories: Commencing at a point in Sixth street where the center line of Rice street and the center line of Sixth street intersect, thence due west to west line of said corporation, thence north to the northwest corner of the northeast quarter of the northeast quarter of section eighteen (18); thence west to the southwest corner of the southwest quarter of the southeast quarter of section seven (7), thence north to the northwest corner of said southwest quarter of the southeast quarter of section seven (7), thence east to the northeast corner of the southeast quarter of the southeast quarter of section seven (7), thence north to the northwest corner of the southwest quarter of said section eight (8), thence east along the north line of said corporation to a point on said north line directly north of the point of beginning, thence south to the point of beginning.

Sec. 5. The second ward of the said city shall comprise all the following bounded lands and territories: Commencing at a point where the center line of Rice street intersects with the center line

of Sixth street in said City of Blue Earth, thence due west to the western line of said corporation, thence south to the southwest corner of the southeast quarter of the southeast quarter of section eighteen (18), thence east to the southeast corner of the southeast quarter of said section eighteen (18), thence south to the southwest corner of the northwest quarter of the northwest quarter of section twenty (20), thence east along the south line of said corporation to a point directly south of the point of beginning, thence north to the point of beginning.

Sec. 6. The third ward of the said corporation shall comprise all the following bounded lands and territory: All that part of the corporation lying east of wards Nos. one (1) and two (2), as hereinbefore described.

## CHAPTER II.

### Officers and Elections.

Section 1. The elective officers of such city shall be a mayor, clerk, assessor, treasurer and two justices of the peace, all of whom shall be elected at large, and two aldermen for each ward, who shall be elected in their respective wards.

Sec. 2. Each ward shall constitute one (1) or more election precincts as required by law for the holding of all elections provided for under the general laws of this state and also for all elections provided for by this act.

All officers shall be qualified electors of the district in which they shall be elected or appointed and not interested in any contract with the city or the former Village of Blue Earth City as a party thereto; and all elective officers shall hold their offices for the term of one (1) year and until their successors respectively are elected and qualified, except the aldermen and justices of the peace who shall hold their offices for two years and until their successors are elected and qualified.

At the first election for city officers there shall be elected from each ward two aldermen, one for one year and one for two years, and at every annual election thereafter, one alderman shall be elected from each ward.

Sec. 3. Annual city elections after the first shall be held on the first (1st) Tuesday of April of each year.

At least ten (10) days before any annual election after the first (1st), the city council shall designate three (3) persons to act as judges or inspectors, and two (2) persons to act as clerks for each election precinct at such election.

All city elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections and like notice shall be given.

When any election shall be closed the judges or inspectors shall make returns thereof to the city clerk within twenty-four (24) hours after such election in the same manner as provided by law for the return of state and county officers to the county auditor; and within one (1) day thereafter the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the persons elected of their respective elections.

Sec. 4. The city council may at any

time by resolution order a special election of the voters of the city and provide for holding the same. The purpose of such special election shall be clearly stated in such resolution and no other matter shall be submitted thereat. At least ten (10) days' notice of any such special election shall be given as provided by law and such notice shall state the object of such election as specified in such resolution. Such election shall be conducted in the same manner as annual city elections.

Sec. 5. All elections shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office, and such ballots may be written or printed, or partly written and partly printed. A plurality of votes shall constitute an election and be decisive of any question submitted to a vote of the people.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as the said council may direct.

All persons entitled to vote for state or county officers, and who shall have resided in such city or any election precinct thereof for thirty (30) days next preceding any general or special election, shall be entitled to vote thereat.

Any person removing from the city or any ward thereof for which he was elected or appointed, or any person who shall refuse or neglect, for ten (10) days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated his office; and any officer having entered upon the duties of his office may resign by giving ten days' notice thereof to and with the consent of the city council, and it shall then be the duty of such city council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office except that of mayor, by death, removal, or resignation, the city council shall have power to fill the same by appointment.

Sec. 6. All officers, whether elected or appointed, shall continue in office until their successors are elected or appointed and have qualified.

In cases where officers are elected or appointed to fill an unexpired term, the term of office of such officers so elected or appointed shall expire at the same time as the term of the original incumbent would expire.

Sec. 7. Every person elected or appointed, to any office under the provisions of this charter, shall before he enters upon the duties of his office and within ten days after notice of his election, or appointment, take and subscribe an oath of office for the faithful discharge of his duties as such officer, and file the same with the city clerk, who shall preserve the same and such officers as are required to give bonds, shall also within the time aforesaid execute such bond in the manner required by law, and file the same with their oaths of office, for approval.

Sec. 8. Whenever a vacancy shall in any manner occur in the office of mayor less than six months before the expiration of the term for which he was elected, such vacancy shall be filled for the unexpired term by appointment by the city council. Whenever a vacancy shall in any manner occur in the office of mayor six months or more before the expiration

of his term of office, such vacancy shall be filled by a special election which shall within ten (10) days next following such vacancy be ordered by the city council to be held at as early a date as may be under the provisions of law pertaining to special elections.

Sec. 9. Should there be in a case not otherwise provided for under this charter, a failure to elect any elective officer except the mayor for whose election provision is made under this charter, the city council shall appoint such officer as in case of a vacancy. Should there be a failure to elect the mayor the city council shall order a special election to be held therefor without unnecessary delay.

#### Street Commissioners.

Sec. 10. At their first meeting after the annual election, the city council shall appoint a street commissioner, whose duties and powers, under the direction and control of the city council, shall be to take the personal inspection and supervision of the public streets, roads, alleys and sidewalks, and the opening, grading and repair of streets, roads and alleys, the building and repair of bridges, culverts and street crossings, the opening and building of waterways and gutters, street drainage and sewers and the employment of laborers and teams deemed necessary. He shall keep an accurate account of all expenses incurred in the performance of his duties, authorized by the council and report the same from time to time, as required, to the city clerk, but he shall have no power to incur any expense or obligate the city in any way, except as authorized by the city council.

He shall receive such compensation for his services not exceeding two dollars per day, as shall be fixed by the city council, for the time actually served. He shall also execute a bond with sufficient sureties conditioned for the faithful performance of his duties.

### CHAPTER III.

#### The Duties of Officers.

Section 1. The mayor shall be the chief executive officer of the city and ex-officio president of the city council. He shall take care that the laws of the state and ordinances and resolutions of the city are duly observed and enforced, and that all the other officers of the city shall discharge their respective duties.

Sec. 2. The city clerk shall keep his office at the place of meeting of the city council or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of all the proceedings of the city council and of the board of public works. Copies of all papers filed in his office and transcripts by him from all records of the council certified under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the city treasury in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The city clerk shall give a bond with sureties and file the same with the clerk of the district court.

The city clerk shall have power to ad-

minister oaths and affirmations and to take and certify the acknowledgement of deeds, mortgages and other instruments in writing. It shall be his duty to report to the city council the financial condition of the city whenever the council shall require. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when and where payable and rate of interest they respectively bear, and shall recommend such action to the city council as will in his judgment secure the payment of the interest on such bonds, on or about the first (1st) day of September, or before the time of the levy of taxes in each year, to estimate the expenses of the city and the revenue to be raised for the ensuing year. He shall countersign all contracts made in behalf of the city and all certificates of work authorized by the city council or by any officers thereof.

The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders and other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued and the amounts thereof; to keep account of all receipts and disbursements of the officers of the city, showing the amount that they have received from the different sources of revenue, and the amount they have disbursed under the direction of the city council.

The city clerk shall examine all the reports, books, vouchers and accounts of the city treasurer and from time to time perform such other duties as the city council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to the inspection of all parties interested. He shall also make accurate lists annually of the births and deaths occurring within the city limits, and report the same at the time and in the manner required by law of town clerks and for the same compensation to be paid as provided by law.

He shall perform all other services by law required of clerks of villages, cities or townships, within such city; but when services are required of him by public law for which compensation is provided, such services shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid to him by the city.

Sec. 3. The city treasurer shall receive and safely keep all moneys belonging to or accruing to the city including license money and fines, keep accurate and detailed accounts thereof, credit the amount so received to the proper fund and give receipts therefor. The treasurer shall report to the city council on or before the 28th day of March a detailed statement of the receipts of money by him and a gross statement of the city orders paid during the fiscal year ending on such date, together with the condition of the treasury on such date, which statement shall be filed with the city clerk. The treasurer shall report to the city council at such times and in such other manner as said council may prescribe. The treasurer shall, before entering upon the duties of his office, give a bond to the city with

two or more sufficient sureties to be approved by the city council for at least twice the amount of money which will probably be in his hands at any one time during his term of office, which amount shall be fixed by said council and entered upon the records of said city; said bond shall be recorded in and kept on file in the office of the register of deeds of the county.

Sec. 4. No funds of the city shall be loaned to any person, or in any manner disposed of, except as in this charter provided. The city treasurer shall receive no benefit or emolument whatever (except his salary) connected with or in any way derived from the position and keeping of the money of the city.

Sec. 5. All warrants and orders for the payment of funds of the city shall be signed by the mayor or acting mayor thereof and countersigned by the city clerk, and shall designate the fund upon which they are drawn, and the city treasurer shall not pay out any money of said city except upon such warrants. Upon the payment of any warrant the city treasurer shall cancel and file the same, and it shall not again issue. He shall keep separately the warrants drawn upon each particular fund.

The city treasurer shall receive a compensation to be fixed by the city council at the first meeting thereof after his election, or as soon as possible and they shall not change, increase or diminish the same during the term for which he was elected or appointed, provided, however, that such salary shall not in any event exceed the sum of one hundred dollars.

#### Duties of Assessor.

Sec. 6. The city assessor shall qualify and perform the duties pertaining to his office and give bond in accordance with the general laws of the state relative to assessors and shall at the time provided by the general laws of this state be present at the office of the city clerk or at such other place as the city council may require with his assessment books for review. He shall also be present during the review of such assessment to advise if needed, in regard to the same, and upon the completion of such review within the time prescribed by the general laws shall make a final return to the county auditor. He shall also make the assessment roll for local improvements when directed by the city council. He shall receive the sum of two dollars per day for the time actually and necessarily spent in making such assessment and attending upon said board of review. The members of the city council, when sitting as a board of review, shall receive compensation at the rate of two dollars per day for the time actually and necessarily spent in such duties.

Sec. 7. The city council shall have the power to appoint an attorney for the city who shall perform all professional services incident to his office, and when required, shall furnish his opinion in writing upon any subject submitted to him by the city council. He shall be known as city attorney.

Sec. 8. The city council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed and not inconsistent with this charter, and to appoint such other officers as may be necessary to carry into effect the provisions of this charter and to prescribe

their duties unless otherwise provided for. No officer elected or appointed by the council shall be elected or appointed for a longer time than the next annual election of officers and until his successor is elected, appointed and qualified.

The city council shall have the power, unless otherwise herein provided, to fix the compensation of all officers elected or appointed under this charter, which compensation shall be fixed by resolution, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except as herein otherwise provided; provided, that no member of the city council or the mayor shall receive any compensation for his service as such officer.

Sec. 9. Every elective and appointive officer and every member of any board, at the expiration of his term of office in whatsoever way determined, shall turn over to his successors in office or some other properly authorized officer on demand, all the books, papers, records, files, money or other property and thing whatsoever pertaining to his office or belonging to the city.

Sec. 10. The mayor, chief of police, officers of the police next in rank to the chief, the sheriff of the county in which such city is situated, or his deputy or deputies, the coroner, each police officer and watchman, shall be officers of the peace, may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of bystanders, and, if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty dollars, and in default of the payment thereof he imprisoned not to exceed thirty days. In cases where the civil power may be required to suppress riots or disorderly behavior, a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Sec. 11. Any officer or employe of the city who shall willfully or negligently violate any of the provisions of this charter, or commit any fraud upon the city or convert any of the property of said city to his own use, or knowingly permit any such fraud or conversion, shall be guilty of a misdemeanor; and when the punishment therefor is not otherwise provided by this charter, shall be subject to the penalties prescribed for a misdemeanor by the criminal laws of the state. In addition to such penalties, any such act shall constitute a forfeiture of office and shall be cause for the removal of such officer or employe.

#### CHAPTER IV.

##### The City Council—Its General Powers and Duties.

Section 1. The mayor and aldermen shall constitute the city council. The style of all ordinances shall be: "The City Council of the City of Blue Earth do ordain as follows." A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned

meeting shall have the same validity as if done at a stated meeting.

Sec. 2. The city council shall hold a stated meeting on the Monday following the annual election, at eight (8) o'clock p. m., and other stated meetings shall be held as prescribed by the rules and resolutions of the council; and the mayor or any four (4) aldermen may call special meetings of the council by a written notice of one day to each of the members; to be delivered personally or left at their usual place of abode or business, which notice shall contain a statement of the business for which the meeting is called; and no other business shall be transacted at such special meeting except such as is designated in such notice.

Sec. 3. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members in addition to the forfeiture provided for in this act.

Sec. 4. The city council shall have the power, by a two-thirds vote of all its members, to remove from office any officer of the city, whether appointed by the 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 charge against him; nor until such person shall have had reasonable opportunity to be heard in his own defense. Continued absence from the meetings of the council in case of the aldermen, and neglect of duty in the case of other officers unless for good reason, or being in any way interested in any contract with the city, shall be good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses, and to hear and determine the case; and if such officer refuse or neglect to appear and defend himself, the council may declare the office vacant.

Sec. 5. The city council, except as in this charter otherwise provided, shall have the general management and control of the finances and of all the property of the city and shall also have full power and control to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances and resolutions for the government of the city and to promote the good order of the same for the suppression of vice and intemperance and ordinances for the benefit of the inhabitants thereof and for the prevention of crime as they shall deem expedient. The city council shall have full power and authority to declare and provide penalties and punishments for the violation of ordinances and resolutions and to enforce the same against any person or persons who may violate the same to the extent of a fine not exceeding one hundred dollars together with costs of suit or imprisonment in the city prison or county jail of Faribault county, Minnesota, in which said city is situated for a period not exceeding ninety days. All such ordinances and resolutions are here by declared to have the force of law within said city, provided that they be not repugnant to the constitution of the United

States or that of this state or the general laws thereof, and for these purposes the said city council shall have specific authority by ordinances or resolutions.

#### Specific Powers.

Sec. 6. To license and regulate the exhibition of common showmen and shows of all kinds; the exhibition of circuses, concerts, theatrical performances and also to license and regulate all auctions, auctioneers, gift, fire and bankrupt sales, itinerant merchants and transient vendors of merchandise, billiard tables, bowling alleys, nine and ten pin alleys, shooting galleries, butcher shops and butcher stalls, vendors of butchers' meats, pawn brokers, saloons, hawkers, peddlers, street vendors and canvassers doing business in said city, and all places of public amusement where money is charged for entrance and all dealers in second-hand goods, junk dealers, all intelligence offices and employment offices, all draymen and hackmen; and, provided, that the power to regulate above given shall extend to and be construed to include the power to define who shall be considered pawn brokers, auctioneers, dealers in second-hand goods, junk dealers, hawkers, peddlers, street vendors and canvassers doing business in said city, and also to define what shall constitute gift, fire and bankrupt sales and itinerant merchants and transient merchants and vendors of merchandise.

Sec. 7. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling, and all lotteries within the city.

Sec. 8. To prevent any fighting, brawling, assault, battery, disorderly noise, riot or disorderly assemblage in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; and to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purposes of gambling.

Sec. 9. To compel the owners or occupants of any cellar, tannery, hide warehouse, stable, barn, privy, sewer, laundry, cold storage house or establishment and butter packing establishment or institution or other unwholesome, 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.

Sec. 10. To direct the location and management of stock yards, slaughter houses, markets, breweries and distilleries.

Sec. 11. To prevent the incumbering or obstruction of streets, sidewalks, alleys, lanes and public grounds with carriages, railroad cars or locomotives, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs or any other materials whatever.

Sec. 12. To direct and control the laying out and construction of street railways, railroad tracks, turnouts and switches in the streets and alleys and the location of depot grounds in said city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on each side of such

track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair sidewalks, also suitable crossings at the intersections of the streets and alleys, and sewers, ditches and culverts, when the council shall deem necessary; to regulate the movement and speed of railway 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 and avenues of the city as the city council shall deem to require such precaution; to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge 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 escape or discharge of steam; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise while standing in the streets, and to require that all persons driving horses or mules attached to sleighs at a faster gait than a walk shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the waters within the city limits.

Sec. 13. To establish pounds and pound districts, which shall be under the supervision of a single pound master, to be appointed by the city council and whose fees shall be fixed by them.

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 when at large contrary to the ordinance, and to impose penalties upon the owners of such animals for the violation of such ordinance; provided, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within six (6) months from the date of such sale.

Sec. 14. To prevent the running at large of dogs and to require a license for keeping the same and to provide for and authorize the impounding and destruction, in a summary manner, of all dogs when at large, contrary to the ordinance.

Sec. 15. To prevent any person from bringing, depositing or leaving within the 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 such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default, to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of offenders.

Sec. 16. To regulate and prevent the flying of flags, banners and signs, the distributing of hand bills and advertisements in or upon the streets, alleys and public places of said city; to regulate and prevent the throwing, depositing or sweeping of papers, refuse, offal, dirt, garbage or any offensive matter in or upon any street, alley, public ground or place, and to regulate, license and prohibit the construction and use of bill boards and signs adjacent to or near streets, alleys and

public places, or upon any vacant lot or other property.

Sec. 17. To establish and regulate boards of health, private hospitals and hospital grounds, and for the registration of births and deaths and the return of bills of mortality and regulate or prevent the burial of the dead within the city limits. Boards of health shall consist of not more than three members.

Sec. 18. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered for sale and contrary thereto.

Sec. 19. To prevent any person from riding or driving any horse, mule, cattle or other animal on any sidewalk in said city or in any way doing damage to said sidewalk.

Sec. 20. To prevent the shooting of firearms or fire crackers, and to prevent any exhibition of fireworks in any situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof.

Sec. 21. To prevent open drunkenness or obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sec. 22. To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health or the city council shall direct, and in his default, to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also to compel the owner or owners of low grounds, where water is liable to collect or 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, and to provide that such expense shall become a lien upon the lot or property so drained or filled.

Sec. 23. To regulate and prevent the landing of persons from railroad cars or other conveyance, infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city.

Sec. 24. To regulate the time, manner and place of holding public auctions or vendues.

Sec. 25. To provide for watchmen and prescribe their number and duties, to regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same, except as herein otherwise provided.

Sec. 26. To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whisky and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold or offered for sale that are dangerous to the public health and to provide for the punishment of the use of false weights and measures.

Sec. 27. To purchase or acquire by gift, devise or condemnation lands within the city limits, or to take and hold by lease such lands, for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees

in the streets, alleys, parks or public grounds or highways of said city, and to appoint a suitable person to inspect and take charge of the same, and to fix his compensation and prescribe his duties.

Sec. 28. To remove and abate any nuisance injurious to the public health or morals; and the city council shall have power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect or maintain such nuisances.

Sec. 29. To remove and abate any nuisance, obstruction or encroachment upon any of the streets, alleys or public grounds or highways of the city.

Sec. 30. To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city and the suppression of disease; to prevent the introduction of contagious or infectious diseases into the city, and to make quarantine laws and enforce the same within the city.

Sec. 31. To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

Sec. 32. To license and regulate draymen, hackmen, expressmen and other persons engaged in the carriage of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of the city to regulate and direct the location of vehicles standing upon streets and public grounds in the city.

Sec. 33. To regulate the construction and moving of all buildings and prescribe fire limits in the city and to prohibit the erection of wooden buildings or placing wooden sidewalks within such limits.

Sec. 34. To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals, or to prohibit the same, in any portion of the city.

Sec. 35. To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city, and to compel proper guards about the same.

Sec. 36. To regulate the numbering of houses and lots and to compel owners of houses or buildings of other sorts to have such numbers designated thereon.

Sec. 37. To require the owner or lessee of any building or structure now or hereafter erected in the city or within any limits in the city designated by the city council, to place thereon such fire escapes and such appliances for protection against or extinguishment of fires as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident; and to require the owner or occupant of any lot or parcel of land within the city to clear and keep clear the same of all dead wood or other combustible or inflammable rubbish likely to increase danger from fire or to facilitate the spread of fire, and to provide for the doing of such work upon the failure of the owner or occupant so to do, and to assess the cost thereof as a special tax upon the land so cleared, such tax to be returned and collected in the same manner as other city taxes.

Sec. 38. To regulate and control or prohibit the placing of poles for the suspension of electric, telegraph and telephone wires or other wires along or across any of the streets of the city, or the suspension of such wires; and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the

streets and sidewalks of the city; and to compel the proper insulation of all electric light wires in use within the city.

Sec. 39. To regulate or prohibit the penning, herding and treatment of all animals within the city.

Sec. 40. To lay out, open, change, widen or extend streets, avenues, lanes, alleys, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same or any part thereof; to establish, open, maintain, repair mains, canals or sewers, curbs and gutters or alter, widen or straighten water courses; to make, widen, alter or otherwise improve, keep in repair, vacate or discontinue sidewalks or crosswalks.

Sec. 41. To divide the city into wards and number the same, whenever, in the judgment of the city council, such division is necessary or proper.

Sec. 42. To license and regulate the sale of intoxicating liquors and to inspect all liquors when deemed necessary.

Sec. 43. To establish and maintain a public library and reading room, and purchase therefor books, periodicals and papers, and to make all needful rules and regulations for the use and safekeeping of the same, when authorized by a vote of the people so to do.

Sec. 44. To regulate the employment of children on the public streets and other public places.

Sec. 45. And the city council may exercise all further power requisite and proper to carry into effect the express power in this charter specified, and the authority herein in general terms conferred upon the said council shall not be limited or qualified by any specified granted power herein.

Sec. 46. To ordain and establish all such ordinances, by-laws and resolutions for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state as they shall deem expedient; and to determine and establish by ordinance or resolution, the mode of procedure and what shall be sufficient to allege and prove in order to make out a prima facie case of violation of any ordinance.

Sec. 47. The city council shall have the power whenever a petition is made by a majority of the occupants of the lots fronting upon any street, avenue, or public place in said city or by a three-fourths vote of the city council, to sprinkle the streets, avenues and public places of the city and may in accordance with the provisions of this charter relating to contracts, authorize such sprinkling; the whole costs of sprinkling in the city or any district thereof shall be levied and assessed upon the lots fronting upon the streets so sprinkled in said city or in the particular district and which are subject to assessment by an equal rate per front foot of said lands; such levy shall be made annually, and in the event the same shall not be paid by the lot owners the same shall be returned by the proper officer of said city, to the county auditor of the County of Fairbault, in the same manner as other taxes are herein provided to be returned.

#### License to Sell Intoxicating Liquors.

Sec. 48. The legal voters of the City of Blue Earth shall have the authority and power to vote upon and determine for

themselves the question whether license for the sale of intoxicating liquors as a beverage shall be granted by the council of said city or not, and it shall be the duty of the city clerk of said city, upon receiving a petition for that purpose, of ten or more legal voters of said city at any time not less than fifteen days before any annual election of said city, to give at least ten days' notice that the question of granting license for the sale of intoxicating liquors as a beverage in said city shall be submitted to the legal voters thereof at the next ensuing annual election which question shall be decided by ballot containing the words, "in favor of license" or "against license," as the case may be; provided, however, that the neglect of the said city clerk to give the notice required herein shall not invalidate the vote and determination made under the provisions of this section if the petition then shall have been duly filed; the votes upon such question shall be taken, canvassed, returned and announced in the same manner as is prescribed by this charter for the taking, canvassing and returning of the votes for the election of city officers, which determination so made shall continue until the same shall be reversed at a subsequent annual election in the same manner; and if such returns show that the majority of the votes cast at such election on said question shall be "against license," no license for the sale of intoxicating liquors shall be granted by the authority of said city except to licensed pharmacists for medicinal or mechanical purposes; but if such returns show that the majority of the votes cast at such election on said question shall be "in favor of license," then the city council may grant license to any suitable person of lawful age and being a bona fide resident of this state for the sale of intoxicating liquors; the city council of said city shall have the exclusive right within said city to license persons vending, selling or disposing of intoxicating liquors within the limits of said city, and no person shall be licensed by the city council to deal in or sell intoxicating liquors as a beverage in said city unless he shall fully comply with all the requirements and be subject to all the penalties as provided in the general statutes of the state; provided, that whenever the people shall have voted against the issuance of license for the sale of intoxicating liquors in said city, it shall thereafter be unlawful for any person or corporation to sell, barter or give away the same in said city, at retail or wholesale in any quantity whatever, provided that nothing herein shall be construed to prevent or forbid any manufacturer of intoxicating liquors in said city from selling his product to be consumed outside of said city, provided, that no license fee shall exceed the sum of one thousand dollars in any one year.

#### Revocation of License.

Sec. 49. Any license issued by the authority of the city council may be revoked by said council at any time for cause, and upon conviction before any court of any person holding a license for the violation of any provision or of any ordinance relative to the exercise of any right granted by such license the council may, upon such conviction, revoke such license in addition to the penalty provided by law or ordinances of any such violation. Before any such license shall be revoked by said council for cause as above specified notice shall be given to the person or

persons holding such license and reasonable opportunity given them to be heard before said council before such revocation.

No license shall be granted for a longer period than one year, and in all cases when said city shall, at their annual election, vote to do away with the sale of intoxicating liquors under the option laws as herein provided and all licenses for the sale of intoxicating liquors then in existence shall expire twenty days after such election, and in such cases the city council shall refund to the holder of said license an amount pro rata equal to the unexpired portion of said license.

Sec. 50. Every legislative act of the city council shall be by ordinance or resolution. No ordinance shall contain more than one subject, which shall be expressed in its title and no ordinance shall be amended after its introduction so as to change its original purpose. All ordinances shall be passed by an affirmative vote of a majority of the members of the city council, by yeas and nays, which shall be entered upon the records of the council, and such ordinance shall be published once in the official paper of the city, signed by the mayor and clerk, and shall be recorded by the clerk in a book to be kept for that purpose, before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented, except by the unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

Sec. 51. A copy of the record of any ordinance or resolution passed, certified by the city clerk, and attested by the seal of the city, and any copy thereof published as aforesaid, or compilations of the ordinances or resolutions made and published under the direction of the city council shall be prima facie evidence of the contents of such ordinance or resolution and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before any court in the state, having jurisdiction in the premises, it shall not be necessary to plead or prove such ordinance or resolution.

Sec. 52. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which vote shall be taken by yeas and nays and entered of record among the proceedings of the council.

Sec. 53. 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.

#### City Finances.

Sec. 54. The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city at such times as they shall deem proper, and also at the end of each year and before the terms for which the officers of the city were elected or appointed shall have expired; and if any officer shall refuse his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties, in pursuance of this section, the city council shall declare his office vacant; and the city council shall institute suits

and proceedings at law against any officer or agent of the 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 settlements and adjustments.

Sec. 55. The city council shall have the management and control of the finances and of all property of the city, both real and personal, may provide for the sale of any personal property of said city in such manner as it shall consider for the best interests of the city; the real estate belonging to said city shall only be sold upon the vote of the legal voters therein given at a regular or special election of said city upon a notice duly given, which shall specify the real estate to be sold or, if such real estate does not exceed \$500 in value, by a unanimous vote of all the members of the city council thereon entered of record upon the books of said city, such votes to be taken by "yeas" and "nays" and fully entered upon the record thereof.

#### City Printing.

Sec. 56. The city council shall, at their first meeting after each annual election, or as soon thereafter as may be, advertise for proposals to do the city printing, giving notice of not less than one (1) week, in such manner as the council may direct, that sealed bids will be received by the clerk to do such printing. The bid or bids shall be publicly opened and read by the clerk at such time and place as the council shall appoint, and the person or persons offering to do such printing at the lowest sum of money or price, in any legal newspaper printed and published in said city, and who shall give satisfactory security for the performance of the work, shall be declared the city printer; and such newspaper the official newspaper of said city, for the ensuing year; provided, that the city council shall have the right to reject any and all bids.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws, resolutions and other proceedings and matters required by this act or by the by-laws or ordinances of the city council to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be prima facie evidence of the publication of such notice, ordinance or resolution.

#### Sidewalks.

Sec. 57. The cost and expenses of building and grading sidewalks shall be chargeable to the lots fronting on said improvements, when a petition for such improvements shall be made by a majority of the legal voters residing on said lots to be so improved. Whenever the city council shall resolve it necessary in pursuance to any ordinance of said city in relation to building and grading sidewalks, to build any sidewalk in said city, they shall notify all owners of any lot or lots, or parcels of land adjoining such sidewalks, to construct the same, in accordance with said ordinance at his or their own proper expenses and charge, within a time designated, by delivering

to the owners, or one of them, of said lot or lots, or parcels of land, or by publication in a newspaper printed in said city, for not less than two weeks, of a notice to said owners, setting forth what work is to be done, the character of the same and the time within which they are required to do the work; provided, that in case of the owners of such lot or lots, or parcels of land, are non-residents or that notice cannot for any reason be served on such owners, then such notice shall be by publication in the official newspaper of said city for not less than two weeks. Provided that the city council may, by a three-fourths (¾) vote order a sidewalk built in front of any lot, lots or parcels of land and chargeable thereto whenever deemed necessary by said city council, due notice to the owners thereof to be given as herein stated.

Sec. 58. If such work is not done, and the sidewalk not built in the manner and within the time prescribed, the city council may order the same to be done at the expense of the lot, lots or parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lot, lots or parcels of land so chargeable by the city council and shall be returned by them in their annual return to the county auditor, and said assessment so made and returned shall become a lien upon said lot, lots or parcels of land as in case of town, county and state taxes, and shall be collected in like manner.

Sec. 59. 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 street commissioner to immediately repair or reconstruct the same in a good, substantial and thorough manner and to report to the city council the cost of such repairs or reconstruction in each case, and a description of the lot or parcel of land abutting which such repairs or reconstructions are made, and such report shall be filed and preserved by the city clerk; and the city council shall, once in each year, at or 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 or reconstructed by the street commissioner, the cost of making such repairs.

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 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.

Sec. 60. No action shall be maintained against the city on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within sixty days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured 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 any insufficiency of ground where sidewalks are usually constructed when no sidewalk is built.

#### CHAPTER V.

##### Of the Police.

Section 1. The police force of the city shall consist of the mayor, who shall be the chief executive officer of the city, and who shall at all times have control and supervision of the police of the city, and such other policemen and watchmen as he shall appoint. He shall have the power to remove, suspend or discharge any police officer summarily, whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places or for the reduction of the police force.

The mayor may, from time to time, make, with the approval of the city council, such permanent regulations for the control of the police force and the powers and duties of the several officers thereof as he may deem necessary.

Sec. 2. The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment; but such limited policeman shall not exercise any police authority, nor wear any official badge outside the limits named in such appointment.

Sec. 3. The mayor shall, in case of riot or large public gatherings or disturbance, or when in his judgment the case requires it, appoint such number of special policemen or temporary police officers as he may deem necessary; but such temporary appointments shall not continue more than one (1) week without the consent of the council.

Sec. 4. The mayor shall, in his appointments, designate one (1) officer to be chief of the police, who shall execute a bond as provided for constables and file the same with the city clerk and such other officers with special duties, and with such control over the other officer or watchmen as he may deem necessary, and may designate the ranks of such police officers by such proper title as he may select.

Sec. 5. All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of the state, serve and execute all warrants, processes, commitments and any writ whatsoever issued out of any court of the city; and they shall have power, with the consent or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city, and such criminals are charged with offenses against the state law, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

Sec. 6. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or wear a badge of a policeman within the city, he shall be deemed to be guilty of a misde-

meanor, and upon conviction thereof shall be fined in a sum not exceeding \$100 or imprisonment in the city or county jail not exceeding sixty days.

#### CHAPTER VI.

##### Fire Department.

Section 1. The city council shall have power to establish a fire department, to authorize the formation of fire, hose and hook and ladder companies and to exempt the members thereof from poll tax and service on juries, and to regulate their government and prescribe their duties; to provide fire apparatus; to appoint a chief engineer and appoint and maintain a fire warden and prescribe their duties. The assistant engineer to be appointed by the chief engineer, subject to the approval of the council; and to provide for their removal. To provide for the erection or construction of wells, pumps, water mains, hydrants, tanks, stand pipes, reservoirs or other water works, and to provide suitable rooms or buildings for the fire and fire department apparatus; to erect and maintain for fire purposes fire alarms, telegraphs and boxes, or any other means for giving notice of fires; to compel the inhabitants of the city and all persons present to aid in the extinguishment of fires; to provide for fire police and prescribe their duties, and may provide for the punishment of all persons injuring or interfering with property at any fire; to pull down and raze such buildings in the vicinity of a fire as shall be directed by the mayor or any two (2) of the council who may be at the fire, for the purpose of preventing its communication to other buildings; 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, replaced 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 precautions against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of any 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 provided, that before any building within the fire limits shall be erected, or building shall be repaired or removed within the fire limits, the consent for such new buildings or building to be repaired or removed, shall first be obtained from the city council; to prevent the dangerous construction of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, smoke houses, boiler stacks, and any apparatus in or about any building, and to cause the same to be placed in a safe condition; to prevent the deposit of ashes or any combustible material in unsafe places, or the throwing or dumping them in the streets; to prevent the building, erection or maintaining within certain limits to be determined by ordinance, any hay or straw barn or stable, hay or straw roof or hay or straw stack; to require the owners or lessees of any building to keep constantly on hand ready for immediate use ladders of sufficient length to reach the highest part of their buildings, and pails or buckets, and may also direct that tubs

or barrels of water shall be kept filled at times; to regulate the storage and sale of gunpowder, gasoline, fire works and other dangerous materials. To prevent bonfires and the use of firearms and fire crackers; to authorize the fire warden to enter all dwellings, lots, yards, and inclosures, and all buildings of every description, in order to determine whether they are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish and enforce such measures for the prevention and extinguishment of fire as may be necessary and proper.

#### CHAPTER VII.

##### Taxation and Bonds.

Section 1. The city council shall have power to levy an annual tax upon all property in said city, taxable under the laws of this state; but no such tax shall exceed 1 per cent of the assessed valuation of said property. All taxes so levied and collected shall be paid into the city treasury and become part of the general fund, and may be used for any lawful city purpose in the discretion of the city council, and money may be transferred from the general fund to any other funds created by the city council.

Sec. 2. The city council shall have the power to assess and levy a poll tax against all the male inhabitants of said city between the ages of twenty-one and fifty years, except such as are by law exempt, of not to exceed two days' work upon the streets, highways, alleys or public grounds of said city; such poll tax shall be assessed and levied by said city council at its first meeting after the annual election, and the city clerk of said city shall as soon thereafter as practicable issue a warrant to the street commissioner of said city containing the names of all persons in said city liable to poll tax and the number of days each person is assessed. All persons liable to poll tax may commute and pay the same to the street commissioner. All moneys received by the street commissioner for poll tax and fines shall be expended by the street commissioner upon the streets, highways, alleys and public places, at such times as the city council may direct. The city council shall have full power to direct the street commissioner when where and how to expend such poll tax and labor.

All the general laws of this state relating to the levy assessment collecting, working and suing for poll tax in townships in this state now in existence or hereafter enacted and all penalties therein provided shall apply to all poll tax levied and assessed in this city except as herein expressly provided.

Sec. 3. Taxes may be levied by resolution of the city council, to be entered on the record, and no tax shall be invalid by reason of any informality in the manner of levying the same.

Sec. 4. The city council shall cause to be transmitted to the county auditor of the county in which such city is situated on or before the 1st day of October of each year a statement of all taxes as levied by them, and such taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced; and the

county treasurer shall pay over to the treasurer of the city all taxes collected by him for such city as provided by general law.

Whenever, previous to any of the settlements provided by law, there shall be a lack of funds in the city treasury for any purpose, and there shall be funds in the city treasury collected on account of city assessments or taxes, the county treasurer may, at the request of the city council, advance and pay over to the city treasurer such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and shall take the city treasurer's receipt therefor; and such advances shall be accounted for and adjusted at the next regular settlement with the city.

##### Equalization of Taxes.

Sec. 4. The city council, or a majority of them, shall constitute a board of review, and shall meet and revise, alter and equalize the assessment roll of the assessor as they deem just and proper. The general laws of this state shall apply to said board of review, and said board shall be governed thereby.

##### City Bonds.

Sec. 5. The city council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special city election of which due notice as to time, place and object of the election has been given, to issue bonds of the city, running not more than fifteen years, and bearing interest at a rate not to exceed six (6) per cent per annum, payable semi-annually, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the mayor, attested by the clerk and sealed with the seal of the city. Such bonds shall be sold at not less than par, and the proceeds from the sale thereof shall not be expended for any other purpose than that for which they were issued. Such bonded indebtedness of the city shall not at any time exceed five per cent of the assessed valuation of the property in such city.

#### CHAPTER VIII.

##### Condemnation of Private Property for Public Use.

Section 1. Such city is authorized and empowered to condemn property, or any right, interest or easement therein, for any or all of the following purposes, to-wit: For water works, gas works, heating works and electric light and power works; for markets, parks, public grounds, public squares and sites for public buildings and for buildings for the fire department; for the construction of slopes, embankments or cuts for sewers, drains, ditches, reservoirs and cisterns; for the laying out, opening, altering, widening and extending, parking and otherwise improving of streets, avenues, parkways, lanes and alleys; for erecting poles and suspending wires thereon; for constructing and laying conduits, mains and pipes and branches and connections pertaining thereto, whether for gas, water, sewerage or wires, for lowering, raising, changing the course of or diverting any stream of water, ditch, sewer or drain,

and also for any and all other public purposes. Whenever it shall be deemed necessary to condemn private property for any of the aforesaid purposes, which necessity shall be determined by a majority vote of all the members-elect of the city council, said city council shall proceed in the manner hereinafter provided.

Sec. 2. The city council, upon any improvement above mentioned to be made, shall appoint three (3) commissioners, no two (2) of whom shall be residents of the same ward of said city, and all of whom shall be disinterested freeholders and qualified voters of the city, to view the premises and assess the damages which may be occasioned by the taking of private property for any of the purposes aforesaid. Said commissioners shall be notified, as soon as practicable, by the clerk of the city to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, 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) and shall be liable to be prosecuted therefor in the same manner as for a violation of any ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of an absentee or absentees aforesaid, selected from some ward of the city not represented on said board of commissioners, and possessing the qualifications aforesaid. In all other cases of vacancy the city shall fill such vacancy.

Sec. 3. The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the city council.

Sec. 4. The said commissioners shall, with all reasonable speed, cause a survey and plat of the proposed improvement or purchase to be made and filed with the city clerk, exhibiting as far as practicable the land or parcels of property required to be taken or which may be damaged thereby, and shall thereupon give notice, by publication in the official paper of said city, for at least ten (10) days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement.

Sec. 5. At the time and place, according to said notice, the said commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and assess 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 said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incident thereto, and also the advantages which will accrue to such property or any part thereof in making such improvement.

Sec. 6. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages 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 determine and assess the amount of damages to be paid to each owner or owners in case he or they should elect to remove such building; and the damages in relation to the building aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

Sec. 7. If the lands and buildings belong to different persons, or if the land shall be subject to lease, mortgage or judgment, or if there be any interest 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 commissioners, less the benefit resulting to them from the improvement; but in no case shall the aggregate damages assessed to the owners, lessee, mortgagee or other persons having an interest therein, exceed the value of the parcel of property sought to be taken.

Sec. 8. The said commissioners, having ascertained and assessed the damages aforesaid, shall make and file with the city clerk, a written report to the city council of their action in the premises, embracing a schedule or assessment of the damages in each case, with the description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceedings.

Sec. 9. Upon such report being filed in the office of the city clerk, said city clerk shall give at least ten (10) days' notice in the official newspaper of said city, to the effect that such assessment has been returned and that the same will be confirmed by the city council at a meeting thereof, to be named in said notice, unless objections are made in writing by any person interested in any land required to be taken. Any person interested in buildings standing in whole or in part upon any land required to be taken for such improvement shall, on or before the time specified in such notice, notifying the city council in writing of their election to remove such buildings according to the ward of the commissioners. The city council, upon the day fixed for the consideration of such report or at such subsequent meeting to which the same may stand or be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving consideration to any objections interposed by persons interested.

Sec. 10. The damages assessed shall be paid out of the proper fund of the city, and shall be paid or tendered or deposited and set apart in the treasury of said city to and for the use of the persons entitled thereto, within six (6) months from the confirmation of such assessment, and report; and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the city council, in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claims to the same.

Sec. 11. In case any owner or owners

of buildings 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 city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case in the event of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of, as the city council shall direct, and the same or the proceeds thereof shall belong to said city.

Sec. 12. When any known owner of lands or tenements affected by any proceeding under this act shall be an infant or labor under legal disability, and having no resident general guardian, any judge of the district court of the county, or in the absence of such judge, the judge of any court of record in said county, may, upon application of said city or of said commissioners, or such party by his next friend, appoint a suitable guardian for such person, and all notice required by this act shall be served upon such guardian.

Sec. 13. Any person feeling himself aggrieved by such assessment may, by notice in writing served upon the mayor or clerk of said city, with affidavit of service, shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment, appeal from said assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required; and the party shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified considered; and a transcript of such report certified by the city clerk, or the original thereof, shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justice of the peace in civil suits, and like bonds shall be given to such city by the person appealing as are required of appellant in such suits.

Sec. 14. Whenever any public ground, street or alleys shall be laid out, altered, widened or enlarged, under the provisions of this charter, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the register of deeds of the county.

Sec. 15. It shall be the duty of the city clerk to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in section eight (8) of this chapter, said city clerk shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders and resolutions of the city council;

and the said record, or a certified transcript thereof, or the original papers, petition, proofs of publication, orders or resolutions on file in his office shall be prima facie evidence of the facts therein contained in any court of this state; provided, that the provisions of this chapter shall not apply to any proceedings now pending, but the same shall be completed as though this act had not been passed.

## CHAPTER IX.

### Local Improvements and Special Assessments.

Section 1. Said city is authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to cash valuation.

Sec. 2. Such assessments may be made by such city for filling, grading, leveling, paving, curbing, railing, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, avenue, lane, alley or highway and for keeping the same in repair; also for filling, grading, protecting, improving or ornamenting any public park, square or grounds now or hereafter laid out, also for planting and protecting shade and ornamental trees in its public parks and along its streets and avenues; and also for constructing, laying and building retaining walls, gutters, sewers and private drains; provided, that the city council may, when any contract is let for paving, include therein the expense of laying sewer pipe to the lot line and cause the expense of same to be assessed against the lot to which the sewer pipes are supplied, as a part of the cost of such paving; provided, that the owners of lots shall have the privilege of building their sidewalks under the direction of the street commissioner.

Sec. 3. The expense of any improvement mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, in the discretion of the city council, to be levied in the manner hereinafter provided.

No assessment, however, to defray the cost of any improvement mentioned in section two (2) of this chapter shall be levied upon the property abutting upon such improvement or upon the property to be benefited thereby, unless a petition for such improvement, in writing, shall have been presented to said city council signed by at least one-half of the owners of property that would be liable to such assessment or by the owners of at least one-half of the property which would be liable, except by an affirmative vote of at least two-thirds of the city council-elect by yeas and nays, to be entered upon the minutes.

Sec. 4. Before ordering any improvement mentioned in section two (2) of this chapter, the city council shall cause plans and specifications and an estimate of the cost of the proposed improvement to be made and filed in the office of the city clerk, and when the same is to be done by contract, shall give at least ten (10) days' notice in the official newspaper of the city, that at a time stated the city council will meet at its usual place of

meeting and receive sealed bids for the performance of such work. Such sealed bids shall be accompanied by a certified check to the amount of ten (10) per cent of the estimated cost of such improvement, or by a bond with two sufficient sureties to the like amount, conditioned that he will, within ten (10) days after notice that his bid has been accepted, enter into the contract, if awarded to him, to be provided by the city council, and furnish a bond with sufficient sureties in the penal sum of at least thirty (30) per cent of the estimated cost of the improvement, conditioned to fulfill the terms of the contract; and if the contract shall be awarded to him, and he shall fail to enter into the said contract within the time limited and furnish the bond aforesaid, then the said bidder shall be liable to such city for all damages and costs that the said city may sustain by reason thereof; and the measure of damages shall be the difference between the bid made, which was accepted, and the amount the city may finally be compelled to pay for the making of the improvement, and the same may be retained from the amount of the certified check, if said check shall be deposited as aforesaid, or recover by action the bond, in the name of such city, in any court having jurisdiction of the amount.

Whenever the city council shall award to any person upon his bid the contract for making any of the improvements herein mentioned, he shall at the time of the execution of said contract furnish to such city, a bond with sufficient sureties, to be approved by said council, for an amount at least thirty (30) per cent of the estimated cost of such improvement, conditioned that he will execute the work for the price mentioned in his bid and according to the plans and specifications; and said bond shall contain a further condition that he will pay for all labor done and material furnished for or on account of said improvement, and the contract, to be executed, shall also contain a covenant or agreement to pay for all labor done and materials furnished for or on account of said improvement. In case of default on his part to execute and fulfill the terms of the contract and perform the work, said bond may be sued upon and judgment recovered thereon by the said city for all damages sustained in the premises, in any court having jurisdiction of the amount. No extension of the time for fulfilling any contract by the city council, shall have the effect to release the sureties upon said bond. Said bids shall be opened by the council at the meeting specified in the published notice calling for bids, or such other time thereafter as said council may appoint. All contracts shall be let to the lowest responsible bidders who shall have complied with the above requisitions and who shall guarantee to the satisfaction of the council the performance of said work, except in case of paving streets with patent pavement or pavements; in such case notice for bids may call for wood, stone or other kinds of pavement, and when all the proposals therefor are in, the council may select the one which is relatively the lowest or most satisfactory, all things considered. If the pavement selected is patented, the council shall require a license from the patentee to lay and relay the same for all times thereafter free from all claims of royalty. A copy of said contract shall be filed in the office of the city clerk and registered by him in a book kept for that purpose. The said council shall reserve the right in their

said contract, in case of improper construction, to suspend the work at any time and relet the same, or to order the entire reconstruction of said work, if improperly done. In cases where the contractor shall proceed to properly perform and complete the said contract, said council may from time to time, in their discretion, as the work progresses, grant to said contractor an estimate of the amount already earned, reserving fifteen per cent therefrom, which shall entitle said contractor to receive the amount due thereon. When the whole work has been done by said contractor to the satisfaction of the city council, the amount or balance due him shall be audited and allowed by said council and shall be payable out of the moneys applicable to the payment of such work, except upon paving and sewer contracts, when five per cent may be retained for six months to provide for the expense of back-filling and repairing streets.

Sec. 5. After the work shall have been placed under contract herein provided, the council shall assess upon the property fronting upon such improvement, or upon the property to be benefited thereby, seventy-five (75) per cent of the estimated cost of such improvement, and in addition thereto ten (10) per cent of such estimated cost, which shall be added to the assessment to defray necessary expense of making surveys, plans, specifications and superintendence, in proportion to the frontage on such improvement, or in proportion to the benefits to be derived therefrom, as they shall decide. If the amount so assessed shall be insufficient to complete the work, the city council shall, after the completion of the work, make a final assessment in the same manner to pay the same; provided, that if in any case no assessment shall have been made until after the work shall have been completed or total cost thereof definitely ascertained, the council may make an assessment in an amount sufficient to cover the entire cost of such improvement together with ten per cent thereof expenses.

Sec. 6. When in any case any portion of the improvements mentioned in this chapter shall, by virtue of any law or ordinance, or by virtue of any valid contract, be chargeable upon any railroad company, the amount so chargeable may be assessed upon such railroad company, and collected by distress and sale of personal property in the manner provided for by the general laws of the state in the case of taxes levied upon personal property or by suit brought for that purpose; provided, that any real estate belonging to said railroad company and being benefited by said improvement shall be assessed as in other cases.

Sec. 7. Upon making any assessment the city council shall direct the city assessor to make an assessment roll describing each lot or parcel of land with reasonable certainty liable to such assessment, the amount for which each lot or parcel is liable, and the names of the supposed owners thereof. Such assessment roll, with a notice in substantially the following form, shall be published in the official paper at least three (3) times before the same is confirmed, the first of which publications shall be at least thirty (30) days before such confirmation. Such notice and assessment roll shall be substantially as follows:

"City of Blue Earth."  
"Notice is hereby given that, whereas, a contract has been let for (herein describe the nature and locality of the improvement), and the expense of such im-

provement to be assessed to each lot or tract of land fronting on such improvement, or to be benefited by such improvement, having been determined by the city council of said city. Now, therefore, said city council will, at their council chamber in said city, at — m. of the — day of —, 18—, meet to review and confirm such assessment, at which time and place all persons interested may appear and make objections to the same.

"It is proposed to issue bonds, chargeable to the abutting real estate (or the real estate to be benefited by such improvement) to pay such assessment, and such bonds will be issued covering all such assessments, except in cases where the owners of the property shall pay to the city treasurer, within thirty (30) days after the confirmation of such assessment the amount thereof assessed against their property.

"The following is a list of the supposed owners' names, a description of the property liable to such assessment, and the amount assessed against the same, to-wit:  
Names of supposed owners.....  
Description of property.....  
Amount assessed.....  
Dated .....

Mayor the City of Blue Earth,  
Attest: .....  
City Clerk.

At the time and place mentioned in such notice, or at such time and place as they may adjourn to, said council shall meet and review and confirm such assessment, which confirmation shall be final, except as hereinafter provided. And no omission, informality or irregularity in or preliminary to the making of any special assessment for any local improvement, shall after such confirmation affect the validity of such assessment, unless objection specifying the grounds thereof shall have been made in writing and duly filed with the city clerk on or before the date of such confirmation.

Sec. 8. After the expiration of said thirty (30) days the council shall issue improvement bonds covering all the assessments except such as the owners shall have already paid, as provided in the preceding section. Such bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show for the payment of which improvement they were issued, and the number and amount of such bonds. Said bonds shall be semi-annual interest coupon bonds, divided into equal annual payments payable respectively in from one (1) to ten (10) years, inclusive, from date and shall draw interest at a rate not exceeding six (6) per cent per annum, payable semi-annually.

The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office.

Sec. 9. In each year after the issuing of said bonds the city clerk shall certify to the county auditor, in the same manner and at the same time that other city taxes are certified to such auditor from one-half to one-tenth of the special assessment, according to the bond issued under section 8 of this chapter on each parcel of property covered by said bonds with eight (8) per cent interest on the amount of such special assessment then unpaid, as a special tax on said property; and the said auditor on receipt thereof shall enter and carry out the same upon

the proper tax lists, and they shall be collected the same as other taxes are collected, and when collected paid over to the city treasurer.

Provided, that the owner or any party interested in any piece or parcel of land against which said assessment is levied, may pay the full amount or any part thereof, with interest thereon at the rate of six (6) per cent per annum to the date of payment, to the city treasurer at any time before the roll is delivered to the county treasurer; and the city treasurer shall thereupon give his receipt in duplicate for the same, which shall be sufficient authority, upon presentation to the city clerk or to the county auditor, for the cancellation of said assessment, or of so much thereof as has been paid, upon the said assessment roll and upon the certified copy of such roll filed with the county auditor. Upon the presentation of such receipt the city clerk and county auditor shall cancel the same on the said roll and copy respectively, and from and after that time the lien on said land shall cease to the amount of such payment. After the said assessment roll has been delivered to the county treasurer, the assessment or such part as has been certified to the county auditor, must be paid to said county treasurer with interest and subject to all the penalties allowed by law, and the county treasurer shall report all such payment to the county auditor and city treasurer giving items of assessment, interest and penalty thereon. The county auditor shall not issue his certificate that taxes are paid on any piece of land upon which any such assessment has been certified to him until such assessment, interest and penalties thereon, as aforesaid, have been paid and canceled as aforesaid or paid to the county treasurer.

Sec. 10. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to this chapter after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

Sec. 11. Any person paying this assessment within thirty (30) days of the date of the confirmation of the same, shall be entitled to a deduction of ten (10) per cent added for survey, plans, specifications and superintendence, and the city treasurer is authorized to allow such deduction. Upon presentation to the city clerk of the treasurer's receipt it shall be his duty to mark "canceled" the assessment on his books, opposite the description in said receipt.

Sec. 12. All deeds of conveyance of the land affected by any assessment mentioned in this chapter shall be subject to the lien of such assessment from and after the time such assessment has been confirmed by the city council and certified by the county auditor.

Sec. 13. The city council may require the payment of all assessments within thirty (30) days after the date of the confirmation of the same, when the estimated cost of the improvements for which the assessment is levied does not exceed fifty (50) cents per front foot of the property to be assessed therefor. In such cases the notice published with the assessment roll shall state that payment must be made within such time.

Sec. 14. Any person feeling himself aggrieved by such assessment may, by notice in writing served on the mayor or clerk of said city, a copy whereof, with proof of service, shall be filed in the of-

office of the clerk of the district court of the proper county within twenty (20) days of the confirmation of such assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other ground than those specified considered and no question shall be tried as to any fact which may have arisen prior to the letting of the contract for the improvement, and a copy of the assessment roll in question and of the resolution of the city council upon confirming the same, certified by the city clerk, or the originals thereof, shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and the judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and governed by the same rules as appeals from justices of the peace in civil actions, and like bonds shall be given to such city by the person appealing as are required of appellants in such actions.

Sec. 15. The said council may at any time authorize the sale and assignment of said bonds at a price not less than their par value, and may apply the proceeds thereof to the payment of the cost of the improvement for which they are respectively issued, and the city clerk shall keep a record of all such assignments.

Sec. 16. Said bonds shall be in substantially the following form:

"Public Improvement bonds of the City of Blue Earth ..... Series No. .... Amount ..... (Date.)

To Whom it May Concern:

This is to certify that the sum of ..... dollars has been duly assessed against the lots and parcels of land mentioned in the assessment roll for the improvement of which said assessment is a valid and substantial lien and charged against the lots and parcels of land therein described and that the said sums have been by said city divided into ..... series of installments; and that this bond represents the sum of ..... dollars, the same being series No. ...., which is due and payable to the said City of Blue Earth out of the property pledged by law for its payment, on or before ..... and is issued pursuant to the provisions of the laws of the state of Minnesota, and the said City of Blue Earth hereby guarantees to the holder of this bond that it will cause the said assessment to be collected and will pay, upon surrender of this bond to the city treasurer, at his office in said City of Blue Earth, on the first (1st) day of July in the year ....., the said sum of ..... dollars, with interest thereon, from date hereof to the time mentioned herein for payment, at the rate of .... per cent per annum.

In testimony whereof the said said City of Blue Earth has caused this bond to be signed by its mayor and attested by its city clerk and its corporate seal affixed thereto this ..... day of ..... A. D. ....

Attest: ..... Mayor.  
..... City Clerk.

Sec. 17. When an assessment for any local improvement on any lot, piece or parcel of land has been made, and the same has been or hereafter shall be, set

aside or declared void by reason of any defect or irregularity affecting the validity of such assessment, the council may make a new assessment as to such lot, piece or parcel of land, and no error or omission or irregularity, whether jurisdictional or otherwise, shall prevent such reassessment to the extent of the benefits conferred on such lot, piece or parcel of land when ordered by the council.

#### CHAPTER X.

##### Vacation of Streets, Avenues and Alleys.

Section 1. The city council of such city shall have power to vacate or discontinue streets, avenues, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of a majority of the owners of the property on the line of such street, avenue, alley or highway, resident for such application, accompanied by a plat of such street, avenue, alley or highway proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners. The city council shall thereupon order the petition to be filed of record with the city clerk, who shall thereupon give notice, by publication in the official paper of the city, for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, at a certain time and place therein specified not less than ten (10) days from the expiration of such publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested.

Sec. 2. The city council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by resolution of a three-fourths (¾) vote of all the members-elect, declare such street, avenue, alley or highway vacated, which resolution, before the same shall go into effect, shall be published as in the case of ordinances; and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the proper county.

Sec. 3. Any person feeling himself aggrieved by such vacation or discontinuance, or refusal so to do, may within twenty (20) days after the publication of such resolution or after such refusal, by notice in writing served upon the mayor or clerk of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the proper county, appeal to said court from such vacation or discontinuance or such refusal, when such appeal shall be tried by the court as in ordinary cases, and the judgment of such court shall be final. It shall be the duty of said city clerk, as soon as such appeal is taken, to transmit to the proper court a certified copy of the records and files of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and governed by the same rules as appeals from justices of the

peace in civil suits, except that no pleadings shall be required; provided, that this chapter shall not be construed to oust the district court of jurisdiction to vacate any such street, avenue, alley or highway in such city as provided by the general laws of this state; but in all such cases notice of such application must be served in writing upon such city authorities by delivering to and leaving with the mayor or clerk of such city a true and correct copy of such application and notice of hearing, at least twenty (20) days before the day of hearing.

#### CHAPTER XI.

##### Board of Public Works.

Section 1. There shall be in the City of Blue Earth a board of public works to consist of three (3) members, none of whom shall hold any other office under this charter, and who shall be freeholders of the city and qualified electors thereof; to be elected at the annual election, one member for one (1) year, one member for two (2) years, and one member for three (3) years; and one member to be elected for three years annually thereafter; to be known as "The Board of Public Works" of the City of Blue Earth, the said board to have the general management and control of the water works and electric lighting plant in said city.

Sec. 2. The said board shall take the oath of office and organize within ten (10) days after the annual election and elect a president and a president pro tem. Any two (2) members thereof shall constitute a quorum. The city clerk shall be the clerk of said board, and all proceedings of the same shall be recorded and kept in books provided for that purpose, which shall be a public record, and reports shall be made semi-annually or whenever required to the city council, and said board shall make recommendations to the city council of purchases and improvements necessary, and to let contracts to parties, except as hereinafter provided.

Sec. 3. At the first meeting organizing the board, and annually thereafter, the board shall appoint a proper person, not a member of said board or of the city council as superintendent, subject to removal, who shall, before he enters upon his duties, give a bond with sufficient sureties to the city in double the amount that will probably come into his hands to be approved by said board and filed with the city clerk and entered upon his records, and whose annual salary shall be fixed by the board at a sum not exceeding thirty (\$30) dollars per month, payable monthly; who shall, under the direction of the board, have supervision of the construction, operation, maintenance and repair of the water and electric light systems of the city, and of all reservoirs, pumps, pumping stations, machinery, intakes, water mains, pipes, hydrant extensions and apparatus used in the operation of the water system of the city, and shall have supervision of the erection, operation, maintenance and repair of the electric light works and the apparatus for lighting streets, alleys, public and private grounds and buildings in said city; the laying of pipes, mains and wires into, through, under and across the streets, alleys and public and private grounds of said city, and the erection of poles, masts and towers, and the running of wires thereon, over, under and across

the streets, alleys and public and private grounds of said city; provided, that the board shall have full authority to contract for and incur all expense for fuel to operate the said water and electric light plant, and also to provide and contract for such skilled and ordinary labor as deemed necessary to operate the said plant and system, and also to contract for and incur any expense for improvements and repairs on the same where the expense in any one year does not exceed \$500, and to contract for and incur expense for material for the extension and installing new electric lights where the total expense at any one time does not exceed \$500, and if the expense to be incurred for improvements and repairs shall exceed \$500 it shall first be authorized by the city council.

Sec. 4. The superintendent shall keep all records and accounts pertaining to matters within his department, and shall receive and receipt for all water and electric light rents and other moneys accruing to the city for the use of water and electric lighting and deposit the same as collected with the city treasurer, and report the same to the city council monthly; provided, that the city treasurer shall keep such moneys in a fund to be denominated the "water works and electric light fund" and which fund also shall not be used or diverted for use for any other purpose than that as provided in section 7 of this chapter. Said superintendent shall keep separate accounts of all rents or rates collected, and of all rents or rates due and uncollected and of all moneys received. He shall also keep separate accounts of all disbursements for running expenses and ordinary repairs in his department for additions, extensions or new constructions.

Sec. 5. The owner of private property, which has upon it pipes connected with the city waterworks, to convey water thereto shall, as well as the lessee or occupant of such premises, if any, be liable to the city for all rents or rates for all water from said water system, used upon said premises, and such rents or rates may be recovered in an action against such owner, lessee and occupant, or against one or more of them.

Sec. 6. The city council shall, by ordinance, provide punishment and penalties for all injuries to and interferences with said water and electric light system or anything connected therewith. Any person who shall without authority willfully break, remove or in any way injure or damage any main, branch water pipe, aqueduct, dam, bulk head, intake pipe, gate, gate house, conduit or vent box or box cover, main pipe or cover of hydrant or any part of machinery or property of the water and electric light system of the city of Blue Earth or open any water gate or perforate or bore or cause to be perforated or bored any watermain or pipe or shall without proper permit make connection with any main or pipe, and any person who shall without authority willfully destroy, injure, cut, disconnect, break, ground or in any way interfere with any wires or pole, lamp, switch, instrument, meter or any electrical apparatus, plant, machinery, line or system or make any connection therewith for the purpose of taking, using or wasting electricity or the electric current or prevent any electric meter from duly registering the quantity of electricity supplied or in any wise willfully use or cause to be used without the consent of the proper authority any electricity

manufactured or distributed by the electric plant of said city shall be guilty of a misdemeanor and punished as prescribed in the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished by the criminal laws of the state.

Sec. 7. The city council shall by ordinance establish such rules and regulations as it may deem necessary for the supplying of water and light for the use of the inhabitants thereof, both public and private parties, and shall from time to time fix the rents or rates for the use of water and electric lighting and the periods for which advance payments shall be required and the period when the meters shall be inspected and accounts rendered for water and lighting. The said rates shall be so fixed that the water and electric light funds of the city in each year shall be at least sufficient to defray the cost of the operation and maintenance of the water and electric light systems of the city and to pay the interest on all bonds of the city issued on account of such systems and 5 per cent sinking fund; such rates to be determined by estimates furnished by the board of public works.

The city council may make all necessary rules and regulations concerning the tapping of any mains, branches or pipes or making connection therewith by private parties, licensed plumbers or other persons or concerning the connecting, laying or installing of electric light wires and establishing meters.

Sec. 8. The superintendent shall require payment in advance of the rents or rates for the use of the water or light furnished in or upon any buildings, place or premises except where such water or light is furnished through a meter, and in such case shall require payments not later than ten (10) days after such meter is inspected and a statement of account rendered.

In all cases where prompt payment for said rents or rates shall not be made, said superintendent shall shut off the water or light from such place, building or premises, and shall not again supply the said building, place or premises with water, nor the delinquent party with light until the unpaid rents or rates for water or light used with interest thereon together with the cost and expense of turning said water or light off and on shall be paid.

Sec. 9. The superintendent and each of his assistants and employes who shall knowingly omit any person or property from his or its proper assessment for water or electric light rents or rates, or neglect or refuse to collect the same, or who shall discriminate in favor of or against any person or property in regard thereto, shall be guilty of a misdemeanor and punished therefor as prescribed in the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished under the criminal laws of the state.

Sec. 10. The superintendent shall as nearly as possible ascertain and keep account of the water and electricity used by the city and for each public purpose of the city and payment for such water and electricity shall be made into the water works and electric light fund out of the proper fund of the city, in four equal quarterly payments, viz., on the first day of January, the first day of

April, the first day of July and the first day of October in each year.

In case the amount of water and electricity used by the city or for any public purpose of the city cannot be exactly ascertained, the city council shall determine and fix the charge to be made for the water and electricity furnished, and shall as nearly as possible determine and fix the charge for such water and electricity at the same rental or rates at which water and electricity are furnished to private consumers.

## CHAPTER XII.

### Courts.

Section 1. All laws of the state relating to courts of justices of the peace and the justices thereof, in force at the time this charter shall go into effect are hereby adopted and made a part of this charter and shall have the same force and effect as if herein set out in full.

Sec. 2. At the annual election held under this charter there shall be elected two justices of the peace for said city. The said justices of the peace shall execute a bond and file the same as provided by law for town justices.

The said justices of the peace of the City of Blue Earth shall also have and possess exclusive and original jurisdiction of all cases arising under the provisions of this chapter.

All prosecutions for violating any of the provisions of any ordinance, resolution, rule or by-law enacted under the provisions of this charter shall be brought in the name of the city of Blue Earth and shall be commenced by warrant upon complaint being made before one of the city justices as required by law in criminal cases before justices of the peace in this state and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal and civil actions before justices of the peace. 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 of any ordinance, resolution, rule or by-law of the said city of Blue Earth, but in such cases complaint shall be made which the city justices shall reduce to writing and the party required to plead thereto as to a warrant in other cases and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant.

All processes issued by any justice of the peace of said City of Blue Earth shall be directed to the chief of police of the City of Blue Earth and to the sheriff or any constable of the county of Faribault, Minnesota.

It shall be a sufficient pleading of the ordinance, resolution, rule or by-laws of said city to refer to the title and section thereof which are hereby declared to have all the force and effect of General Laws within the jurisdiction of said city, and it shall not be necessary to read or give them in evidence upon the trial of any proceeding or action, criminal or civil.

Judgment shall be given if for the plaintiff for the amount of fine, penalty or forfeiture fixed by said ordinance, resolution, rule or by-laws of such part thereof if a discretion be given, as the court shall deem proportionate to the offense,

together with costs of suit; and shall in all cases further adjudge and order that in default of payment thereof the defendant be committed to the city prison of said city, or to the common jail of Faribault county, Minnesota, for such time not exceeding ninety days as the court shall deem proper.

If such payment be not forthwith made the justice shall make out a commitment stating the amount of judgment and costs and time for which committed in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to prison by the keeper of the city prison or county jail and kept until the expiration of the time above provided, but he shall be released by order of the justice on payment to him of such fines and costs or in due course of law.

Appeal may be taken to the district court from the judgments of the justices of the peace of the City of Blue Earth in the same manner as from judgments in civil actions by justices of the peace. In all cases where the fine or penalty imposed exclusive of costs for the violation of the provisions of any ordinance, resolution, rule or by-law of said city exceeds \$15; in case the appeal is taken by the defendant he shall, as a part thereof, execute a bond to the city with sureties to be approved by such justices conditioned that if judgment be affirmed in whole or in part, he will pay the same and all costs of damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part the execution may be issued against both defendant and his sureties. In the event of an appeal by the city of Blue Earth no bond shall be required.

All fines, forfeitures and penalties recovered for the violation of any ordinance, resolution, rule or by-law of said city and all moneys paid for license and permits shall be paid into the city treasury for the use of said city. The justices of the peace shall report and pay into the city treasury quarterly all moneys collected by them and belonging to said city which reports shall be verified by affidavit and filed in the office of the city treasurer.

## CHAPTER XIII.

### Miscellaneous Provisions.

Section 1. The rights of the creditors of the village of Blue Earth city shall not be prejudiced by anything contained herein, but the same are preserved to them, and they shall have the same rights and remedies against the city under this charter as they would have had if this charter had not been adopted.

Sec. 2. All recognizances, obligations and all other instruments entered into, running to or executed by the village of Blue Earth city before this charter goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the same, and all writs, prosecutions, actions and causes of action, shall continue and remain unaffected by this charter going into operation, but shall pass to and vest in the city under this charter.

Sec. 3. All ordinances in force in the village of Blue Earth City at the time this charter goes into effect and not inconsistent therewith shall remain in full force and effect until altered or repealed

by the city council, and all rights or contracts of such village shall continue the same as if this charter had never been passed.

Sec. 4. All papers, files, plats and other public records to be kept, preserved or filed, unless otherwise provided for in this charter shall be placed on file and preserved in the office of the city clerk.

Sec. 5. No law of this state contravening the provision of this charter shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

Sec. 6. When any such suit or action shall be commenced against said city, service or process therein shall be made by leaving a copy thereof by the proper officer, with the mayor or clerk, and it shall be the duty of the mayor or clerk forthwith to inform the city council thereof and to take such other proceedings as by the ordinances or resolutions of the city council may have been in such cases provided.

Sec. 7. Such city shall not be liable in any case for the jail fees of any person committed to the common jail of the proper county by any officer of said city, or any magistrate of said city, for offenses punishable under the General Laws of this state.

Sec. 8. The public property of such city shall be exempt from seizure or sale on execution and from taxation.

Sec. 9. No person shall be an incompetent judge, justice of the peace, witness or juror by reason of his being an inhabitant of the city in any proceeding or action in which the city shall be a party in interest.

Sec. 10. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there are present as large a number of aldermen as were present when the vote was taken.

Sec. 11. All contracts made by the city council or any officer, board or committee of such city for the benefit or in behalf of such city with any officer thereof, either directly or indirectly shall be wholly void.

Sec. 12. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of two-thirds (2-3) of the city council elect.

Sec. 13. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the city by the mayor or acting mayor and the city clerk, sealed with the corporate seal, and in pursuance only of authority therefor from the city council, except as provided herein for contracts by the board of public works.

Sec. 14. The city council may require any officer elected or appointed under this charter to give bond with sufficient sureties for the faithful discharge of his duties, and in such cases the council may accept instead of personal sureties on such bond, the undertaking obligation or guarantee as surety, on such bond of any guaranty, fidelity or surety company authorized to do business in this state, and all bonds, official or otherwise, shall run to the city in its corporate name except when otherwise provided by law.

Sec. 15. Work done or constructions made of any kind by such city may be done by contract awarded as hereinbefore provided, or the city council may in its discretion direct any such work or construction, or any part thereof, to be done by day's work under the direc-

tion of said council, or any officer or any city or street commissioner whom the city council may designate; provided that when any work or construction shall involve an expenditure of more than \$100, such work or construction shall be done by contract, let to the lowest bidder after due public notice shall have been given and proposals invited for the same, as hereinbefore provided.

Sec. 16. All bills, claims and accounts presented to the city council for auditing, allowance, adjustment or payment, except salaries of officers fixed by law, shall be first verified by the claimant, or some one in his behalf, as just and correct and such verification shall be subscribed by the affiant and filed with such claim.

Sec. 17. No perpetual franchise shall ever be granted, nor shall any franchise be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in any case for a longer period than ten years. No franchise shall be granted except to the highest bidder therefor, and bids for such franchise may be in the nature of an annual gross earnings tax or premium to be paid during the existence of such franchise. It shall be a feature of every franchise so granted that the maximum price for the service or charges shall be stated in the grant thereof.

Sec. 18. No right, title, estate or easement of the city in or to any property shall be abridged or lost by any adverse possession or occupancy, and no statute of limitations shall run or operate against the city in favor of any person or persons occupying the public or platted streets or public or platted grounds, parks or parkways or boulevards of the city, whether said street or ground or such property be improved or not.

#### CHAPTER XIV.

##### First Election.

3rd Section 1. The first general city election of said city shall be held on the first Tuesday in April, in the year one thousand eight hundred and ninety-nine, at which time all elective city officers provided for herein shall be elected.

The village council of the village of Blue Earth City shall at least ten (10) days before said first general city election designate three persons who are qualified electors to act as judges or in-

spectors at such election, and two persons to act as clerks at such election in each ward or election precinct of such city.

Such election shall be held at such places within the limits of such village as such village council shall designate, and the village recorder shall give notice thereof by posting notices of the time and places of holding such election in at least three public places in said village at least ten days before such election.

When said first election shall have been closed the judges thereof shall make returns thereof to the recorder of the village within twenty-four hours after such election, in the same manner as provided by law for the returns of state and county officers to the county auditor and within one day thereafter the council of the village shall meet and canvass the returns thereof and declare the result that appears therefrom, and the recorder of the village shall forthwith give notice to the persons elected of their respective elections.

##### Letter of Transmittal.

To the Honorable W. E. C. Ross, President of the Village Council of the Village of Blue Earth City in Faribault County and State of Minnesota,  
 Sir: We, the undersigned appointed on the 15th day of October, A. D. 1898, by the honorable, the district court of the State of Minnesota, in and for the county of Faribault, Seventeenth Judicial district, as a commission to draft a proposed charter for a city, to supersede the present charter of the village of Blue Earth City, pursuant to section 36 of article 4 of the Constitution of the State of Minnesota and chapter 255 of the General Laws of the State of Minnesota, for the year 1897, do hereby respectfully submit and return to you the foregoing draft of the proposed charter of the City of Blue Earth in Faribault county and State of Minnesota.

Dated Feb. 10, A. D. 1899.

J. A. KIESTER,  
 GEO. W. BUSWELL,  
 SILAS W. GRAHAM,  
 W. E. C. ROSS,  
 F. P. BROWN,  
 E. D. EVANS,  
 SEBASTIAN PFEFFER,  
 J. G. HAMLIN,  
 CHAS. ALING,  
 JOHN H. LEEMHUIS,  
 WILLIAM ROBERTS,  
 H. P. ZINGHEIM,  
 OTTO KAUPP,  
 FRANK E. PUTNAM,  
 CHARLES W. JARVIS.

tion of said council, or any officer or any city or street commissioner whom the city council may designate; provided that when any work or construction shall involve an expenditure of more than \$100, such work or construction shall be done by contract, let to the lowest bidder after due public notice shall have been given and proposals invited for the same, as hereinbefore provided.

Sec. 16. All bills, claims and accounts presented to the city council for auditing, allowance, adjustment or payment, except salaries of officers fixed by law, shall be first verified by the claimant, or some one in his behalf, as just and correct and such verification shall be subscribed by the affiant and filed with such claim.

Sec. 17. No perpetual franchise shall ever be granted, nor shall any franchise be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in any case for a longer period than ten years.

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Witness my hand and the corporate seal of the village of Blue Earth City, Faribault County, Minnesota, this <sup>pit</sup> day of April, 1899.

*W. E. Ross*  
 -----  
 President of the Village Council  
 of said Village of Blue Earth City,  
 and Chief Magistrate of said village  
 of Blue Earth City.

Attest: *C. M. Brown*  
 Village recorder of  
 the Village of Blue Earth City.

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STATE OF MINNESOTA,  
DEPT OF STATE

Filed in the office of Secretary  
of State this 11 day  
of April 1897 A.M.

Albany  
Secretary of State.

RE-INDEXED

MAY 10 1921

MAY 12 1921