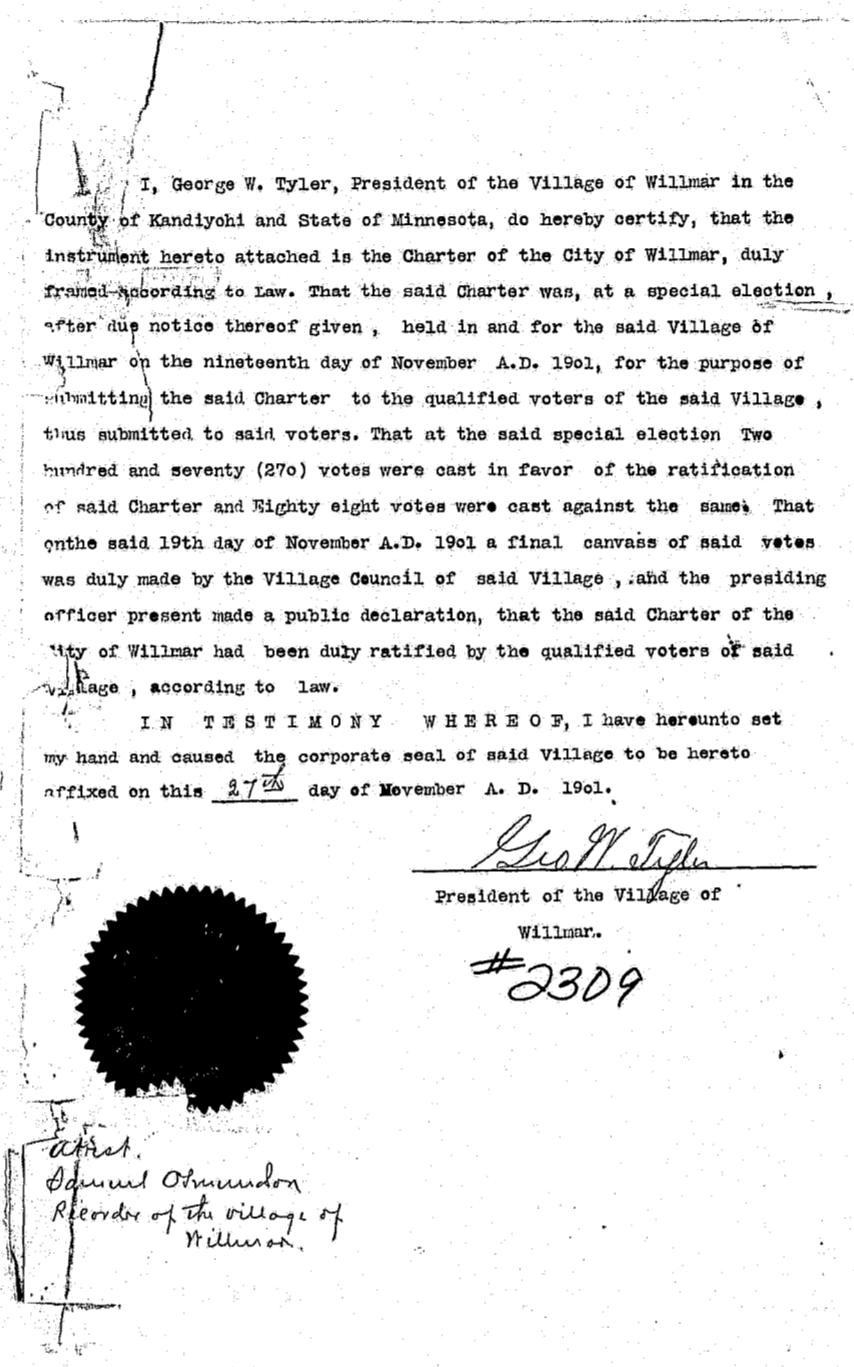


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containing the names of  
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and the State of Wyoming

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thereof, and other combustible or explosive material, within the city, or within the limits of the limits thereof, and the use of lights, lanterns, lamps, and other places and the building of bonfires; and to regulate and restrain the use of fire crackers, torpedoes, Roman candles, rockets and other fireworks.

Thirty-eighth.—To prevent and suppress riots, affray, disturbances, disorderly assemblies, cock fights, dog fights, shooting matches, and all brutalities.

Thirty-ninth.—To restrain or sports. Ish vagrants, mendicants, street beggars, prostitutes, and to regulate or prevent public bathing or swimming within the city limits; and to prevent and prohibit the carrying of firearms, fighting, assault, battery, and disorderly conduct and obscenity in the city, and to prohibit within the city the sale, rental, lease or exhibition of obscene, objectionable, indecent, lewd, lascivious, pornographic, or pornographic materials, prints, pictures, advertisements and illustrations, and any publications, either of printed matter or other pictures, effigies or otherwise, intended to provoke a breach of the peace or to impair the morals of the community.

Fortieth.—To restrain and prohibit bawdy and disorderly houses and houses of ill-fame and assignation within the limits of the city.

Forty-first.—To regulate and prohibit lotteries, and to suppress all kinds of gambling with cards, dice, dominoes, roulette, or other games of chance, the use of black boards, lists and tickets for the purpose of gambling, all card rooms, betting-rooms, and the selling of pools or odds on horse racing or other contests, race meetings, to suppress, prohibit and restrain all mechanical and devices used for gambling or betting; to prohibit all fraudulent devices, to cause the removal of houses of prostitution to be removed to vacate and discontinue any cemetery and compel the removal of any bodies interred therein.

Forty-second.—To regulate the location, construction and management of stock yards, slaughter houses, and other buildings, including chandleries, storerooms for hides, bone or glue factories, tanneries, gas works, soap factories, dye houses and tanneries, or any other noxious or unwholesome business within the limits of the city, within a distance of one mile outwards from the center of the city.

Forty-third.—To establish a public park and to regulate the camping at large of horses, mules, cattle, sheep, poultry, geese and other animals, and to authorize the distracting and scattering of the same.

Forty-fourth.—To establish and regulate markets and indoor houses.

Forty-fifth.—To provide for the inspection and testing of the same, and regulate the sale, and quality of bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto.

Forty-sixth.—To provide for and regulate the inspection by the board of health of food, drugs, fish, game, butter, bacon, cheese, ham, eggs, vegetables, meat, milk, fruits, wine, beer, cider, liquors and provisions, and to provide for the taking and summary destruction of any such provisions which are unsound, spoiled or unwholesome, and to regulate and prevent the bringing into the city, buying or keeping such unsound, spoiled or unwholesome provisions, or any unsound or putrefied beef, pork, fish, fleshes, skins, or other substances, and to inspect, regulate, and restrain the sale, and to regulate the sale of food, and to regulate the sale of weight and measure.

Forty-seventh.—To provide for the inspection of weights and measures, and to enforce the keeping and use by vendors of proper weights and measures, duly tested and sealed, and to provide for the prompt and adequate compensation of a city sealer of weights and measures, and to provide punishment for the use of false weights and measures.

Forty-eighth.—To regulate the construction of all buildings, chimneys and stacks; to prohibit and prevent the erection or maintenance of inge-  
cavations, wells, cisterns, tanks, or chimneys, and to provide for their summary abatement; to preserve the depth of cellars, the interior and method of construction of foundations and footings, walls, the manner of construction and location of drains and pipes, the thickness, height and construction of parapet walls, the size and material of doors, beams, girders, pines, columns, rods, chimney flues, and other parts, and to regulate the construction of parapets and vaults in buildings; to prohibit the construction of buildings not conforming to such regulations, and affect the same in any manner, the erection of any such building, and to prohibit the same from being built, to conform to such regulations; and to provide for the issuance of building permits.

Forty-ninth.—To prescribe the limits within which wooden buildings shall not be erected, and to regulate and restrain the same, so as to direct that all and no buildings within such fire limits, when damaged by fire, decay or otherwise to the extent of fifty per cent of their value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage, and to regulate the owners of such buildings, or other structures which have been destroyed, or partially destroyed, or have become dangerous by fire or otherwise, to take down the same, or any part thereof, and in case of such damage, to sell same to take down the same when ordered by the council, then to cause the same to be taken down, and to provide by ordinance for the punishment for such refusal or neglect, and to assess the cost thereof upon the owner, which said building or structure stand.

Fiftieth.—To require the owners or lessees of all businesses or enterprises, or leases, to be held in the city to place thereupon such fire escapes and appliances, for protection against fire or for extinguishing fires as may direct.

Fifty-first.—To regulate and restrain the construction of chimneys, fireplaces, hearths, stoves, pipe stoves or ovens used in or upon any house, building or manufactory; to regulate the carrying on of manufactures liable to cause fire; to prevent the disposition of any such material, or any combustible material in unsafe places, and make provision that such material is made as the council may

from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of property, and the enhancement of the public welfare.

Sixty-second.—To provide for lighting the city.

Sixty-third.—To provide for and regulate the construction of bicycle paths upon any street, alley or public place.

Sixty-fourth.—To regulate the construction of chimneys and smokestacks, and to prohibit the emission of sparks, ashes, cinders, smoke or other sources, and to regulate the emission of sparks and cinders a nuisance, and to require the use of such practical appliances as may be necessary to prevent the emission of such.

Sixty-fifth.—To regulate what shall be a nuisance, to abate the same, and impose fines upon parties who may create, continue or suffer nuisances to exist.

Sixty-sixth.—To provide for and regulate the reporting and recording of all births and deaths within the city.

Sixty-seventh.—To regulate or prevent the removal and determining the number in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed, and to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred therein to be removed to the public works of the city, or in any county jail, or in any place of confinement maintained by the city, for a period not to exceed ninety days.

**COMPILATION.**

See 74. The council may, from time to time, provide for the compilation and publication, in book or pamphlet form, of the charter, ordinances of the city, rules of the council and any of the departments, bureaus, commissions, or agencies of the state, as it may designate, and may provide for the distribution, by sale or otherwise, of copies of such compilation or publication. Such books or pamphlets, so published, shall be entitled to the title to be published by authority of the council and to contain the charter and ordinances of the city, or other matter in this section above mentioned, and the title of each of them, and the date of publication, and may be transferred to passers by.

**COVENANTS AND WARRANTIES.**

See 75. The council shall have the power to prescribe, in any ordinance, the removal or destruction of all highways, bridges, streets, lanes, alleys, public squares and grounds, sewers, public improvements, and shall have full power and authority to regulate, control and manage all such places, the handling of passengers, and generally shall have the care, supervision and control of all public property within the limits of the city.

See 76. To compel the owner of any building, place, site, dry or other unwholesome or noxious house or place to clean, abate or remove the same.

See 77. To regulate the location of lumber yards and places for storing and handling of lumber, timber, and other combustible material, and to require any person maintaining any lumber, shingle or nail mill or wood yards in the city to remove the same when they become dangerous to buildings or other property near the same.

See 78. To establish and enforce rules for the use and regulation of all buildings used and maintained by the city.

See 79. To prevent and regulate the playing of games or any other amusement on the streets, alleys or sidewalks.

See 80. To require and regulate the removal or destruction of all oil, asphalt, garbage, ashes, street sweepings, manure, rubbish, yard waste, remains and sinks, destructive material and dead animals, or any other vile or unhealthily material.

See 81. To establish and enforce rules which may hereafter be established in this city shall take judicial notice of this charter and its provisions, and all ordinances and resolutions duly passed by the council of this city.

**NUISANCES.**

See 82. The powers conferred upon the city to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law.

See 83. Depos, houses or buildings of any kind within the limits of the city, wherein more than fifty barrels of gunpowder or more than ten barrels of nitro-glycerine, dynamite or other explosive oils or substances are deposited or kept at one time, causing houses, barns, farms, gardens, ditches, trees, bushes or trees, shrubs, etc., to burn without license, while the city, shall hereby declare and shall be deemed to be public or common nuisances, within the limits of the city.

**YACATATION OF STRUCTURES.**

See 84. The council shall have exclusive power by resolution to condemn public ground, by eminent domain in any way, other than the county town and county, and the city actually traveled over at the date of such petition for vacation or not. No such vacation or dismemberment shall be granted or ordered by the council, unless upon a petition of the majority of owners of property on the line of such public ground, street, alley or highway within such city, proposed to be vacated, together with a distance of three hundred feet in each direction from the end of such property, so proposed to be vacated, and a period of time sufficient to a proper party, may join in and verify such petition, by any officer, and be counted as a resident for the purpose of this section. Each petition provided for in this section shall state the facts and reasons for which the same is proposed to be vacated, and the same, accompanied by a plan of the ground, and shall be verified by one of the petitioners. The council, when the petition is presented, shall, if it deems it expedient that the matter shall be proceeded with in accordance with the petition, issue a writ with the city clerk, which shall give notice by publication in the official paper for two consecutive weeks, at least once a week, to all persons interested, as aforesaid, that he will hear and consider the same on a day and at a place therein specified, not less than twenty days from the date of such writ. The council shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn, and shall be payable to the person or persons to whom it is drawn. No warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with the value of the premises so vacated shall be deposited in the treasury, which value shall be fixed by resolution of the council by three-fourths vote of all the members thereof, and shall in no case be less than the amount of the value of the property to be vacated.

See 85. The council may, by resolution in any case provide that any such vacation shall be valid until the value of the premises so vacated shall be deposited in the treasury, which value shall be outstanding against said fund. No officer or official body of the city shall have any power to contract or create any such fund, or to draw upon any such fund, except in accordance with the provisions of this charter, or to create any liability against the city by the issuance of any warrant, and the same shall provide for the payment of the same, after a transcript thereof, and of such warrant, to the city clerk has been filed for record, and duly recorded in the office of the register of deeds of said Kandiyohi county.

See 86. The council may, by resolution in any case provide that any such vacation shall be valid until the value of the premises so vacated shall be deposited in the treasury, which value shall be outstanding against said fund. No officer or official body of the city shall have any power to contract or create any such fund, or to draw upon any such fund, except in accordance with the provisions of this charter, or to create any liability against the city by the issuance of any warrant, and the same shall provide for the payment of the same, after a transcript thereof, and of such warrant, to the city clerk has been filed for record, and duly recorded in the office of the register of deeds of said Kandiyohi county.

See 87. The debt of the city shall not be increased nor shall any new bond of the city or written in trust or otherwise, be issued, or any other obligation incurred, or any contribution or donation to any person, company or corporation.

**PROVISION TO PAY INDEBTEDNESS.**

See 88. The council is hereby authorized to provide by taxation for the prompt payment of interest, and for a sinking fund, the amount of payment of the bonds of the city, whether herein or hereafter issued.

**WAIVER.**

See 89. All money and other property belonging to the city, except as otherwise provided in this charter, shall be under the control, and management and control of the mayor, and money shall be paid out upon the warrant of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council, passed by an affirmative vote of a majority of the members of the council, provided, that the salaries of all council officers and employees of the city, except street commissioners, may be paid upon motion of the council, duly passed by a majority of the members of the council, and the same shall be paid to the city clerk, to be deposited in the treasury of the city, and the same shall be used to pay such maturing bonds, and whenever the council shall deem it advisable and for the best interests of the city, to take such action as may be necessary to do so, the council may issue other bonds of the city, to run not exceeding twenty years, on such terms and to place and matured, as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to make up and refund such bonds if not due; provided, that refunding bonds shall in no case, bear a higher rate of interest than the bonds taken up.

See 90. The permanent improvement fund is created for the purpose of paying the costs of all real property and all rights thereto, and all improvements thereto, which the city may own or acquire by purchase, transfer, gift, or otherwise, for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expense of local improvements as shall devolve upon the city.

There shall be paid into this fund all moneys received from the sale of any property or interest in property in the city, the proceeds whereof are not otherwise disposed of under this charter, and also such amounts as may from time to time be realized from the sale of bonds or certificates issued on account of the fund, and the principal sum, on account of all excess of assessments for water, taxes and severals. It shall be further mandatory that a annual tax which shall be levied by the council as a part of the general tax levy.

See 91. The permanent improvement revolving fund is created for the purpose of providing money for paying for that portion of local improvements, under the provisions of this charter, for which no specific assessment may be levied. It shall not be supported by taxation. There shall be paid into it all moneys received from all assessments levied under this charter for local improvements, and also such amounts as may be derived from the sale of bonds or certificates authorized thereby in this charter.

See 92. The interest fund is created for providing money for the payment of interest to become due during the next year upon the outstanding bonds of the city. It shall be maintained by







erty shall be lost by any adverse possessor or occupant, and no statute of limitation shall run or operate as against the city in favor of any person or persons occupying any of the public or platted streets or alleys or public or platted grounds or lots or any other boundaries of the city, whether any such streets or grounds or any such property shall be improved or not.

#### OBSTRUCTIONS, ETC., IN STREETS.

See. 211. If any person or company shall place any obstruction or make any excavation or dredging, paving, paving or grading, or any other work or labor, on any ground in the city, or leave any obstruction, excavation or opening or defects unguarded or without proper protection, or if any person or company shall fail to pay to any person injured in person or property without his fault because of any obstruction, excavation, opening or defect, and in case of any such damage or loss resulting in any way against the city for any injury caused by such obstruction, excavation, opening or defect, the city shall have the right to recover the amount of any such damage or loss from the person or company placing or leaving such obstruction, digging such excavation or opening or causing such defect.

#### PROCESSES AGAINST THE CITY.

See. 212. Service of summons, process or notice in any action or proceeding against the city may be had by leaving a copy thereof with the mayor or clerk.

#### DISQUALIFICATIONS.

See. 213. No judge, justice of the peace or juror shall be incompetent or disqualified to act as such by reason of being an inhabitant or taxpayer of the city in any action or proceeding in which the city shall be a party in interest.

#### SUPERVISEY APPEAL.

See. 214. The city shall not be responsible in failing to protect or to sue out any writ or process, or in about any action or proceeding, to enter into any bond or undertaking, or to give any security whatever. Any stay or injunction by court or otherwise, or any order of the city shall take effect without the giving of any such bond or security.

#### JUDGMENT AGAINST THE CITY.

See. 215. Whenever any judgment shall be rendered against the city, such judgment shall be paid or enforced in the manner provided by the general laws of the state for the payment and enforcement of judgments against cities.

See. 216. In all prosecutions for the violation of the provisions of this charter or the ordinances of the city, the first process shall be by warrant, which shall run in the name of the city of Willmar, and the sheriff or constable shall be necessary in the case of an arrest of any person while in the act of violating any provision of this charter or ordinance of the city, and the person or persons so arrested shall be proceeded against as if they had been indicted and punished as if the arrest had been made in the same manner as if the arrest had been made by warrant.

#### APPEAL OF PUBLICATION.

See. 217. The proponent of the official paper shall immediately after the publication of any notice, ordinance, resolution or proceeding of the council, or any other officer or department, to be published, furnish a copy of this charter, file with the clerk a copy of such publication; and such affidavit shall be prima facie evidence of the publication, and no notice or claim for any damages or expenses shall be allowed or admitted by the clerk until each affidavit shall have been filed with the clerk, and until the clerk shall have certified that fact to the council.

#### NONFICION OF CLAIM.

See. 218. Before any account, claim or demand against the city for any services, property or material for which the city shall be liable shall be audited or allowed by any heard, person or persons authorized by this charter to audit or allow the same, the person or persons so audit or allow the same, shall reduce the same to writing, in items, and shall verify the same as claims are required to be verified by section 101 of the statutes of Minnesota of April 25, 1891, provided, that the provisions of this section shall not apply to any claim or demand for the salary of any city official or regular employee under any department of the city government, or for any claim or demand of any contractor under any contract by him secured by bond to the city as provided in this charter.

#### PENALTIES.

See. 219. Any member of any board or committee, or agent or attorney authorized by law to audit or allow any account, claim or demand against the city, or any department thereof, who shall audit or allow any such account, claim or demand which does not conform to the requirements of the preceding section, shall be deemed guilty of a misdemeanor, and shall be fined by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days.

#### CHAPTER XIV.

##### Franchises.

##### ORDINANCES GRANTING FRANCHISES.

See. 220. Every ordinance by which the council shall propose to grant any franchise, or authorizes the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted that the maximum price for the service or charge to be made shall be the grant thereof and before any such franchise shall be in force it shall be submitted to the qualified voters of the city at some general or special election in the summer that other ordinances are submitted under the provisions of section 71 of this charter.

#### REGULATION OF RATES.

See. 221. The city shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it to the city, but such price shall be fair and reasonable to

such corporation or person and to the public. The manner in which such rates shall be regulated shall be fixed by the council by ordinance, and said council shall have the right and hereby authorizes to propose to the voters for the nomination of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by any such corporation or person, and the council shall have the power to require that every person or corporation exercising any franchise in the city shall pay a gross earnings tax, provide the amount thereof, and the method of its collection.

#### REPORTS.

See. 222. Every corporation or person exercising any franchise in the city of Willmar shall file annually, on the first Monday in February, in the office of the clerk, a written report setting forth the amount of the plant or equipment used by such machine for the manufacture, debts and obligations thereon, if any; the amount of stock issued, and to whom; the gross earnings; the expenses and the net income and the amount of stock on my hand, and the amount of stock on hand open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

#### CHAPTER XV.

##### MISCELLANEOUS PROVISIONS.

###### DUTIES OF OFFICERS.

See. 223. The council may at any time require other and further duties to be performed by any officer whose duties are prescribed in this charter, and that such other and further duties are not incompatible with the charter.

###### RIGHTS IMPROVEMENTS.

See. 224. When the council shall determine to lay out any public improvements which it has authority to make under this charter, and no specific procedure is set forth in this charter for laying out such improvements, the council may proceed to condemn property and to award damages, and in proper cases to assess fees, according to any method of procedure prescribed in this charter appropriate thereto.

###### INSPECTION OF BOOKS.

See. 225. All records, books and papers pertaining to the business of this city or any board or department thereof shall be public and open to the inspection of any citizen of this city at all reasonable times and places.

###### JAIL FRIES.

See. 226. The city of Willmar shall not be liable in any case for the loss or jail fees of any person who may be committed by any officer or magistrate of the city or of the county of Kandiyohi or any other county or state of the United States, or to the Hon. George W. Tyler, President of the Village Council:

We, the undersigned, do, on the 1st day of April, 1891, to the honorable the district court of the State of Minnesota, and for the county of Kandiyohi, do, in consideration of the proposed charter of the city of Willmar, in accordance with the constitution and laws of the state relating thereto, do hereby respectfully submit and return to you the foregoing draft of the proposed charter of the city of Willmar.

Dated October 11th, 1891.

LARS O. THORPE,

ANDREW LARSON,

SAMUEL PORTER,

ALTON CHOSBY,

A. C. HANSEN,

W. H. SHAWOOD, JR.,

J. S. RICE,

J. S. ROBBINS,

SAMUEL OLSON,

GUNDMINN P. KAHWANI,

CHRISTIAN J. NELSON,

CHARLES LAWSON,

MASON W. SPICER,

SAMUEL GARVEE,

Levin Roddien

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power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service