

State of Minnesota, County of Dakota, South St. Paul.

We the undersigned duly appointed on the 14th day of October, 1904, by the Honorable F. M. Crosby and W. C. Williston, Judges of the First Judicial District of the State of Minnesota, as a Commission to draft a proposed charter for the City of South St. Paul, pursuant to Section 36, of Article 4 of the Constitution of the State of Minnesota and Chapter 238 of the General Laws of Minnesota for the year 1903, together with the Honorable A. S. Francis, Mayor of the City of South St. Paul do hereby certify that the instrument herein set forth was duly submitted to the voters of said City of South St. Paul at the City Election held herein on June 6th, 1905 and that the same was by legal voters of said City duly adopted as the Charter of said City, which charter is hereby made a part of this certificate.

In testimony whereof we have hereunto affixed our names and seals this 11th day of January, 1906 and the Mayor of said City has hereunto subscribed his name and caused the corporate seal of said city to be hereto affixed.

John N. Irving

A. J. Henderson

James Crosby

Wm. B. Shepard

Arthur Sandgren

Chas. W. Clark

Allen Fitch

J. M. Olson

P. H. King

Geo. Brien

Geo. L. Lytle

Arthur S. Clark

A. S. Francis

Mayor City So. St. Paul.

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THE
CHARTER
OF THE
City of South St. Paul, Minnesota.

PUBLISHED BY AUTHORITY OF CITY COUNCIL

RE-INDEXED

FRAMED AND ADDED PURSUANT TO
MAY 12 1927

Chapter 351 of the General Laws of Minnesota, 1899,

AND ACTS AMENDATORY THEREOF.

P. H. O'KEEFE, CITY ATTORNEY.

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CHARTER

OF THE
City of South St. Paul, Minnesota.

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AND ACTS AMENDATORY THEREOF.

P. H. O'KEEFE, CITY ATTORNEY.

Letter of Transmittal.

To the Honorable Geo. L. Lytle, Mayor of the City of South St. Paul:

We, the undersigned, appointed on the 14th day of October, A. D. 1904, by the Honorable F. M. Crosby and W. C. Williston, judges of the First Judicial District Court of the State of Minnesota, in and for the County of Dakota, as a commission to draft a proposed charter for the City of South St. Paul, pursuant to section thirty-six of article four of the Constitution of the State of Minnesota, and chapter two hundred and thirty-eight of the General Laws of the State of Minnesota for the year 1903, do hereby respectfully submit and return to you the proposed charter of the City of South St. Paul.

Dated April 12th, 1905.

JOHN N. IRVING,
JAMES FORSYTHE,
JAMES REID,
P. J. McCONNON,
CHAS. W. CLARK,
ANDREW SANDQUIST,
J. P. NOLAN,
JOHN COATES,
GEO. L. LYTLE,
WM. S. SHEPARD,
P. H. KING,
ARTHUR D. S. CLARK,
F. L. HENDERSON,
ALLEN FITCH,
JNO. J. O'BRIEN.

CITY CHARTER

OF THE

CITY OF SOUTH ST. PAUL.

CHAPTER I.

City Wards and Boundaries.

Section 1. All of the territory in the County of Dakota contained within the limits and the boundaries hereinafter described, shall be a city of the name of "South Saint Paul," and the people now inhabiting, and those who shall hereafter inhabit the territory hereinafter described, shall be a municipal corporation by the name of South St. Paul, and by that name shall sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure; and take, hold, purchase, lease and convey such real and personal and mixed estate as the purposes of this corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

Sec. 2. The territory aforesaid constituting the City of South St. Paul, and the limits and boundaries thereof shall consist of the following described sections, or so much thereof as lies west of the middle of the main channel of the Mississippi river, all of said territory being in township twenty-eight (28), range twenty-two (22), Dakota County, Minnesota, to-wit:

Sections numbered fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), the north half ($\frac{1}{2}$) of section twenty-eight (28); also all of sections numbered thirty-four (34), and thirty-five (35), lying west of the middle thread of the Mississippi River, except the portions of said sections lying south of the south boundary line of Hause's addition, also the forty acres described as follows: The northeast quarter ($NE\frac{1}{4}$) of the southwest quarter ($SW\frac{1}{4}$) of section thirty-four (34), (formerly Kerst's Addition), Wiseman's Addition, Mathew's Addition, Lincoln Park Addition, and the said south boundary line of said Lincoln Park Addition, produced east to the middle thread of the Mississippi River, including all islands in said river east of said territory belonging to Dakota County.

Sec. 3. The said city shall be divided into three (3) wards, to be called the First (1), Second (2), and Third (3) Wards, limited and bounded as follows:

The First Ward shall embrace all of the above described territory lying between Annapolis street and Wentworth avenue, as platted in said city.

The Second Ward shall embrace all of the above described territory lying between said Wentworth avenue and Blair avenue, as platted in said city.

The Third Ward shall embrace all of the above described territory lying between Blair avenue and the southerly limits of said city as herein described.

Sec. 4. That said City of South St. Paul shall be and is hereby divided into three (3) aldermanic districts, and each ward shall constitute an aldermanic district. Said aldermanic districts shall be numbered to correspond with the numbers of the wards.

That each of said aldermanic districts, as above defined and constituted, shall form a separate election precinct of said city, for the holding of all the general or special elections provided for under the laws of this state, and for the election of all corporate elective officers provided for in this act. Provided, That said common council may, by a two-thirds vote of all members-elect of said council, change the boundaries of the aldermanic districts in this act defined, but such change shall not be made so as to increase the number of said districts.

CHAPTER II.

Elections—When Held.

Section 1. An election of city officers shall be held on the first Tuesday of April in the year one thousand nine hundred and seven, and on that day biennially thereafter, notice of the time and place of holding such election shall be given by the city recorder of the city at least fifteen days prior to such election by posting notices thereof at each polling place in the city.

Qualifications of Electors.

Sec. 2. Any person entitled under the general statutes of the State of Minnesota, to vote for county and state offices, shall have the right to vote for any officer at any election held under this charter in the election precinct in which he shall have been a resident for thirty days immediately preceding such election.

How Conducted.

Sec. 3. All election in said city, whether for state and county officers, or for city officers, shall be held and conducted by judges of election appointed by the city council in the same manner, during the same hours, and under the same penalties, and vacancies in the board of judges shall be filled as prescribed by the general statutes of the State, applicable to cities of its class in population. The vote shall be by ballot as prescribed by statute, and a plurality of votes shall be sufficient to elect.

Special Elections.

Sec. 4. Special elections for any purpose shall be held and conducted in all respects as general elections under this charter upon notice of not less than 20 days, given as provided herein for general elections, which notice shall distinctly specify the object of said election.

Election Returns.

Sec. 5. Whenever any city election shall be closed and the vote cast thereat counted, and the result ascertained, the said election board shall

make returns thereof, with an abstract of the whole number of votes cast at such election, stating the whole number of votes for each person for each office and upon any and all propositions, affirmative or negative, or any proposition submitted to the people at such election, and shall, within two days, deliver, or cause to be delivered, by one of their number, into the hands of the City Recorder, such abstract and returns, and the city council shall meet and canvass said returns and declare the result as it appears from the face of said returns, within four days thereafter.

The City Recorder shall then forthwith notify the officer or officers elected, of their election, by written notice served upon such officers in person, or left at their usual place of abode with some person of suitable age and discretion. Certificates of election shall be issued to all elective officers of said city under the direction and in manner and form as the city council may, by resolution, prescribe. Contested elections shall be determined according to law.

Tie in Elections.

Sec. 6. When it shall appear to the city council on canvassing the face of the returns at any city election there is a failure to elect any officer by reason of the fact that two or more candidates shall have received the same number of votes at such election for the same office, the city council shall proceed to determine such choice by the casting of lots at the same meeting returns are canvassed, and in such manner as the council may direct, and the proceeding had in reference thereto shall be public.

Commencement and Term of Office.

Sec. 7. The official term of all elective officers under the provisions of this charter shall commence on the third Tuesday of April, next succeeding their election, except that should the electors of said city indicate their choice for alderman-at-large at the city election in 1905, it shall be the duty of the city council to ratify such choice by appointment of the person so chosen by the people, at its first meeting after this charter takes effect, who shall hold said office until his successor is elected and qualified. All other officers to be appointed by the city council as herein provided shall enter upon their duties of their respective offices on the first Monday in May in the year of their appointment, except as hereinafter provided. All aforesaid officers of said city elected by the people shall hold their respective offices for the term of two years, and until their respective successors shall be elected and qualified. Provided, however, that all officers elected or appointed in said city in the year 1905 shall hold their respective offices subject to all the provisions of this charter as to salary or compensation, and their respective terms shall expire as herein provided. The assessor for the year 1906 shall be appointed by the city council as now provided by law.

Vacancy—How Filled.

Sec. 8. Whenever any vacancy shall occur in the office of any elective office of said city, excepting that of mayor, which is hereinafter provided for, such vacancy shall be filled by appointment, by the city council, which incumbent so appointed shall hold his office until the next succeeding election.

Abandonment of Office.

Sec. 9. Any officer removing from the city or ward, for which he was elected or appointed, or who shall neglect or refuse for ten days after notice of his election or appointment to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the city council shall declare the office vacant and proceed to fill such vacancy as herein prescribed.

New Elections—Notice.

Sec. 10. Should there be a failure by the people for any cause to hold any city election at the time or in the manner herein prescribed, or to elect any officer herein required to be elected on the day designated, the city council may order a new election to be held fifteen days' notice of the time and place being given; provided that no failure of the City Recorder to give the notice of election specified herein shall in any manner invalidate any general election.

CHAPTER III. CITY OFFICERS.

Elective Officers.

Section 1. The elective officers of said city shall be a mayor, seven members of the city council, to be styled alderman, city treasurer, assessor, city recorder, one constable, and one justice of the peace, for the city, who shall be styled city justice. All of said officers shall be residents and qualified voters in said city.

Alderman—Election and Qualification.

Sec. 2. Each ward shall elect two alderman, who shall be residents within, and qualified voters within the ward for which they are elected. There shall also be elected within and for said city one alderman-at-large, who shall be a resident of, and qualified voter in said city.

Other Officers—How Chosen.

Sec. 3. All other officers herein provided for, or which may be necessary for the proper management of the affairs of the city, shall be appointed by the city council, unless otherwise provided herein.

Powers and Duties of Officers.

Removal of Officer.

Sec. 4. Every person appointed to any office by the city council, or mayor of said city, or elected to any city office by the people, may be removed from said office by the vote of two-thirds of all the members of the city council.

But no officer elected by the people, nor the City Attorney, shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The city council shall fix a time for the hearing on such charges, of which not less than ten days' notice shall be given to said accused officer, and said council shall have power to compel the attendance of witnesses, and the mayor shall administer oaths thereto, and may compel the production of books and papers, and to hear and determine the case; should said officer neglect to appear, and answer the charge against him, the city council may declare the office vacant.

Oaths and Bonds.

Sec. 5. Every person elected or appointed to any office under this charter shall before he enters upon the duties of such office, take and subscribe an oath of office and file the same, certified by the officer administering the same, with the city recorder of said city; and the city treasurer, city recorder, street commissioner, and city justice, and such other officers as the city council may direct, shall before entering upon the duties of their respective offices be required to execute such bonds to the City of South St. Paul as the city council thereof may direct and approve, for the faith-

ful performance of the duties of such office, and such bond may be increased or diminished as the pleasure of the city council, and if any officer fails to give the required bond, the city council shall declare the office vacant and proceed to fill the vacancy as herein provided.

Mayor—Powers and Duties.

Sec. 6. The mayor shall be ex-officio member of the city council and president of the same, but shall have no vote except in case of a tie. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. He is invested with the veto power.

He shall take care that the laws of the State and the ordinances and regulations of the city are duly observed and strictly enforced within the limits of said city. He shall countersign all orders or warrants drawn upon the city treasurer for the payment of money.

When the mayor of his own knowledge, or upon the oath or affirmation of any person, has reasonable ground to believe that any officer of said city, except police and fire department employes, is guilty of willful neglect, or refusal to perform any of the duties of his office, he shall forthwith file such information with the City Recorder, and forthwith call a meeting of the city council to consider the same, and said council may by a two-thirds vote of all the members thereof, if such council deem that the public interests require it, suspend such officer pending the determination of such charges, which shall be heard and determined as provided in Section Four (4) of this Chapter, and said council may during the said time temporarily devolve the duties of any such officer upon any competent person it may appoint, and should the officer so charged be removed from office, the person so appointed shall receive the salary of said officer until a successor to said officer is duly elected and qualified as provided by law.

In case the mayor shall knowingly or wilfully neglect or refuse to perform any of the duties of his office, or shall be guilty of oppression, or of corruption in office, he shall be liable to indictment and on conviction thereof shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the case), to further adjudge that he be removed from office.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this chapter, or by any city ordinance or regulation duly passed or adopted in pursuance thereof.

Ordinances, Resolutions and Contracts.

Approval Of.

Sec. 7. All ordinances or resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objection thereto, by depositing the same with the city recorder to be presented to the city council at their next meeting thereafter, and upon the return of any resolution or ordinance by the mayor the vote by which the same was passed shall be reconsidered, and if, at such reconsideration, the city council shall pass the same by a vote of two-thirds of all the members thereof, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by "ayes and noes," which shall be entered by the city recorder. If an ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts shall be signed by him.

Acting Mayor.

Sec. 8. In case of the vacancy in the office of mayor, or case of the

absence of the mayor from the city, or by reason of his inability from sickness or other cause to perform the duties of his office, the alderman-at-large, or if he is also absent, or incapacitated from acting, the such member of said council as the city council may, by vote, designate, shall, during such absence or disability, exercise the powers and perform the duties of the mayor, and while so acting shall be styled acting mayor, and his acts in the capacity shall have the same force and validity as if performed by the mayor.

City Recorder.

Sec. 8. The city recorder shall have the custody of the corporate seal, and of all papers and records of the city, attend all meetings of the city council and keep a correct record of all its proceedings, and of all rules, ordinances, and resolutions, which it may adopt or pass, in suitable books kept for that purpose. He shall have authority to administer oaths and to take and certify deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall keep his office at the place of meeting of the city council, and the same shall be kept open at all reasonable hours as determined by the city council and all records and files of his office shall be open to the inspection of the public. Copies of all papers filed in his office, certified by him under the corporate seal, shall be evidence in all the courts as if the original were produced. He shall file in his office all chattel mortgages, chattel notes, and other contracts, and perform all things incident thereto as required by law, and shall receive such fees therefor as are allowed by law. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the city council and keep a full and accurate account thereof. It shall be his duty to make to the council, at their first meeting in each month, a detailed report of the financial condition of the city. He shall keep a list of outstanding city bonds with a complete copy of such bonds, to whom issued, for what purpose, when and where payable and the rate of interest they bear, and the date of payment thereof. He shall report to the city council, annually, at the close of each fiscal year, a detailed statement of the receipts and expenditures for the year, and an estimate of the expenses of the city, and likewise the revenues expected to be raised for the current year. He shall keep regular books of account in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city. He shall collect all water rents and all other moneys due the city, except as otherwise provided by the general laws of this State, keeping an accurate account thereof under such regulations as the city council may adopt, and shall, within twenty-four hours after receipt thereof, deposit the same with the city treasurer, excepting that Sundays and legal holidays intervening, the same shall be deposited on the next business day. He shall perform all the other services by law required of recorders of cities or townships, within said city, but when services are required of him by public law, for which compensation is made from the State or County treasury, such services shall not be regarded as services for the city, and the compensation thereof shall not be regarded as a part of his salary as city recorder.

He shall perform such duties as may be prescribed herein, or by any ordinance of said city, or resolution of the city council.

Deputy Recorder.

Sec. 10. The city council shall, whenever it is deemed necessary, have power to appoint, upon the nomination of the city recorder, a deputy recorder, and said deputy recorder shall have the same powers and be subject to the same duties and liabilities as the city recorder; provided, however, the compensation of said deputy shall be borne by said city recorder, and

in no case shall the city be liable therefor, except that in case of the absence or disability of the city recorder, the services of said deputy may be paid out of his salary.

City Attorney.

Sec. 11. The city attorney shall be a person admitted to practice in all courts of this State at least three years prior to his election, and shall be the legal advisor of all officers of said city upon all subjects arising by virtue of this charter and ordinances adopted in accordance therewith. He shall attend and prosecute or defend all suits, actions, or proceedings, either civil or criminal, for or on behalf of said city, or the Board of Education thereof, or in which the city or Board of Education may be a party. He shall, when required, furnish written opinion upon any subject arising by virtue thereof, submitted to him by the city council, or any of its committees, or by the mayor, or any board created by this charter, attend the meetings of the council, draw all contracts between said city and other parties, and such other legal instruments and papers as may be required in connection with administration of city affairs, and perform such other professional services as shall properly pertain to his office.

When, from absence, sickness, or other cause, he shall be unable to attend to any of his official duties, he shall designate some reliable attorney to act in his stead for the time being, but at his own expense. Provided, the common council shall have the right and authority to employ additional counsel to assist the city attorney in the prosecution or defense of any proceeding or action at law in which the city is interested.

Treasurer.

Sec. 12. The treasurer shall be the custodian of and receive all moneys and funds of the city from whatever source, and shall be responsible for the safe keeping thereof, and keep an accurate and detailed account thereof in such manner as the council may direct, and shall make and file in the office of the city recorder on the first business day of each month a complete and detailed report, showing the moneys received and paid out on behalf of the city during the preceding month, and balance on hand, and shall pay out money only on order drawn upon him duly signed by the mayor and attested by the recorder of said city, and make an annual report, and such other reports and exhibits, and perform such other duties as may be required by this charter and the ordinances of said city, and shall pay over to his successor in office all moneys belonging to the city.

Street Commissioner.

Sec. 13. The street commissioner shall, under the direction of the city council, superintend all works and improvements on the streets, bridges and public grounds of said city, and carry into effect all orders of the city council and ordinances of the city in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges and public grounds, and it shall be his duty to see that the same, when graded and open for travel, are kept clear from obstruction and in such repair as to be safe and passable, and that all trees along or over sidewalks shall be trimmed, and awnings kept so as not to obstruct or interfere with public travel thereon, and shall perform such other services as are required of him by the city council or the ordinances of said city, and receive and receipt to his predecessor for, and account to, his successor for all property of the city received by him or under his control belonging to the city. But no improvement exceeding an estimated cost of \$25.00 in any one month shall be made, except by direction of the city council.

Sec. 14. The street commissioner shall not be interested in any con-

fract for work done upon the streets, nor allowed compensation for the use of any teams owned by him, or in which he has any interest. He shall, at each regular meeting of the council, make and file with the city recorder a detailed report showing the amount and character of the work done by his department since the date of his last report, and showing by whom said work was done, and the sum due to each person therefor, and shall also report in detail any defects which he may have discovered in any street, sidewalk, crossing, bridge or culvert in said city, together with his recommendation as to the best means for the repairing thereof, which said report shall be by the city recorder presented to the council at said meeting, but until such report is filed as above provided, no salary shall be allowed or paid said street commissioner.

Assessor.

Sec. 15. The assessor shall at the time of his election be a resident and qualified voter of said city. He shall have and possess all the authority, rights, powers and duties of assessors under the general laws of this State, excepting as hereinafter provided and qualified. In case of his inability to perform the duties of his office, from any cause whatever, the city council shall appoint an assistant, to serve until such disability shall be removed; and such assistant shall have all the powers, and perform all the duties which are by law imposed upon his principal, and shall receive, from the salary of his principal all the compensation he shall be entitled to for such service, which shall be at the same rate as his principal.

City Justice.

Sec. 16. The city justice and constable of said city shall have and possess all the rights, powers, and authority of justices of the peace and constables under the general laws of this State, and in addition thereto the city justice of said city shall have sole and exclusive jurisdiction of all suits, prosecutions, or proceedings for any violation of any ordinance, by-law or regulation of said city, or for the recovery of any fine, forfeiture or penalty under any such ordinance, by-law or regulation; and shall also have exclusive jurisdiction of all actions, suits, prosecutions for any violation of this act which are or may be within the jurisdiction of justices of the peace under the laws of this State.

Sec. 17. All prosecutions for any violation of any such ordinance, by-law or regulation, or for the recovery of any such fine, penalty and forfeiture shall be commenced and prosecuted in the name of the "City of South St. Paul," and the same proceedings shall be had as are or may be provided by law in civil or criminal cases tried before Justices of the Peace, except as herein otherwise provided.

Sec. 18. All fines imposed or collected in such cases, for any such violation and also all fines imposed or collected in any action, proceeding or prosecution tried before any such justice for any violation of law committed within said city, shall accrue to the benefit of said city, and be paid into the treasury thereof.

Sec. 19. The city justice shall upon complaint made, proceed to hear and dispose of in a summary manner, and without the intervention of a jury, all suits, prosecutions and proceedings brought before him for any violation of any ordinance, by-law or regulation of said city, or the city council thereof.

All prosecutions for any violation of this act, or for the violation of any ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant, and upon complaint being made as required by law in criminal cases before justices of the peace.

Provided, that no warrant shall be required in any case of arrest of any person made while in the act of violating any law of the State of Minnesota, or ordinance, by-law or regulation of said city; but in such cases a complaint shall be made after arrest which the city justice shall reduce to writing, and the party arrested shall be 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 upon a warrant.

Sec. 20. All process issued by the city justice of said city for the violation of any ordinance, by-law, or regulation of said city or any police or health regulation of said city, shall be in the name of the "City of South St. Paul," and shall be directed to the Chief of Police or to any police officer of said city.

Sec. 21. In all cases of the imposition of any fine or penalty by the city justice of said city, for the violation of any ordinance, by-law or regulation of said city, the offender shall forthwith be committed to the city prison of said city, or if there be no such prison, to the common jail of Dakota County, and there be imprisoned for a term not exceeding three months, in the discretion of the justice, unless the said fine or penalty be sooner paid, and from the time of arrest of any person for any offense whatever, until the time of his trial, he may be imprisoned in said city prison, or in case there be no such prison, then in the common jail of Dakota County.

Sec. 22. The City Justice of said city shall be entitled to receive from the County of Dakota such fees in criminal cases prosecuted in the name of the State of Minnesota, as are or may be allowed to other justices of the peace for similar services, and for services rendered in cases prosecuted in the name of the "City of South St. Paul," such fees as shall be allowed by law.

Sec. 23. In all actions before said city justice of said city for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, commenced upon the complaint of any person other than some officer of said city, the justice may require the complaining witness to give security for costs to the satisfaction of said justice, in a sum not less than ten dollars, and the cost taxed by the justice against the city in any such action, prosecution or proceeding shall in no case exceed the sum of ten dollars.

Sec. 24. Whenever the accused tried for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be acquitted, he shall immediately be discharged; and if the justice certifies in his docket that the complaint was willful and malicious, and without probable cause, he shall enter judgment against complainant for the costs of such prosecution, and execution may issue therefor, or such complainant may be committed to jail until such costs are paid, or until otherwise released according to law, and in case he be so committed and be discharged, execution may issue and such judgment be collected, after such discharge; provided, that in no case shall any judgment for costs be entered against any officer of said city who as such may make such complaint.

Sec. 25. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed, he shall be adjudged to pay all the costs and disbursements of prosecution, and default of such payment of such fine and costs and disbursements, shall be imprisoned in the city jail, or in the common jail of Dakota County, not exceeding three months. Any person so convicted may appeal to the district court in like manner as in case of a conviction under the general laws of this State.

Sec. 26. The city justice shall on the first day of each month, except when the same is the Sabbath day, and in that event, on the following day, report to the city council a list of all proceedings instituted before him in the name of the city, or which the city is in any manner interested, and shall at the same time account for, and pay over to the city treasurer, all fines, penalties and costs collected, which may by law accrue to said city, and also file with such reports the receipt of said treasurer for the moneys so paid him.

Sec. 27. Whenever a vacancy shall occur in the office of the city justice the city council shall have power to fill such vacancy by appointment for the unexpired term thereof.

Sec. 28. The constable of said city shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this State.

Engineer.

Sec. 29. The city engineer shall be a person skilled in the science of surveying and civil engineering. He shall possess the same powers, in making surveys and plats within the limits of said city and in certifying to the same, as are by law vested in county surveyors in this State, and the same force and validity shall be ascribed to official surveys and plats by him made in said city and duly certified as to official surveys and plats of such county surveyors.

He shall, under the direction of the city council, unless other provision is made therefor by said council, superintend all work done by or for the city in which engineering skill is deemed requisite by the council, and shall when so directed by said city council, draw plans and specifications for all such work, estimate the expense thereof, and, when such work is done by contract, shall execute all certificates given to contractors, showing the amount and value of work performed, or for the proper performance and completion of the contract. All surveys, profiles, diagrams, specifications and estimates made by him for the city shall be the property of the city, and shall be filed in the office of the city recorder before any compensation shall be allowed therefor, and there preserved for the inspection of all persons; and when plans or specifications are drawn for work to be done for the city by contract, or otherwise, shall be required for reference and use in doing the work, the said engineer shall make, or cause to be made, copies of such plans and specifications for that purpose.

Said engineer shall perform such other duties and exercise such powers as are elsewhere specified in this charter, or as may from time to time be required or conferred by the city council, or by ordinances of said city.

Water Works—How Managed.

Sec. 30. The city water works shall be managed under the supervision of the city council, who are empowered to appoint one or more competent persons to manage the same, and all reports, estimates and recommendations with reference thereto shall be made to said council and filed with the recorder. Bonds may at the option of the council be required for the proper and skillful management of the plant. No lease or other disposal of the plant shall be made except by a two-thirds (2-3) vote of the qualified voters of said city.

The city council shall have authority to charge rates to all persons using the water furnished by the city, and to levy a frontage tax upon all property fronting on the water mains of the city, and to enforce the collection of such tax, which shall be levied and collected in the same manner as the city taxes are now levied and collected. Provided, that such front-

age tax shall be at a rate of not less than 15 cents nor more than 20 cents per foot per annum, and shall extend for a period of five years.—Provided, that corner lots shall be taxed only for the width of said lots, except where said lots are subdivided, in which case the tax shall be made against each fraction thereof, according to its frontage on either street. Provided further, that the city council in lieu of the frontage tax herein provided for, at any time within five years after said water mains are laid, may make an assessment against the abutting property for the cost thereof, in the same manner as near as may be, as provided for the making of assessments for local improvements. Provided further, that the said city council may, during any time within the period in this section provided for the levying of the frontage tax, change the method of paying for said water mains, or any unpaid portion of the cost thereof, by an assessment against the abutting property.—Provided, the amount for which such assessment is made shall be determined by deducting the amounts theretofore made in payment of said frontage tax from the total cost of the laying of said water mains, adding thereto the costs and expenses of making said assessments. The said assessment shall be collected in like manner as near as may be, as other assessments in this charter provided for.

Sec. 31. The city council shall have power to enter into a contract for the city with any individual, company, or corporation for the purpose of supplying water for the city water works of said city, for sale and distribution by said city. Provided, that such contract must have a five-sevenths (5-7) vote of the council of said city, and provided further, that any such contract to exceed the term of five years shall, before the same takes effect, be submitted to the qualified electors of said city, either at a general or special election, and receive in favor thereof the votes of at least a majority of the qualified electors voting at said election. Those voting at such election in favor of such proposed contract shall have written or printed, or partly written and partly printed on their ballots the words, "Contract to supply water; Yes," and those voting against such proposed contract shall have written or printed, or partly written and partly printed on their ballots, "Contract to supply water; No."

CHAPTER IV.

COUNCIL—POWERS AND DUTIES.

Quorum—Style of Ordinances.

Section 1. The aldermen from the different wards and from the city at large shall constitute the city council of the City of South St. Paul, and a majority thereof shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

The style of all ordinances shall be: "The City Council of the City of South St. Paul do ordain." No ordinance shall be passed unless voted for by a majority of all the members elected and the vote entered upon the journal.

Meeting.

Sec. 2. The city council shall hold regular or stated meeting at such times and places as they, by resolution, may determine. The first regular meeting shall be held on the first Monday following the election. The mayor, or at his refusal, any four (4) members of the council may call special meeting by notice to each of the members, to be delivered personally or left at their usual place of abode.

Judge of Members—Rules.

Sec. 3. The council shall be judge of the election, return and qualifi-

cation of its own members, subject to the provision of section five (5) of chapter two (2) and of section two (2) chapter three (3) hereof, and in such cases have the power to send for persons and papers. It shall determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members of the city council elected, expel a member after due notice given and an opportunity extended to the accused to be heard by counsel or otherwise, shall have power to compel the attendance of absent members, and may provide for the punishment of such absent members. Continued absence from the meetings of the city council without excuse by any of its members for six (6) regular consecutive meetings shall be deemed good cause for removal.

Record of Proceedings.

Sec. 4. The city council shall keep a record of its proceedings, and the "ayes" and "noes," when demanded by any member present, shall be entered upon the journal; provided, however, that upon the final passage of any ordinance or resolution or the appropriation of money for any purpose, the "ayes" and the "noes" shall be taken and entered upon the journal.

Control of Finances and Property—Power to Enact Ordinances.

Sec. 5. The city council shall have the management and control of the finances and all the property of the city, subject to the provisions of this act, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal all such ordinances, resolutions, rules and regulations for the government, good order and cleanliness of the city, the protection of its property, for the suppression of vice and intemperance, the benefit of trade and commerce, and for the prevention of crime, as they shall deem expedient; they shall have the power to establish and maintain a city prison, workhouse, and watch-house, and make all needful rules and regulations therefor, for the employment, custody and safe keeping of all persons arrested and charged with any offense whatever. The city council shall have the exclusive right to exercise all legislative powers granted by this act to the corporation, and have full power and authority to declare and impose penalties and punishment against any person or persons who may violate any ordinance, rule or regulation passed or ordained by them, and all such ordinances, rules and regulations are hereby declared to be and to have the force of law, provided they be not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have authority by ordinance, resolution or regulation.

First—To regulate and license exhibitions of common showmen and shows of all kinds, circuses, the exhibition of caravans, concerts and theatrical performances, also to license and regulate auctioneers, hawkers, peddlers, public halls and other buildings and enclosures used for places of public resort and amusement, billiard tables, pool or pigeon-hole tables, nine or ten pin alleys, bowling tables, bowling saloons, taverns and saloons, and all persons vending, dealing in and disposing of spiritous, vinous, malt or fermented liquors, and provide such restrictions and prohibitions therefor as to the council seem proper. Provided, that all licenses for dealing in spiritous, vinous, malt or fermented liquors shall be at least five hundred (\$500.00) dollars, and as much higher as the city council shall direct, and the city council shall have the exclusive right to so license any person. Provided, that no license shall ever be granted by said council to sell intoxicating liquors, except upon lots fronting on Concord Street in said city.

Second—To restrain and prohibit all descriptions of gambling and other games of chance for the purpose of gambling in said city, and to

authorize the seizure and destruction of all instruments or devices used for the purpose of gambling.

Third—To prevent rioting, noise, disturbance, disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers of the same and inmates thereof.

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

Fifth—To locate, regulate or prohibit the erection of slaughter houses and the slaughtering of animals within the said city, to direct the location and management of slaughter-houses and markets, breweries, distilleries, and to establish rates for the license venders of gun powder, and to regulate the storage, keeping and dealing in and conveying gun powder or other explosives or combustible oil, substances or materials; and to cause and compel the keeping, storing and dealing in and conveyance of all combustible, explosive, and dangerous substances or materials within said city in such a manner and in such place or places as they deem expedient and direct.

Sixth—To prevent the incumbering of streets, sidewalks, alleys, lanes, or other public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, signs, awnings, or any other material or substance whatever.

Seventh—To prevent and provide for the punishment of horse racing, immoderate riding or driving in the streets, and to regulate the use and speed of bicycles, automobiles and all other vehicles; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; and provide and regulate places for bathing and swimming in the waters within the city limits of said city.

Eighth—To restrain the running at large of horses, cattle, swine, sheep, poultry, geese, or other fowls or animals, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for the violation of the ordinances; provided, that when a sale of such animals shall be made the proceeds therefor, after deducting the expenses of distraining, keeping, advertising and selling the same, shall be deposited in the office of the treasurer of the city for the use and benefit of the owner or owners thereof, if called for by such owner or owners within one (1) year from the day of sale, otherwise the same shall belong to the city.

Ninth—To prevent the running at large of dogs, and may impose a tax or license on same, impose fines upon the owners or keepers and authorize the muzzling, destruction or killing of dogs when at large contrary to the ordinances.

Tenth—To prevent all persons riding or driving any horse, mule or other animal, bicycles, automobiles or any similar device upon the sidewalks, parks, or other public grounds in said city, or in any way doing any damage to said sidewalks, grounds, or public property.

Eleventh—To establish and regulate boards of health, provide hospital grounds and nurses and keepers thereof, provide registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within said city, and to purchase and hold grounds for a public cemetery, and to improve and ornament the same and make all regulations for the care, protection and government thereof.

Twelfth—To prevent the discharge of firearms or fire-crackers, and to prevent the exhibition of any fireworks in any place or situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

Thirteenth—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked for sale contrary thereto, and to provide for the inspection of flour, pork, beef, salt, fish, whiskey and other liquors and provisions, and to appoint inspectors, measurers, weighers, and gaugers as deemed expedient, and to prescribe and regulate their duties and compensation.

Fourteenth—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

Fifteenth—To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity within said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth—To direct and regulate or prohibit in any parts of the city the planting, preservation, removal, injury and destruction of trees in the streets, roads, highways and public grounds of the city, and to provide for the trimming of trees along the sidewalks thereof, and provide for the punishment of any violation of the ordinances relating thereto.

Seventeenth—To regulate the place and manner of weighing and selling hay, straw, and other substances of feed; and measuring, weighing and selling of firewood, coal and other fuel, and to appoint suitable persons to superintend and conduct the same, to provide for a standard of weights and measures; for the appointment of a city sealer, if found expedient, to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

Eighteenth—To provide for, prescribe and regulate or prohibit the erection of hitching posts, rings or fastenings for horses or other animals, and to prohibit the same in any portion of the streets, sidewalks, alleys and public grounds.

Nineteenth—To define and declare what shall constitute a nuisance, and enact ordinances to prevent the same and punish violations thereof, and to remove and abate any nuisance within the city injurious to the public health or safety, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

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

Twenty-first—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases in the city; to make quarantine laws, and to provide for the punishment of the violation thereof.

Twenty-second—To prevent any person from bringing, depositing or having within said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh, fish, hides, skins or substances of any kinds; to provide for the punishment of any violation of the same, and to authorize the removal of the same at the expense of the owners.

Twenty-third—To establish, maintain and regulate public pounds for the detention of stray animals, to provide for a poundmaster or keeper, who shall receive the same fees as are allowed by law for like services, to provide, construct and maintain public waterworks, wells, cisterns, and reservoirs, water mains and hydrants; to provide for and control the water supply for the inhabitants of said city, and to regulate water rates; to create, alter, and extend water districts; to purchase, build, construct and maintain electric light, power or heating plant, gas works or other

works for the lighting of the city streets, alleys, public grounds and buildings, and for commercial and private lighting or otherwise to provide for the lighting of the city; to create, alter and extend lamp districts; to establish and regulate rates for commercial and private lighting and other public utilities.

Twenty-fourth—To regulate and license hacks, drays, carts, omnibuses, wagons, automobiles and other vehicles engaged in hauling or carrying for hire or pay, and to regulate the rate of charges by owners or drivers of such vehicles; prescribe standing places in the streets therefor, and to authorize the mayor or the chief of police to regulate and direct the location of vehicles in the streets or alleys within said city.

Twenty-fifth—To compel the owner or occupant of buildings or grounds to remove snow, ice, dirt, or rubbish from the sidewalk opposite thereto, and compel such owner or occupant to remove from the lot owned or occupied by him or her, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by the proper officers of the city at the expense of such owner or occupant. Also to compel the owners of low grounds where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such filling or draining, and assess the cost against such property.

Twenty-sixth—To regulate the time, place and manner of holding auctions, or vendues and sales, at public outcry.

Twenty-seventh—To regulate and prohibit processions, runners, porters, agents and solicitors for boats, vessels, stages, omnibuses, cars, public houses or other establishments.

Twenty-eighth—To establish public markets and other places buildings, make rules and regulations for the government of the same, and to restrain all persons from interrupting or interfering with the observance of such rules and regulations, and to appoint suitable officers for overseeing, caring for and protecting the same.

Twenty-ninth—To prevent, control and regulate the landing of persons from boats, vessels, carts or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such people as to preserve the health of the city; and also to regulate, control and prevent the landing of paupers and persons in destitute conditions in the city, not having a legal residence or settlement therein, and to require that such person be taken back to the place from whence they may have been brought by the person or persons bringing or having them in said city.

Thirtieth—To regulate or prohibit the carrying or wearing, by any person, of concealed, dangerous or deadly weapons, and to provide for the confiscation thereof to the city.

Thirty-first—To control and regulate the cutting of ice within the city, to designate the districts and area within which ice may be cut, and to require such places to be securely fenced while open or in a dangerous condition, and to license and regulate ice dealers.

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

Thirty-third—To regulate the movement and speed of railroad locomotives or cars within said city, to require the maintenance of gates, or other devices, at the crossing of railroad tracks over such streets and highways as the city council may deem safe and necessary; to prevent any railroad company from unnecessarily obstructing the streets or crossings in said city at any time, and in no event exceeding six (6) minutes, accidents excepted, and any conductor, engineer, or any other person in charge of any railroad train, locomotive or car, who shall obstruct any street or cross-

ing in said city contrary to the provisions of any ordinance, shall be guilty of a misdemeanor, and on conviction be punished as provided by ordinance relating thereto.

Thirty-fourth—To compel railroad companies to grade their crossings of the streets, alleys and highways in the city to the full width and length of their right of way in said streets, alleys and highways where the railroads cross the same in said city, and to keep the same in repair, and to build and maintain suitable walks across the right of way in said streets for the accomodation of the public, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways, and to compel them to build and maintain overhead crossings or bridges across their right of way or yards in said city, when and where the same shall be deemed necessary by the city council of said city, and to require railroad companies to provide lights at crossings where their tracks cross the streets of said city.

Thirty-fifth—To name, change and regulate the names of the streets, avenues and highways of said city, and to regulate the numbering of houses and lots, and to compel the owners of the houses and other buildings to have the numbers of such houses and buildings designated, thereon.

Thirty-sixth—To levy and collect taxes, provide suitable buildings or offices for all necessary purposes of the city, appropriate money and provide for the expenses of the city government; and to provide for the taking of an enumeration of the inhabitants of such city from time to time.

Thirty-seventh—To establish, lay out, alter, open, widen, extend, grade, repair, pave, build bridges, and otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries, and other public grounds in said city; also to regulate the width, grade, material and construction and surface lines of sidewalks, to prescribe different widths in different localities and to prevent damage thereto.

Thirty-eighth—To establish and record with the city recorder grades of streets, alleys, highways and walks, and to require buildings and other constructions to conform thereto and to provide for the enclosing, improving, adorning and regulating all public buildings and grounds belonging to the city.

Thirty-ninth—To regulate, control or prohibit the placing of poles and suspending or stringing thereon, telephone, telegraph, electric light, or other wires along or across any of the streets, alleys, highways or public grounds of said city, and may order the same to be put under ground in the streets, alleys, highways or public grounds of said city.

Fortieth—To contract with any person, persons or corporations for the lighting of such streets, parts of streets, public buildings and places as the city council shall deem proper for the convenience and safety of the inhabitants of said city, provided, no contract for such purpose shall extend for a longer period than five years.

Forty-first—The city council may grant permission to any person, persons or corporations to lay gas or other pipes in any or all streets, alleys, highways and public grounds, subject to the conditions required herein for the granting of franchises, but in all cases the city council shall regulate the laying thereof so as not to interfere with water mains, sewers, or lateral branches thereof, whether heretofore constructed or to be constructed, or with the proper drainage of the city.

Forty-second—To prescribe the limits in which wood, lumber, lath, shingles, hay, straw, or other combustible materials can be piled or stored, or lumber yards established or maintained.

Forty-third—To appropriate such reasonable sum of money for the payment of music in the public parks of the city as the council may deem proper.

Forty-fourth—To regulate the penning, herding, and treatment of all animals within the city.

Forty-fifth—To direct the location, regulate and prescribe the construction of privies, vaults and cess-pools, to require and provide for the removal and disposition of their contents, and of all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, dead animals, foul or unhealthy stuff and obnoxious weeds throughout the city, with authority to assess, levy upon, or compel the payment of the expense of such removal upon the property owner or occupant thereof from which such above named matter or thing shall be taken, provided; that notice be first served upon the owner or occupant thereof, to remove said matter or thing above named,

Forty-sixth—To provide for and regulate owners of buildings or other structures which shall have been damaged by fire or otherwise, or which by reason of dilapidation, defects in construction, or from other causes may have or shall become dangerous to life and property or liable to cause accidents, to take the same or any part thereof down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by the officer designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be raised by special assessment on the land upon which said building or structure stands.

Forty-eighth—To regulate and control the quality and measurement of gas and electric currents; to prescribe and enforce rules and regulations for the manufacture, distribution and sale of gas and electric current and telephones; to provide for the inspection of gas and electric meters, and to appoint an inspector and other officers if needed, for the purpose, and prescribe their duties, fees and compensation.

Forty-ninth—To regulate or prohibit the location and use of steam boilers in size and constructions as it may designate as being dangerous to life and property, or to prohibit the location of any such steam boiler, except permission thereof is first granted by the city council, specifying the location and prescribing the regulations for its use.

Fiftieth—To require the city recorder to make a monthly statement or report of the receipts and disbursements, and of the financial condition of said city to the city council, and to require such report or statement to be made, and submitted before his salary for the preceding month be paid, and to withhold said city recorder's salary until such report or statement is made and submitted.

Sec. 6. Fines, penalties and punishments imposed by the city council for breach or violation of any ordinance, law or regulation of said city, may extend to a fine not exceeding one hundred dollars, or imprisonment not exceeding ninety (90) days, and offenders against the same may be required to give security for their good behavior and to keep the peace for a term not exceeding six (6) months and in a sum not exceeding five hundred (\$500.00) dollars.

Offenders Put to Labor.

Sec. 7. The city council may also provide by ordinance that any one convicted of an offence before a city justice subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, or, in case of a male offender, may be kept at hard labor during the term of imprisonment in such workhouse or upon the streets, highways or public works or improvements of said city, or both, and may also provide by ordinance that any one convicted of an offence before a city justice and committed upon the non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city, and in case of a male offender may

be kept at hard labor either in such workhouse or upon the public streets, highways, public works or improvements, or upon any pile of rock or stone owned by said city, and crushing or breaking the same, until such person shall work out the amount of such fine at such rate of compensation as the said justice of the city council shall have power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and secure proper discipline.

Abatement of Nuisance By Suit Allowed.

Sec. 8. The power conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in courts according to law.

Revocation of Licenses.

Sec. 9. The mayor shall have power at any time to suspend for cause, a license granted under this charter or by authority of any ordinance by serving written notice upon the person holding the same that such license is suspended, and if such license be suspended by the mayor, he shall notify the city council at its next meeting thereafter of the cause of suspension of such license. The city council may re-instate such license so suspended by the mayor, by a two-thirds vote of the members of the whole city council, the "ayes" and "noes" being taken and recorded in the journal, and thereafter the same shall be valid and in full force until suspended again, the failure of the council to remove such suspension shall operate as an absolute revocation of the same, and the same shall thereafter be null and void, and on conviction before a city justice of any person holding a license, for a violation of the provisions of any ordinance relating to the exercise of any right granted by such license, or for a violation of the State liquor laws, or for malconduct in the course of trade, the mayor may, and upon a second conviction shall, revoke and cancel such license in addition to the penalties provided by law without the concurrence of the city council.

Ordinances—Passage and Publication.

Sec. 10. All ordinances and resolutions of the city council shall be passed by an affirmative vote of a majority of all the members elected to the city council, by "ayes" and "noes" which shall be entered upon the journal, approved by the mayor, and published in the official paper of the city before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented or proposed, and shall only be passed at a regular meeting.

Recording of Ordinances.

Sec. 11. All ordinances and resolutions, after the same are approved, shall be recorded by the city recorder in a separate book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication or a certified copy thereof shall at all times be deemed and taken as sufficient evidence of such publications; and all ordinances passed by said city council and approved by the mayor may be proven in like manner and the record thereof and of the affidavit of publication or a certified copy shall be sufficient evidence of the publication of the same.

Authentication of Ordinances.

Sec. 12. That all books and pamphlets published, or which may be published, purporting on their title page to be published by the authority, order or direction of the city council, and purporting to contain the char-

ter and ordinances of said city, rules, orders, regulations, or resolutions of said city council, or either, are hereby declared to be competent and prima facie evidence of the contents thereof, and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this State without further proof; and the certificate of the city recorder that any printed slip or paper to which such certificate may be attached contains or is a true copy of any ordinance, resolution, proceeding of the city council, or other paper, the original of which is presumably in the possession of the city recorder, shall constitute such printed slip or paper competent and prima facie evidence of the contents and purport of such ordinance, resolution, or proceedings of the city council, or other paper, and of the legal passage, adoption, approval and publication thereof.

Temporary Loans.

Sec. 13. The city council may during any fiscal year, by vote of two-thirds of all the members elected, the "ayes" and "noes" being taken and entered upon the journal, issue the bonds or other evidence of indebtedness of said city, bearing interest at a rate not exceeding six (6) per cent per annum, and for a time not exceeding one (1) year, in such amount and under such regulations as the city council may prescribe, in anticipation of the taxes and revenues of such year, PROVIDED, That the amount of such bonds or other evidence of indebtedness shall not at any time exceed one-third of such taxes and revenues, and PROVIDED FURTHER, That the proceeds of such bonds or other evidence of indebtedness shall be applied to the same purpose as the taxes and revenues in anticipation whereof they may have been issued. PROVIDED, FURTHER, That when the taxes are collected a sufficient amount shall be immediately set aside and used to pay the temporary loans and interest thereon.

Property—How Acquired or Sold.

Sec. 14. The city council shall have power to acquire by purchase, lease, donation or devise, grant or condemnation such private property as may be necessary for the sites for public buildings, streets or grounds for the use of the city, and all other necessary purposes thereof in manner as herein prescribed, and as provided by law; PROVIDED, however, if the price or value of the property to be acquired, or purchased, other than by devise, shall exceed the sum in value of five thousand (\$5,000.00) dollars, the same shall not be acquired by purchase, lease or condemnation, unless the question is first submitted to a vote of the people at a general or special election, nor unless a majority of the qualified electors voting thereon vote in favor thereof, and the city council may, by a two-thirds vote of all the members thereof, sell, convey, and dispose of such real estate as the city may own and which is not needed for municipal purposes, except as otherwise provided herein.

Accounts of City Officers.

Sec. 15. The city council shall examine and adjust the accounts of all the city officers and agents of the city at such times as they may deem proper, and may also employ expert accountants to make such examinations, and may require such officers and agents, whenever they deem it necessary, to produce and exhibit to them or any committee thereof, all their books, papers, and vouchers belonging to the respective offices; and if such officer or agent shall refuse to comply with the order or demand of the city council in discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of

his official duties. The council shall keep full and complete records of all such settlements and adjustments.

Plats.

Sec. 16. Whenever any person or persons shall lay out an addition to the city, or sub-divide any lot, piece or parcel of land within said city, or any tract of land heretofore platted, he shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of this State relating to town or city plats, and when the survey and plat are so completed and acknowledged, it shall be presented to the city council; said council may accept or reject said plat, or direct it to be changed or modified in such manner as it may deem expedient. When any plat is accepted by the city council, the city recorder shall so certify upon the face of such plat and affix the corporate seal, when it may be recorded in the same manner and with the same effect as provided for by general law, provided that all taxes and assessments are paid.

Board of Review.

Sec. 17. The city council shall meet on the fourth Monday of June, at the council room in said city, for the purpose of reviewing the assessment of property in said city, and they shall immediately proceed to examine, ascertain and see that all taxable property in said city has been properly placed upon the list and duly valued by the assessor, and in case any property real or personal, including franchises and other public privileges and utilities, shall have been omitted by inadvertence or otherwise, it shall be the duty of said board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that such tract or lot of real property shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall have been duly notified of the intent of the board so to do and given an opportunity to be heard. On the application of any person considering himself aggrieved, they shall review the assessment and correct the same as shall appear to them just.

Said board shall not be restricted by any limitation in respect to reducing aggregate sums of real and personal property as returned by the assessor.

The assessor shall be present at all the meetings of said board and act as clerk thereof, and present to them all facts required of him relating to the assessment. A majority of said board shall constitute a quorum authorized to transact business and they may adjourn from day to day until they shall finish the hearing of all cases presented that day.

They shall, including the assessor, receive as compensation for their services the sum of two (\$2.00) dollars per day for each day's actual attendance upon such board.

Resolutions.

Sec. 18. If, in case, any of the powers granted to the city council to be exercised by ordinance named in section five (5) of this chapter, or other provision of this act, cannot be well exercised by the passage of ordinances, then, and in that case, the said city council may exercise any of said powers by means of the passage of resolutions.

CHAPTER V. TAXES AND FINANCES.

Fiscal Year.

Sec. 1. The fiscal year of the City of South St. Paul shall end on the first day of April in each year.

Property Subject to Taxation.

Sec. 2. All real, personal and other property within the city except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government and the payments of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this State, except as hereinafter expressly provided; PROVIDED, That nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this charter.

When and How Levied.

Sec. 3. All taxes shall be levied by resolution of the city council at their first regular meeting in the month of October in each year. All taxes shall be levied in specific amounts and based upon an itemized estimate of the city expenses for the ensuing year.

Estimates to be Furnished.

Sec. 4. On or before the first Monday in August, in each year, the several heads of departments, offices, and committees of the city council and commissions, shall furnish to the city council an estimate, in writing, of the amount of expenditures, specifying in detail the object thereof, required in the respective departments, offices, boards, committees and commissions during the year.

Estimates for Tax Levy.

Sec. 5. On or before the first Monday in September, in each year, the city recorder shall prepare and transmit to the city council an estimate of the probable expenditures of the city for the current year giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be appropriated to each fund in the treasury. The estimates shall also show what amount of income and revenue is likely to be collected from funds, licenses and all other sources of revenue, exclusive of taxes upon property, and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of each year.

Fiscal Budget.

Sec. 6. The city council shall, between the fifteenth day of September and the tenth day of October, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board, committee or commission as the council may determine, and shall be recorded upon the minutes at length.

Same to be Submitted to Mayor.

Sec. 7. The budget shall, when completed by the council be delivered to the mayor, who may, within five days after such delivery to him, veto any item in said budget, in whole or in part, and it shall require the vote of at least five members of the council to overcome such vote. After the final estimate is made in accordance herewith, it shall be signed by the mayor and the city recorder and the several sums shall then be appropriated to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the city recorder.

Limit of Tax Levy.

Sec. 8. The city council shall annually levy taxes as hereinbefore provided, not to exceed twenty mills on the dollar of the taxable valuation of the city for all purposes, and may in addition thereto, not to exceed one mill upon the taxable valuation of the city for the library fund; and may levy in addition thereto not to exceed three mills for the purpose of maintaining a sinking fund; and in case the city becomes the recipient of a donation for a library building, an additional levy of one-half of one mill may be made.

Transmission to County Auditor—When.

Sec. 9. The city recorder shall transmit to the county auditor of Dakota County, on or before the first day of November, in each year, a statement of all taxes levied by the city council, including the water frontage tax, as by this charter provided, and the county treasurer shall pay such collected taxes to the city treasurer, at such times and in such manner as is directed by the general statutes of this State.

Funds.

Sec. 10. The moneys and securities in the city treasury not belonging to any school fund shall be divided into the following named funds, to-wit:

The general fund, into which shall be paid, and in which shall be kept in addition to such moneys as may be raised therefor by taxation, all receipts by the city for license fees, fines and costs, sales of city property, and all moneys received from any source, except such as may be expressly destined for special funds, debts and liabilities of the city not otherwise expressly provided for.

The street repair fund, into which shall be paid such proportion of the general tax as shall have been determined by the city council in compiling the budget.

The waterworks fund, into which shall be paid all moneys received for water rents or other sources in connection with the water system, and all moneys received by taxation for that purpose. No moneys shall be taken from said fund except for purposes connected with the water works and for the payment of interest and principal on the waterworks bonds.

The sinking fund, into which shall be paid all moneys raised by taxation for payment of the bonds of the city, and from which such bonds shall be paid.

The interest fund into which shall be paid all moneys raised by taxation for the purpose of paying the interest on the indebtedness of said city.

The Police and Fire Department fund, into which shall be paid all moneys raised by taxation for the maintenance of said departments.

The library fund, into which shall be kept all moneys raised by taxation, or otherwise, required for the support or benefit of the free public library of the city, and which shall be subject to the order of the proper officers of said library for the payment of the expenses thereof.

The local improvement fund is provided for by section 66, chapter X, and such other special funds as may hereafter be established by any statute of the State or by city ordinance.

Funds to be Kept Separate.

Sec. 11. The said several funds mentioned in the last preceding section, shall be kept separate and distinct, and the city treasurer shall keep separate and distinct accounts of receipts therein and disbursements therefrom. Each of said funds shall be devoted only to the particular purposes for which it is ordered, and the city treasurer is expressly prohibited from making any disbursements from either of said funds, and from permitting

the same to be to any extent depleted, for any other purpose than such particular purpose or purposes, any attempted appropriation by the city council or any order to the contrary notwithstanding. The city treasurer shall pay no order, or part of any order, drawn on either of said funds, unless the fund so drawn upon contains money or securities sufficient to cover the amount of such order or such part thereof.

Moneys Not to be Transferred.

Sec. 12. The city council shall make no appropriation from, or shall the mayor or city recorder sign any order upon, any of said funds in the city treasury for any purpose for which said funds cannot legally and appropriately be used, nor shall the city council authorize, or attempt to authorize, or the mayor or the city recorder, sign any order for any transfer of money or its equivalent from any of said funds to another, except as herein otherwise provided.

Appropriation of Funds.

Sec. 13. Whenever the city treasurer shall receive from the county treasurer, or other source, any money or its equivalent belonging to said city, he shall apportion and credit the same to the proper fund or funds, and shall, without delay, transmit to the city recorder a duplicate of his receipt thereof.

Separate Accounts of Estimates and Appropriations.

Sec. 14. It shall be the duty of the city recorder to keep an accurate and separate account of the estimates made, and of the appropriations made from time to time for each department and purpose, in such form that he may be enabled thereby to inform the city council at any time how much of the sum estimated for any department or purpose remains unexpended. And the city recorder shall keep, with the aid of duplicate receipts and statements of payments made on city bonds to be furnished to him by the city treasurer, general accounts of the receipts and disbursements from the general fund, the city bonds fund, and all other funds in the city treasury except the city library fund and other funds not subject to the control of the city council, which accounts shall be in such form that comparison may readily be made between them and the accounts kept by the city treasurer respectively, and may be easily checked by each other.

Power of Council to Borrow Money.

Sec. 15. The city council shall have power and authority to borrow money, issue bonds, and levy taxes for the purpose of carrying out any of the provisions of this charter, exceeding the amount authorized by other sections hereof; PROVIDED, That the sum be authorized by a majority of the qualified voters voting at any general or special election held for that purpose for which notice is given as at other elections. Whenever it shall be desired to submit to a vote the question of issuing any bond or bonds authorized by this section, the same may be done in such form and manner as the city council, by resolution, may prescribe. No bond or bonds shall be issued by the city council for any purpose unless so authorized, except as provided in chapter Nine.

Bonds—How Issued.

Sec. 16. All bonds issued in pursuance of the provisions of this charter shall be under the corporate seal of the said city, signed by the mayor and attested by the city recorder and shall, upon the face, express the object for which they are given, and shall not be negotiated for less than par value.

No Limitation—When.

Sec. 17. No limitation or restriction herein contained shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city. In case of failure to collect taxes, or other cause, and such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment shall be paid. Any excess of the amount so levied and collected over the payment of such judgment shall go into the general fund of said city.

Transfers of Funds.

Sec. 18. The city council shall have power to transfer funds from the general fund of said city not to exceed twenty per cent of the total receipts for the general fund, for any year to any other funds of said city.

Sec. 19. All property real or personal belonging to said city or of special South St. Paul school district shall be exempt from taxation.

CHAPTER VI.

Salaries and Compensation of City Officers.

Section 1. All officers of the City of South St. Paul shall receive the following compensation for their services, when not otherwise provided in this Charter.

First: The mayor shall receive the sum of one hundred (\$100.00) dollars per annum.

Second: The aldermen shall receive respectively the sum of fifty (\$50.00) dollars per annum.

Third: The city recorder shall receive the sum of one thousand (\$1,000.00) dollars per annum, and such fees as are allowed by this Charter.

Fourth: The city treasurer shall receive the sum of three hundred (\$300.00) dollars per annum, provided, however, that the city shall pay the premium on such bonds as the said treasurer may be required to furnish said city for the faithful performance of his duties.

Fifth: The city attorney shall be appointed by the city council at its first meeting in May, each odd numbered year, or as soon thereafter as may be, for a term of two years and until his successor is elected and qualified, and shall receive such reasonable compensation as his services are worth, to be determined by the city council at the time of his appointment, and which shall not be increased nor diminished during his term of office.

Sixth: The assessor from and after the year 1907, shall receive for each even numbered year the sum of two hundred (\$200.00) dollars, and for each odd numbered year the sum of one hundred (\$100.00).

Seventh: All other officers of said city when not otherwise provided for in this Charter, shall receive such compensation as may be determined by the city council.

No officer of said city shall receive any gratuity or reward for the performance of his duty as such, from any person, or in any manner whatsoever, except as herein provided.

Said salaries shall be paid in monthly installments on the first secular day of each month; Provided, that no order for any salary shall be issued for any officer or employe of said city when there is not sufficient money in the proper fund to pay the same, except that orders may be issued for the payment of wages for manual labor, and for the salaries of the police officers of said city, by the proper officials when directed by the city council.

CHAPTER VII. FRANCHISES.

Power to Grant.

Section 1. The city council of said city shall have, and hereby is

granted, subject to the provisions and limitations herein stated, the power to grant and provide for the regulating and controlling the exercise by any person, company or corporation of any public franchise, or privilege in, upon, or under any of the streets or public places in said city, including street railway corporations, whether said franchise or privilege have been granted by said city or by, or under the State of Minnesota, or any other authority, but no perpetual franchise or privilege shall ever be granted, nor shall any exclusive franchise or privilege be granted to any person, company or corporation at any time for any term whatever, provided, that every franchise or privilege granted under the provisions herein shall, where no term is expressed in such grant, expire within ten (10) years; and provided further, that no franchise or privilege of any kind shall ever be granted for a longer term than twenty-five (25) years, provided, however, that if an application for a longer term than ten (10) years is submitted to the council, the question of granting such franchise or privilege shall be submitted to a vote of the people, and it shall thereupon become the duty of the city council to call an election therefor in the manner provided for calling special elections, and the same shall be conducted in the manner of other special elections provided for in this Charter; except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case two-thirds of the legal voters voting thereon at a general or special election, vote in favor of such application, the same shall be declared granted, and it shall thereupon become the duty of the council to grant the same accordingly.

Not to be Granted at First Meeting.

Sec. 2. No public franchise or privilege shall be granted to any person, company or corporation at the first meeting at which the application for the same is made, nor until the same shall have laid over at least one regular meeting after the formal application for such franchise or privilege shall have been presented, nor unless such application is granted by a vote of at least five-sevenths of all the members of the council, and in case the granting of such franchise or privilege is vetoed by the mayor, in the exercise of the veto power vested in him, the same shall not be passed over such veto unless six-sevenths of all the councilmen vote in favor of the same upon the vote to pass the same over such veto.

License Fee.

Sec. 3. All public franchises and privileges granted to any person, company or corporation in any of the streets or public places in said city, shall be subject to, and conditional upon the payment of an annual license fee to the City of South St. Paul as a consideration for the granting of such franchise or privilege, upon the gross earnings of such person, company or corporation obtaining such franchise or privilege at the following rates, to-wit:

Whenever in any one year the gross earnings of any such person, company or corporation holding such franchise or privilege amount to \$25,000 or less, one per cent on the entire gross earnings.

Whenever in any one year such gross earnings amount to more than \$25,000.00 and do not exceed \$50,000.00, two per cent on the entire gross earnings.

Whenever in any one year such gross earnings amount to more than \$50,000.00 and do not exceed \$75,000.00, three per cent on the entire gross earnings; and whenever in any year such gross earnings amount to more than \$75,000.00 and do not exceed \$100,000.00, four per cent on the entire gross earnings; and whenever in any one year such gross earnings amount to more than \$100,000.00, five per cent on the entire gross earnings; pro-

vided, however, that if at any time such franchise and privileges are assessed and taxed as property under the General Laws of this state now existing or hereafter adopted, then and in that case, the person obtaining or holding such franchise or privilege shall not be required to pay the license fees herein provided for upon the gross earnings aforesaid in any amount so long as the said franchise or privileges are otherwise so taxed. Said gross earnings license fees shall not be taken or considered in lieu of any tax or taxes, to which the property of such person, company, or corporation, other than such franchise or privilege would otherwise be subject or liable.

How Collected.

Sec. 4. Such license fee shall become payable by virtue of the provisions of this chapter and according to the provisions hereof, without reference to any of the terms, provisions, or stipulations embraced in such franchise or privilege, or the charter of such person, company or corporation obtaining the same, and shall be paid to the city treasurer on or before the first Monday in March each year.

Every person, company or corporation doing business in said city under any franchise or privilege granted by said city under the provisions of this charter, shall, during the first week in January in each and every year, make and file with the city recorder of said city an accurate and sworn statement and report of the gross earnings of such person, company or corporation for the year immediately preceding the said date; and failure to file such report at said time shall be sufficient ground to forfeit such franchise or privilege.

Refusal to Pay—Forfeiture.

Sec. 5. Any person, company or corporation failing, neglecting, or refusing to pay said license fees within the time and in the manner prescribed herein, shall forfeit the franchise or privilege granted, and shall not be entitled to have the same reinstated by the mere payment of such fees, but must in order to again obtain such franchise or privilege, make a new application therefor in the same manner and subject to the same provisions as if no franchise or privilege had been previously granted.

Earnings—How Determined.

Sec. 6. In case any franchise or privilege is granted to any person, company or corporation for the doing or conducting of any business carried on partly within and partly without the limits of said city, the gross earnings license fee to be collected from and paid by the holders of such franchise or privilege shall be based upon the earnings of the business transacted or conducted in such manner in such proportion as may be equitable and just and which shall be incorporated in terms in the ordinance granting such franchise.

Charter to be Part of Franchise.

Sec. 7. The acceptance of a franchise or privilege from said city by any person, company or corporation shall be an acceptance of all of the provisions of this chapter, whether the same are specifically referred to or not and all of the provisions hereof shall constitute and be a part of such franchise or privilege without any express reference being made hereto.

Limitations and Restrictions.

Sec. 8. In granting any franchise or privilege, the council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and best interests of the public may require.

Term "Franchise" Defined.

Sec. 9. The term "franchise" or "privilege" wherever the same is used or employed in this charter shall mean special privilege conferred by the city upon an individual, company or corporation, which do not belong to citizens of the country generally of common right.

CHAPTER VIII.

Section 1. A Board of Police and Fire Commissioners for the management, direction and control of the Police and Fire Departments of the City of South St. Paul is hereby established, and shall perform such duties and have such authority over and in each of said departments as hereinafter provided.

Sec. 2. Said Board shall consist of three (3) members who shall be appointed by the mayor; said members shall hold office for a period of six (6) years from the time of their appointment, which shall be not less than twenty (20) days after this chapter takes effect, and each of said Board shall be a resident and elector of the City of South St. Paul at the time of his appointment, and the members of said Board shall serve without pay; PROVIDED, however, that the members of the first Board shall be appointed respectively for two, four and six years.

Sec. 3. Except as in this chapter otherwise provided, all members of said Police and Fire Departments shall hold office during the pleasure of said Board.

Sec. 4. Whenever any vacancy shall occur upon said Board, the mayor shall, as soon as practicable thereafter, appoint a person of like qualifications aforesaid, to serve during the unexpired term of the office thus left vacant, and until a successor shall be appointed and qualified.

Sec. 5. Each commissioner shall qualify by taking and subscribing the oath prescribed by the General Statutes of Minnesota for other than judicial officers, and by filing the same in the office of the city recorder within ten (10) days after notice of his appointment. And failure so to qualify within said time shall be construed as a refusal to accept such appointment.

Sec. 6. Said Board shall perfect its organization by electing such officers who shall be members of said Board, as it shall deem necessary and expedient for the performance of its duties and the transaction of such business as may come before it. It shall keep accurate and detailed accounts of the affairs and finances of said Board; the number of prisoners arrested, convicted, and discharged, and the officers, employes and members of each of said Departments.

The city treasurer shall receive all moneys paid into the city treasury by said Board, and shall keep an accurate and detailed account thereof, in such manner as to show at all times the exact financial condition of each of said Departments.

All warrants and orders in payment of any claim or demand incurred by the authority of said board, shall be drawn in the same manner and by the same officers as other warrants or orders, in payment of any claim or demand against said city, except that they shall be countersigned by the president of said board. All contracts for the purchasing of supplies for either of said departments, or for the repair or purchasing of equipments of either of said departments, the cost of which shall exceed the sum of two hundred (\$200.00) dollars, shall not be let except upon the advertisement of said board to the lowest responsible bidder; Provided, however, that no fire apparatus or other supplies for said fire department shall be purchased by said board in excess of the amount appropriated therefor by the city council.

Sec. 7. The fire department of said city may be paid or volunteer without pay, or part of each, as the said board may provide.

Powers and Duties of Board of Police and Fire Commissioners.

Sec. 8. The said Board of Police and Fire Commissioners shall have power to appoint, promote, suspend, reprimand, dismiss or otherwise punish any member of said police or fire department in such manner as it may provide, subject to the limitations herein prescribed, and to require a bond from any member of said department, and prescribe the conditions thereof.

Sec. 9. To establish, promulgate, alter and repeal by-laws not inconsistent with the constitution and laws of this State and the provisions of this charter, for its own government and reasonable orders, rules and regulations for the government, administration, discipline, equipment, and uniforming of the said police force and fire department, and to prescribe and impose penalties for the violation thereof.

Sec. 10. To acquire, maintain, control, manage and alienate or otherwise dispose of all personal property of said city now or hereafter pertaining to said police and fire departments subject to law and the limitations of this charter.

Sec. 11. To provide for the destruction or other disposition of all such property coming into the custody of said department as shall consist of such weapons, implements, apparatus or any other articles which have been used in the commission of crime; and provide for the care, restitution, or sale at public auction of all unclaimed property that may come into its possession, subject to the provisions of this charter.

Sec. 12. To fix the compensation of all members of either of said departments, and otherwise to manage and control its receipts and disbursements and expenditures in furtherance of the efficient and economical administration of said departments. Provided, however, that the expenses of said police or fire departments shall not in any year exceed the amount of money appropriated and set apart therefor by the city council of said city, and said city council shall by ordinance and within the limitations of this charter fix as separate items, the aggregate amount of money to be expended in any fiscal year for the wages and salaries of all members of said departments, but it shall have no power to fix the compensation or wages to be paid to any particular member or class of members of said departments, the said board shall have exclusive control in this respect.

Whenever it is deemed necessary by said board, to increase the number of police officers or firemen the said board shall recommend the necessity of such increase to the city council with an estimate of the cost thereof, who shall if they concur with said recommendation, provide by resolution for the extra expense to be incurred, out of any funds of said city available for that purpose.

The police force of said city shall consist of not less than three (3) members, one of whom shall be designated as Chief of Police, whose salary shall not be less than \$65.00 per month, nor more than one hundred (\$100.00) dollars. All other members of said police force shall be paid not less than fifty (\$50.00) dollars, nor more than seventh (\$70.00) dollars per month, as said Board may determine.

Sec. 13. It is hereby made the duty of the city council to provide funds to defray the expenses of said police and fire departments within the limitations prescribed in this chapter; and said council shall annually provide a contingent fund for said Board not less than the sum of five hundred (\$500.00) dollars. Provided, That if any part of said fund remain unexpended in the hands of said Board, the city council may deduct the sum so remaining unexpended from the amount of said contingent fund herein provided for the succeeding fiscal year.

Sec. 14. Said Board may appoint in its discretion, upon the petition of any person, firm or corporation, special policemen or watchmen who shall serve without compensation, and may be removed at the pleasure of the board; and it may further appoint special policemen and watchmen for the City of South St. Paul, and fix their compensation in case of emergency, apprehension of riot, insurrection, or pestilence, or when in the judgment of said board, the public interest requires it; all of which officers shall have the authority conferred upon policemen in the regular service of said board, and shall be subject to all the orders, rules and regulations prescribed therefor by said board. Provided, however, that any such officer or watchman who is appointed at the special instance or request of private individuals or corporations, may be relieved from making the reports to said board herein required of officers and watchmen, or any person in the employ of said board.

Sec. 15. Said Board shall have power to summon and compel the attendance of witnesses; to examine them under oath; to require and procure affidavits or other competent evidence for use at any proceeding or hearing had pursuant to this chapter or the orders, rules and regulations of said board. And each of said commissioners shall have power to administer oaths and affirmations in all matters relating to said police and fire departments.

Sec. 16. To establish, equip and maintain from time to time in conformity with the appropriations made therefor by the city council of said city, police and fire districts, precincts, stations and substations, at such locations and in such manner as the exigencies of the departments, in the judgment of said board, may require.

Sec. 17. To establish, equip, maintain and operate an electrical or other police and fire alarm and signal system within the appropriations made therefor by said city council.

Sec. 18. To prevent and abate public nuisances.

Sec. 19. All the powers and duties conferred and imposed upon the mayor and police force for said city by the sections of this charter relating to the Justice Court, are hereby conferred and imposed upon said board and the police force in this chapter provided for.

Sec. 20. Said board shall keep full and accurate minutes of its proceedings, and a copy of the same, or of any part thereof, or of the orders, rules and regulations of said board, certified to be correct by the president or secretary of said board, may be given in evidence at any trial or other proceeding before any court or tribunal with the same force and effect as the original.

Sec. 21. It shall be the duty of said board to enforce all laws and ordinances in said city relative to the inspection and sealing of weights and measures, the impounding of animals, and the regulation, licensing and destruction of dogs, and for such purpose to detail at and during such time as may be advisable to said board, one or more members of said police force to discharge the duties prescribed by this charter and the laws and ordinances of said city relative thereto. But no additional compensation shall be paid to the person or persons so detailed. And said board shall further detail at and during such time as it shall deem advisable a member of said police force as license inspector, who shall collect and enforce the payment of all license moneys, payable to said city under the laws of this State and the charter and ordinances of said city, except as otherwise provided by law.

Sec. 22. The said board shall make to the said city council semi-annually a detailed report of its affairs and finances and an annual report thereof at the close of each fiscal year; and shall whenever required by said city council, submit thereto for examination any and all of its books,

files and records, and furnish other needful information and estimates as to the receipts, expenditures and affairs of said police and fire departments.

Chief of Police.

Sec. 23. The chief of police shall be appointed by said police board and hold office, during good behavior, for the term of two (2) years. He may be removed by said board for misconduct in the manner hereinafter provided. During his term said chief of police shall devote his entire time and attention to his duties and shall hold no other office under the government of said city, except with the consent of said board of police and fire commissioners.

Sec. 24. The chief of police shall be the chief executive officer of said department, subject to the authority of said board; he shall have control, management and direction of all members of said police department, with full power to detail any of them to such public service as he may direct. He shall maintain and enforce law and rigid discipline, and execute the orders, rules and regulations of said board. He shall have control of the prisoners and property of said department, subject to the authority of said board, and shall be responsible for the prompt executions and service of the orders and process of the Justice Court, or any court that may be hereafter established in said city, and such other orders and process as he may lawfully be required to serve and execute.

Sec. 25. The chief of police may temporarily suspend without pay any member of said police force, without any hearing in which case he shall forthwith report such suspension to said police board with the reasons therefor in writing. But no suspension shall continue for more than ten (10) days without the affirmative decision of said board, and if said board shall not approve such suspension, the suspended person shall be entitled to full pay during the period of such suspension.

Police and Fire Department.

Sec. 26. The police and fire force of said city in addition to said chief of police, and until otherwise provided for by said board shall consist of as many policemen, patrolmen, detectives, watchmen, chief of fire department, firemen, engineers, and other employes, as in the judgment of said board, will be required for the efficient and economical administration of said departments. Provided, however, that the aggregate salaries and wages of such police and fire forces, shall not in any fiscal year, together with all other expenses of said departments exceed the amount appropriated therefor by the city council under the limitations prescribed by this charter.

Sec. 27. No person shall be eligible to appointment as a regular police officer, policeman or patrolman or fireman, who is not a citizen of the United States or under the age of forty-five (45) years, able to read and write the English language, a legal resident of the City of South St. Paul, and who is not of good health and physique, as established by examination, to govern in this particular, as may be established by said board.

Sec. 28. The chief of police and all police officers or members of the police force subordinate to him shall possess the power of constables at common law, and by the statute law of this state, and may be detailed as truant officers by said board. They shall execute and serve all warrants, process, commitments, and all writs wherever issued by the Justice Court or any court that may hereafter be established in said city, or any judge thereof, for any violations of the laws of this state, or of the ordinances or by-laws of this city, and shall have power to pursue and arrest any person fleeing from justice in any part of this state; and when performing the duties of constables for any violation of law other than ordinances of said

city, or for the service of papers in any civil action, be entitled to the fees that constables receive for like duties, except as otherwise provided by law. Provided, that no member of this department, except the chief of police, shall go outside the limits of said city in pursuit of any offender, or to execute any warrant or process, except in the case of offenses committed within said city.

Sec. 30. The police force shall report upon the condition of all public lights maintained in said city, and of all sidewalks, and cycle paths therein, to the chief of police, who shall report such information by him so obtained to the board or officer of said city having charge thereof.

Sec. 31. It shall be the duty of the chief of police to cause to be executed all orders of the board of health, so far as they may relate to the preservation of the health of the city whenever requested to do so by the chairman of the board of health. It shall be the duty of every policeman of the city of South St. Paul to report promptly at the office of the health officer any violation of the rules of the health department of the city of South St. Paul, Minnesota, that may become known to him while on duty.

Sec. 32. Whenever any person is physically injured or any property is injured or destroyed by an accident occurring in or upon any of the streets, alleys or public places within the city of South St. Paul, it shall be the duty of the police officer in charge of the district or precinct wherein such accident shall have happened, and also of any detective who may be detailed by the proper authority, to investigate such accident, and ascertain the name and residence of the person injured or owning the property injured or destroyed, as well as the nature of the accident, and the names and residences of all persons having knowledge thereof, and to make forthwith a report of the same to the chief of police, who shall forthwith forward such report to the city attorney of said city.

Promotions, Suspensions, Dismissals and Disratements.

Sec. 33. Any member of said police force who shall be guilty of misconduct or breach of duty shall be liable to be punished by said board by reprimand or by temporary suspension without pay, not to exceed one month, or by fine not to exceed one month's salary, or by reduction in rank, or by dismissal from service.

Sec. 34. Before said board shall punish any member of said police force by dismissal, it shall notify such member and he shall be entitled to a public hearing under such rules and regulations as the board may prescribe, at which he may appear personally and by counsel and may require said board to hear and enforce the attendance of witnesses in his own behalf.

CHAPTER IX.

Refunding Bonds.

Sec. 1. The city council of the City of South St. Paul shall have power to refund any bonds heretofore issued, or that shall hereafter be issued, purporting to have been issued for any purpose authorized by law, which bonds have been actually sold and delivered to purchasers for value, or otherwise disposed of, so that the same constitute a valid and existing indebtedness against said city, at any time after maturity or before maturity, with the consent of the holder, and while said bonds are a valid and existing indebtedness, and the city council may either include or exclude any accrued interest due thereon in such refundment, and issue and negotiate new bonds for the amount of such indebtedness or any part thereof. The necessity of issuing and negotiating bonds under the provision of this chapter shall be determined by the city council without submitting the same to the popular vote; PROVIDED, That such refunding bonds shall not be made payable for more than thirty (30) years from the date the

same are issued, and shall not bear a higher rate of interest than bonds refunded.

Sec. 2. Bonds issued under this chapter may be attested the same as bonds refunded, and shall be sealed with the corporate seal of the city, and signed by the mayor of said city, and attested by the city recorder. The ordinance, resolution, or order, providing for such issue, may provide that said bonds shall be negotiable coupon bonds or registered bonds, and generally make such other provisions relating thereto and the issuance thereof, as are not contrary to law. Nothing in this chapter shall be construed to compel the holder of any bond to accept payment thereof before maturity.

Sec. 3. The city shall issue, levy, and collect taxes upon all taxable property therein sufficient to pay the interest on such bonds as the same may become due, and also to pay the principal thereof when the same becomes due.

Limitations on Bond Issues.

Sec. 4. No bonds shall be issued by the City of South St. Paul, or under its authority, if by such issue the aggregate outstanding bonded indebtedness of said city shall be made to exceed ten (10) per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment for the purposes of taxation; PROVIDED, that certificates of indebtedness and bonds issued by said city prior to the adoption of this charter for the following purposes, to-wit:

First: For the creation and maintenance of a permanent improvement revolving fund.

Second: For the purpose of constructing, regulating, maintaining, extending, enlarging or improving water and lighting plants or either of such plants owned, maintained and operated by said city, or,

Third: Bonds and securities in any sinking fund maintained by said city, shall not be counted as part of the outstanding bonded indebtedness of said city, for the purpose of determining its authority to issue further bonds under the limitations herein prescribed. Provided further, It shall be lawful after the adoption of this charter by said city, for it to issue certificates of indebtedness or bonds, in a sum not to exceed fifteen thousand (\$15,000.00) dollars, without having the proposition of their issue approved by the legal voters of said city, if such certificates of indebtedness or bonds, are for either of the following purposes:

First: For the purpose of extending, enlarging, or improving water and lighting plants or either of such plants, owned, maintained or operated by said city.

Second: For the purpose of acquiring any real or other property needed in connection with such extending, enlarging, or improving such plants or either of them.

Sec. 5. All other bonds which said city may lawfully issue, which are not provided for in this charter, before the same shall be issued, the proposition of their issue must be first approved by the legal voters of such city. Provided: That the majority of the voters voting at such election shall be required to approve of said issue. Provided further: That at any election when the proposition of the issue of bonds is submitted to the legal voters of said city, said proposition shall be contained on a separate ballot provided for that purpose.

CHAPTER X.

Local Improvements and Special Assessments Therefor—How Made.

Section 1. The municipal corporation of the City of South Saint Paul is hereby 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 the City of South Saint Paul for filling, grading, leveling, paving, curbing, walling, bridging, macadamizing, planking, opening, extending, widening, contracting, altering, straightening and sprinkling any street, lane, alley or highway and for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public park, square or grounds, now or hereafter laid out; also for constructing, laying, relaying and repairing cross and sidewalks, area walls, gutters, sewers and private drains; also for abatement of public nuisances.

Expenses.

Sec. 3. The expenses of any improvements mentioned in the foregoing section may be defrayed, save and herein otherwise provided by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, to be levied in the manner hereinafter prescribed; PROVIDED, that cross footwalks over public streets, lanes and alleys shall be paid out of the general fund; also all cross footwalks and sidewalks adjacent to public squares, public grounds, public parks, shall be paid out of the general fund of the city, and that all or any part of the expense or improving or ornamenting public grounds, squares and parks, may, if the city council of said city deem it expedient, be paid out of the general fund of said city.

Sec. 4. All assessment for local improvements aforesaid, as provided in this chapter, shall be made by the city council of the City of South St. Paul, except as may be herein otherwise provided.

Applications.

Sec. 5. All applications or propositions for any improvements mentioned in section two (2) of this chapter, shall be made to the city council of said city; all applications shall be made in writing and said council shall not be required to proceed with any such application unless it is satisfied that a majority of the property owners who would probably be assessed for the expense of any such improvement have subscribed to such application. Upon proper application being made said city council shall proceed to investigate the same, and if it shall determine that said improvement is necessary and proper, and that real estate can be found which will be benefited to the extent of the damages, costs and expenses necessary to be incurred in the making of such improvement, it shall by proper resolution order the same to be made.

Two or more streets may be ordered graded at the same time so that material taken from one street, may be used in filling others.

Condemnation.

Sec. 6. Whenever any order is passed by the city council by virtue hereof, for the making of any public improvement (mentioned in section two, this chapter, save as herein otherwise provided), which shall require the appropriation or condemnation of any land or real estate, the said city council shall, as soon as practicable proceed to ascertain and assess the damages and recompense the owners of such land respectively, and at the same time determine what real estate will be benefited by such improvement, and assess the damages together with the costs of the proceedings, on the real estate by them deemed benefited in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel.

Notice.

Sec. 7. The said city council shall then give not less than ten (10) days' notice by publication, in the official newspaper of the city, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for,

and they shall describe the land to be condemned as near as may be done by general description; said notice shall be published at least two times, and said period of ten days shall commence from the first publication, and all persons interested in any such improvements shall have the right to be present and be heard, either in person, or by counsel, and the City Attorney, as counsel for the City of South St. Paul, shall be permitted to appear before them at such hearing to represent the interests of the city. The city council may view the premises to be condemned, and shall receive any legal evidence that may be offered for the purpose of proving the true value thereof or the damages that will be sustained or benefit conferred by reason of the contemplated improvement, and the said city council for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place until such assessment is completed.

Appraisal.

Sec. 8. The said city council in making said assessments shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements.

Sec. 9. If the damage to any person be greater than the benefit received or if the benefit be greater than the damage, in either case the said city council shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of them or paid to them.

Sec. 10. In the assessments of damages and benefits for the opening of any street, or alley, it shall be lawful for the said council in their discretion in making such assessments, where part of the land to be laid out into such streets or alley, has been heretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated and to apply the value thereof so far as the amount so appraised shall go as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them, but nothing herein contained shall authorize any person or persons by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset herein provided. And where the assessment is one for the widening of any street which may have been heretofore either in whole or any part donated to the public by the proprietors of the adjoining land, it shall also be lawful for said city council in their discretion to make such allowance therefore, in their assessment of benefits as shall in their opinion be equitable and just.

Buildings Taken—Election of Owner—Sale Thereof.

Sec. 11. If there should be any building standing in whole or part, upon the land to be taken, the said city council shall add to their estimate of damages for the land, the damages also for the building necessary to be taken, if it be the property of the owner of the land. When owned by any other person the damages for the building shall be assessed separately. The value of such building to the owner to remove or of the part necessary thereof to be taken shall also be determined by the said council, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of abode or business. If the owner is not known or is a non-resident, twenty days' notice to all persons interested, shall be given by publication in the official paper of the

city; such notice shall be published at least two times, and said period of twenty days shall commence from the first publication. Such owner may at any time within twenty days after service, of the first publication of such notice, notify such council in writing, his election to take such building at their appraisal; and in such case, the amount of such appraisal shall be deducted by the said city council from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such reasonable time for the removal of the building after the confirmation of the assessment as said council may allow. If the owner shall refuse to take the building at the appraisal or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and after the money is collected and otherwise provided and ready in the hands of the treasurer, to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction for cash, giving at least ten days' notice of the sale by publication in the official paper of the city, and cause such building to be forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of special assessment fund raised for the said improvement. Said ten days' notice shall be published at least two times, and said period of ten days shall commence from the first publication.

Apportionment of Damages.

Sec. 12. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons respectively, may be awarded to them by the city council, less the benefits resulting to them respectively from the improvement.

Sec. 13. Having ascertained the damages and expenses of such improvement, as aforesaid, the said city council shall thereupon apportion and assess the same together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement as nearly as may be and shall briefly describe the real estate upon which their assessment may be made, and it shall constitute no legal objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the city council.

Publication of Notice—May Relieve Omission of Owner to File Objections.

Sec. 14. When completed said city council shall cause to be given ten days' notice by two publications in the official paper of the city to the effect that such assessment has been completed and that at a time and place therein specified the said council will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the city clerk at least one day prior to said meeting, and that unless sufficient cause is shown to the contrary the same will be confirmed, and when so confirmed shall be entered into a book kept for that purpose. All objections to said assessment shall be in writing and filed with the city clerk at least one day prior to the said meeting of said city council; Provided: That said council may in its discretion, allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid to do so at the time of meeting of said council aforesaid. Should no quorum be present at the said appointed meeting of said council, the said meeting may be adjourned by the member or members of said council present, or if none of the members are present, by the city recorder to such other convenient time and place as may be deemed expedient.

New Notice.

Sec. 15. Nothing herein contained shall preclude the said council from causing a new notice aforesaid to be given of a meeting of the said council for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said council, or for any other reason which shall be satisfactory to said council for so doing. The said council shall have the power to adjourn such hearing from time to time and shall have power in their discretion to revise and correct the said assessment, and to confirm and set aside the said assessment and proceed to make an assessment de novo without any further delay. Said assessment when confirmed shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed and when no appeal is taken therefrom as herein provided a warrant under seal of said city shall issue to the treasurer of the city for the collection of the same from the property on which the same has been assessed by the mayor, and city recorder. If said assessment shall be set aside by the said council aforesaid or by the court, the said council shall proceed de novo to make another or new assessment and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights, and the said council shall perform like duties, and have like power in relation to any subsequent determination, as are hereby given in relation to the first. As soon as practicable after the said assessment has been confirmed and entered, the recorder shall cause a brief notice of the fact of such confirmation and entry to be published in the official paper of said city at least three successive days upon which said paper is published.

Appeals.

Sec. 16. Any person whose property has been appropriated or damaged, and who has filed objections to such appropriation, award or assessment as hereinbefore provided, shall have the right at any time within ten days after the publication of said notice last provided for in the next preceding section, to appeal to the district court of Dakota County, in this State, from the order confirming said taking, award or assessment. Said appeal shall be made by filing a written notice of appeal with the city recorder, giving a description of the property of said appellant so appropriated or damaged and the objections of said appellant to such taking, appropriation, award or assessment and filing with the clerk of the said district court, within ten days thereafter a copy of said notice of appeal and objections, together with a bond to the City of South St. Paul conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the Judge of said court. In case of an appeal, a copy of the award and assessment roll as confirmed as aforesaid, and of the objections as aforesaid made to the confirmation thereof, certified by the city recorder at the expense of the appellant, which expense shall in no case exceed three dollars, shall be filed in the office of the Clerk of the District Court of said Dakota County, and the same shall be docketed by such clerk in the name of the person taking such appeal against the city of South St. Paul as an "appeal from assessment." The said cause shall then be at issue, and it may be brought on for hearing by either party.

Such appeal shall be tried in said court as in the case of other civil actions, except that no pleadings shall be necessary, (and on such trial the question to be passed upon shall be whether the said city had jurisdiction in the case, and whether the award or assessment of damages

or benefits to the property specified in the objections is a fair and impartial award or assessment), and the question of the sufficiency and propriety of said award or assessment may be then and there reviewed. The judgment of the Court shall be either to confirm or annul the award or assessment, and in so far as the same affects the property appropriated aforesaid, judgment of the court shall be either to confirm or annul the award of the said appellant and to fix the damages sustained by the appellant. If upon such appeal the proceedings of the council are confirmed or sustained, costs and disbursements shall be taxed in favor of said city. If such proceedings are reversed or if the appellant secures a judgment more favorable to him than the award or assessment made by said council, costs and disbursements shall be taxed in favor of the appellant, but the judgment entered therefor if against said city shall be paid out of the general funds of said city, provided that upon the entry of judgment upon any appeal, if said city has not taken possession of or entered upon and appropriated any part of the property involved upon said appeal, said proceedings may be abandoned by said city, as to said property upon the payment of the costs of said appeal.

After Confirmation—Payment of Damages.

Sec. 17. When such assessments shall have been confirmed, and no appeal taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered in favor of said city, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The city council shall thereupon cause to be paid to the owner of such property or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, but the claimant shall in all cases furnish an abstract of title, showing himself entitled to such damages before the sum shall be paid. If in any case there shall be any doubt as to who is entitled to such damages for land taken, the city may require of the claimant a bond with good and sufficient securities, to hold the city harmless from all loss, costs and expenses, in case any other person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city of South St. Paul in fee simple.

Sec. 18. As soon as the money is collected, and paid to the party entitled thereto, or is ready in the hands of the treasurer to be paid over to parties entitled to damages for property condemned, and ten days' notice thereof by one publication shall have been given by the city treasurer in the official paper of the city, the city may then, and not before, enter upon and take possession of and appropriate the property condemned.

Termination of Leases, Contracts, Etc.

Sec. 19. When the whole of any lot or parcel of land or other premises under lease or contract shall be taken for the purpose aforesaid by virtue of this act, all the covenants, contracts, and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Sec. 20. Where part only of any lot or parcel of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged as to the part thereof taken and the rents, considerations, and payments received, payable and to be paid for in respect to the same shall be so proportioned so that the part thereof

justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

Record of Proceedings.

Sec. 21. Any proceedings taken by the said council in carrying out the provisions of this chapter, shall be recorded in a book or books kept for that purpose by the city recorder describing particularly the respective improvements, and the real estate taken and assessed. The said books in which the said proceedings have been entered aforesaid and the official files and papers of said council shall be deemed public records, and be prima facie evidence of the facts therein stated; and certified copies thereof by the recorder or officer having the proper custody thereof with the seal of said council attached, shall be evidence in all courts to the same effect as if the original were produced. The city recorder shall be entitled to receive from any private party for any certified copy or transcript aforesaid furnished said private party, the like fees as are received for such services by the clerk of the district court of the County of Dakota.

Sidewalks.

Sec. 22. It is hereby made the duty of the city council of the City of South St. Paul, after the adoption of this charter, at their first meeting in February, or as soon thereafter as practicable to cause proposals to be published in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, for the construction, repair, and relaying of such sidewalks as may be ordered built, repaired, or relaid by the city council, between the first day of April and the first day of October in each year. General plans and specifications applicable to all sidewalks that may be ordered built, repaired or relaid during the year by said city council, shall be made and filed with the city recorder at least ten (10) days before the day named for the receipt of said bids by the said council, and the work shall be let and placed under contract as now provided by law for the construction, relaying and repair of sidewalks for which assessment is to be made, except that the bids for the construction, repair and relaying of said sidewalks shall be accompanied by a bond or certified check to the City of South St. Paul. If a bond be given it shall be in such sum as fixed by the council at the time the proposal is ordered published, executed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid according to the plans and specifications in case a contract shall be awarded him, and in case of default on his part to execute the contract should it be awarded him and furnish such further bonds as may be required and perform the work said bond may be sued and judgment recovered thereon by the said city in any court having jurisdiction thereof. The council of said city may cause sidewalks to be constructed, relaid, or repaired whenever they deem that the public interest require it.

Duty of Contractors and Engineer—Notices of Assessment and Confirmation—Payment of Contractors.

Sec. 23. Whenever said council shall order the construction of such sidewalks a copy of such order shall be transmitted to the person or persons having the contract for the construction, repair or relaying of sidewalks for the time being, who shall without delay thereafter cause the sidewalks so ordered constructed, relaid or repaired by the council to be built, relaid or repaired as the case may be, and it shall be the duty of the city engineer, within five days after having been notified by such contractor of the construction, repair or relaying of said sidewalks to examine the same, and if said sidewalks shall be found to be constructed, repaired or relaid in

accordance with the contract therefor, to report the fact to the city council, which shall cause an assessment to be made as hereinafter provided. At the first meeting after the completion of any work as aforesaid unless otherwise ordered by the council, the recorder shall obtain authority and give at least ten (10) days' notice by one publication in the official paper of said city to the effect that at a certain time and place, the council will proceed to make an assessment for construction, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvements. At the time and place specified in said notice, or such other time and place as may be fixed by adjournment, the said council shall assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment upon the real estate or lots of land fronting on said improvement aforesaid. When said assessment is completed, the said council shall give six days' notice by one publication in the official newspaper of the city, to the effect that at a time and place therein specified that said assessment will be confirmed, unless cause is shown to the contrary, and that objections must be filed one day before such time of meeting with the city recorder. Such objections shall be made and filed in the same manner, and said council shall proceed in hearing the same and have the same power to revise, correct, confirm or set aside such assessment, or proceed de novo as provided in section fifteen of said chapter. Said assessment when confirmed, shall be final and conclusive, and no appeal shall lie therefrom. A warrant shall issue for the collection thereof, and said assessment shall be enforced and collected as other assessments made under this chapter. Whenever the said contractor shall fail to build, repair or relay any sidewalk within the time designated by the council or in any other respect fail to comply with the terms of his said contract, the said council shall have power to furnish and use men and material to complete the work, and charge the expense to the contractor, and the same shall be deducted from any money due him or to become due such contractor, or may be collected from him in a suit by said city, or said city council may re-advertise for bids for the completion of the unexpired term of said contract, and let a contract as hereinbefore provided as the original contract. In case the said contractor shall proceed to properly perform and complete his said contract, and all the provisions, clauses, matters and things therein contained, the said city council, may upon said contractor filing with the city engineer an affidavit that all work and labor for which an estimate is asked is fully performed from time to time, as the said work progresses, grant to said contractor every thirty (30) days an estimate of the amount already earned, reserving, however, fifteen per cent therefrom. Provided, however, that said fifteen per cent shall be included in the final estimate allowed said contractor. Provided, however, that nothing in the foregoing section shall be construed to prevent any property owner from constructing his or her own sidewalk, under the authority and direction of the city engineer, provided said sidewalk shall have been contracted within ten (10) days from the date the same is ordered.

Other Improvements.

Sec. 24. Whenever any order shall be passed by the city council of the City of South St. Paul as herein provided for filling, grading, levelling, paving, curbing, walling, bridging, graveling, macadamizing, or planking any street, lane, alley, or highway, or for filling, grading, protecting, improving, or ornamenting any public square or for constructing area walls, gutters, sewers, or private drains, said city council shall cause the said work to be let and done as hereinafter provided, either before or after said work shall have been placed under contract as hereinafter provided, the said

council shall proceed, without delay to assess the amount as nearly as can be ascertained, which will be required to defray the costs of such improvements, including the necessary expense of making such assessment in proportion, as nearly as can be to the benefits resulting thereto, in the manner hereinafter provided.

Notice of Meeting.

Sec. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-four (24), said council shall give ten days' notice by one publication in the official newspaper of said city of the time and place of their meeting for the purpose of making such assessments, in which notice they shall specify what such assessment is to be for, and the amount assessed.

Said period of ten days shall commence from the day of publication. Said council shall also give four days' notice in writing, which may be served personally or by mail, to the same effect to all property holders interested, or their agents resident in the City of South St. Paul, if known to the said city council and found, but the failure to give such notice shall in no wise affect the validity of said assessment or of any of the proceedings.

All persons interested in any such assessment shall have the right to be present to be heard, either in person or by counsel, and said city council in its discretion may receive any legal evidence and may adjourn, if necessary from time to time and place to place.

Notice—How Served.

Sec. 26. The notice as required above, if by mail, may be made by depositing in the South St. Paul postoffice a postal card, addressed to the owners of the property to be assessed or their agents resident in South St. Paul, at least four days prior to the making of such assessment, upon which card shall either be printed or written substantially what the published notice by this section is required to contain; if served personally it may be made by a written notice of like character served by any police officer of said city.

Notice of Confirmation—Objections Heard.

Sec. 27. When the city council shall have completed their assessment provided for in section twenty-four (24) they shall cause like notice to be given of the time and place when said council shall meet to hear objections, and for the confirmation of such assessments, as hereinbefore required, in relation to assessments for the condemnation of real estate, which notice shall describe the real estate affected and the amount assessed against each lot or parcel, and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest, shall have the like rights (except the right of appeal) and the said common council shall perform like duties, and have like power in relation to such assessments as are herein given in relation to such assessments for the condemnation of real estate. When confirmed by said council, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If an assessment be annulled or set aside, the said council shall proceed de novo to make another new assessment in like manner, and give like notice as herein required in relation to the first.

Council to Advertise for Bids.

Sec. 28. Whenever the city council by a vote of at least two-thirds of the members of said council shall have determined upon making any pro-

posed improvement involving the doing of any work or the furnishing of any material, according to the provisions of this chapter, not otherwise provided for herein, the said council shall direct the city recorder to advertise for proposals for doing such work or furnishing such materials or both; a plan and profile of the work to be done accompanied with the specifications for doing the same, in all cases where such plans, specifications and profiles may be necessary for perfect description of the work to be done, being first placed on file in the office of the city recorder, which plans, specifications and profiles shall at all times be open for public inspection. The council may, for the sake of convenience or equity in making assessments as herein provided, divide the proposed work and improvements into several divisions or sections and indicate the same in their determination in relation to such improvements; and in such cases the plans, specifications and profiles shall correspond, as nearly as may be, with and indicate, such divisions and sections. Bids for doing any work or making any improvements as provided herein, shall name a gross sum for the whole work or improvement, or some specified division or section thereof, and the contract when awarded, shall be for the doing of the work or making the improvement, or some specified section, portion or division thereof, at a gross sum for the whole or for such specified part thereof. Upon being directed to advertise for proposals, the city recorder shall cause an advertisement to be published twice at intervals of six days in the official paper of said city, or such other paper as the council may direct, stating briefly, in general terms, the character of the work to be done, stating where the plans, specifications and profiles may be seen and examined, and within what time bids for such work will be received, and such other information as the council shall have imposed, reserving the right to reject any or all bids. Such bids shall be directed to the council of the City of South St. Paul, and shall be accompanied by a certified check, or a deposit of cash to said city in a sum equal to five (5) per cent of the amount of the bid, as liquidated damages, to be retained by the city if the successful bidder shall fail to enter into a contract, or furnish other required papers of security designated by the council, and which shall be forfeited to said city immediately upon the failure of the successful bidder to execute such contract upon presentation. Said bids shall be opened by the city council at their next meeting after the time for receiving bids shall have expired, or at any other appointed regular or special meeting therefor or thereafter. Upon the opening of such bids, or any time thereafter, the council shall award the doing of the work or any part thereof to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requirements, unless the council shall deem all of said bids unreasonably high, and by resolution reject all bids in connection with such improvement.

Upon the acceptance of any bid by the city council, the successful bidder shall be immediately notified thereof by the city recorder, and there shall be prepared by, or under the direction of the city attorney, a contract to be made and executed by the successful bidder and the mayor and city recorder, on behalf of said city, reciting the terms and conditions for the performance of such work and improvement, and the successful contractor shall also be required to give bonds to be approved by the city council conditioned for the faithful performance of his contract and such other conditions as the city council may require and upon the execution of such contract by the contractor, and after authority duly granted by resolution duly passed and approved by the council, the mayor and city recorder shall execute said contract on behalf of said city. In case any person or persons with whom such contract has been made shall fail or neglect to complete the same within the time and manner prescribed, the city council may, at any time after such default, in its discretion and at its election,

either cause action to be brought for the recovery of the amount thereof on account of such default, or declare such contract forfeited, and in the latter case, the city council may then complete the work by contract or otherwise at the cost and expense of the said contractor, and the cost of completing the same shall be considered as forfeited and liquidated damages, between such contractor and the city, for the breach of such contract, and shall be deducted and withheld from the contract price which the contractor was to have received for the doing of the whole of such work.

Right to Re-Let.

Sec. 29. The said city council shall reserve the right in their said contracts, in case of improper construction, to suspend the work at any time and re-let the same or to order the entire reconstruction of said work improperly done. In case where the contractor or contractors shall proceed to properly perform and complete the said contracts, the said council may from time to time, in their discretion as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon, when there is money applicable to the payment of such work. When the whole work has been completed by such contractor or contractors to the satisfaction of the council, the amount or balance due him shall be audited and allowed by the city council of said city, and shall be payable out of the moneys applicable to the payment of such work, all estimates of the city engineer for work done under any and all contracts shall be made out monthly, and so allowed by the city council.

Notices May Be Combined.

Sec. 30. Two or more of the notices required or authorized by this act to be given by publication in the official paper of the city, in any special assessment proceedings, may be comprised in one advertisement. PROVIDED, such notices are of the same general character, or for like object, and provided that in other respects the notices so published shall sufficiently comply with the essential statutory requirements, and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city, by the city treasurer, or of the delivery to him of all special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided for by this chapter. PROVIDED FURTHER, That all notices under this charter or any amendment thereof required, or which may or is to be given under this act or any act amendatory thereof by publication in the official paper, shall be deemed sufficient and legal, if published on the regular publication day of said official paper.

Warrants for Collection.

Sec. 31. When any special assessment shall have been confirmed, it shall be the duty of the city recorder to issue a warrant for the collection thereof, which shall be under the seal of said council and signed by the mayor and city recorder of said council and shall contain a written or printed copy of the assessment roll as confirmed aforesaid or so much thereof as described the real estate and the amount of the assessment in each case. In case an appeal as provided for by section sixteen, said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated aforesaid. And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the council shall make a new assessment as to the property of such ap-

pellant last mentioned by proceedings de novo as to the same in accordance with the provisions relating to improvements referred to in section seven; and in case the amount of damage or recompense which said council may award such appellant upon such new assessment shall exceed the first, the city council shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded appellant, together with the costs and expenses of such new assessment.

Sec. 32. All warrants issued for the collection of special assessments shall be delivered by the city recorder to the city treasurer, taking his receipt therefor.

Treasurer to Give Notice.

Sec. 33. Upon the receipt of any warrant for the collection of any special assessment the city treasurer shall forthwith give notice by two days' publication in the official newspaper of the city that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof, the same will be collected at the cost and expense of the persons liable for the payment of such assessments. Upon the receipt of a warrant for the collection of a sidewalk assessment, the city treasurer shall forthwith give notice by two days' publication in the official newspaper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessment.

Sec. 34. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

Treasurer to Apply for Judgment.

Sec. 35. If the assessment charged in any special assessment, whether made by appropriation or condemnation of land, or for any other improvement whatsoever under the provisions of this chapter, shall not be paid within sixty days after the first publication of notice by the city treasurer, that he has received such warrant for collection in case of a collection warrant issued on or by reason of a reassessment or new assessment, in which latter case five days' notice shall be given that such warrant is in the treasurers hands, by one publication in the official paper, the entire assessment then remaining unpaid shall be collected with interest at the rate of one (1) per cent per month for each and every month thereafter until same is paid, and it shall be the duty of the city treasurer to apply to the district court of said Dakota County for judgment against all property on account of which assessments remain unpaid as above specified, and so proceed in all respects according to the provisions of this act in case of unpaid assessments.

Sec. 36. It shall be the duty of the city treasurer, immediately after the expiration of sixty days, or after ten days on a reassessment or new assessment warrant mentioned in the preceding section, to report to the district court of Dakota County at any general term thereof, all assessment warrants for the collection of any assessment under the provisions of this chapter, which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of the assessments, interests and costs respectively due thereon. The city treasurer shall previously give at least ten days' notice by two publications in the official paper of said city, of his intended application for judgment, which notice shall briefly specify the

respective warrants upon which application is to be made, and a description of the property against which judgment is desired and required, all persons interested to attend at said term; said period of giving notice shall begin from the first publication of said notice. Said treasurer shall also give five days' personal notice to the same effect, to all property holders interested or their agents resident in the City of South St. Paul, if it be known to the said treasurer and found, but the failure to give such personal notice shall in nowise affect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

Sec. 37. The city treasurer shall obtain a copy of the advertisement referred to in the preceding section, together with an affidavit of the publication thereof from the printer or publisher of the newspaper in which the same was printed, and shall file the same with the clerk of such court at the said term with said reports.

Duty of Clerk of Court.

Sec. 38. The clerk of said court, upon the filing of such reports of the city treasurer, shall receive and preserve the same, and shall annex thereto or file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit and shall be docketed by the clerk of said court in a suitable record book to be kept by him for that purpose substantially in the following form, to-wit: City of South St. Paul vs. certain lot of land..... suit for assessment on warrant for, or in such other manner as will sufficiently indicate the nature of the improvement for which assessment is made, in which said record book the judgment when rendered shall also be docketed. PROVIDED, however, that the court may, by rule or otherwise, direct how and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

District Court—Hearing.

Sec. 39. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over the other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports, for which no objections shall be filed for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports or any person beneficially interested therein may enter an appearance in said action at any time designated in the city treasurer's notice and file objections in writing in the clerk's office to the recovery of judgment against such property; no objections shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the council had no authority to order the said improvement; and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion, any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings and shall dispose of the same, with as little delay as possible, consistent with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and

lands and process shall issue for the same thereof, the same as in all other cases.

Sec. 40. In all cases where judgment shall be rendered by default against property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form: "WHEREAS, Due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show why judgment should not be entered against the said lands and other property for the assessment damages, interests and costs due and unpaid thereon. Therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the City of South St. Paul for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon; and it is ordered by the court that the several lots and parcels of land or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs annexed to them severally be sold as the law directs."

In all cases where a defense shall be interposed, and judgment be rendered against the property, a similar order adapted to the circumstances of the case, shall be made and entered of record. Fifteen cents costs shall be paid to each lot against which judgment is rendered and the further sum of one dollar to each lot for advertising the notice of sale; PROVIDED, that in all cases where a defense is interposed and not sustained the court may direct by special order or by rule, such additional costs be included in the judgment as may be deemed proper.

Sec. 41. It shall be the duty of the clerk of such court within twenty (20) days after such order is granted aforesaid to make out under the seal of said court a copy of so much of said city treasurer's report in such case as give a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land shall be sold for the amount of any assessment, interest, damages and costs so levied, assessed or charged upon them; and the said city treasurer is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice to be published two times in the official paper of said city, which period of ten (10) days shall commence with the first publication.

Sec. 42. The said advertisement so to be published in each case of judgment upon any collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of judgment rendered thereon respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said treasurer. The omission of the name of any owner or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped any time upon the payment of said judgment to the city treasurer.

Sec. 43. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, blocks and sections.

Certificate of Sale.

Sec. 44. Certificates of sale shall be made and subscribed by the city treasurer under the seal of the City of South St. Paul, which shall be

delivered to the purchaser, and which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of 12 per cent per annum from the day when judgment was rendered to the day of sale, and fifty cents cost on each description for such other expenses as may be incurred by the city in selling property, which judgment, interest and costs shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate, and the time when the right to redeem shall expire.

Sec. 45. The person purchasing any lot or parcel of land shall forthwith pay to the city treasurer the amount of the judgment due thereon; and on failure so to do the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the case be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sec. 46. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, costs and expenses to be charged against each lot or description as provided by law, the amount of sale, to whom sold, or if struck off to the city, to whom transferred afterwards, with the amount of transfer, and attached thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this record on file in his office. Certified copies thereof may be furnished when desired.

Redemption.

Sec. 47. If at such sale any piece or parcel of land shall be sold to a purchaser, or the piece or parcels of land bid in by the city, the same may be redeemed at any time within three (3) years from the date of sale, or any time thereafter, before the notice of the expiration of the time for redemption has been given, and the time therein stated has expired as hereinafter provided, by any person having an interest therein who shall pay into the treasury of the city for the use of the person thereto entitled as follows:

First—If such piece or parcel of land shall have been bid in for the city, and the right of the city shall not have been assigned, the amount for which the same was bid in with interest at 12 per cent per annum and the penalties and costs thereof.

Second—If the right of the city shall have been assigned, the amount paid by the assignee with interest at 12 per cent per annum from the date when paid, and all assessments with interest and costs that may have been made against said land which have accrued subsequent to the assignment to said purchaser and been paid by him.

Third—If the same shall have been sold to a purchaser, the amount paid by him, with interest at 12 per cent per annum, and if he shall have paid any subsequent assessments, the amount so paid, with interests and costs accruing thereon from the date of paying the same. If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed within one year after such disability shall be removed. After three years, as herein provided, shall have expired, any person holding any assessment certificate, either by purchase at sale or by assignment, may present the same to the city treasurer, and said city treasurer shall, on demand of the holder of the said certificate, prepare under his hand and official seal, a notice to the person in whose name the lands described therein are assessed, specifying the description of such lands, the amount

for which the same was sold, the amount required to redeem such land from such sale, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire, which notice the city treasurer shall deliver to the party applying therefor, who shall deliver the same to the chief of police of said city, or any other officer duly authorized to serve papers issuing out of the district court of Dakota County for service and return. The officer receiving the same shall within twenty (20) days after the receipt by him of such notice, make a return of the same to the treasurer, and such service shall be made in the manner prescribed for the service of a summons in a civil action in the district court. If the person named in such notice cannot be found in the city, and there be any person in the actual possession of the land therein described, the same shall be served upon him. If there be no person in actual possession of the land, both of which facts the return of the officer shall be prima facie evidence, the said notice shall be served thereafter by the city treasurer by publication once in each week for three successive weeks, in the official paper of said city; PROVIDED, however, that the city treasurer shall not publish such notice unless all the costs of publication shall be first paid by the person demanding the same.

No deed shall be executed by the officers of said city until the full period of redemption has expired, which shall be sixty (60) days after the service of said notice, and the proof thereof has been filed.

The fees of the officer for serving, and the printers' fees for publishing said notice shall be repaid by the party offering to redeem the same.

The city council may, in its discretion, order and direct the city treasurer to serve the notice herein provided where any property at any such sale has been bid in by said city, and the certificate thereof not been assigned in like manner as where the same is held by a purchaser or assignee, and all of the costs of service of said notice and publication thereof, shall be paid by any person desiring to redeem the same. Upon redemption, the city treasurer shall execute to the redemptioner a certificate of satisfaction of such assessment, lien and judgments.

When redemption has been made, upon the return of the certificate of sale, or proof of loss thereof, and the filing with the city treasurer of a bond, in case of its loss, to be approved by him conditioned to save said city harmless from any claim of any person who may afterwards produce said certificate, the treasurer shall pay over the amount paid in redemption from said sale to the owner of said certificate.

If the property shall not have been redeemed according to law, a deed shall be executed to the purchaser, or his assignee, signed and acknowledged by the mayor and recorder of said city, conveying to said purchaser or assignee, the premises so sold and unredeemed as aforesaid.

PROVIDED, That nothing in this chapter contained shall be construed to affect or prejudice any lien, for all taxes which have been or may be levied upon such property under the general laws of the state. In cases of redemption the city treasurer shall notify the person holding the certificate of sale, that the amount of such certificate with the interest thereon so paid is in the city treasury, subject to his disposal.

Certificates of Sale Assignable.

Sec. 48. Such certificates of sale hereinbefore described shall be assignable by endorsement and an assignment thereof shall vest the assignee, or his legal representative, all the right and title of the original purchaser.

Sec. 49. Whenever it shall appear to the satisfaction of the recorder before the execution of the deed for any property sold for assessments that such property was not subject to assessment, or that the assessment has been paid for previous to the sale, he shall, with the approval of the city

council of said city, make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be prima facie evidence of the fact therein stated; PROVIDED, that where the sale shall have been made to any purchaser other than the city, the city council of said city, before approving of such entry, shall first cause notice to be given by mail, or in such manner as said council may direct to the purchaser, his heirs, assigns, or legal representative, of said proceedings; and PROVIDED FURTHER, that in case such entry is approved, the purchase money shall be refunded to the parties entitled thereto.

Deeds—Evidence.

Sec. 50. All deeds made to purchasers of lots and parcels of land sold for assessments or the record thereof, shall in all cases, be prima facie evidence that all requirements of the law, with respect to the sale, have been duly complied with, and of title in the grantee therein, after the time for redemption has expired, and no sale shall be set aside or held invalid, unless the party objecting to the same shall prove either that the court rendered the judgment pursuant to which the sale was made, had no jurisdiction to render the judgment, or that after the judgment and before the sale of such judgment had been satisfied or that the rights of the party objecting thereto have been materially prejudiced by failure to substantially comply with some provision of this charter either before or after the sale, or unless the action in which the validity of the sale shall be called in question be brought, or the defense alleging its invalidity be interposed within three years after the date of sale. In case the sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment the court so setting aside the sale shall have power in such case to order a new sale to be made as near as may be in accordance with the provisions of this act. That in any action hereinbefore or hereinafter commenced in which the validity of a deed under this act is brought into question, and on account of any irregularities, the same shall be set aside, the party holding such deeds shall recover from the adverse party the amount paid for such deeds to the city, with interest thereon from date of sale, at the rate of 12 per cent per annum. All deeds referred to in this chapter shall be admitted to record without prepayment of taxes or the county auditor's certificate that taxes have been paid.

Sec. 51. Any change made in the incumbent of the office of city treasurer during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of any vacancy occurring in any such office, the proceedings shall be prosecuted by the recorder until such vacancy is filled by election or otherwise.

Sale—When Made.

Sec. 52. All sales of property for the non-payment of assessments provided for in this chapter shall be made in the daytime at public vendue in the City of South St. Paul, at the time and place stated in the notice of sale prescribed in sections forty-three and forty-four of this chapter, and may be adjourned from day to day (Sunday excepted) until the whole is completed.

Penalty for Neglect.

Sec. 53. Any city treasurer or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who will consent to, or connive at, any evasion of its provisions,

whereby any proceedings required by this chapter shall be prevented or hindered, shall for every such neglect or refusal, be liable to said city individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in action of debt, in any court having jurisdiction of the amount thereof.

Sec. 54. No errors or omissions which may have heretofore been or may hereafter be made in the order, or in the proceedings of the council or of any of the officers of the city, in referring, reporting upon, ordering or otherwise acting concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying and collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any way affect such assessment. The reports of the city treasurer on assessment warrants held by him referred to in section thirty-eight of this chapter, shall be prima facie evidence that the proceedings up to the date of such warrants were valid and regular, and the certificates of the sale issued as provided for in this chapter shall be prima facie evidence of the validity and regularity of all proceedings up to the date of such certification.

Sec. 55. No purchaser of lands or lots or other property sold for assessment, or his heirs or assigns shall be entitled to deed until he or they shall have been paid all assessments made thereon, prior or subsequent to the assessments under which such purchase was made. The amount of all such prior or subsequent assessments, so paid by any such purchaser, his heirs or assigns, to redeem the promises from any such sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof with interest at one per cent per month from the time of such payment or redemption shall be refunded to such purchaser, or to be paid to the treasurer of the city for the use of such purchaser, his heirs or assigns by the owner or person entitled to redeem before any redemption shall be made, except as provided in the section next following.

City May Take Possession—When.

Sec. 56. After any real estate has been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof, and the city treasurer by authority of the city council may rent or lease the same, until the rent shall equal the amount due on such special assessment, interest, penalty and costs. PROVIDED, that if any lot or parcel of land so struck off to said city shall again be sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser except said city for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment, with rate of interest aforesaid at the rate of 12 per cent per annum.

Sec. 57. All judgments rendered under this chapter upon said assessment shall bear interest at the rate of 12 per cent per annum from the date thereof until paid.

Sec. 58. The city treasurer of said city may at any time before or after the time for redemption has expired, assign any certificates of sale of the property aforesaid, to any person, by endorsement thereon after payment by such person into the city treasury of the amount at which the same was so bid, together with the amount of any prior assessment, with interest thereon at the rate of 12 per cent per annum and costs, and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and shall be entitled to a deed as in other cases. PROVIDED, that after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed the city council may authorize the city treasurer to sell, assign

and transfer the interest of the city in and to any such certificate, for such sum or price as to them may appear for the best interest of the city.

Council May Re-assess.

Sec. 59. If in any case, the first assessment to pay for any local improvement, either before or after such improvement is completed shall prove insufficient to fully pay for the same, the city council may assess and re-assess the same upon the property benefited, or which will be benefited, until a sufficient amount is realized to pay for the same. If too large an amount shall at any time be realized, the excess shall be refunded ratably to those by whom it was paid, if the council shall order, it being the true intent and meaning of this act to assess and re-assess upon the real estate benefited to the extent of such benefits for any deficiency over and above the first assessment which said improvement may cost.

New Warrants to Issue.

Sec. 60. In all cases where the treasurer shall be unable to enforce the collection of any special assessment by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said city council is authorized and empowered to cause a new warrant to issue to the treasurer, for the collection of any assessments which, by reason of such irregularity or omission remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner as near as may be as is prescribed by the provisions of this chapter for enforcement and collection of special assessments after the same shall have been confirmed, as in this charter provided, and as often as any failure shall occur by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner, until such special assessments shall be fully collected, as to each and every tract and parcel of land charged thereby.

Council May Re-let Contract—When.

Sec. 61. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended before final completion, by the failure of the contractor to perform the same or for any other cause, the council may re-let the unfinished portions of such work in the same manner, as near as may be provided in this chapter for the letting of contracts for public improvements and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

Owners.

Sec. 62. Property owners may be allowed to construct streets and other public improvements, except as otherwise provided herein, upon or through their own property at their own expense in such cases, and upon such terms and under such regulations as the council may prescribe from time to time by ordinances.

Sec. 63. It shall be deemed personal notice in all cases under the provisions of this chapter, where personal notice is required, when the notice is served by delivering a copy or by reading the same to the person so to be notified, or by leaving a copy at his or her last place of abode, or at his or her place of business, with some person of suitable age and discretion, or by leaving said copy in a conspicuous place at his or her place of business, in the daytime, if such person is absent therefrom.

Unforeseen Obstacles.

Sec. 64. If the council in carrying out the provisions of this chapter should find unforeseen obstacles in grading, excavating, filling, paving or

in any case of improving or opening or widening streets or public highways, or sewers, not provided for, the city council may by resolution order such change or resolution on such improvement to meet such unforeseen obstacle as the said council may deem equitable and just either before or after the confirmation of any assessment or before or after the letting or making of any contract to do the same, or at any time while the work is in progress, or by a two-thirds vote of the city council-elect; and any additional expense occasioned by such change or modification of the improvements may be included in the original assessment, or raised by an additional assessment upon the property benefited by such improvement, to the extent of such benefits. PROVIDED, that no such work shall be done until ordered by the city council by a two-thirds vote of the members-elect. PROVIDED, that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible, by the city council causing a schedule to be made, classifying the various kinds of work and material and fixing the price of these to be paid for such work or material as may become necessary, but cannot be foreseen; which said schedule shall be approved by the city council, and a copy thereof shall be signed by the bidder and attached to his bid, and the same shall be attached to and make part of the contract; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles. The said city council shall have power to correct any error, omissions, or mistake in an assessment, either before or after the confirmation, up to the time judgment may be obtained thereon, either as to the amount, or owner, or description so as to conform to the facts and rights of the case as intended, and if by reason of such error, omission or mistake the assessment shall be reduced below the amount of money required to pay costs and expenses of said improvements, the city council may make a new assessment upon the property benefited to make up the deficiency, together with the costs and expenses of such new assessment. PROVIDED, that five days' notice of the time and place of making such correction shall be given by one publication in the official newspaper of the city, unless the owner of the real estate affected be present or consents thereto. Said correction shall be entered of record and a copy thereof filed with the city treasurer. PROVIDED, that if the expenses required to overcome such unforeseen obstacles will materially increase the cost which would be incurred in the work, if such unforeseen obstacles had not occurred, then the city council shall have power, by a two-thirds vote of the members-elect, to rescind the contract so far as the uncompleted part of the work is concerned, and in their discretion, by a two-thirds vote of the members-elect, after such rescission, order the work to be re-let as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to the contract price as nearly as the same can be ascertained, and no more.

Proof of Publication.

Sec. 65. When any notice is required to be published in any newspaper, under this chapter, an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice, taken from the paper in which it was published, and specifying the time when such notice was published, shall be evidence in all cases and in every court or judicial proceedings of the facts contained in such affidavit.

Proceeds of Bonds.

Sec. 66. The proceeds of all local improvement bonds heretofore issued, or hereafter to be issued shall constitute a fund to be known as the

local improvement fund of said city. All contracts heretofore or to be hereafter made for local improvements, which are to be paid for by special assessments under the provisions of this chapter, shall be paid for out of said local improvement fund, and said fund shall be kept inviolate, except as otherwise provided, for the payment of such contract. In case of property condemned for public use, if, after the expiration of six months after the whole assessment for benefits of the improvement shall have been finally confirmed and determined, the said assessment shall not have been fully paid in, the city council of said city may, in its discretion, out of said local improvement fund appropriate sufficient to make up the deficit occasioned by failure. PROVIDED, that said advance shall in no case exceed 25 per cent of the damages to be paid upon such condemnation. Such advance shall be replaced in said improvement fund out of the assessments for such improvements which may hereafter be collected. No money shall be paid from the treasury upon the condemnation or appropriation of any property until there is sufficient funds in the treasury properly applicable thereto, to pay the total damages awarded, and if such damages remain unpaid or unprovided for, for nine months after the assessment for damages and benefits shall be finally determined as to all the property involved, the proceeding shall lapse, and all moneys paid into the treasury upon such condemnation shall be returned to the parties entitled thereto.

Sec. 67. If for any cause the proceedings of the council or any of its officers may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assessment from time to time and as often as need be until a sufficient sum is realized from the real estate benefited by such improvement to pay all costs, damages, and expenses incurred thereby; it being the true intent and meaning of this act, to make the costs and expenses of all public improvements provided for in this chapter local to the City of South St. Paul, payable by real estate benefited by such improvement, to the extent of such benefits; except that in case of sidewalks the assessment shall be made as in such cases provided.

Sec. 68. It shall be the duty of the city council, in estimating the benefits to any particular lots, piece or parcel of land to take into consideration the nature of the owner's interest therein, the form and position of their several parcels of land, the qualified right of the owner in reference to its enjoyment, and any other circumstances which render the proposed improvements more or less beneficial to him or them, and the determination and assessment or estimate of benefits of said council shall be final, except an appeal is expressly allowed.

Sec. 69. If in the opinion of the city council, any work under contract does not proceed each month so as to ensure its completion within the time named in the contract, the said council shall have power to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any money due him or to become due to such contractor, or may be collected from him in a suit by said city.

Register of Deeds—Duty.

Sec. 70. The register of deeds shall not record any deed from a private person or private corporation, unless there be endorsed on such deed a certificate of the city treasurer, that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds shall be a misdemeanor and punished by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer upon the application of any person interested in such deed, where the assessment has been paid, and not otherwise, to make such certificate free of charge, but the said city treasurer shall not certify that said assessment has been paid in any case where the property has been pur-

chased by the said city at the sale provided for by this act, and the time for the redemption has not expired, and the city shall hold the certificate of sale.

CHAPTER XI. MISCELLANEOUS PROVISIONS.

Official Newspaper.

Section 1. The council shall, at its first meeting in May in each year, or as soon thereafter as may be, cause the city recorder to advertise in the official paper of the city, or any other newspaper of general circulation in said city, or the capital of the state, for publishing in some legal newspaper as such is, or may be hereafter defined by law, which is published in the City of South St. Paul, or the capital of the state, of daily issue, and having a circulation of at least 250 paid subscriptions in the City of South St. Paul, for the publication of ordinances, official proceedings of the council and other matters required in the charter, and ordinances and resolutions of said city to be published in a public newspaper, PROVIDED, that such publication be made in solid nonpareil, and that the rate for such publication shall not exceed forty cents (.40) per inch solid nonpareil for the first insertion, and twenty-five (25c) for subsequent insertions, PROVIDED FURTHER, that the council shall have power, if no contract can be secured for the prices herein stated, to publish any or all of the matters required by this charter to be published, by posting the same in three (3) public places in said city, or having the same printed and published in pamphlet form for general circulation in said city at such intervals of time and in such manner as it shall direct, except that all matters required to be published in local assessments shall in all cases be published in some legal newspaper as herein described.

The city council may, by resolution, require said official paper to publish a full or partial report of any of its regular or special meetings, or full or partial report of any meeting of any board under this charter at the same rate as the contract with said official paper provides for.

Such contract when made, and the required bond filed with the recorder, and approved by the council, shall extend for a period of one year from the date when the contract for the preceding year expires, if one is in existence, otherwise for a period of one year from the date of its execution, and the filing and approval of the bond as herein required, except that the city council may let such contract for the period from September eighth, 1905 to June first, 1906, in the manner herein provided at any time before September eighth, 1905.

Sec. 2. The city council shall not have power to relieve any citizen from the payment of any lawful tax or license, or to exempt him from any burden imposed upon him by law, or order or ordain the payment of any demand not authorized and audited according to law, nor shall the city council have power to ordain or authorize any compromise of any disputed demand, or any allowance therefor or therein, except as provided in the contract therefor, or the payment of any damages claimed for alleged injuries to person or property, except by ordinance adopted by a vote of three-fourths of the council. And no action shall be had or maintained against the City of South St. Paul for any damages claimed for alleged injuries to persons or property, unless an action be commenced within one year after a cause of action has accrued.

Actions to Recover Penalties or Forfeitures.

Sec. 3. All actions brought to recover any penalty or forfeiture under

this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

City Not Liable For Board of Prisoners.

Sec. 4. The City of South St. Paul shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Dakota County, for any offense punishable under the State laws, nor the board of any prisoners held in the city jail pending trial or examination under said laws.

Sec. 5. No person shall be incompetent as judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party.

Sec. 6. When any suit or action shall be commenced against said city, the service of the summons therein, may be made by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor forthwith to inform the city attorney thereof, who shall take such proceedings as by the ordinances or resolutions of said council may in such case provide, or as may be needful in the matter.

Appeal By the City.

Sec. 7. The city may prosecute an appeal in all cases to the district court, or to the supreme court of the state. The mayor in case of such appeals, or in action or proceedings to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him and the city recorder, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give security for costs.

Judgment—How Paid.

Sec. 8. In case any judgment shall be rendered in any court of record against the city for a sum exceeding five hundred (\$500.00) dollars, and no appeal shall be taken therefrom within the time allowed by law, it shall be the duty of the clerk of court to file a certified transcript of such judgment with the city recorder. And it shall be the duty of the said city council, to include in the next annual levy of taxes to be thereafter assessed and collected, a sum sufficient to pay such judgment, with legal interest accrued thereon: the amount so collected shall be credited to the general fund of said city, and such judgment shall thereafter be paid as other claims and demands against said city, but no execution shall issue upon such judgment for a period of six months after the first annual levy of taxes by said city after the date of the filing the said transcript of said judgment as aforesaid with the city recorder. PROVIDED, That the said council may order the payment of such judgment at any time after the rendition thereof, if there shall be sufficient money in the general fund of said city not otherwise appropriated.

Property Exempt From Levy and Sale.

Sec. 9. All property, real and personal, belonging to the city, or any of the departments or wards thereof, and all public school-houses within said city, and the furniture and apparatus thereto belonging, shall be exempt from any seizure of sale under or by virtue of any attachment, execution or other process. No property, real, personal or mixed, belonging to any inhabitant of said city, or to any person or corporation, shall be seized upon or sold under or by virtue of any attachment, execution or other process issued to secure, satisfy or collect any judgment, obligation or contract of said city.

Sec. 10. All deeds, leases and other instruments executed by said city, for the conveyance of real estate or any interest therein, for a term exceeding one year shall be authorized by a resolution of the council, which shall be quoted or referred to in such instrument, and signed by the mayor and city recorder, who shall affix the seal of the city thereto.

Sec. 11. All bonds hereafter to be issued by said city, and all orders on the city, shall be signed by the mayor and the city recorder, who shall affix the seal of the city thereto.

City May Lease.

Sec. 12. The said city may lease, purchase and hold such real and personal estate as the city council may deem necessary or convenient, and may ease, sell and convey the same, except as otherwise provided herein, and the same shall be free from taxation.

Contracts in Excess of \$200.00—How Let.

Sec. 13. All contracts for work to be done by said city or for the purchase of materials or property of any kind, for the public use of said city, not otherwise provided for in this act, in which the value of such property materials, shall exceed the sum of two hundred (\$200.00) dollars, shall be let to the lowest responsible bidder, reserving to the council the right to reject all unreasonable bids. In such case the council shall require a notice of not less than six days of the time and place of letting such contract, by one publication in the official paper of said city, which notice shall substantially describe the work to be done, and such particulars as the city council may order, and shall designate the time and place when and where sealed proposals shall be received therefor the said proposals shall be opened and considered by the council at any regular or stated meeting thereafter, or at a special meeting, if designated in the notice, and upon any bid aforesaid being accepted, a contract in accordance therewith shall be drafted and submitted to said council at any regular or special meeting for its approval, and upon the same being approved, it shall be executed on the part of the city by the mayor and said city recorder, with the corporate seal of the city attached, and filed with the bond in the office of such recorder. The said council shall require a bond on the part of the contractor, to be executed with such conditions and with such sureties, and in such amount as the council may prescribe for the purpose of securing the performance of the contract; the council shall also have power to require every bid to be accompanied by a bond on the part of the bidder; in such sum and with such sureties and conditions, as the city council may prescribe, or in lieu thereof a certified check in a sum at least 10 per cent of the bid. Contracts for work or for materials or property, where the value of the work or the price of the property or materials shall not exceed the sum of two hundred (\$200.00) dollars, may be authorized by a resolution of the city council, to be made and entered into by any committee or officer of said city designated in such resolution. PROVIDED, That in the event of extraordinary and sudden injury by fire, flood, or other unforeseen cause to any public street, public levee, public building or other public property of said city, whereby such property or adjoining property may be endangered or damaged or the public health or safety may require the immediate repair thereof, the said council may authorize the same by resolution passed by a two-thirds vote of all the members elect, but the cost and expense thereof shall not in any case exceed the sum of one thousand (\$1,000.00) dollars. In case of any contract provided for in this charter, required to be let upon notice aforesaid, the recorder shall not countersign the same until there shall be sufficient money in the appropriate fund, or provided for by a

tax levy already made, to meet the indebtedness to be incurred by such contract. When the said contract shall have been so countersigned by such recorder, he shall immediately thereafter deliver a certified copy thereof to the party or parties named in such contract, and until the delivery of such certified copy, the same shall not be deemed the contract of said city, and no work shall be commenced or done thereunder until such contract is so delivered, nor shall the same be accepted by said city, or any accounts, claims or demands allowed, audited and paid therefor.

Sec. 14. Any contractor or person who accepts a contract under said city shall take the same with the condition, that he shall be personally and directly responsible for any and all loss damage or injury to person or property by reason of the neglect or failure of himself or any one in his employ, to so perform such work as to guard against all loss, damage and injury to person or property, and shall guard such work by suitable guard by day and with lights at night, so as to prevent any such loss, damage or accident.

Profiles to be Filed.

Sec. 15. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this act, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the city engineer, and also filed in the office of the register of deeds of Dakota County.

Power to Condemn.

Sec. 16. The City of South St. Paul shall have the power to take private property for public use upon just compensation therefor being first paid or secured. Such power shall be exercised through its council or other officers of said city as provided in this act, or as may hereafter be provided by law.

Plats.

Sec. 17. All additions to the City of South St. Paul made, laid out, and platted as required by law, shall before the same take effect, or are recorded in the office of the register of deeds of Dakota County, be presented to the city council of said city, at some regular or special meeting thereof, for the acceptance by said city, of the dedication of streets, lanes, alleys, parks or other public grounds therein.

Sec. 18. Said city shall accept the same, when the streets, alleys, lanes, parks or other public grounds thereof, proposed to be dedicated, shall conform to the streets, lanes, alleys and other highways of the adjoining additions already laid out and dedicated, platted and recorded so far as practicable from the topography of said addition and adjacent additions; and the proprietor or proprietors of such new addition, shall, when they present their plat or map as aforesaid, also present a plat or map of the addition or additions adjoining the same, if any, showing how said proposed new addition joins and conforms to the streets, alleys, lanes, parks or other public grounds in the older or accepted additions. And the said City of South St. Paul shall not be required to work, repair or keep in repair or otherwise improve any street, alley, lanes, parks, or other public grounds in such new addition, until the same has been accepted as aforesaid, PROVIDED, That all the principal and important streets and avenues in said new addition shall be at least sixty (60) feet wide, and all alleys or lanes at least sixteen feet wide.

Charter Not Repealed by State Law.

Sec. 19. No law of the State contravening the provisions of this act

shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 20. The files, records and papers in the office of the city recorder, city engineer or any other officer of said city, or copies thereof, duly certified by the officer having the same in charge, proofs of publications of all notices, resolutions, orders, or proceedings of the city council required to be published under this act, on file in the proper office, or copies thereof certified by the officer having the same in charge, shall be received and read in evidence in all courts and places without further proof. All printed compilations of laws and ordinances of the city, and all printed publications of the proceedings of the city council or any of the officers of said city, if published or purporting to be published, compiled or revised by or under the authority of the said city or any of its officers, or by any duly appointed charter commission of said city, shall be admissible in all courts of law, and all other occasions in the State as evidence of such laws, ordinances and proceedings.

Sec. 21. It is hereby made the duty of the Register of Deeds of Dakota County, to record any deed or any other instrument in which the preator or grantee is the City of South St. Paul, without requiring the same to be certified "taxes paid and transferred" entered or paid by sale of land described within, any general law of the State to the contrary notwithstanding.

Public Property Not to be Disposed of Without Authority of City Council.

Sec. 24. No city officer or employe of the city shall sell, dispose of, or convert to his own use, any city property in his charge without special authority from the city council, except as otherwise provided herein.

Sec. 25. Any person having been an officer of said city shall, within ten days after notification and request, deliver to his successor in office all property, papers, books and effects, of every description, in his possession belonging to said city or pertaining to the office he may have held.

If he fails so to do, after such notification and request, he shall forfeit and pay to the use of the city five hundred dollars (\$500), besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this State.

This Act to be a Public Law.

Sec. 26. This act is hereby declared to be a public act and need not be pleaded nor proved in any court or case.

Sec. 27. All ordinances, resolutions, by-laws and rules now in force in the City of South St. Paul, shall be and remain in full force and effect, which are not inconsistent with the provisions of this charter.

Sec. 28. All ordinances, resolutions and by-laws inconsistent with this charter are hereby repealed, except that all vested rights under any ordinance, order, resolution, by-law or contract shall be and remain in full force and effect.

Official Terms of Officers Elected or Appointed.

Sec. 29. The term of any officer elected or appointed in the year 1905, except as otherwise provided in this charter, shall expire on the third Tuesday in April, 1907, or as soon thereafter as his successor is elected or appointed and qualified.

Certain Officers Not to Contract With City.

Sec. 30. Neither the mayor nor any alderman of the city of South St. Paul shall be a party, in their private capacity, to any contract in which the city of South St. Paul is a party, or beneficially interested.

Sec. 31. The Mayor, Aldermen, all city officers, and all the men employed in the several departments of said city, while holding such office, or engaged in the service of the city, shall be exempt from serving as jurors in any court.

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