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Charter  
of the  
City of Staples.

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STATE OF MINNESOTA,  
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CHARTER OF THE CITY OF STAPLES.

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CHARTER OF THE CITY OF STAPLES.

Framed pursuant to section 36, of article 4, of the constitution of the state of Minnesota, and section 748, et seq., of revised laws of the state of Minnesota for 1905.

CHAPTER I.

Name, Powers and Boundaries.

Name and Powers.

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

City Boundaries.

Sec. 2: The lands and territory included within the following described boundaries and limits shall constitute the said city of Staples, to-wit:

Commencing at the northwest corner of the southeast quarter of the southeast quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of section numbered two (2), in township numbered one hundred thirty three (133) north of range thirty three (33) west of the Fifth Principal Meridian, running thence south thirteen hundred twenty (1320) feet to the southwest corner of the above described southeast quarter of the southeast quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of section two (2); running thence

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west along the section line between sections two (2) and eleven (11) a distance of thirteen hundred and twenty (1320) feet to the northwest corner of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of section eleven (11), being the northwest quarter of Donovan's Addition to Staples, according to the plat of said addition on file and of record in the office of the Register of Deeds of Todd County, Minnesota; running thence south along the quarter line of said section eleven (11) fifteen hundred and five (1505) feet to the southwest corner of said Donovan's Addition; running thence east along the south line of said Donovan's Addition thirteen hundred and twenty (1320) feet, to a point one hundred and ninety-eight (198) feet south of the northwest corner of the southeast quarter of the northeast quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said section eleven (11); running thence south three hundred (300) feet to the southwest corner of Evergreen Addition to Staples, according to the plat of said addition on file and of record in the office of the Register of Deeds of Todd County, Minnesota; running thence east ten hundred and seventy-three (1073) feet to the southeast corner of said Evergreen Addition to Staples; running thence north three hundred and thirty-three (333) feet to the northeast corner of said Evergreen Addition to Staples; running thence east eighty-six (86) feet to the section line between said section eleven (11) and section twelve (12), at a point one hundred and sixty-five (165) feet south of the northwest corner of the southwest quarter of the northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said section twelve (12); running thence north one hundred and sixty-five (165) feet to said northwest corner of southwest quarter of northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of section twelve (12); running thence east along the eighth line eleven hundred and eighty-four and one-half (1184 $\frac{1}{2}$ ) feet to a point one hundred and thirty-five and one-half (135 $\frac{1}{2}$ ) feet west of the northeast corner of the southwest quarter of the northwest quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said section twelve (12), being the northwest corner of Forest Park Addition to Staples, according to the plat of said addition on file and of record in the office of the Register of Deeds of said Todd County, Minnesota; running thence south five hundred and eighty-one (581) feet to the southwest corner of said Forest Park Addition to Staples; running thence east fourteen hundred and fifty-seven (1457) feet to the southeast corner of said Forest Park Addition to Staples; running thence north five hundred and twenty-six (526) feet to the northwest corner of the southwest quarter of the northeast quarter (SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said section twelve (12); running thence east thirteen hundred and twenty (1320)

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feet to the northeast corner of said southwest quarter of northeast quarter (SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of section twelve (12); running thence north along the eighth line twenty-six hundred and forty (2640) feet to the northeast corner of the southwest quarter of the southeast quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of section one (1) of said township and range; running thence west thirteen hundred and twenty (1320) feet to the northwest corner of said southwest quarter of southeast quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of section one (1), being the southeast corner of New Hampton Addition to Staples, according to the plat of said addition on file and of record in the office of the Register of Deeds of said Todd County, Minnesota; running thence north along the quarter line of said section one (1) ten hundred ninety-eight (1098) feet to the northeast corner of said New Hampton Addition to Staples; running thence west ten hundred fifty (1050) feet to the northwest corner of said New Hampton Addition to Staples; running thence south at right angles seven hundred and ninety eight (798) feet; running thence west at right angles one hundred and fifty-seven (157) feet; running thence south three hundred (300) feet to the southwest corner of said New Hampton Addition to Staples, being seventy-two (72) feet east of the southeast corner of the northeast quarter of the southwest quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of said section one (1); running thence west along the eighth line twenty-seven hundred fifteen (2715) feet to the place of beginning.

Ward Boundaries.

Sec. 3: The City of Staples is hereby divided into two wards bounded and described as follows:

First ward: The first ward of the City of Staples shall comprise all the territory within said city limits south of the center line of the main track of the Northern Pacific Railway.

Second ward: The second ward of the City of Staples shall comprise all the territory within said city limits north of the center line of the main track of the Northern Pacific Railway.

Provided that after the organization of said city under this charter, the Council may, from time to time, by vote of two-thirds of the members thereof, by resolution or ordinance, make such re-division of the city into wards as may be required by the public interests, but no ward shall be created that shall contain fewer than one hundred and fifty legal voters; and provided further, that, when for two successive elections, the number of votes cast in a ward shall exceed three hundred and fifty, then said council shall

sub-divide such ward, or make such sub-division of said city into wards, that each ward will contain not more than three hundred and fifty votes. Provided, that, in any such re-division, it shall be the duty of the council to provide for an equal population, as near as may be, in each ward.

#### Succession.

Sec. 4: When this charter takes effect, the city of Staples shall be and become the legal successor of the Village of Staples, and shall be vested with all franchises, rights and immunities, formerly vested in said Village of Staples, except as herein otherwise provided. All property and property rights and interests, of every kind and nature, formerly vested in said Village shall, when this charter takes effect, be and become vested in, and be possessed by the city of Staples, under this charter.

## CHAPTER II.

### Election and General Provisions.

#### Officers:

##### Elective.

Section 5: The elective officers of the city of Staples shall be a mayor, treasurer, two members of the council from each ward, and one member of the council from the city at large, who shall be known as aldermen, two justices of the peace and two constables from the city at large.

##### Appointive.

The appointive officers of said city shall be an attorney, clerk, assessor, engineer, three members of the board of health, street commissioner, five members of the water and light commission, chief of police, and three members of the board of park commissioners. Said officers, except the chief of police, shall be appointed by the council. Such appointment shall be made by ballot and it shall require the affirmative vote of a majority of all the members of the council to appoint such officers, except as otherwise herein provided. The chief of police shall be appointed by the mayor and confirmed by an affirmative vote of a majority of all the members of the city council.

The appointive officers of the city shall be appointed in the manner herein provided as soon as possible after the first city election, and shall hold their offices until the second Tuesday in April, 1907, or until their successors are appointed and qualified.

#### Term of Office.

Sec. 6: The term of office of all elective officers shall be two years. The term of office of all appointive officers shall be one year, except as herein otherwise provided. All terms of office under this charter shall be construed as beginning on the second Tuesday of April of the appropriate year, except as herein otherwise specifically provided. All officers, whether elected or appointed, shall continue in office until their successors are elected or appointed and qualified, and in case an officer is elected or appointed to fill an unexpired term, such term shall expire at the same time that the term of the original incumbent would expire.

#### Time of Elections.

Section 7: The first election under this charter shall be held on the first Tuesday after the time this charter takes effect, and the provisions of the general laws of the State of Minnesota relating to special elections, shall govern such election, except as to the time and manner of calling said election. At least ten day's notice of said election, shall be given, and said election shall be called and the notices thereof, given and the judges and clerks of election appointed in the manner provided by law for special village elections for the Village of Staples. Said council shall provide for two voting places, one in each ward of the city as herein established.

Should said Village Council, for any reason fail to call said first election as herein provided, then said election shall take place as soon as possible after this charter takes effect and shall be called by the council upon like notice and in same manner as above set forth.

At said first election, there shall be elected the following officers, to-wit; Mayor, Treasurer, two members of the council from each ward, and one member of the council from the city at large, two justices of the peace and two constables, who shall take their offices one week after said election, and said officers shall hold their offices until the second Tuesday in April, 1908. The successors of said officers shall be elected on the first Tuesday in April, 1908, for terms of two years, and thereafter regular elections shall be held biennially on the first Tuesday in April in each even numbered year. The mayor, shall, whenever necessary, or in case of his refusal the council may, by the affirmative vote of a majority of all its members, call a special election of the voters of the city, and provide for holding the same. The purpose of such election

shall be clearly stated in the call of the mayor, or in the resolution calling the same, and no other matter shall be submitted thereat.

#### Election Laws.

Section 8. All general laws of the State of Minnesota, relating to elections and the preliminaries thereof, shall, so far as applicable, apply to and govern all elections under this charter, and are hereby adopted as a part of this charter, the same as if herein specifically re-enacted. The returns shall be made to the clerk and within three days after any election under this charter the council shall meet and canvass the returns thereof and declare the result, as appears from such returns, and the clerk shall forthwith give notice, in writing, to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the council, at such time and place and in such manner as it may direct.

#### Resignation and Abandonment:

Section 9. Any elective or appointive officer provided for by this charter, having entered upon the duties of his office, may resign the same by and with the consent of the council; provided, that any member of a board may resign with the consent of such board. Any elective or appointive officer, changing his residence from the city, or any alderman from the ward for which he was elected or appointed, and any such officer who shall refuse or without cause, neglect to enter upon the discharge of the duties of his office, for ten days after the beginning of the term for which he was elected or appointed to fill, and ten days after being notified by the clerk of his election or appointment, shall be deemed to have vacated and abandoned such office.

#### REMOVALS.

##### By Council:

Section 10. Any elective or appointive officer, provided for by this charter, may be removed from his office by the affirmative vote of two-thirds of all the members of the council; but no such officer shall be removed except for cause, nor unless he has first been furnished with a copy of the charges against him and has had reasonable opportunity to be heard in person or by counsel, in his own

defense. The council shall have power to fix the time and place of trial of such officer, who shall be given at least ten days' notice thereof; to arrange the mode of trial; to compel attendance of witnesses and the production of papers; to administer oaths and to hear the proofs and arguments.

If such officer shall neglect, after due notice, to make answer to such charges, the same shall be cause for removal without further notice. When any such hearing is ended, the council shall forthwith proceed, without debate, to vote viva voce on roll call, upon a motion declaring such officer removed. Among such causes, shall be continued absence by aldermen, without leave, from three consecutive regular meetings of said council, or by any member of a board from the meetings of such board, or neglect of duty by any officer.

##### By Court.

Whenever twenty-five or more freeholders of the City of Staples shall file in the District Court of Todd County, a verified complaint, charging that any elective or appointive officer of the city has been guilty of a misdemeanor or malfeasance in office, or has committed any act which is cause for removal from office, under this charter, and setting forth the facts upon which such charges are based, any one of the judges of said court, upon presentation of such complaint to him, may issue an order, returnable before him or said district court, requiring the officer complained of to appear and answer said complaint and show cause why he should not be removed from his office. Upon the return of such order, said court or a judge thereof, shall prescribe the course of pleadings, the time of trial and the manner of procedure therein, and after hearing the said cause, said court shall remove such officer from office and shall declare his office vacant, if it shall appear at the trial that said officer has been guilty of the misdemeanor or malfeasance in office specified in the complaint.

##### Qualifications.

Section 11. No person shall be eligible to any office under this charter who has ever been convicted of any felony or who is not, at the time of filing his nomination certificate or at the time of his appointment to such office, a qualified elector of the City of Staples, and able to read and write the English language understandingly, or who is at such time interested in any contract with the City of Staples to which he is a party, either individually, or as a firm.

The term "contract," as used in this section, shall be construed

to include any transaction of sale, barter or exchange, by which any property is transferred or acquired by said city, or labor or services are performed for said city.

**Contracts Prohibited:**

Section 12. No officer or employee of the city shall vote for or make any contract in behalf of said city or any department thereof, with himself, or with any firm of which he is a member, nor shall he be in any manner, directly or indirectly interested in any contract with the city; and any contract in which any officer or employee of the city is, or becomes, directly or indirectly, interested, shall be and become absolutely void; and any such officer, by the fact of such vote, shall forfeit his office; and any money which shall be paid on such contract by the city may be recovered back from any or all persons interested therein, by a joint or separate action; provided, that this section shall not be construed to apply to a contract for the deposit of the funds of the city.

**Penalties for Malfesance.**

Section 13. Any officer or employee of the city who shall wilfully or negligently violate any of the provisions of this charter, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, shall be guilty of a misdemeanor, and shall upon conviction be punished, when a punishment therefor is not otherwise provided by law, as misdemeanors are punishable by the criminal laws of the state, and on conviction thereof, shall also forfeit his office, and shall be liable to the city for any amount of loss or damage suffered by reason of such violation of law.

**Vacancies:**

Section 14. Whenever a vacancy shall occur in any of the elective or appointive offices, provided for by this charter, by reason of death, resignation, change of residence, refusal or neglect to enter upon the discharge of his office, or any other cause, such vacancy shall be filled for the unexpired term by appointment of the council.

**Powers.**

Section 15. From and after the time this charter shall go into effect the various officers of the Village of Staples, whether then in office or subsequently appointed, shall be vested with such powers and functions, and with such powers and functions only, as shall be

specified in this charter as to their respective offices, but this section shall not be construed to extend the term of office of any officer elected or appointed, prior to the adoption of this charter.

**Reports, Transfers of Property:**

Section 16. Every elective and appointive officer, except members of the council, and all boards provided for in this charter, shall annually, on or before the first Tuesday in March, make and transmit to the council full and detailed reports, properly verified by affidavit, of the business of such office or department for the current fiscal year, together with a full and true inventory of all money, property and other effects, of the city in the possession of such officer or board, or under his or its control. Such officers and boards shall likewise make to the common council similar reports, and exhibit all their books of account, papers and other records kept by them, whenever requested by the council so to do. Every elective and appointive officer and board, and members thereof, provided for by this charter, shall, at the expiration of his term of office, in whatsoever way terminated, turn over to the city or his successor in office, all the books, papers, files, records, money and other property and things whatsoever pertaining to his office, which may be in his possession or under his control.

**Oath.**

Section 17. 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 with the clerk.

**Salaries:**

Section 18. In all cases where the salaries of officers are fixed by the council, they shall be fixed by resolution at the first regular meeting of the new council in April of each year, for the succeeding year, and not subject to change during such year.

## CHAPTER III.

## Officers, their Powers and Duties.

## Mayor.

## Powers and Duties:

Section 19. The Mayor shall be a member of the Council and preside over its meetings, but shall have no vote except in case of a tie, when he shall have the power to cast a deciding vote. He shall not serve on any committee of the Council except upon an unanimous vote of the entire Council. He shall be the chief executive officer of the City and shall have command of its police force and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other unusual necessity, he may appoint as many special policemen as he may deem necessary, and any police officer appointed by the Mayor, as aforesaid, may be discharged from office by him whenever, in his opinion, the welfare of the city may demand it, or a reduction of their number renders it necessary. He shall cause the laws of the State, the provisions of this Charter, and the ordinances of the City, to be duly observed and enforced within the City, and all other officers of the city to discharge their respective duties, and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the Council such information and recommend such measures as he shall deem advantageous to the City. He shall sign all warrants and orders drawn on the Treasurer, and all bonds, obligations and contracts on behalf of the City, except as may be otherwise provided for herein. He shall, upon service of notice, summons or process upon him in any action or proceeding against the City, forthwith inform the attorney and the Council thereof.

## Veto Power:

Section 20. Every ordinance or resolution of the Council shall, before it takes effect, be presented to the Mayor for approval, and if he approves thereof, he shall sign the same, but if he disapprove it, he shall return it to the Council with the objections thereto, by depositing the same with the Clerk, to be presented to the Council at its next meeting thereafter. Upon the return of any ordinance or

resolution by the Mayor, the vote by which the same was passed may be reconsidered, and if, upon such reconsideration, the Council shall pass the same by a vote of four-fifths of all the members, it shall have the same effect as if approved by the Mayor, and in such case the vote shall be by yeas and nays, which shall be entered in the record by the City Clerk. If any ordinance or resolution shall not be so returned by the Mayor within five days, (Sundays and holidays excepted), after it shall be presented to him, the same shall have the same effect as if approved by him.

## Acting Mayor.

Section 21. At the first meeting of the Council in each year they shall proceed to elect, by ballot, from their number, a Vice-President. During the absence of the Mayor from the city, or his inability from any cause, to discharge the duties of his office, the said Vice President shall exercise all the powers and discharge all the duties of the Mayor, and be subject to all the liabilities imposed by general law, or the City Charter or ordinances, upon the Mayor, and his acts, while so acting as Mayor, shall have the same force and validity as if performed by the Mayor.

He shall have the right to vote in the Council, but shall not cast the deciding vote in the event of a tie. Such acting mayor shall continue to discharge the duties herein assigned to him, until the mayor returns to his duties and actually resumes the duties of his office; and in case of vacancy in the office of the mayor for any cause, the acting mayor shall discharge the duties of mayor until a successor of the mayor is elected or appointed and qualified.

## City Clerk:

Section 22. The Clerk shall keep the corporate seal of the city, and all papers and records thereof, except as herein otherwise provided, attend all meetings of the council and keep records of all proceedings thereof. He shall draw and sign all orders on the Treasurer, as directed by the council, and he shall keep a full and accurate account of the orders so drawn by him, in books provided for that purpose, and said books shall show to whom and for what purpose the same were drawn. He shall attest the signature of the Mayor to all contracts, and affix the seal of the city thereto, and shall also countersign all certificates of work authorized by any committee of the city council, or by any city officer. And every contract made in behalf of the city, to which the city is a party, shall be void unless signed by the clerk. He shall keep regular

books of account, which shall, at all times, show the precise financial condition of the city, a record of all bonds, orders, warrants or other evidence of indebtedness issued, a record of all orders, bonds, warrants or other other evidence of indebtedness which have been redeemed and the amount of each outstanding.

Said books shall contain separate accounts with the different city officers and the various funds of the city, and the amount, date and purpose of each appropriation made by the council and all payments made on account of the same.

If before the first day of January any year, the amount expended, or to be expended, chargeable to any City fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund, together with the time warrants authorized to be issued for said fund, as hereinafter provided, he shall report at once the same to the City Council, and he shall not countersign any contract chargeable to such fund until the amount of taxes actually collected be ascertained, and during the fiscal year he shall not countersign any contract the amount of which shall exceed the revenue actually collected for the fund to which such amount is properly chargeable.

He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the Mayor, and the time when it was returned to him by the Mayor. He shall, upon request, furnish certified copies of papers and records in his possession, and when so certified to by him under the corporate seal of the city, they shall be received in evidence in any and all courts, the same as if the originals thereof were produced by said Clerk in such court, and he shall be entitled to collect and receive for said services such fees as are allowed to the Clerk of the District Court of Todd County for similar services. He shall file, in his office, all chattel mortgages, contracts and other instruments by which personal property is transferred or incumbered, presented to him for filing, and which are permitted to be filed by the laws of this state, referring to chattel mortgages, and shall receive as compensation therefor, such fees as are allowed by the general law. He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws or by the council.

**Official Powers:**

Section 23. The clerk shall have the supervision of all printing

and of publications ordered by the council and he shall cause to be published, in the official paper, the minutes of all proceedings of the council, as soon after each meeting as practicable, and also cause to be published in said paper, all ordinances as soon as practicable, after their final passage or approval.

**Powers:**

Section 24. The clerk shall have the power to administer oaths and affirmations and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall have power to appoint, subject to the approval of the council, a deputy clerk, who shall hold his office at the pleasure of the clerk or council and shall have authority, under the direction of the clerk, to perform all the duties of that office.

The salary of the deputy shall be paid by the clerk.

**Salary and Bond:**

Section 25. Before entering upon his duties, the clerk shall execute and deliver to the city his bond, in such sum as the council may direct.

**Fees:**

Section 26. The Clerk shall receive such salary as shall be fixed by the council, and in addition thereto all fees paid to the clerk by the public at large for filing and recording papers and other services, may be retained by him as additional compensation.

He shall keep an accurate account of all fees so received by him, and report to the council annually the amount thereof, at the first meeting in April.

**Treasurer:**

Section 27. The City Treasurer shall receive and safely keep all money belonging or accruing to the City, including taxes, license money, and fines, and keep an accurate and detailed account thereof, in such a manner as the City Council shall from time to time direct. The treasurer shall furnish to the City Council, at least fifteen days before the annual election, or sooner, if required by them, a full and detailed account of the receipts and expenditures from the date of the last annual report, and also of the state of the treasury, which account shall be filed with the Clerk, and a copy of the same published in the official paper of the City.

He shall be the custodian of all bonds, certificates of indebtedness or other securities, held by the city, or in the sinking fund of



said city. Upon receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the city, to the order of the treasurer, in such depositories as shall have been designated by the council therefor.

He shall receive such salary as the council may fix.

**When to pay out money.**

Section 28. The treasurer shall pay no money out of the treasury except in the following cases: Upon an order or warrant properly drawn and countersigned, which has been first duly authorized by the council, and which shall specify the purpose for which it is drawn and the fund out of which and the person to whom it is payable, and upon the payment and receipt by him of any such order or warrant, the treasurer shall cancel and file the same, and it shall not be again issued, and he shall keep separate the orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the clerk by said treasurer monthly, along with his report hereinafter referred to.

In case said warrants were issued for the payment of the bonds of said city, or interest coupons thereon, then such bonds or coupons shall be cancelled by the treasurer and returned by him with such warrant to the clerk.

**Monthly Statement:**

Section 29. The treasurer shall, on the first of each month, make a statement to the council of the amount by him received and disbursed on account of each fund and a statement of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the city's funds and where placed and deposited.

**Misuse of city money.**

Section 30. No funds of the city shall be loaned by the treasurer to any city officer or any other person or otherwise disposed of, except in accordance with the law. Any violation of any of the provisions of this section shall, unless otherwise punishable by the criminal laws of the state, be punished by a fine in a sum not exceeding one thousand dollars or by imprisonment in the county jail of Todd county, not exceeding one year. The treasurer is prohibited from paying any warrant, which upon its face, shows that it is drawn in violation of this charter or the laws of the state, and

in case of any such payment, the treasurer and the sureties upon his bond, shall be liable to the city for the amount of such warrant.

**Bond of Treasurer.**

Section 31. Before entering upon the duties of his office, the treasurer shall give a bond to the city in such sum as the council may direct, for the faithful performance of the duties of his office.

**City Attorney.**

Section 32. The City Attorney shall be the legal adviser of the city, and of all the boards and departments thereof and shall perform all services incident to that office; he shall appear in and conduct all civil suits, prosecutions and proceedings in which the city or any board or department thereof shall be directly or indirectly interested, and when necessary shall take charge of and conduct all prosecutions for the violation of any ordinance or resolution of the city or any board or department thereof and for the violation of any of the provisions of this charter.

**Opinions:**

Section 33. He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council, or any committee thereof by the mayor or any board of the city, in respect to their official duties or municipal affairs; he shall personally attend all meetings of the council and when requested so to do, the meetings of said committees and boards; he shall notify the council in writing of the result of all actions to which the city is a party or in which it is interested. He shall keep a registry of files of all actions, suits and proceedings under his charge, in which the city is interested, and safely keep copies of all briefs used in cases wherein he appears for the city, and copies of all official communications and opinions given by him to any officer, department or board; he shall deliver all property, of whatever description, in his possession or under his control, belonging to the city or to the office, to his successor in office, who shall give duplicate receipts therefor, one of which he shall file with the clerk; he shall prepare all contracts and bonds and other instruments in writing in which the city or any department thereof, shall be concerned.

**Suits against Employees:**

Section 34. He shall, when directed so to do by the council, appear and conduct the defense in any action, prosecution or pro-

ceeding against any officer or employee of the city, or any board or department thereof, on account of any act done by such officer, board or department, while engaged in the performance of official duties.

**Inability to act:**

Section 35. In case of sickness or inability of the attorney to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

**City Assessor.**

Section 36. The City Assessor shall perform the duties required of such officers by the general laws of the State, and have all the power, rights and privileges, granted by the same to assessors.

**Board of Equalization.**

Section 37. The City Council of said city shall elect a committee, which shall consist of the Mayor and one Alderman from each ward, who shall constitute a Board of Equalization, who shall be sworn, according to law, as such a board, and meet at the council rooms in said city on the fourth Monday of June of each year at ten o'clock in the forenoon and from day to day thereafter by adjournment until their work is completed. Said board shall elect from its members a Chairman and a Secretary, who shall keep a record of its proceedings and perform such other duties as may be herein provided. The powers and duties of such Board of Equalization shall be the same as that prescribed by General Law for Township Boards of Review and County Boards of Equalization, so far as relates to property within the limits of Staples, and the mode of procedure shall be the same as that prescribed by the general laws for the conduct of the proceedings of such boards. The Assessor shall attend the sessions and hearings of said board and give information when desired. He shall revise his assessment rolls in accordance with the decision of such board, and after the same shall have been certified by the Chairman and Secretary of said board, he shall transmit to the County Auditor such revised assessment rolls not later than the third Monday in July in each year.

**Compensation.**

Section 38. The council shall fix the salary of the Assessor. Each member of the Board of Equalization shall be paid out of the

city treasury the sum of Three Dollars for every day of actual service upon said board.

**Bonds:**

Section 39. The Assessor shall, before entering upon his duties, execute to the city a bond with sufficient sureties, in the penal sum of Five Hundred Dollars.

**Engineer:**

Section 40. The council may, when necessary and occasion requires, appoint a civil engineer of at least three years' practical experience as such, who shall hold his office at the pleasure of the council, and receive such compensation for his services as may be determined by said council. He shall have the supervision and general charge of all the work done for the city and all work done on any street, highway or alley in the city: he shall, under the direction of the council, establish all official lines, elevations and grades: he shall keep a full official record of all the work done in his office or under his supervision; he shall direct the manner of performing all engineering work of the city and the manner of the construction of all sidewalks, street crossings, bridges, pavements, sewers or other structures in or upon any street or public grounds, and he may suspend such work when the construction thereof shall not conform to contract, and he shall take care that the terms of all contracts for any work or construction on behalf of the city are fully complied with.

**Surveys, Bonds.**

Section 41. All surveys, profiles, plans and estimates made by him or his assistants for said city and his official records, shall be the property of said city and shall be carefully indexed and preserved in the office of the clerk and be public records of the city. He shall possess the same power in the city in making surveys, plats and certificates, as is or may from time to time be given by general law to county surveyors, and his official acts and all plats, surveys and certificates made by him, shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

Before entering upon the discharge of his duties, the engineer shall execute and deliver to the city his bond in such sum as the council may direct.

**Street Commissioner.****Appointment and Powers:**

Section 42. The council shall appoint a street commissioner, who shall hold his office at the pleasure of the council and receive such compensation as it may determine. The Street Commissioner shall have supervision, under the control and direction of the Mayor and Council, of the construction, maintenance and repair of pavements, sewers, streets, and sidewalks, and maintaining, repairing, cleaning, sweeping and sprinkling of all streets, alleys and other public places within the city, and the grading of all streets and alleys, whether in original construction or otherwise, and all work shall be done by the street commissioner under the supervision of the engineer, if one be employed by the council, unless otherwise provided by the council. It shall be his duty to superintend the location and erection of all electric light, telephone and telegraph poles within the city, to inspect all railroad crossings and see that the general laws and ordinances of the city, relating thereto, are properly enforced. The Council shall decide any dispute that may arise between the street commissioner and the engineer as to their respective duties and powers. The council shall have the power to discharge such commissioner at will, without cause, at any time, and employ another if deemed expedient.

**Reports and Bond:**

Section 43. He shall make monthly written reports to the council of work done, cost of same, money expended and for what purpose, and he shall report to the council the amount of all tools belonging to the city in his custody, once a year, and at any other time when so requested. If required by the council, he shall execute a bond, with sureties satisfactory to it, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

**Justices of the Peace.****Powers, Duties.**

Sec. 44. The justices of the peace of the city shall enter upon the discharge of their official duties on the second Tuesday of April after their election and they shall have and possess all the authority, powers, rights and jurisdiction that justices of the peace have or

hereafter may possess, who are elected under the general laws of the State of Minnesota, and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try and determine all complaints for the violation of any provision of this charter and of any ordinance, resolution, by-law, rule or regulation made or adopted under or by virtue thereof; and of all cases cognizable by a justice of the peace, in which the city is a party, and of all suits, prosecutions and proceedings for the recovery of a fine, forfeiture, or any penalty under any ordinance, resolution, by-law or regulation of this city, or its charter.

In all prosecutions for the violation of any provision of this charter or any ordinance, resolution, by-law or regulation adopted under or by virtue thereof, said justices of the peace may proceed to the trial and determination thereof, in a summary manner, without the aid of a jury. In all proceedings before justices of the peace authorized by this charter, and in all civil proceedings before such justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had and used in criminal and civil actions, by the general laws of the state before justices of the peace; and appeals from the judgment and decision of said justices of the peace of the city, shall be allowed and taken, in all respects as provided by law for appeals from justices of the peace under state laws.

**Security for Good Behavior.**

Sec. 45. In all cases of conviction, either under state law or ordinance of the city, for assault, battery or affray, breach of the peace, disorderly conduct, keeping or frequenting houses of ill fame, and keeping or maintaining disorderly or ill-governed houses, said justices shall have power, in addition to the fine or penalty imposed, to compel the offender to give security, in a sum not exceeding five hundred dollars, for their good behavior and to keep the peace, for a period not exceeding six months.

**Disposition of Fines.**

Sec. 46. All fines and penalties, imposed by the justices of the peace of this city, for the violation of this charter or any ordinance, resolution, by-law or regulation thereof, shall belong to and be turned into the treasury of the city.

**Reports, Fees.**

Sec. 47. The justices of the peace shall, each month or oftener,

if required by the council, report to it all proceedings instituted before them, in which the city is interested, and shall, at the same time, account for and pay over to the treasurer all fines collected or received by them belonging to the city, and said justices of the peace shall be entitled to receive, from the county of Todd, such fees in criminal cases where the state is a party, as are allowed by statute to other justices of the peace for similar services, and they shall be entitled to receive, from the city of Staples, such fees in cases where the city is a party as justices of the peace are entitled by law to tax up and receive from said county in similar cases.

#### Constables.

#### Powers, Duties.

Sec. 48. The constables of the city of Staples shall have all the powers that are had by, and shall perform like duties to those required of constables under the general laws of the state, and shall be entitled to and receive the compensation therein prescribed.

#### Park Commissioners.

#### Appointment.

Sec. 49. The Council shall appoint three Park Commissioners to be known as the Park Board of Staples, who shall have control and supervision of the parks within the corporate limits of the said city, and also of such streets or portions of streets and other public grounds as the City Council shall by proper resolution designate. Said Commissioners shall hold their offices for three years and until their successors have been appointed and qualified, provided, that the first commissioners shall be appointed for One, Two and Three years respectively.

#### Powers.

Sec. 50. Said Board shall have power, and it shall be their duty to enforce such laws of the State and ordinances of the City as they may deem necessary for the proper performance of their duties in such Department.

#### Money—How Expended.

Sec. 51. The moneys in the Park fund of the city shall be used for the purposes of said Board as hereinabove set forth, and said Board shall have the power to expend such moneys as they may

see fit in improving and beautifying such parks and public grounds, and for the purposes of furnishing entertainment for the public, on such public grounds as they may designate.

#### Municipal Court.

#### Establishment.

Sec. 52. There shall be a Municipal Court for the City of Staples which shall be established whenever the city council so determines by resolution adopted by a four-fifths majority of its members and approved by the Mayor, providing a suitable place for holding its sessions and fixing the compensation of the Judge. Thereafter there shall be appointed or elected in the manner provided by the General Laws of the State of Minnesota, a Municipal Judge whose term of office shall be four years.

#### Organization and Powers.

Sec. 53. Said court shall be organized as provided in sections 125 to 146, inclusive, of the Revised Laws of Minnesota for 1905, and the amendments thereto, if any, and all the provisions of said Laws shall apply to and govern said Court and the procedure therein. And said Court and the judges and other officers thereof, shall have all the powers and perform all the duties provided in said Laws.

#### CHAPTER IV.

#### City Council.

#### General Powers:

Section 54. The legislative power and authority of the City of Staples shall be vested in the council, composed of the Mayor and Aldermen, except as in this charter otherwise provided. No member of the council shall hold any other office, position or employment, directly or indirectly, under the city government during the term for which he was elected.

#### Meetings.

Section 55. The city council shall determine the time of its regular meetings and provide for special meetings, and may prescribe rules for its proceedings not inconsistent with this charter, and the

Mayor may, or upon written request of three Aldermen, shall ~~cause~~ <sup>call</sup> special meetings of the council, by giving written notices to each of its members, to be delivered personally, or left at his usual place of abode, and no business shall be transacted at any special meeting unless the subject of the same shall have been specified in said written notice.

**Quorum:**

Section 56. A majority of the members of the council shall constitute a quorum, but less than the majority may adjourn from time to time, and a minority as well as a majority, may compel the attendance of the absent members.

**Canvassing Votes:**

Section 57. The council shall, within three days after any city election, meet and canvas the returns of votes cast at such election and declare the result thereof, and the City Clerk shall prepare and furnish forthwith, certificates of election to the officers found to be elected, and the city council shall be the judge of the election and qualification of its own members.

**Ordinances and Resolutions:**

Section 58. Every legislative act of the council shall be by ordinance or resolution. The enacting clause of every ordinance shall be in these words: "The City Council of the City of Staples ordains." No ordinance or resolution, except for general appropriations, shall contain more than one subject, which shall be expressed in the title, and no ordinance or resolution shall be amended after its introduction so as to change its original subject or purpose.

**Passage of Ordinances:**

Section 59. An affirmative vote of at least a majority of all members of the council shall be required to enact any ordinance or resolution, which shall be taken by the yeas and nays and be entered in its journal. It shall forthwith be presented by the city clerk to the mayor for his approval as herein provided. No ordinance, resolution, proposed ordinance or proposed resolution shall be reconsidered, except at the same or the next regular meeting after its adoption or rejection, and not in such case unless there are then present at least as many members of the council as were present when said ordinance or resolution was adopted or rejected. No or-

inance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading, except by unanimous consent, shall be held, at a subsequent regular or adjourned regular meeting, occurring not less than one week after its first reading, and said ordinance shall not be amended after the meeting at which it receives its second reading except by unanimous consent. It shall receive its third reading and may be passed only at a regular or adjourned regular meeting occurring at least one week subsequent to the time of its second reading. No ordinance shall be passed until it has had three readings. Every ordinance shall be published once in the official newspaper of the city before it takes effect. Proof of such publication shall be by affidavit of one of the printers, publishers or the foreman of such newspaper, which shall be prima facie evidence of the legal passage of such ordinance or resolution in all courts of this state or elsewhere.

**Failure to Vote:**

Section 60. Any member of the council, who, being present when his name is called, fails to vote upon any question, shall, unless excused by the council, be counted as having voted in the negative of said question.

**Two-Thirds Vote:**

Section 61. Every ordinance, order or resolution appropriating money, creating any liability of the City, awarding or approving of any contract for the payment of money; or ordering any condemnation of private property or the making of any public improvements, shall require a Two-thirds vote of all the members of the City Council; provided, that this section shall not apply to the payment of the ordinary bills, hereinafter provided for.

**Funds and Accounts:**

Section 62. The City Council may designate the depositories for, and disposition of, the funds of the City, and by resolution approve all bonds given for the safe keeping thereof, and it shall examine and audit the accounts of all city officers.

**Supervision of Public Property.**

Section 63. The City Council shall have the care, control and supervision of all public buildings and grounds of the City, the care and supervision of which are not by this charter vested in any board or officer of the City.

**Opening, Vacating and Improving Streets:**

Section 64. The City Council shall have the exclusive power to open, vacate, alter and improve the streets, public grounds, alleys, and highways of the city as in this charter provided, and shall have and maintain the active care, supervision and control of all public highways, bridges, streets, alleys and public grounds within the limits of the City.

**Compilation:**

Section 65. The council may, from time to time, provide for the compilation and publication in book or pamphlet form, of the charter, ordinances of the city, rules of the council and any of the departments of the city, and such statutes of the state as it may designate, and may provide for the distribution, by sale or otherwise, of copies of such compilation or publication. Such books or pamphlets, so issued, purporting on the title page to be published by authority of the council, and to contain the charter and ordinances of the city, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state, and all provisions of the charter, and all such ordinances, rules, regulations and resolutions found therein, shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

All justices of the peace and other courts, which may hereafter be established in this city, shall take judicial notice of this charter and its provisions, and all ordinances and resolutions duly passed by the council of the city.

**Ordinances Granting Franchises:**

Section 66. Except as otherwise provided in the constitution of the state, or as otherwise specified in this charter, any ordinance or resolution, for the lease or sale of any public utility, or for the purchase of property of the value of three thousand dollars and upwards, must be submitted to the vote of the electors of the city before the same shall be valid, and in no case shall any franchise be granted for a longer period than ten years.

The ballots used at such election shall contain the words, "for the ordinance" (stating the nature of the proposed ordinance,) and "against the ordinance," (stating the same.)

Returns of such election shall be made to the clerk, as provided for other elections, and the council must meet and canvass the returns within three days.

If a majority of the votes cast upon such submission shall be in favor thereof, the council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation, such ordinance shall be legal and binding. No such franchise or lease or sale of any public utility or any such purchase of property, shall be of any force or effect, except it be made in the manner above provided.

**Specific Powers:**

Section 67. The council shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws, for the enhancement of the general welfare, for the good government and good order of the city, for the protection of the public health, comfort and safety, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient; except that no ordinance or resolution, which shall have been adopted after submission to the electors of the city under the provisions of section 66, shall be altered, modified, amended or repealed, without the submission thereof to the electors of said city. It shall have the power to establish and maintain city prisons and watch houses for the imprisonment, custody and safe keeping of all persons arrested for or charged with an offense whatever, in any way cognizable before any justice of the peace in said city; to make all rules and regulations for the government and management of such prisons and watch-houses; to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; and the keepers of such prisons and watch-houses shall have and possess all the powers and authority of jailors at common law or by the laws of this state; and all ordinances enacted by said council are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States and of this state. And for these purposes the council shall have authority by ordinance or resolution;

First. To regulate the use of, and prevent and remove encroachments on or over streets, alleys, avenues and public grounds and public places, and to prevent injury to the same and to regulate the construction of coal holes and hatchways and coverings and guards therefor in sidewalks, or to prohibit the same.

Second. To regulate and prevent throwing or depositing of ashes, offal, dirt, garbage, or other offensive matter, or of paper,

in or upon any street, alley or public ground or place, and to compel the owner or occupant of any premises, to keep the sidewalks along or in front of the same free from snow, ice or other obstruction.

Third. To regulate openings and excavations in streets, alleys, and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for any other purposes, and the building of sewers, tunnels and drains, and to regulate the construction and use of all structures and conduits underneath the streets, alleys and sidewalks.

Fourth. To provide for and regulate crosswalks, curbs and gutters.

Fifth. To regulate or prevent the use of streets, sidewalks, and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric and trolley poles, horse troughs and racks, and the posting and distributing of hand-bills and advertisements; to control, prescribe and regulate the mode of constructing and suspending awnings; and the exhibition and suspension of signs thereon; to prevent the incumbering of the streets with vehicles, lumber boxes or any other thing or material; to prevent the exhibition of signs on canvas or otherwise, in or upon any vehicle, standing or traveling upon the streets or public grounds of the city; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys or public grounds; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city; and to prohibit the piling of snow or other incumbrance upon any street by persons owning or operating any street railway along or across the same or by any person or party.

Sixth. To regulate and control or prohibit the placing of poles and the suspension of wires along or across the streets and alleys, and to require any and all wires within prescribed limits, or throughout the city, to be placed, as it may designate, beneath the surface of the street or sidewalk, and to require any poles already erected or wires already suspended to be removed and the wires likewise placed in conduits beneath the surface of the street; and to compel any or all such wires, pipes, and other constructions and conduits, to be placed in a common area beneath the surface, upon such terms as it may designate; and to make like regulations and requirements as to any and all telegraph and telephone poles and wires now erected and maintained in said city.

Seventh. To regulate and prohibit the exhibition, carrying, dis-

tributing or throwing of banners, placards, advertisements, and hand-bills or other articles, in or upon the streets, public grounds or sidewalks.

Eighth. To regulate or prevent the flying of flags, banners and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys, and public places, or upon any vacant lot or other property.

Ninth. To regulate or prohibit traffic and sales upon the streets, sidewalks or public places.

Tenth. To regulate the speed of horses and other animals, vehicles, street cars and locomotives, upon the streets and within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; to regulate or prevent the use of bicycles, automobiles, and other similar vehicles, on streets, sidewalks or public grounds; and to prevent the riding or driving of any animal upon any sidewalk and to prevent any damage to any sidewalk or public property.

Eleventh. To regulate and prescribe the width of tires on wheels of vehicles used in the city, and the maximum weight of a load to be drawn over any street in the city and to direct upon what streets heavily loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license public vehicles of every description.

Twelfth. To name and change the name of streets, avenues, alleys and other public places.

Thirteenth. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers and cesspools within the city, and to prohibit the use and maintenance of cesspools and privies in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same and assess the cost thereof on the property so connected.

Fourteenth. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto.

Fifteenth. To prevent and regulate or prohibit the location, construction or laying of street railway tracks in, under and over any street, alley or public place.

Sixteenth. To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower

and bridge over or raise their tracks, or construct viaducts over the same, and to fence their respective rights of way, or any portion of the same, and to construct cattle guards and to keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance, it shall be liable for all damages to the owners of cattle, horses, or other domestic animals, which may be sustained by reason of injury thereto, while on the tracks of such railroads, in like manner and extent as under the general laws of the state.

Seventeenth. To regulate or prohibit the obstruction of streets, alleys, and other public places by railroad trains, cars or engines.

Eighteenth. To regulate or prohibit the whistling of locomotives, traction engines, or engines in factories, and the discharge of steam, cinders, sparks and dense smoke therefrom.

Nineteenth. To compel railroad companies to raise or lower their tracks to conform with any grade which may be established in the city and to keep such tracks on a level with the street surface, and to compel the planking of such tracks by such railroad companies so that they may be crossed at any place on said street, alley or public highway, and to keep such planking in repair, and to compel such railroad companies to maintain flagmen or automatic gates at railroad crossings wherever in the judgment of the Council the public safety requires it.

Twentieth. To compel and require such railroad companies to make, keep open and repair ditches, drains, sewers and culverts along and under railroad tracks so that filthy or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property and streets shall not be impeded.

Twenty-first. To restrain the pollution of the waters of any creek, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein and to provide for the cleansing and purification of water, water courses and canals, and the draining and filling of ponds or pools on private property whenever necessary to prevent or abate nuisances and avoid danger from fires; and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such objectionable structures and offensive substances as the council or health officer may direct, and upon his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to assess such expense against such property; and to compel, in like manner, the re-

moval or destruction of any structure within the fire limits of said city as now or hereafter established, where such structure is deemed, by such council, to endanger the health, or liable to cause fires to adjacent or other property.

Twenty-second. To compel the owner of low ground, where water is liable to collect and become stagnant, to fill or drain such low places, and upon default, to authorize such draining or filling, and assess the cost thereof upon such property.

Twenty-third. To license, regulate, prohibit or suppress public billiard, pool or pigeon-hole tables, pin alleys, bowling alleys, shooting galleries, lodging houses, restaurants and hotels.

Twenty-fourth. To license and regulate gift, fire, auction or bankrupt sales, and to license and regulate itinerant merchants and transient merchants or vendors, agents and solicitors for stages, cars, vehicles or public houses, and itinerant physicians, dentists and oculists.

Twenty-fifth. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibition of caravans, menageries, circuses, concert or dance halls, theatrical performances, skating rinks, museums, and all like places of amusement.

Twenty-sixth. To license and regulate insurance offices and agencies, auctioneers, pawn brokers, second-hand and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof, and to regulate the time, place and manner of holding public auctions or vendues.

Twenty-seventh. To license, restrain and regulate keepers of intelligence, or employment offices, and all persons doing the business of seeking employment for, or furnishing employees, and to require such persons to keep such records as it may direct and to make report thereof and to give bond, conditioned that they shall carry on their business honestly and without fraud or misrepresentation, and punish said persons for unfair dealings in their said business.

Twenty-eighth. To license, regulate or prohibit fortune tellers, clairvoyants, astrologers, massage doctors, street hawkers, vendors and public criers.

Twenty-ninth. To license and regulate hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe stands or stations where they may remain while waiting for business, and to prohibit the same from standing and waiting for business at any other places than the places so pre-



scribed.

Thirtieth. To license and regulate all peddlers, book agents, canvassers, newsboys, bootblacks and chimney sweeps doing business in the city.

Thirty-first. To license and regulate the sale of spirituous, vinous, fermented, malt or other liquors; provided, that no saloon shall hereafter be established within four hundred feet of any school house.

Thirty-second. To license and regulate distilleries and breweries.

Thirty-third. To license and regulate butcher shops and stalls and venders and stands for the sale of game, poultry, meat, fish, fruits and perishable provisions, and all other persons who may deal in the same, whether they deal at wholesale or retail.

Thirty-fourth. To license and regulate plumbers and to regulate sewer and water connections of all kinds, and the laying of branch sewers and water pipes, and, in general, to regulate plumbing and provide for the removal of unsanitary plumbing and to compel the same to be kept in a sanitary condition.

Thirty-fifth. To license, regulate and control or prohibit the carrying and use of firearms or concealed weapons, and to provide for the confiscation of the same.

Thirty-sixth. To license and regulate the keeping of dogs, and to prevent the same from running at large, and to authorize and enforce the destruction, in summary manner, of dangerous or vicious dogs or dogs running at large.

Thirty-seventh. To regulate or prohibit the storage, receipt, transportation, dealing in and use of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, gun cotton, nitroglycerine and any product thereof, and other combustible or explosive material within the city, or within one mile from the limits thereof, and the use of lights in stables, shops and other places, and the building of fires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, rockets and other fireworks, and of firearms within the city.

Thirty-eighth. To prevent and suppress riots, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraved exhibitions or sports within the city.

Thirty-ninth. To restrain and punish vagrants, mendicants, street beggars, prostitutes, and to regulate or prevent public bathing or swimming within the city limits, and to prevent and punish

open and notorious drunkenness, fighting, assaults, battery and disorderly conduct, and obscenity in the city, and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements, and illustrations, and any publications, either of printed matter or sign pictures, effigy, or otherwise, naturally tending to provoke a breach of the peace or to impair the morals of the community.

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

Forty-first. To restrain and prohibit lotteries, and to suppress all kinds of gambling, slot machines, gambling devices, dice, hazzard, roulette or other games of chance, the use of black boards, lists and tickets for the purpose of gambling, all pool rooms and betting rooms and the selling of pools or books on horse races or other contests, real or fictitious; to suppress, prohibit and restrain all mechanisms and devices used for gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling or other unlawful purposes.

Forty-second. To establish a public pound and restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals and to authorize the distraining and sale of the same.

Forty-third. To establish and regulate market and market houses.

Forty-fourth. To provide for the inspection of bread made for sale and regulate the making of the same, and prescribe the weight and quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto.

Forty-fifth. To provide for and regulate the inspection by the Board of Health of meats, poultry, fish, game, butter, flour, cheese, lard, eggs, vegetables, meat, milk, fruits, whiskey, and other liquors, and provisions, and to provide for the taking and summary destruction of any provisions that are unsound, spoiled or unwholesome, and to regulate and prevent the bringing into the city, having or keeping such unsound, spoiled or unwholesome provisions, or any unsound or putrid beef, pork, fish, hides, skins or other substances, and to inspect and regulate dairies and dairy products and to regulate the sale of milk within the city.

Forty-sixth. To provide for and regulate the manner of weigh-

ing day and year and selling the same; and measuring and selling firewood, coal and lime; to provide for the inspection of lumber and building material, and to regulate the measuring and selling thereof, and to prohibit the sale of any such goods by weight or measure, unless first weighed or measured by the official weigher and scaler.

Fifty-seventh. To provide for the inspection and testing of weights and measures, and to ensure the use and keeping by vendors of proper weights and measures, duly tested and sealed, and to provide for the term, appointment and compensation of a city scaler of weights and measures, and to provide for the punishment for the use of false weights and measures.

Fifty-eighth. To regulate the construction of all buildings, chimneys, and smokestacks; to prohibit and prevent the erection or maintenance of insecure and unsafe buildings, walks, stacks or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the depth, material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, the size and material of floors, beams, girders, pipes, columns, rods, chimney flues and heating apparatus, to regulate the construction of gables, and vaults in buildings; to prohibit the construction of buildings not conforming to such regulations; and to direct the suspension, at any time, of the erection of any such building that does not conform to such regulation; and to provide for the issuance of building permits.

Fifty-ninth. To prescribe the limits within which wooden buildings shall not be erected, placed or repaired, and to direct that all and any such buildings within such limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of their values, shall be torn down or removed, and to prescribe the manner of ascertaining such percentage, and to compel the owners of any buildings, or other structures which have been destroyed or partially destroyed, or have become dangerous by fire, or otherwise, to take down the same or any part thereof, and in case of refusal or neglect of said owner to take down the same, when ordered by the city council, then to cause the same to be taken down; and to provide by ordinance for the punishment of such refusal or neglect, and to assess the cost thereof upon the land upon which said building or structure stood.

Fiftieth. To require the owners or lessees of buildings or

structures now, or hereafter to be, built in the city, to place thereupon such fire escapes and appliances for protection against or for extinguishing fires, as it may direct.

Fifty-first. To prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove-pipes or ovens used in or upon any house, building or manufactory; to regulate the carrying on of manufactories liable to cause fires; to prevent the disposition of ashes or accumulation of shavings, rubbish or other combustible material in unsafe places, and make provision to guard against fire.

Fifty-second. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus hazardous to life and property.

Fifty-third. To declare the emission of soot or dense smoke from chimneys, stacks, locomotives, and other places, within the limits of the city, a nuisance, and to prohibit the emission of such soot or smoke in any portion of the city.

Fifty-fourth. To regulate the construction of chimneys and smoke stacks, and to prohibit the emission of sparks and cinders from chimneys, smoke stacks, or other sources, and to declare the emission of cinders and sparks a nuisance, and to require the use of such practical appliances as may be necessary to prevent the emission of the same.

Fifty-fifth. To declare what shall be a nuisance, to abate the same, and impose fines upon persons who make, create, continue or suffer nuisances to exist.

Fifty-sixth. To provide for and compel the reporting and recording of all births and deaths within the city.

Fifty-seventh. To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed, and to cause the removal of bodies interred contrary to law, and to vacate and discontinue any cemetery and to compel the removal of any bodies interred therein.

Fifty-eighth. To regulate the location, construction and management of stock yards, slaughter houses, packing houses, renderies, tallow chandleries, storing places for hides, bone or glue houses, gas works, soap factories, dye houses, and tanneries, or any other noisome or unwholesome business, within the limits of the city, or within a distance of one mile outside the limits thereof.

Fifty-ninth. To regulate the location, construction and use of breweries, distilleries, carriage houses, stables, livery stables, black-

smith shops and foundries, within the limits of the city.

Sixtieth. To compel the owners of every store, cellar, soap or tallow chandlery, pig sty, privy or other unwholesome or noxious house or place to cleanse, abate or remove the same.

Sixty-first. To regulate the location of lumber yards and places for piling lumber, wood and other combustible material, and to require any person maintaining any lumber mill, planing mill, shingle or lath mill or wood yards in the city to remove the same, when they become dangerous to buildings or other property near the same.

Sixty-second. To establish and enforce rules for the use and regulation of all buildings used and maintained by the city.

Sixty-third. To prevent or regulate the playing of games or any other amusement on the streets or sidewalks.

Sixty-fourth. To require and regulate the removal or destruction of swill, offal, garbage, ashes, street sweepings, barnyard litter, manure, rubbish, yard cleanings and the contents of privy vaults, cesspools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material; and in case the owner or occupant of the premises where said vile or unhealthy material shall be deposited shall neglect or refuse to remove the same within five days after being notified so to do by the council, either personally or by publication in an official paper, said council shall have authority to have the same done and assess the cost thereof against the property.

Sixty-fifth. To establish and regulate hospitals and pest houses and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make quarantine laws and enforce them within the city, and to regulate and prevent the introduction of contagious, infectious or other diseases into the city, and to regulate, control or prevent the landing of persons, baggage, merchandise or other property, from cars or other conveyances, infected with contagious disease, and to make such disposition of such persons or property as to preserve the health of the city, and to prevent infected cars or other conveyances from coming within or near the limits of the city.

Sixty-sixth. To establish and regulate public wells, cisterns, hydrants, reservoirs, fountains and watering troughs.

Sixty-seventh. To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and regulate the measurement of electricity and electrical apparatus, or any apparatus for furnishing light, heat and power in the city.

Sixty-eighth. To <sup>regulate</sup> ~~prevent~~ lodging houses and tenement houses and to prevent the over-crowding of the same, and to require the same to be kept in proper sanitary condition.

Sixty-ninth. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition.

Seventieth. To regulate the employment of minors on the public streets and other public places.

Seventy-first. To compel the owners or occupants of property within the city limits, to keep the same clear of any brush or other material or substance liable to communicate fire to adjacent property, and in case the owner or occupant of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the council, either personally or by publication in the official paper, said council shall have authority to have the same done and assess the cost against the property.

Seventy-second. To direct and regulate the planting, preservation and trimming of ornamental trees and shrubbery over sidewalks or within the public grounds and streets within the city, and to prevent any injury thereto or interference therewith and punish any person willfully damaging any sidewalk, pavement, or appurtenance to the water works, sewerage or electric light system, or to any other property in or about the public works of the city, and to punish interference with or the withholding of any property of the city by any officer thereof, or any other party; and to establish boulevards and provide for their maintenance.

Seventy-third. To provide for the revocation of licenses.

Seventy-fourth. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or kinds of business, not in this chapter expressly referred to and provided for, as, in the opinion of the council, may require regulation, and, in general, to adopt all such measures and establish all regulations, in cases for which no express provision in this chapter is made, as the council may, from time to time, deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order and the suppression of vice and enhancement of the public welfare.

Seventy-fifth. To provide for lighting the city, and purchase or construct a telephone system and operate the same in said city.

Seventy-sixth. To regulate the construction of bicycle paths upon any street, alley or public place.

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Seventy-seventh. To provide for the investigation of the origin and cause of fires, and to compel the attendance of witnesses and the production and giving of evidence upon such investigation.

Seventy-eighth. To regulate and control in a manner not contrary to any specific provision on the subject contained in this charter, the exercise by any person or corporation of any public franchise or privilege, which, by the terms of the grant thereof, is to be exercised within the corporate limits of the city, whether such franchise or privilege has been granted by the city, or by or under the statute of Minnesota, or any other authority, and to regulate and determine the price, rates and charges to be paid by said city or its inhabitants to any person or corporation, now or hereafter exercising any such franchise rights, within the corporate limits of said city.

Seventy-ninth. To supply the city with water, either by contract with persons or corporations, or by municipal ownership of all necessary and needful works. To regulate the rates to be paid by the city and its inhabitants for water furnished by any person or corporation, now or hereafter organized for such purposes, and to regulate and determine the number and location of any and all fire hydrants, and the rate or price per annum to be paid by said city for such hydrant rental, to the person or corporation owning, establishing or maintaining any such fire hydrant within said city.

Eightieth. To provide for the levy, collection and expenditure of a poll tax within the city.

**Power to impose Penalties:**

Section 68. The council shall also have the power to prescribe, in any ordinance enacted by it, the punishment for the violation of such ordinance by subjecting the offender to pay a fine not to exceed one hundred dollars, or to be confined and kept at hard labor in the workhouse of the city, upon the public works of the city, or in any county jail, or in any place of confinement maintained by the city, for a period not to exceed ninety days.

**Nuisances:**

Section 69. The powers conferred upon the city to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law.

Depots, houses or buildings of any kind within the limits of the city, wherein more than fifty pounds of gunpowder or more than

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ten barrels, of fifty gallons each, of petroleum or other inflammable or explosive oils or substances are deposited or kept at one time, gambling houses, houses of ill-fame, disorderly houses and houses or places where intoxicating liquors are sold without license, within the city, are hereby declared and shall be deemed to be public or common nuisances.

**Intoxicating Liquors:**

Section 70. All the general laws of the State of Minnesota pertaining in any manner to intoxicating liquors, shall, so far as applicable, be in force in, and apply to, the city of Staples.

**Damaged Buildings, Removals:**

Section 71. Whenever any owner or occupant of any property shall fail to remove any building or structure which has been injured by fire, as provided for in sub-section 49, of section 67, of this chapter, then and in that case, the council may proceed to cause to be removed such building or structure and assess the expense of such removal against the property from which such removal is had. Before effecting such removal, however, the council shall give at least five days' notice to the owner or occupant of said premises of its intention to so remove said building or structure, and to assess the cost thereof upon said property, which notice may be served upon such owner or occupant personally, if found within said city; if not occupied and said owner does not reside within the city, then said notice may be served by mailing a copy thereof to said owner at his last known postoffice address, and such notice shall be served in the manner provided by law for the service of papers by mail, or service made on a non-resident by the publication of said notice in the official paper for two consecutive issues thereof.

At said meeting of the council, or at any meeting to which said matter may be adjourned, the council shall hear all interested parties and, if determined upon to make an assessment against said property, such assessment for expense of removal by the council may be for the full amount of the expense of such removal, and, before making the same, the council shall require the clerk to give notice by publication in the official paper, at least once a week for two successive weeks, of its intention to make such assessment upon such property at a meeting of the council to be specified in the notice, and at said meeting or at any subsequent meeting to which said matter may be put over, the council shall hear all interested parties

and shall then, or at a subsequent meeting, proceed to make an assessment against such property, which assessment shall be certified and returned to the county auditor of Todd County, Minnesota, to be collected in the same manner as other city assessments are by him collected.

Nothing herein contained shall be construed to prohibit the council, the mayor or building inspector, to order torn down without notice, any building or structure within said city which may be dangerous to passersby.

#### Control of Streets:

Section 72. The council shall have the care, supervision and control of all public highways, bridges, streets, lanes, alleys, public squares and grounds, sewers and public improvements, and, generally, shall have the care, supervision and control of all public property within the limits of the city, except as otherwise provided in this charter.

It shall have authority to open streets when necessary, and shall cause all streets which may have been opened under the authority of the city, or with its consent, to be kept open and in repair, and free from obstruction and nuisance. The city shall be exempt from all liability for damage caused to either person or property by reason of the existence or operation of any railroad along, across, under, over or upon any public highway, bridge, lane, alley or other public way, within the limits of the city.

#### Vacation of Streets:

Section 73. The council shall have exclusive power to vacate or discontinue public grounds, streets, alleys, highways, other than park ways, within the city, and also all county, town and state roads, whether actually traveled or used at the date of such petition for vacation or not. No such vacation or discontinuance shall be granted or ordered by the council, except upon a petition of the majority of owners of property on the line of such public ground, street, alley or highway within such city, proposed to be vacated, and within a distance of three hundred feet in each direction from the end of such portion so proposed to be vacated, and a corporation, otherwise a proper party, may join in and verify such petition, by any officer, and be counted as a resident for the purpose of this section. Each petition provided for in this section, shall state the facts and reasons for such vacation, accompanied by a plat of the ground, and it shall be verified by one of the petitioners. The council, when the

petition is presented, shall, if it deems it expedient that the matter shall be proceeded with, thereupon order the petition to be filed with the clerk, who shall give notice by publication in the official paper for two successive weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and the same shall be heard and considered by the council on a day and at a place therein specified, not less than ten days from the expiration of such publication. The council shall, at the time and place appointed, investigate and consider said matter, and shall hear the testimony and evidence on the part of the parties interested. The council, after hearing the same, may, by resolution passed by a three-fourths vote of all the members thereof, declare such street, alley, highway or road vacated, which resolution, if approved by the mayor, or passed over his veto, shall go into effect the same as other resolutions, after a transcript thereof, and of said plat duly certified by the clerk, has been filed for record, and duly recorded in the office of the register of deeds of said Todd county.

The council may by resolution in any case, provide that no such vacation shall be valid until the value of the premises so vacated shall be deposited in the treasury, which value shall be fixed by resolution by three-fourths vote of all the members thereof, and shall in no case be less than a proportionate value of the abutting property.

Provided that vacations and discontinuances of any county, state or town road, may be granted upon the petition of a majority of the owners, of such property to which the same or the portions thereof sought to be vacated, passes, when such owner shall have platted the same, and shall have provided, in lieu of such roads, sufficient streets, in the opinion of the council, and the acceptance of such plat and the resolution of vacation, shall, when recorded, be conclusive evidence thereof.

#### New Offices not to be Created:

Section 74. The council shall have no power or authority to create any new or salaried office not provided for by this charter, but nothing herein contained shall prevent the city and its officers from employing such servants and agents from day to day and from month to month as shall be authorized by the council by resolution.

#### Relief.

Section 75. The council shall not have the power or authority to relieve any citizen from the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon

him by law or ordinance, or to ordain the payment of any demand not authorized and provided, according to law, except by a two-thirds vote thereof.

**Compromises:**

Section 76. The council shall not have the power or authority, except by resolution by vote of two-thirds of all the members of such council, to authorize any compromise of any disputed demand or any portion thereof.

**Damages for Injuries:**

Section 77. The council shall not have the power to authorize the payment of any damage claimed for alleged injuries to persons or property, except by resolution adopted by a vote of three-fourths thereof.

**Appeals to District Court:**

Section 78. Whenever any claim, excepting the claim of an employee or officer of the city, for wages or salary, is allowed and ordered to be paid in whole or in part by the council, no warrant for the same shall be signed by the mayor until ten days after such allowance, and the attorney of the city may, and if the amount so ordered to be paid exceeds twenty-five dollars and seven tax payers of the city, file with him a request in writing to appeal therefrom, he shall, on behalf of and in the name of the city, appeal from the decision of the council to the district court of said Todd county, at any time within said ten days, and such appeal shall be perfected in the same manner, and like proceedings shall be had, as in cases of allowance by the board of county commissioners of claims, against the county and appeals therefrom, as provided by the general laws of this state. Thereafter no warrant shall be issued in payment of any part of such claim until a certified copy of the judgment of the court shall be filed in the office of the city clerk.

In case of appeal being taken, the clerk shall forthwith, without charge, make a return thereof to said district court, which return shall include a certified copy of the claim and a transcript from the records in the office of the clerk, of the action of the council and mayor thereon. In all such appeal cases, the proceedings shall be put on the trial calendar, among the issues of fact, for trial at the next general term, of the district court of said Todd county, held after eight days from the date of the appeal, and on or before the second day of such term, pleadings shall be made up under the direc-

tion of the court, as in civil actions, and thereupon all proceedings shall be had as in other cases in district court.

**CHAPTER V.**

**Financial Department.**

**Fiscal Year.**

Section 79. The fiscal year of the city shall begin on the second Tuesday in April, of each year.

**Debt not to be increased:**

Section 80. The debt of the city shall not be increased nor shall any new bond of the city or warrant be issued except as herein provided, nor shall the city loan its credit, become a stockholder or make any contribution or donation to any person, company or corporation whatever.

**Provision to pay indebtedness:**

Section 81. The council is hereby authorized to provide by taxation for the prompt payment of interest, and for a sinking fund for the purpose of paying the bonds of the city, whether heretofore or hereafter issued.

**Warrants:**

Section 82. All money and other property belonging to the city except as otherwise provided in this charter, shall be under the management and control of the council, and moneys shall be paid out upon the warrant of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council, passed by an affirmative vote of two-thirds of the whole number thereof, provided, that the salaries of all regular officers and employees of the city, except street commissioners, may be paid upon motion of the council duly passed by a majority vote, but this proviso shall not be construed to include the wages of officers and employees of the city, specially or temporarily employed. The resolution providing for the issue of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn and shall be payable out of none other.

Each warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with all other warrants issued since the adoption of this charter, that may be then outstanding against such fund, and the council is hereby prohibited from authorizing the issue or ordering paid any such warrant, until there is sufficient money, as aforesaid, in the treasury, applicable thereto, to meet such warrant, together with all other warrants which may be outstanding against such fund; provided, that the city council may issue time warrants when the fund on which the warrant is drawn, is exhausted; but the amount of time warrants outstanding against any one fund shall at no time, exceed the sum of \$2,000, nor shall the aggregate warrants outstanding against all funds at any time, exceed the sum of \$5,000; and said warrants shall bear interest at not to exceed the legal rate.

It shall be unlawful for the council to transfer any money from one fund to another fund, or to borrow money from one fund for the benefit of any other fund, and any such transfer of funds is hereby forbidden and prohibited. No officer or official body of the city shall have any power to contract or create any indebtedness against the city except in accordance with the provisions of this charter, or to create any liability against the city by the issuance of any warrant contrary to the provisions of this section, and any warrant issued contrary thereto shall be wholly void as to the city, but the same shall constitute a personal claim against the officer or officers issuing the same, and any member of the council voting to authorize the issuance of the same or attempting to create such indebtedness shall be personally liable therefor. Neither said council nor any officer or officers of said city, shall, without special authority of law, have authority to issue any bonds or create any debt, or any liability against said city, in excess of the amount of revenue actually levied and applicable to the payment of such liability.

#### Board of Tax Levy:

Section 83. The mayor and council shall constitute a board of tax levy. Said board shall meet on the second Monday in September, each year, to consider, determine and fix the rate of taxation for the various purposes for which the council is authorized to levy taxes for such year. It shall be the duty of such board to reduce the maximum rate of taxation for such purposes to the lowest practical

limit, but no taxes for current expenses shall, in any one year, amount to more than one per cent of the assessed valuation of the property of the city as appears from the assessed valuation thereof for the preceding year. Said board may adjourn from time to time, as may be necessary, but shall complete its work not later than the thirtieth day of September, in each year.

#### Funds:

Section 84. There shall be maintained in the treasury the following funds: A sinking fund, a permanent improvement fund, a permanent improvement revolving fund, an interest fund, a water and light fund, a current expense fund, a park fund, and such other funds as the council may, by resolution or ordinance, direct.

1. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund the council is authorized to levy an annual tax of not to exceed two mills on the dollar of the assessed valuation of all taxable property in the city as appears from the assessed valuation thereof for the preceding year. The treasurer is hereby forbidden to place any money appropriated to the sinking fund, to any other fund.

There shall also be paid into the sinking fund all taxes collected to pay interest in excess of the amount required to pay such interest.

There shall be a separate branch of the sinking fund to be known as the water and light branch of the sinking fund, which shall be established by the city council whenever the city shall operate its own water and light plant or either of them; there shall be paid into said water and light branch of the sinking fund, the proportion of the earnings of said water and light plants or either of them, set apart for the payment of the bonds issued on account of the construction of said water and light plant or either of them, as hereinafter provided. A separate account shall be kept of the moneys paid into the water and light branch of the sinking fund, and said money shall not be used for any other purpose than the payment of said water and light bonds, but said money shall be handled by the sinking fund commissioners in the same manner as the rest of the money in the sinking fund.

#### Sinking Fund Commissioners.

The mayor, treasurer and attorney shall constitute a board of sinking fund commissioners, and the council may, by resolution, de-

fine such duties for such board as are not herein provided. Said commissioners shall have charge of the sinking fund and shall, by and with the consent of the council, invest the same in bonds or other obligations of the city, issued pursuant to this charter, or in such other bonds as are permitted by law for the investment of the public school funds of the State of Minnesota, or in any county or school bonds of this state. In case of investment in bonds or other obligations of the city, the same shall not be cancelled, but shall be held in the sinking fund, and the interest thereon shall be paid over and applied to such sinking fund. Whenever any bonds of the city shall become due, the said commissioners shall, by and with the consent of the council, dispose of such bonds then in said funds, as, with the money on hand belonging to the same, shall be necessary to pay such maturing bonds. And said commissioners, by and with the consent of the council, may dispose of any of the bonds in said fund, at such other time as said commissioners and council may deem for the best interest of the said fund.

Said commissioners shall make a detailed report to the council, at the first meeting in July in each year, and at such other times as the council may require, and said report shall show the condition of said sinking fund, the nature and value of each of the securities thereunto belonging, with the full description of said securities.

Any tax payers of the city or any of the owners of the bonds of this city, shall have the right to maintain in a court of competent jurisdiction, any proper action or proceeding to enforce, upon the part of the council or said commissioners, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the city, said sinking fund shall not have money in it sufficient to pay the bonds so maturing, and whenever the council shall deem it advisable and for the best interest of the city, to take up any outstanding bonds not due, the council may issue other bonds of the city to run not exceeding twenty years, on such terms as to place and times of payment and rate of interest, as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due, provided, that refunding bonds shall in no case draw a higher rate of interest than the bonds taken up.

2. The permanent improvement fund is created for the purpose of paying the cost of all real property and all rights therein, and all improvements thereon which the city may have or acquire for its various purposes, payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions

of the expense of local improvements as shall devolve upon the city. There shall be paid into this fund all moneys received from the sale of any permanent improvements or property of the city, the proceeds whereof are not otherwise disposed of under this charter, and also such amounts as may, from time to time, be realized from the sale of bonds issued on account of this fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax which shall be levied by the council as a part of the annual tax levy, when necessary.

3. The permanent improvement revolving fund is created for the purpose of providing money for paying for that portion of local improvements, under the provisions of this charter, for which assessments may be levied. It shall not be supported by taxation. There shall be paid into it all moneys received from all assessments levied under this charter for local improvements, and also such amounts as may be realized from the sale of bonds or certificates authorized therefor in this charter.

4. The interest fund is created for providing moneys for the payment of interest to become due during the next fiscal year, upon the outstanding bonds of the city. It shall be maintained by an annual tax levy, made by the council, upon all taxable property of the city, of such an amount as will be sufficient to pay such interest.

5. The water and light fund is created to provide for the support and maintenance of any plant owned or operated by the city for furnishing, to the city or its inhabitants, water or light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of the city water and light plant, and the interest on all bonds and outstanding obligations issued on account of said water and light plant.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the water and light plant of the city; also the proceeds of all special assessments levied on account of or in connection with such water and light plant; also such amounts as may, from time to time, be realized from the sale of bonds issued on account of said plant; and also all moneys received from the operation of said plant, including water and light rates, rentals and penalties.

Should there be any accumulation of money in this fund, beyond the needs thereof, the council may, by resolution passed by a two-thirds vote, direct such accumulation, or any part thereof, to be paid and transferred to the sinking fund.



6. The current expense fund is created to provide moneys for the payment of all other legal obligations of the city. It shall be maintained by tax levy, and there shall be paid into it all moneys belonging to the city not specifically designated as belonging to any other fund, but no larger amount shall be levied therefor in any one year than one per cent of the assessed valuation of the taxable property of the city, as appears from the record of the assessment of said city for the previous year.

7. The park fund is created to provide for the acquisition, support and maintenance of any park, parks or parkways which may be acquired by the city. This fund shall be supported by taxation, and the council is hereby authorized to make an annual tax levy, therefor, when deemed necessary of not to exceed one mill on the dollar of the assessed valuation of the taxable property of the city, as appears from the record of the assessment of said city for the previous year. Until a levy is made for the park fund, the council is hereby authorized to transfer from the current expense fund to the park fund not to exceed one hundred dollars (\$100.00) per year.

**The several funds:**

Section 85. The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the clerk, be apportioned to and kept in the separate funds established by this charter and by the council, and it shall be unlawful to transfer moneys from one fund to another, or divert money from the fund to which it belongs, except that, when there shall be a surplus of cash to the credit of any such fund, the council may, by resolution passed by a three-fourths vote of all its members, authorize said surplus cash to be placed in the sinking fund, or interest fund; provided, that money shall never be transferred to any other fund, from either the sinking fund or the special sinking fund, until the several purposes for which said funds have been established and maintained, shall have been fully accomplished.

**No debt created without authority of the council:**

Section 86. None of the departments respectively of the city or any officer of such department shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a two-thirds vote of the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation, for any purpose whatever attempted to be created as aforesaid, unless the creating of such claims or the incurring of such

indebtedness shall have been previously authorized by a two-thirds vote of the council. Every requisition from any officer, department or commission to purchase supplies or create any indebtedness against the city, shall be itemized.

**Money now in the Treasury:**

Section 87. Within thirty days after the election under this charter, it shall be the duty of the council, with the assistance of the clerk and treasurer, to apportion the money then in the city treasury, among the several funds herein provided for.

**Power to Borrow Money or Incur Debt:**

Section 88. The City of Staples may issue bonds by resolution as follows:

1. For the purpose of acquiring, constructing, maintaining, enlarging or improving suitable waterworks or lighting, heating or power plants, or either of them, or for the acquisition and equipment, by purchase or otherwise, of telephone lines or any other public convenience from which revenue is or may be derived, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such plants or system, and such bonds shall be a first lien upon the particular plant or plants in connection with which same were issued, and upon the appliances and structures thereof and all property acquired for use in connection therewith, owned and purchased by the city.

2. For the purpose of providing a permanent improvement revolving fund, in order to provide money for any contemplated local improvement, to be assessed upon the property benefited thereby.

3. For the purchase or erection of needful public buildings.

4. For the construction of sewers, subways, streets, sidewalks, pavements, culverts and parks and parkways.

5. For constructing bridges and roads within two miles of the corporate limits thereof.

6. For the purpose of paying any judgments lawfully rendered against it, and for the purpose of refunding the floating indebtedness or bonded indebtedness of the city existing at the time this charter takes effect, or for paying, funding or refunding any bonded indebtedness of the city, or the interest thereon created at any time in any manner under the authority of this charter.

No bonds of the City of Staples shall be issued whereby the aggregate bonded indebtedness of the city will be made to exceed ten

per cent of the last assessed valuation of the property taxable therein; but certificates of indebtedness or bonds issued before the adoption of this charter, shall not be counted as a part of such aggregated bonded indebtedness if issued: (1) either for the purchase, construction or maintenance of water and lighting plants, or either, owned and operated by the Village of Staples, or the acquisition of property needed in connection therewith; or (2) for the creation or maintenance of a permanent improvement revolving fund; but the City of Staples may issue certificates of indebtedness or bonds upon resolution of the city council, approved by the mayor, without securing the approval of the voters, as hereinafter provided for, if such issue be for the creation or maintenance of a permanent improvement revolving fund, the purpose of anticipating the collection of general taxes for the year in which issued, or for the purpose of extending, enlarging or improving water and lighting plants, or either, owned and operated by the city, or of acquiring property needed in connection therewith, or for the purpose of funding floating indebtedness incurred or for the purpose of refunding bonds issued by the Village of Staples before the adoption of this charter, or for the purpose of refunding any bonds or certificates of indebtedness issued by the City of Staples; provided, that no such bonds shall be issued, which, with the bonds already issued by the city, would make the entire bonded indebtedness of the city exceed 25 per cent of the last assessed valuation of the property taxable therein. Whenever the council shall pass any resolution to issue bonds pursuant to the provisions of this section, except in the cases above mentioned, where the approval of the voters is not required to be obtained, such resolution shall provide for the submission to the legal voters of the city at some general election, or at some special election, to be called by the council for that purpose, of the proposition for issuing such bonds, to an amount deemed by said council to be advisable. Any such election whether special or general, shall be conducted in the same manner and with the same formality as special and general elections are respectively conducted under the provisions of the general laws of this state.

The ballot to be voted at such election shall have printed upon it this question, "Shall bonds be issued to the amount of..... dollars, for the purpose of.....?" and following, and to the right of said question, shall be printed two words, "Yes," and "No," and the voter shall indicate his choice by an X marked to the right of the said "Yes" or "No" in a column prepared for that purpose on the ballot, according as he is in favor of or opposed to the issuance of

said bonds, and no ballot shall be counted which does not have an X marked in one, and only one, of said spaces. No such bonds shall be issued until such resolution has been approved by a majority of the legal voters voting at such election.

Bonds, certificates and other evidence of indebtedness and obligations of the city authorized by this section shall, in no event, bear a greater rate of interest than six per cent per annum, and if they run for more than five years, shall not bear a greater rate of interest than five per cent per annum, and shall, in no event, be sold for less than the par value thereof, and shall be sold in accordance with the provisions of the first paragraph of Section 1, and Section 2, of Chapter 355 of the general laws of the State of Minnesota for the year 1897, and acts amendatory thereto. Except as provided for in this charter, no warrants, bonds or other evidence of indebtedness shall be issued by the city or any one in its behalf.

The City shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority by ordinance to sell, assign and convey any property so acquired, and shall have the power in like manner, to sell, assign and convey any lien or right of action held by the city on account of or arising out of any such assessments, as security for the payment of any bonds, certificates of indebtedness or other evidence of indebtedness mentioned in this section, or to provide that such bonds, certificates or any other evidence of indebtedness mentioned herein, may be collected out of any such property, liens or rights of action.

#### Penalties:

Section 89. Any wilful neglect or refusal on the part of the treasurer or clerk to perform the duties required, in this chapter or by the charter of the city or any vote or act of the mayor or any member of the council, or of said officers or other officers of the city, made or done with the wilful intent to evade the provisions of this chapter or this charter, or to divert the funds raised by taxation or pledged by ordinance to any specified purpose, is hereby declared to be malfeasance in office, and upon conviction thereof, such officer shall be removed from office and shall in addition thereto, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the Todd county jail not exceeding one year, and any occurrence of any neglect, refusal, vote or act, as aforesaid, shall be prima facie evidence that the same was done with such wilful intent.

**Poll Tax:**

Section 90. Every male inhabitant of the city between the ages of twenty-one and fifty years, when not exempt by law, shall annually pay a poll tax of not less than one day, nor more than three day's work upon the streets, highways or public improvements of the city, within the ward in which he is a resident, and such number of days shall be fixed and levied by the council by resolution, at its regular meeting in March, in each year.

All persons liable to pay such poll tax may, in lieu of work, pay to the treasurer in cash one dollar and fifty cents for each day so fixed by the council. The clerk shall, not later than the first day in May, each year, prepare a full and complete list in triplicate, of all residents of the city who are liable to pay poll tax, said list shall be compiled from the last voters' list used at any municipal or general election, as the case may be, held in the city, and it shall be his duty to add thereto the names of all other persons liable to pay said tax who have been omitted from said poll list or who have become residents since the same was prepared. The list shall, after the name of each person, contain a check mark in the proper column to indicate the ward in which such person resided at the time such poll tax list is prepared and if exempt, the cause thereof, and if such person has died or removed from the city, the fact shall be indicated on said list. The list, when completed, shall be submitted to the council for approval, and when corrected and approved, one copy thereof shall remain in the office of the clerk, and be at all times open to inspection, one copy shall be delivered by him to the treasurer, and the third shall be delivered to the street commissioner, and shall be prima facie evidence of the liability of the persons named therein to payment of poll tax.

The clerk shall, not later than the tenth day of May, in each year, notify each person in the city, who is liable to poll tax, by postal card, of the amount of his said tax, and that it may be commuted at the rate of one dollar and fifty cents per day, by payment at said rate to the treasurer, who shall receive all such payments and place them in the current expense fund, and shall make each month a detailed report thereof to the council, at its regular meeting. Said report shall give the name and ward of each person who has made payment of said poll tax to him during the preceding month and said money shall be expended in the ward in which the persons paying same reside.

All of said poll tax, which shall not have been commuted, shall be worked out in person, in the manner provided by the laws of the state for the collection of highway labor in towns, except that the same shall be worked under the supervision and direction of the street commissioner.

Said street commissioner shall make report in writing to the council monthly, at its regular meeting, which report shall be in detail and give the name and residence, by wards, of all persons who have worked their said poll tax under his direction, and the date and place thereof, and shall show the names of all persons who have not worked or commuted their said poll tax.

It shall also be the duty of the street commissioner to add to said list the names of all persons legally liable to the tax, who may have been omitted from said poll tax list, and to report the same to the council, and to compel all such persons to work or commute said poll tax.

Failure on the part of said street commissioner to make said reports or any of them, or to add the names of all such persons liable to poll tax to said list, and to require them to pay or commute the same, and promptly report to the council all such persons who fail, refuse or neglect to pay or commute said poll tax, shall be grounds for dismissal from his office, and he shall thereafter be disqualified for appointment as a street commissioner.

This provision shall not be construed to be a bar to any prosecution of said street commissioner for any neglect of duty or other wrong doing.

Every person, resident of the city, liable to poll tax, who has been duly notified and does not commute, and who refuses or neglects to appear in person at the time and place and work his poll tax, when required and as directed by said street commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the general laws of Minnesota relating to highways and penalties for neglecting road duty, shall be liable to a fine not exceeding one hundred dollars or by imprisonment in the county jail of Todd county for not exceeding three months.

## CHAPTER VI.

## Water and Light Department.

## Power of City:

Section 91. The city may construct its own water plant and lighting plant, or either of them, and may dispose of same at will, but no sale or lease shall be made except in the manner provided in section 66 of this charter. The city may maintain, enlarge, extend, repair and operate said plants, or either of them, and may furnish water or light or heat for all municipal purposes and may supply the same to the inhabitants of the city.

## Commissioners:

Section 92. The control, management and operation of such water and light plants, or either of them, owned by the city shall be committed to a board to be known as the Water and Light Commission.

## Eligibility, Appointment, Salaries:

Section 93. Said board shall consist of five members, all of whom shall be residents and citizens of the city, and at least three of whom shall be freeholders and residents of the city for five years prior to the time of their appointment. Upon the purchase or erection of a water and lighting plant, or either of them, by the city, and at or prior to the time when the city is to commence the operation of said plant or plants, the city council shall appoint said board, two of whom shall be appointed for one year, two for two years and one for three years, and the terms of office of all said commissioners shall be considered as beginning on the twenty-first day of April prior to the date of their appointment. At the expiration of the terms of office of each of said commissioners the city council shall appoint their successors for a term of three years, said appointment to be made at the time and in the manner that other officers are appointed, provided, however, that no such appointment shall be made by the council except by a two-thirds vote of all the members thereof, and said commissioners, before entering upon the duties of their office, shall qualify.

## Organization, Powers:

Section 94. Said board shall organize by electing one of its members ~~president~~ <sup>president</sup>, and it shall also elect a secretary, who shall

be clerk and bookkeeper and collector of the water and light commission. The board may elect the city clerk to this position, if desired. Said board shall employ such necessary help as will enable it to properly perform its duties under this charter and may discharge such employes at will. Said board shall prescribe the duties of all such employes and shall fix their compensation, as well as that of the secretary. Said board and its employes, under its direction, may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the city against any person for the use of water or light, or for injury to any property or works entrusted to its care. Said board may require from the persons employed by it, bonds for the faithful performance of their duty. The amount of such bonds shall be fixed by the board, but the bond of the secretary shall not be less than two thousand dollars.

## By-laws, Rules:

Section 95. Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose and signed by the president and secretary, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for water and light furnished by it, so that the water and light fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and reasonable extension of the water and light system of the city, or either of them, which may be in operation, and to pay the interest on all bonds of the city, designated under this charter, which shall have been issued on account of the construction of the water and light plant, or either of them, and to maintain a water and light branch of the sinking fund, in which shall be accumulated, each year, five per cent of the amount of the bonds so designated for replacement, as long as any such bonds are outstanding, and it is hereby made the duty of the council to establish such branch of the sinking fund within sixty days after the city shall have commenced to operate said water and lighting plant, or either of them.

## Distribution, Price:

Section 96. Said board shall regulate the distribution and use of water and light in all places and for all purposes where the same shall be required for either public or private use, and shall fix

the price and rates therefor, provided, that, in case of hydrants for extinguishing fires, and fountains and watering troughs, and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct. Provided that said board shall not charge the city for such water or light a higher rate than is charged to private parties, and the price to be charged per year for each hydrant shall not exceed forty dollars. The city shall pay, out of the general fund to the account of the board or to the water and light fund, at the price and rate so fixed by the board, for all water and light supplied to the city for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of water and light, and may, when in its judgment necessary, shut off the water or light or take such other action as in its judgment may be proper.

**Payment in Advance Required:**

Section 97. The board shall have full power and authority to require payment in advance for the use of water furnished by it in or upon any building, place or premises and, in case prompt payment for the same shall not be made, then it shall shut off such water; and, in case prompt payment of light bills shall not be made, as required by the board, then such light shall be shut off and said board shall not again supply said building, place or premises with water or light until all arrears, with interest thereon, together with the cost and expenses of turning said water or light off and on, shall have been fully paid.

**Supplies:**

Section 98. All supplies for the water and light plants, or either of them, shall be purchased as follows: An itemized list of such supplies shall be made by said board and delivered to the city clerk, who shall register the same and submit it with his report thereon to the council, and if approved by the council said bill of supplies shall be purchased under the provisions of chapter 10 of this charter, by the city clerk under the direction of the council. Provided, that the council may authorize the purchase of supplies for amounts up to the sum of two hundred dollars in open market, without inviting proposals therefor. Provided, further, that the council, by a two-thirds vote, may authorize the water and light commissioners to contract for special services or supplies not to

exceed fifty dollars in any one month, which may be absolutely necessary for the operation of the water and light plant, but in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the board shall make its requisition for supplies to the city clerk, who, by and with the consent of the mayor, shall purchase supplies on account of the city without an order from the council therefor, and said board shall cause the damage or break to be repaired in such manner as it may deem best for the interests of the city. Provided further, that if any requisition of said board for any such supplies shall be refused by the council for any reason, said board may at once make application to the district court of Todd county for an appropriate writ to compel the council to furnish supplies and the court shall, forthwith, hear and determine said matter upon eight days' notice to the city by service upon the mayor or clerk. And, during the pendency of such proceeding, said court may order said board to contract for and purchase such supplies as the court may deem necessary and proper and all such supplies, so purchased by the board under order of court, shall be paid for by the city by order of the council as other supplies are paid for.

**Duties of Secretary:**

Section 99. It shall be the duty of the secretary, under the direction of the board, to collect and pay forthwith into the treasury, all moneys due on account of the operation of the water and light plant, or either of them, and all the money which may come into his hands belonging to the city. The secretary shall keep a set of books in his office, which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the board and paid over to the treasurer, and all payments made for account of the water and light plants, and all moneys due and owing to the board for any cause whatever, together with an accurate account of all the expenses of the board. At the beginning of every month the secretary shall present to the council, upon carefully prepared vouchers, all the bills for labor and material previously obtained or purchased by the board, as herein provided, which, after being approved by the board, and examined and certified to by the city clerk, shall be presented to the council at its next meeting for allowance and payment.

**Extension of Service:**

Section 100. Extensions of the water pipes owned by the city,

and of electric light lines, shall not be made except when ordered by said board and approved by the council.

#### PENALTIES:

##### For Injuries to Works:

Section 101. Any person who shall wilfully and without authority from said board break, remove or in any manner damage any of the pipes, gates, boxes, hydrants, machinery, hose, wires, transformers, meters, or other property of any description belonging to or in any manner connected with said water and light plants or either of them, shall, on conviction thereof, be punished by imprisonment in the state prison for a term not exceeding five years or in the common jail of Todd county for a term not exceeding two years, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment.

##### Unauthorized Use of Water:

Section 102. Any person who shall, without authority from the board, tap or tamper with any main or surface pipe, or take water therefrom, or open or shut any surface cock or fire hydrant or unscrew wholly or partially the tap from such hydrant, or turn water into any tunnel or ditch excavated or used by the board for the purpose of laying the pipes or mains, or who, being authorized by the board to take water from any pipe for any specified purpose, shall, without authority from said board, use such water for other than such specified purpose, or permit any other person to use any such water, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail of Todd county for not exceeding three months.

##### Interference with Water:

Section 103. If any person shall maliciously or wilfully divert the water, or any portion thereof, from said works or plant, or shall corrupt or render the same impure, or shall interfere with, destroy or injure any pipe, conduit, machinery, or other property used or required for procuring or distributing water, shall forfeit to the city, to be recovered in a civil action, treble the amount of damages occasioned by him, besides costs, and all such acts are hereby declared to be misdemeanors, and may be punished as provided for in section 101 of this chapter.

##### Omissions from Water Rates:

Section 104. It is hereby declared to be punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail of Todd county for not exceeding one year, or by both fine and imprisonment, in the discretion of the court, for any member of said board to neglect or refuse to collect the water or light rates or rentals, or the cost of labor or supplies furnished by said board, to any person or corporation, or to discriminate in favor of, or against any individual in regard thereto.

## CHAPTER VII

### Fire Department

##### Organization:

Section 105. There shall be a fire department, of which the mayor shall have general supervision. The head of said department shall be known as the chief of the fire department. Said department shall be either volunteer or paid, but a paid fire department shall not be established except by an ordinance passed by an affirmative vote of two-thirds of all members of the council, which ordinance, before it takes effect, shall be submitted to and adopted by the voters of the city, under the provisions of section 66 of this charter.

##### Election of Officers:

Section 106. If the city maintains a paid fire department, the mayor shall nominate and the council shall elect the chief and such other officers and members of the department as may be deemed expedient.

If a volunteer fire department is maintained, the members thereof shall elect their own chief, assistant chief and other officers, subject to confirmation and approval by the council.

Such volunteer department may adopt a constitution and by-laws, not inconsistent with the laws of the state, and subject to the approval and confirmation of the council.

Such department is also authorized and required to make and submit to the council a draft of all needful rules and regulations, not inconsistent with the laws of the state, the provisions of this charter or the ordinances of the city, for the government and control of

such department and the prevention and extinguishment of fire. Thereupon the council may consider the same and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

**Powers and Duties of Chief:**

Section 107. The chief of the fire department, under the direction of the mayor and council, shall have the general superintendence of the fire department and the custody of all engines, hooks and ladders, trucks, hose, horses and other property used and maintained for the purpose of said department. He shall see that the same are kept in proper order and that all the rules and regulations and all provisions of this charter, relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property. In case of the absence or disability of the chief for any cause, the assistant chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the chief.

**Authority at Fires:**

Section 108. The council may, by ordinance, provide for the removal and keeping away of any and all persons from fires, and may confer powers for that purpose upon the mayor, the chief, assistant chief and other officers of the fire department and the police officers of the city; and for such purposes the chief or assistant chief shall be vested with police powers. The mayor shall have authority, under such provisions as the council may enact, to send fire engines and other apparatus of the department, with a competent force of employes, to the relief of any other community, or for the preservation of property endangered by fire outside of the limits of the city.

**Fire Alarm and Other Property:**

Section 109. The council may provide for the establishment and maintenance of an efficient fire alarm, telegraph and telephone system for the purpose of the fire department, and shall provide for the purchase or lease of such fire engines and other apparatus for fire protection, as may be necessary to secure the highest efficiency of the department.

The council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the treasurer. The council shall also have power to provide for the erection of fire stations or engine houses, and the purchase or condemnation of sites therefor.

The powers in this section granted are subject to the general restrictions contained in this charter.

**Destruction of Buildings:**

Section 110. Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of, the mayor or the chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person, or said city, therefor, or on account thereof.

**Penalties:**

Section 111. If any person shall, at any fire, refuse to obey the orders of the chief of the fire department, or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinances of this city, or, in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished under the laws of the state.

**Money from State Insurance Fund:**

Section 112. As long as said department remains a volunteer fire department, the money received by the city from the state of Minnesota as the city's share of the state insurance fund, shall be spent under the direction of said volunteer fire department for the purposes of the department. At the beginning of every month the chief of said fire department shall present to the council, upon carefully prepared vouchers, the bills for the expenditures for the previous month, bearing his approval in writing, and after being examined and certified to by the city clerk, said bills shall be presented to the council at its next meeting for allowance and payment.

**CHAPTER VIII**

**Health Department.**

**Appointment, Qualifications:**

Section 113. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota; of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled health officer.

Each member of said department shall be a resident and elector of the city at the time of his appointment. They shall be appointed as other officers, for the term of one year.

#### General Powers, Duties:

Section 114. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and powers and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and such laws of said state governing such local boards shall, so far as applicable, apply and be in force in the city.

Section 115. The members of said department, in addition to the powers and duties mentioned in section 114 of this chapter, shall have the following and additional powers:

To enforce the laws of the state and the ordinances of the city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have, and be vested with, all the powers of police officers of the city. Said health officer shall, in addition to other powers and duties heretofore vested in and required of him, be required to perform the following duties:

#### Professional Advice:

1. The health officer shall give to the mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease he shall investigate the same and adopt measures to arrest its progress.

#### To Make a Circuit of Observation:

2. It shall be the duty of the health officer to make a circuit of observation to every part of the city and environs, from time to time, and in all cases wherein he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the council, ac-

companied by his written opinion of the necessity for extraordinary or particular action.

#### To Select Sites for Quarantine Stations:

3. The health officer, by and with the approval of the council, may select such sites, places and boundaries for quarantine stations and purposes, as may be necessary.

#### Right to Enter Buildings:

4. For the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable, or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks, or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

#### To Serve Notices to Abate Nuisances:

5. To serve notice in writing upon the owner, occupant, or agent of any lot, building or premises in or upon which any nuisance may be found, or upon any person who shall have caused such nuisance, requiring him to abate the same within reasonable time, and such notice may be given or served by any officer who may be directed to give the same.

#### To Provide Books for Keeping a Record:

6. It shall be the duty of the health officer to provide, at the expense of the city, the necessary books for keeping a record of all transactions of the health department, including the proper registration of births and deaths, and such other statistical information as may be necessary for such official work of said department.

#### To Visit and Examine the Sick:

7. It shall be the further duty of the health officer to visit and examine or cause to be visited and examined, all sick persons who shall be reported to him as suffering from any infectious or contagious disease, and to cause such person to be removed to the hospital or such other place as he may think proper, and cause said sick person to be provided with suitable nurses and attendance at his own expense, if he is able to pay for the same, but if not, then



at the expense of the city; but nothing herein contained shall be held to prevent the city from recovering from the county or state such sum as it may be entitled to by law.

**To Provide Equipment and Medicine:**

8. To provide, under the direction of the council, furniture, fuel, food, medicine and such other articles as may be necessary for the equipment and maintenance of any hospital for the prevention and control of infectious or contagious diseases, among men or animals. To control all such hospitals and to secure the decent and prompt burial of bodies of all persons dying at such hospitals.

**Penalties:**

Section 116. Any person who, without a permit from the health officer, shall bury or remove from the city the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of any infectious or contagious disease within twenty-four hours after death when ordered by such health officer so to do, or who shall refuse or neglect to abate any nuisance for the existence of which, as owner, occupant or agent of the place upon or within which such nuisance exists, he is responsible, after having received a notice from the health officer so to do; or who shall neglect to report the occurrence or existence of any birth, death or case of contagious or infectious disease as provided for in this charter, the ordinances of this city or the laws of the state; or who shall import or bring into the limits of the city knowingly, any person or animal sick of contagious or infectious disease, or who shall remove or cause to be removed, without permission from the health officer, any placard, announcing any contagious or infectious disease, attached to any house or building, or inclosure, by the said health officer or his subordinates; or who shall refuse to be vaccinated or to secure the vaccination of any minor child for whom he may be responsible; or who shall disobey or wilfully avoid quarantine regulations imposed by the health officer, or who shall interfere with the health officer or his subordinates in the exercise of his or their duties; or who shall violate any of the provisions of this charter or the laws of the state, or the ordinances of the city relating to the public health shall, upon conviction, be deemed guilty of a misdemeanor and punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors under the criminal laws of the state.

CHAPTER IX

Police Department

**Organization:**

Section 117. There shall be in the city a police department, of which the mayor shall have control and supervision and of which he shall be the chief executive officer and head; said department shall consist of a chief of police and such patrolmen as, from time to time, may be authorized by the council; all members of said department shall be residents of the city, and they shall be nominated by the mayor, but must be confirmed by the council before entering upon the discharge of their duties.

The mayor or council may, at his or their pleasure, remove any member of the department. The mayor, in case of large public gatherings or other unusual occasions, requiring additional police force, may appoint such other patrolmen, at a compensation not exceeding two dollars per day, as he may deem necessary, but such temporary appointment shall not continue in force for more than three days.

**Special policemen:**

Section 118. The mayor may, likewise, at the request of any person, corporation or organization, desiring special police protection, appoint special policemen, who shall serve without expense to the city, and possess police power to preserve the peace, protect property and make arrests for crime at such places and within such limits as may be designated by the mayor, but such special policemen shall not exercise any official authority or wear any badge of office outside of the limits so designated, except that, in the event of an arrest made by a special policeman, he may wear such badge while taking the person so arrested to the police station.

**Qualifications.**

Section 119. No person shall be eligible to appointment in the police department who is not a citizen of the United States, or able to read and write the English language understandingly, or who has been convicted of a crime. Nor shall any person be eligible to any appointment in any department, who shall not have been a resident of the city for at least one year immediately preceding his appointment. Any person appointed to the office of chief or patrolman shall, before entering upon the discharge of the duties of such office,

execute a bond to the city in such sum as the council may direct, for the faithful performance of his duty.

**Powers of Police Officers:**

Section 120. The chief of police shall possess the powers of constables at common law and under the statutes of this state and shall have the power to serve and execute any warrant, summons or other process issued out of any justice court of the city, and shall have authority to pursue and arrest, in the city or beyond the limits thereof, or in any part of the state, any person charged with or who has committed any violation of any ordinance of the city, or any other offense or crime within the city, but no such officer shall have power to arrest without such warrant, except in cases in which arrests without a warrant are authorized by the general statutes of the state, and the violation of any city ordinance shall be deemed a public offense.

**Conservators of the Peace:**

Section 121. The mayor or acting mayor, the aldermen, the chief of police, the sheriff of the county and all police officers and constables shall be conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits and for such purpose may require the assistance of all bystanders, and, if need be, of all citizens, and in suppressing any riotous or disorderly behavior or proceedings, the authority to command shall be in the officer present, in the order in this section named.

**Penalties:**

Section 122. If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto required as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

If any person shall, without lawful authority, assume to act as a police officer of the city, or falsely pretend to be authorized so to act, or wear a badge of a police officer within the city, he shall be liable to a fine, not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days.

**Gratuity or Rewards Prohibited:**

Section 123. Any member of the police department who shall

accept, directly or indirectly, from any person while in his custody, or after he shall have been discharged, any gratuity or reward, or any kind of intoxicating drink, or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained while in the discharge of his duties, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars, or imprisonment not to exceed ninety days.

**Compensation to be Fixed by Council:**

Section 124. Except as otherwise herein provided, the compensation of the chief of police, patrolmen, and other employes of the police department, shall be fixed by the council in the same manner as the compensation of other city officers.

**CHAPTER X.**

**Contracts.**

**Definitions:**

Section 125. All contracts for commodities or service to be furnished or performed for the city or any department thereof, involving an expenditure of more than five hundred dollars, shall be made as in this chapter provided, and not otherwise.

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

The word "contract," as used in this chapter, shall be construed to include every agreement, in writing or otherwise, executed or executory, by which any commodities, work or service are to be furnished to or done for the city, and every transaction whereby an expenditure is made or incurred on the part of the city or any department or officer thereof.

All action in this chapter required or authorized to be taken by the council shall be by resolution or ordinance.

**Estimate, Amount of Contract:**

Section 126. The council, in the first instance shall, on its own motion, or may, on the recommendation or report of any department

or officer of the city, determine in a general way the commodities, work or service to be done or furnished, and shall fix the estimated cost thereof, and in order to determine such estimated cost may require estimates from any officer or employee of the city.

In case such estimated cost, as determined by the council, shall not exceed the sum of five hundred dollars, the council may direct that the commodities, work or service be procured by or through the proper department or officer of the city without public bids.

In all cases where such estimated cost shall exceed the sum of five hundred dollars, said commodities, or service shall only be furnished or done upon public bids.

#### Plans and Specifications:

Section 127. Before advertising for bids the council shall cause to be prepared by the proper department, or officer of the city and filed with the clerk, detailed plans and specifications and the proposed contract for commodities and service.

#### Advertising:

Section 128. After filing the same the council shall direct the clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the columns of the official papers, and in such other papers and at such other times, and in such other manner as the council may direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the council, in the council chambers, upon a certain day and hour.

#### Certified Checks:

Section 129. In advertising for any bids the council shall require any bidder to deliver his bid and a certified check upon some reputable bank in this state, payable to the City of Staples, for at least ten per cent of the total amount of such bids, which check and the amount thereof shall be forfeited to the City of Staples, as liquidated damages, if the bidder, upon the letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

#### Receiving and opening bids:

Section 130. At the time and place mentioned in the advertisement for bids, the council shall meet in public session and publicly

receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively and no further bids shall be received after any bid has been opened. The council shall give all persons, who desire the same, an opportunity to inspect all bids when they are opened. No bids shall be considered when not accompanied by a certified check.

#### Action by council:

Section 131. The council shall act upon such bids and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided, that the council may reject any bids which it may deem unreasonable or unreliable, and the council in determining the reliability of a bid shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any reference to the responsibilities of the sureties upon his bond, and any person who shall have defaulted in any contract awarded by the city, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the council may reject all bids and abandon the proposed contract, or it may require the clerk to re-advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature, and if not executed by him in said time, he shall be deemed to have abandoned the same.

But in all cases for good cause shown, the council may, by a four-fifths vote of all the members, reject all bids and provide that the work may be done by direct employment of labor and purchase of materials by said city.

#### Performance of Contracts:

Section 132. After the acceptance by the council of any bids, it shall direct the execution of a contract by the proper officer, in accordance therewith and also in accordance with the said plans, specifications and proposed contract, and such contracts shall be carried out by the proper department or officer of the city, as in this charter provided.

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

**Bond:**

Section 133. Every person to whom a contract is awarded for an amount exceeding two hundred dollars shall give bond, in such sum as the council may direct, and with such sureties as the mayor may approve, for the faithful performance of such contract.

In the case of all other contracts, the council may require a bond and, in all cases of contracts coming within the purview of Section 4535 to 4539 inclusive, of the Revised Laws of Minnesota for 1905, and the amendments thereto, it shall require such bond as is required by such laws.

**Expenditures:**

Section 134. It shall be the duty of each officer or head of a department to report to the council, quarterly, the commodities, work and service to be needed for the operation of his department or office, during the remainder of the then fiscal year, and not theretofore contracted for.

**Emergencies:**

Section 135. In case of emergency, and when the delays provided for in this charter will cause damage to the public interest, or endanger public safety, the head of any department, with the written approval of the mayor, may make necessary repairs by day labor and procure materials therefor in the open market.

**Contracts not to be assigned:**

Section 136. No contract for which a bond or deposit is required as provided in this chapter shall be assigned or transferred in any manner and any assignment or transfer thereof, except by operation of law, and except by consent of council expressed by resolution, shall fully end and determine such contract, and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the city; and the city, through its proper authorities, may at once proceed to re-let such contract, or may, at its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

**Affidavits that claims are paid:**

Section 137. Before any contractor or his personal representatives shall receive any estimates on any contracts for which a bond

or deposit is required, as provided for in this chapter, said contractor or his representatives shall make and file with the clerk an affidavit that all claims for all work and labor, to date, on the work for which an estimate is asked, have been fully paid.

**Penalty:**

Section 138. Any contract made in violation of the provisions of this chapter shall be absolutely void, and any money paid on account of such contract by the city, or any department or officer thereof may be recovered by the city, without restitution of the property or the benefits received or obtained by the city thereunder.

Any officer of the city violating any provision of this chapter shall thereby forfeit his office, in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the courts of the state or by action of the council, as provided for in this charter.

## CHAPTER XI.

## Salaries and Bonds.

**Salaries:**

Section 139. The following officers shall receive salaries, to-wit: Clerk, treasurer, attorney, health officer and assessor and secretary of the water and light commission.

Members of the board of health, exclusive of the health officer, street commissioner and engineer, shall be paid for their services such sums as the council may direct, and members of the board of equalization shall be paid the compensation hereinbefore provided.

The mayor, alderman and park board shall receive no compensation for their services.

Members of the Water and Light commission may be paid salaries if deemed advisable by the council, the amount thereof to be determined by the council, as in the case of other officers.

**Employees:**

Section 140. The compensation of all employes of the city shall be fixed by the council except as herein otherwise provided, and such compensation shall be paid monthly in the discretion of the council.

**Salaries not changed:**

Section 141. The salaries of the officers of the city shall not be increased or diminished during the term for which any such officers shall be elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service.

**Gifts:**

Section 142. No officer or member of any board or employe of the city shall directly or indirectly, in or about the performance of his office or position, ask or receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

**Bonds:**

Section 143. The council may require bonds from any officer or employe of the city in those cases where a bond is not required by the terms of this charter, and may fix the amount of the bond so required by it, and make any regulations it may deem proper in regard to the sureties thereon.

**Corporate Sureties:**

Section 144. The sureties on all bonds required of officers and employes and others, by the terms of this charter, may be furnished by a surety corporation, authorized under the general laws of the state to do surety bond business and to give such bond; but such bond must be approved by the council.

The council may require the clerk, treasurer and any other officer to furnish a bond, having such surety corporation as a surety, and in such case may authorize the cost of such bond to be paid from the current expense fund of the city.

## CHAPTER XII.

## Eminent Domain and Local Improvements.

## Part I.

## Eminent Domain.

**Power to Acquire Property:**

Section 145. The city of Staples is hereby empowered to acquire, by purchase, condemnation proceeding or otherwise, any property, corporeal or incorporeal, wheresoever situated, either within or without the limits of the city, which may be needed by the city or any board or department thereof, for any public purpose whatever.

And the fact that the property so needed has been obtained by the owner under eminent domain or is already devoted to a public use, will not prevent its acquisition by the city.

Where nothing is specified to the contrary, the city, in any acquisition of property, shall be deemed to have acquired the fee title and absolute ownership of such property, except in cases of streets and alleys.

The city of Staples is hereby empowered, except as hereinafter specified, to levy assessments upon any property benefited by any improvement which may be made by the Council under the provisions of this chapter, to the extent of such benefits, without regard to valuation.

**Limitations:**

Section 146. Except in cases of improvements to abate a nuisance, or as hereinafter specified, no real estate shall be assessed for benefits resulting from the taking or injuring of real property, unless the owners of at least one-half of the real estate to be assessed therefor, as appears by the last assessment for general tax levy found in the office of the auditor of Todd county, Minnesota, at the time of the presentation to the council of the petition for improvement, shall petition therefor, which petition shall be in writing and filed with the clerk.

In case of condemnation of land for parks, parkways or boulevards, at least one-half of the total damages and expenses thereof shall be a general charge on the city and payable out of the general fund.

In all cases where the total damage and expense of taking or injuring real estate for any improvement shall not exceed one hundred and fifty dollars, the same shall be a general charge upon the city and payable out of the appropriate fund and if there be no such fund, then out of the general fund. Two or more improvements described in the foregoing sections may be combined in one proceeding, if deemed best and so ordered by the council.

#### DIVISION I.

##### Procedure where there may be an assessment for benefits.

Section 147. When the council shall determine that it is necessary to take, damage or destroy any property of any description for any public purpose, it shall declare the same by resolution, in which shall be stated in a general way the nature and extent of the proposed improvement and the property proposed to be taken therefor and the property if any, that shall be benefited by such proposed improvement, and upon which assessments therefor shall be made. Thereupon, the clerk shall publish a notice in the official paper, once a week for two successive weeks, stating that said matter is pending before the council and describing, in a general way, the property proposed to be taken and the other facts specified in said resolution and fixing a time and place when and where any person may be heard by the council concerning the taking of such property and the assessment upon such other property of the cost of said improvement; and it shall be the duty of the council, at such time and place, to hear any person who may wish to be heard concerning such taking and concerning the assessing upon such other property of the cost of such improvement. Objection to either such taking or assessment may be in writing and filed with the clerk at least one day before the time set for the hearing. Thereupon the council shall cause to be made and filed with the clerk a plat and survey of such property showing the nature, course, and extent of the improvement and the property necessary to be taken, damaged or destroyed therefor and the parcels of land to be benefited thereby, together with the names of the owners of each parcel of such property, as the same appears upon the last assessment roll in the office of the county auditor of the county referred to, together with such statements as may in the opinion of the council be proper to explain such survey and the nature and extent of such proposed improvement. And such plat and survey may be amended, modified or changed, and if the council decide after said hearing to proceed with such condemnation and assessment it shall by resolution, adopt such plat and survey and order and direct the making of the improvement and

the assessment of the survey of the property benefited to pay the cost thereof.

##### Commissioners:

Section 148. After the passage of the resolution specified in the foregoing section, the council shall then or at a subsequent meeting, appoint three commissioners, all of whom shall be freeholders and electors of the city and not in any way interested in any property to be affected by this proceeding, to view the premises and ascertain and award the amount of damages and compensation, if any, to be paid for the property to be taken or injured for such improvement, and to assess the amount of such damages and compensation, and the expense of the improvement, so far as the same can be assessed, upon the lands to be benefited by such improvement, in proportion to the benefits to be received by each parcel, without regard to valuation. Two of said commissioners shall constitute a quorum and be competent to perform any duties required of the whole number thereof. Before entering upon the discharge of their duties, such commissioners shall take and subscribe an oath to discharge their duties with fidelity and make a just and impartial appraisal and award of damages and assessments of benefits, which oath shall be filed with the clerk, and in case any such commissioner shall fail to qualify in five days after being notified by the clerk of his appointment, or in case of vacancy for any cause, the council may appoint another to fill the vacancy.

##### Service of Notice:

Section 149. Said commissioners shall give fifteen days' notice by one publication in the official paper of the time and place when and where they will meet to make said award and assessment, or said award, in which notice they shall describe the land to be condemned by general description and shall specify the purpose of the assessment and in a general way what property will be assessed therefor. They shall cause a copy of such notice to be served in the manner in which a summons in district court is required to be served upon all owners of the lands to be condemned, as appears by the last assessment list in the office of the auditor of the county, in which said lands are situated, who can be found in Todd County, and also upon all persons occupying said lands and they shall mail, with postage prepaid, a copy of such notice to all non-residents of Todd County, appearing to be interested in said lands, to the last known postoffice address of such non-residents. Proof of the service of such notice shall be made by affidavit of the party serving

the same and shall state the time, place and manner of said service, and, if served by mail, how each notice was addressed, and such affidavit shall be filed in the office of the clerk.

**Failure to Serve Notice:**

Section 150. In case of failure of such commissioners to serve such notices or any of them, said commissioners shall forfeit their right to compensation for their services, and the council in such case is hereby forbidden to grant to them or any of them any compensation whatever for their services as commissioners.

**Viewing premises, taking evidence:**

Section 151. The commissioners shall view the premises to be condemned and receive any legal evidence that may be offered for the purpose of proving the true value thereof, and the damages that may be sustained or the benefit that may be conferred, if such benefits are assessable, by reason of the contemplated improvement, and said commissioners for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and may adjourn the meeting from time to time and place to place until such assessment is completed; and said commissioners shall have authority to send for persons and papers and to compel the attendance of witnesses, and shall have authority to issue subpoenas for such purpose.

**Hearing:**

Section 152. All persons interested in any property so to be condemned or in any real estate to be assessed for such improvement, and the attorney of the city, may be present and be heard, and adduce evidence before said commissioners at said hearing. If, at the hearing, additional property to that described in the notice, shall be included in the assessment for benefits or part of the property be excluded therefrom, no new notice shall be necessary.

**Appraisement of Damages:**

Section 153. After viewing the property and hearing the evidence offered such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but, if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then

the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect of the remainder of the same property; and award to him only the excess of the compensation or damages, over and above such benefits.

**Damages to be Assessed:**

Section 154. Having ascertained the damages and expenses of such improvement, as aforesaid, the said commissioners shall, thereupon, apportion and assess the same, together with the cost of the proceeding, upon the real estate, if any be assessable therefor, by them deemed benefited by such improvement, in proportion to such benefit; but in no case, shall the amount of such assessment exceed the actual benefit to the parcel so assessed.

**Assessment Roll:**

Section 155. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the names of the owners thereof, so far as known to the commissioners, and, if known, they shall so state, and the amount of damages awarded to benefits, if any, assessed against each parcel of property.

The assessment roll shall be footed up and shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation awarded, together with the costs of said proceedings, shall exceed the actual benefits to the property subject to the assessment, the commissioners shall so state on such assessment roll and shall specify the amount of such excess. The commissioners shall also note on the assessment roll the total amount included in the assessment to cover the expenses of the proceeding.

**Notice of completion and confirmation:**

Section 156. When completed said commissioners shall cause to be given ten days' notice, by one publication in the official paper, to the effect that their proceedings have been completed and that at a time and place therein specified, they will attend for the purpose of hearing objections, and that all such objections must be filed in writing with said commissioners at least one day prior to the time of hearing, and that, unless sufficient cause is shown to the contrary, the said award and assessments will be then and there confirmed. Said notice shall contain a copy of the assessment roll, as

completed, and no objection shall be considered unless the same be filed as herein provided, but the commissioners may, in their discretion, allow any party interested who has accidentally or inadvertently omitted to file his objections, as aforesaid, to do so at the time fixed for the hearing.

**New Notice may be given:**

Section 157. Nothing herein contained shall preclude the commissioners from causing a new notice to be given, specifying a different time and place at which they will attend for the purpose of hearing the objections to said assessment, and for confirmation thereof, in the manner before required, in case the previous notice shall be found incorrect or in case of absence of the commissioners, or for any other reason that will be satisfactory to the commissioners.

**Commissioners may adjourn and revise:**

Section 158. The commissioners or any one of them, the others being absent, shall have power to adjourn such hearing from time to time, and they shall have power, in their discretion, to revise and correct the said assessment, and to confirm or set aside the same and proceed to make an assessment de novo, with or without any further order from the council; and said assessment, when confirmed shall be corrected to conform to such confirmation, and shall be final and conclusive upon all parties interested therein, not appealing therefrom.

**Procedure After Confirmation:**

Section 159. When said assessment is confirmed it, together with all affidavits of publication, and proof of service of notices, connected therewith, shall be duly certified to by the commissioners, and filed with and entered in a book kept for that purpose by the clerk, who shall, forthwith, under the direction of the council, certify said assessments to the auditor of Todd County and to the treasurer of the city, as hereinafter provided.

**Re-Assessment:**

Section 160. If said assessment shall be set aside by the commissioners, as aforesaid, or by the court, for any cause, jurisdictional or otherwise, said commissioners shall forthwith proceed de novo without any further order from the council, to make another or new assessment and they shall proceed in like manner and give

like notice as herein required in relation to the first assessment and all parties in interest shall have like rights and the said commissioners shall perform like duties and have like powers in relation to any subsequent determination, as are hereby given in relation to the first assessment. Provided, however, that, if the damages or benefits assessed to any parcel of land shall not be appealed from, or shall not have been set aside by the court, the said commissioners in any subsequent assessment may omit such parcels of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid: and as often as an assessment against any parcel of real estate for any local improvement, is set aside the same shall be re-assessed until said property shall have paid its proper proportionate share of benefits accruing from said improvement. Provided, further, that no second or other assessment for benefits can be made against any parcel of land which the court shall adjudge is not benefited by the improvement for which the assessment was attempted to be made, or which the court shall adjudge is not subject to assessment.

**Appeal:**

Section 161. Any party interested in any property taken or damaged in these proceedings, or any citizen of the city, or the city, may appeal to the district court of the county in which said property is situated from an award or assessment of damages in the manner provided for hereinafter.

**DIVISION II.**

**Where there can be no assessment for benefits.**

**Procedure:**

Section 162. Whenever, in cases of condemnation of any such property set forth in section 145 of this chapter, where there can be no assessment for benefits, all of the acts and proceedings required to be had and done in division I, of this chapter, in proceedings where there may be an assessment for benefits, shall be had and required in division II, hereof, where there can be no assessment for benefits, except that the commissioners in the latter case shall in no event make any assessment for benefits. And all the provisions of said division I, of this chapter, shall, so far as applicable, apply to and be in force hereunder in division II hereof, to condemn property where there can be no assessment for benefits.



**Compensation of Commissioners:**

Section 163. Whenever any commissioners appointed under the provisions of this chapter shall have confirmed their assessments, or their award, and certified and filed with the clerk such assessments and awards, and all appeals have been disposed of, and they shall have finally completed their work as such commissioners, the council shall pay them such reasonable compensation for their services as it may deem just.

**Effect of award:**

Section 164. Whenever an award of damages shall be made and confirmed and not appealed from, in any proceedings for the taking of property under this chapter or whenever the court shall render final judgment in any appeal hereunder, the rights of all parties in said matter shall be finally fixed and determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to public use of any property or rights specified in section 145 of this chapter, for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with and entitled to and become the owner of the property taken and condemned, absolutely, for all purposes except as to lands taken for street, alley or highway purposes, in which the city shall only acquire an easement for such purposes. And the city shall be bound to and shall, within one year of such final determination, pay the amount of such award with lawful interest from the date of the final award or confirmation thereof, or judgment of court as the case may be; and if not so paid, judgment therefor may be had against the city. In case there shall be any doubt as to who is entitled to such compensation or damages or any part thereof, the amount so awarded or in doubt or in dispute shall be, by the council, appropriated and set apart in the treasury for whoever shall establish his rights thereto by a proper judicial proceeding and the production of a certified copy of his judgment, and in all cases, before payment of any such award, the owner of such property, or the claimant of the award shall furnish satisfactory evidence to the council of his rights to such award.

**Abandonment:**

Section 165. The City of Staples may, by resolution of the council, at any time before the confirmation by the commissioners of their award of damages or benefits, or, in case of an appeal, within

twenty days after the final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

**Descriptions to be recorded:**

Section 166. Upon the completion of any proceedings under this chapter for the acquisition of any property by the city, the council shall cause an accurate description of the property so taken to be prepared, with a statement of the amount of damages, if any, awarded and paid or to be paid, to the former owner thereof and cause its mayor and clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the register of deeds of the county in which such property is situated, and it is hereby made the duty of such register of deeds, upon being paid his statutory fees, to record such statement in some appropriate book in his office, and such record or a duly certified copy thereof, shall be prima facie evidence that the City of Staples is the lawful owner of such property.

**PART II.****LOCAL IMPROVEMENTS.****DIVISION I.****Procedure for making improvements; Grant of powers.**

Section 167. The City of Staples is hereby authorized to fill, excavate, grade, level, pave, re-pave, curb, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or light any street, avenue, lane, alley or highway, and keep the same in repair; also to fill, excavate, grade, improve, protect and ornament any public park, square or ground; also to construct, improve or ornament any park, boulevard or grass plat; also to plant and protect shade and ornamental trees along streets and avenues; also to construct, lay, re-lay and repair sidewalks, sewers, retaining walls, gutters, drains and pipes for surface water and private drains in, over or under any street, lane, alley or highway; also to abate nuisances; also to drain low-lands within the city when they constitute a nuisance; and the whole or any part of such expense of such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to valuation, to be determined and levied in the manner hereinafter provided.

And such cost may be paid, in equal annual installments—not less than three nor more than five—to be determined by resolution of the Council, pursuant to notice duly given. Such installments shall bear interest at six per cent per annum, payable annually; provided, that any property owner affected thereby may at any time pay off any installments or the whole of such assessments with accrued interest.

**Power to order improvements:**

Section 168. The City Council shall have the same power to extend, open, grade, pave or otherwise improve any street, alley and highway in the city, which is conferred upon city councils by the provisions of chapter 382 of the General Laws of Minnesota for 1903, and said chapter is hereby adopted and made a part of this charter as fully as though contained herein verbatim; but in case of any discrepancy between the provisions of said law and this charter relative to the giving of any notices, the letting of contracts for work, the making of assessments, for benefits and damages and the taking of appeals therefrom, or in any other particular, then the provisions of this charter shall govern.

**Exempt Property:**

Section 169. The amounts which would otherwise be assessable against public property or property exempt from assessment for improvement shall be paid out of the permanent improvement fund.

**Several Improvements:**

Section 170. One or more of such improvements upon one or more streets may be made, at the same time, under one order, and in one assessment proceeding, and may, in that case, be included in one contract, but in such case the expense of each improvement shall be separately apportioned and assessed upon the several parcels of land benefited by such improvement, in proportion to such benefit.

**Application:**

Section 171. All applications, proceedings or propositions for any improvement authorized in section 167 of this chapter, shall be made to or emanate from, the council. Any such application or petition made to the council, shall be in writing, and if made by owners of property liable to be assessed therefor, shall state the place of residence of each signer and shall specify the real estate

owned by each signer, which he believes will be benefited by the improvement thereunder, and such petition shall be verified by the oath of such signer, and shall be prima facie evidence of its own genuineness and of the facts therein stated, and shall be preserved in the office of the clerk. The council shall investigate the proposed improvement and the cost of the same, and whether the requisite number of owners to be assessed therefor have joined in the petition, and if it shall be determined that such improvement or modification thereof shall be necessary or proper, it shall by resolution, declare its purpose to make said improvement, which resolution shall state the facts so far as applicable, required to be stated in said resolution specified in section 147 of this chapter. Thereupon, the clerk shall give like notice to that required in said section 147, and all the provisions of said section shall, so far as applicable, apply to and govern the action of the council in this proceeding.

**Contract and Assessment:**

Section 172. When the council shall authorize any improvement described in section 167 of this chapter, it shall cause the work described in said order to be let and done by contract, as in this charter provided. Upon the making of such order and the letting of such contract, the council shall, thereupon, or at a subsequent meeting, appoint three commissioners who shall have the same qualifications and powers and qualify in the same manner and perform the same duties, so far as necessary and proper, that are prescribed in section 148 of this chapter.

Said commissioners shall proceed without delay to assess so much of the amount necessary to pay the cost of such improvement as is assessable, including the expense of making such assessment, as nearly as they can ascertain the same, on the property benefited thereby, in proportion, as nearly as may be, to the benefits resulting thereto, but the commissioners shall describe separately each parcel of property assessed and the amount assessed against the same and shall state the names of the owners thereof, so far as known to said commissioners. No mistake or omission in the owner's name shall in any wise affect such assessment.

When returning the amount of assessment to be levied, the commissioners shall take into consideration the damage if any, as well as the benefit to each piece of property and in case the damage exceed the benefit, the same shall be allowed and paid to the owner and added to the total cost of the improvement.

**Railways:**

Section 173. When, in any case, any portion of the cost and expense of making any improvement mentioned in section 167, of this chapter, shall, by virtue of any law or ordinance or by virtue of any contract, be chargeable upon any railway or street railway company, the amount so chargeable may be assessed against such property, and the balance only upon such real estate to be benefited thereby; and the city may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought to enforce the collection of any indebtedness; provided, however, that any real estate belonging to such railway company and subject to assessment and deemed benefited by any such improvement, shall be assessed as in other cases.

**Notices to be given:**

Section 174. Before proceeding to make an assessment for any improvement mentioned in said section 167, said commissioners shall give the notice prescribed in section 149 of this chapter, and all the provisions of said section 149, so far as applicable, shall apply to and govern the acts and proceedings of the commissioners appointed and acting under part III of this chapter.

And in case of failure of said commissioners to serve notice, the provisions of section 150 of this chapter, shall apply to and govern the acts and proceedings of said commissioners and the council.

**Notice of Hearing Objections and Confirmation:**

Section 175. The commissioners shall view the premises, take evidence, hear all parties interested, and assess the benefits and, in performing these duties, all the acts and proceedings of the commissioners shall be done under the provisions of sections 151, 152, 153 and 154 of this chapter, and all the provisions of said sections, so far as applicable, shall be in force and apply to the acts of said commissioners under this section, and when said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

**Assessments to be certified:**

Section 176. When said assessment is so confirmed, it, together with all affidavits of publication and proofs of service of notices connected therewith, shall be duly certified by said commissioners and filed with and entered in a book kept for that purpose

by the clerk, who shall forthwith, under the direction of the council, certify said assessment to the auditor of Todd county, and said auditor shall at once extend said assessment for collection against the several parcels of property certified to him, upon the proper books in his office.

Any such assessment and the interest thereon, which shall not have been paid on or before the first day of January, following the return thereof, shall thereafter be payable to the county treasurer as other taxes and assessments are payable, and shall become delinquent and be subject to a like penalty as state and county taxes, and said county treasurer shall make settlement with the city treasurer for all collections made by him on account thereof, in the same manner as for other taxes levied in the city.

Said clerk shall also make and certify a copy of said assessments to the treasurer of the city, whose duty it shall be to receive payment of all such assessments and interest, up to and including the thirty-first day of December, following, and said assessment shall bear interest at the legal rate from the date of the filing of the same with said clerk.

When any such assessment is paid to the treasurer of the city he shall give duplicate receipts therefor, one of which shall be delivered to the clerk, who shall thereupon mark upon his roll opposite the appropriate parcel of land the words "Paid on the — day of —", and on the first day of January, following, the clerk, after comparing his roll with the roll in the office of the treasurer, shall certify to the county auditor all payments made on account of such assessment, and said auditor shall mark on his book, opposite the appropriate parcel of land therein described, the word "paid."

For the purpose of providing funds in advance of the collection of the money to be derived from any such assessment the Council may from time to time issue certificates of indebtedness to be paid out of the moneys to be collected from such assessment, to the full amount thereof; and any money in the permanent improvement revolving fund shall be applied, if required to redeem said certificates.

But such certificates shall not exceed in the aggregate the amount of such assessment, and the total amount of such certificates outstanding shall not at any time exceed Twenty Five thousand dollars and the faith and credit of the city are irrevocably pledged to the payment of such obligations.

**Appeal to District Court:**

Section 177. Any person interested in any property assessed under this chapter for benefits resulting from any improvement, or

any citizen of the city, or the city, may appeal from such assessment to the district court of Todd county within thirty days after the date of confirmation thereof, and such appeal is hereby declared to be the exclusive way in which said assessment can in any wise be reviewed, modified or annulled, and this shall be construed to apply to all appeals allowed by this chapter.

**Procedure on appeal:**

Section 178. Said appeal shall be made by serving a copy of notice of appeal upon the clerk of the city, stating that the appellant appeals to the district court from said assessment, which notice shall contain a description of the property so assessed, his interest in said appeal and the objection of the appellant to such assessment, and by filing with the clerk of said court, within ten days thereafter, said notice of appeal with proof of service thereof. In case of an appeal it shall be the duty of the clerk of the city within ten days after service upon him, to prepare and deliver to the appellant a copy of the assessment roll as confirmed. It shall be necessary to include in such copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall, within fifteen days after the taking of such appeal, be filed by the appellant in the office of the clerk of court to which the appeal is taken. The district court, may, for good cause shown, grant further time for filing such certified copies or may, when necessary, require a further return to be made. The cause shall be entered by such clerk in the name of the person taking said appeal against the city as an "appeal from assessment," and it may be brought on for hearing by either party.

**Procedure in court:**

Section 179: Such appeal shall be tried by the court, without a jury, at a general or special term, without pleading, other than above stated. Upon such trial the appellant can make no other objections to said assessment than those stated in his notice of appeal, but the court may, in its discretion, permit such notice to be amended in this respect at any time. The court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce or confirm the assessment appealed from, or may order new assessments to be made as to the property concerning which such appeal is taken, and, in that event, shall direct the commissioners how to make such re-assessment so as to avoid the errors complained of.

The court shall not dismiss the appeal, or confirm or annul the assessment, on the ground that only a portion of the assessment roll has been returned; but either party may introduce the whole of said roll in evidence, and the same shall, in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including the confirmation of the assessment.

Disbursements, but no costs may, in the discretion of the court, be allowed upon such appeal as in other civil cases, but any judgment entered therefor against said city shall be a separate judgment and paid out of the general fund of the city. Upon the determination of said appeal by the district court, either party may appeal to the supreme court of the state.

**Re-Assessment:**

Section 180. The commissioners may re-assess any parcel of land for benefits for local improvements when deemed necessary and proper by them, and in such case all the provisions of section 159 of this chapter, so far as applicable, shall apply to and govern the acts and proceedings of said commissioners.

And said commissioners are hereby authorized, in their discretion, to levy an additional assessment upon parcels of land benefited by such local improvement, in all cases where it shall be found that the actual cost of making said improvement has exceeded the total amount of benefits already assessed, and, in such case, such additional assessment shall be for such additional cost and, in such case, like notice shall be given and similar proceedings had in all respects, as in making said original assessments.

**When Assessment a Lien:**

Sec. 181. From and after the date of the confirmation of the assessment, as provided for in this chapter, such assessment shall be a lien on all property affected thereby.

**Deduction for Prompt Payment:**

Sec. 182. A deduction of five per cent shall be allowed on all assessments paid before the lapse of time for the appeal hereinbefore provided for.

**Assessments Already Levied:**

Sec. 183. The foregoing provisions shall not affect the collection of assessments already made.

**Omission of Assessment on Corner Lots:**

Sec. 184: The council may, in its discretion, in case of any corner lot when one frontage of such lot has been fully assessed for laying any water main ~~on corner~~, in case like improvement is to be made along the street on the other frontage of such lot, omit the assessment for such new improvement on such lot to an extent, not exceeding a frontage of fifty feet of any such lot as it may deem just; but the discretion of the council in such matters shall be final, and the refusal or failure of the council to make such omission shall not be ground for setting aside such assessment in any court or proceeding.

**PART III.**

**Making of Improvements.**

**Division 1.**

**Provisions of Chapter X to Apply:**

Sec. 185. Except as herein otherwise provided, the provisions of chapter X, of this charter, shall apply to contracts mentioned in this chapter, in like manner as to other contracts of the city.

**Plans, Profiles and Specifications to be Made:**

Sec. 186. Whenever any public improvement shall be ordered to be let for which an assessment is to be made, as aforesaid, the council shall cause a plan or profile of the work proposed, together with the specifications for the doing of the same, to be prepared, which shall be deposited with the clerk, and kept by him at all times open for the public inspection. If the permanent improvement revolving fund shall contain sufficient funds together with the amount of certificates of indebtedness already issued or to be issued, as authorized by Section 176 of this charter, and not needed for any other purpose, to pay the estimated cost of the proposed improvement, in addition to the cost of all other improvements then under construction or contract, but not otherwise, the council shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for. Provided, this shall not apply to street sprinkling, cleaning or building sidewalks.

**Right to Suspend Work:**

Sec. 187. The right shall be reserved in said contract, to the engineer with the consent of the council, or to the council, in case of improper construction, to suspend the work at any time or to order the entire re-construction of the same if improperly done.

**Estimates:**

Sec. 188. In the course of the proper performance of a contract, the council may, from time to time, not oftener than once a month, as the work progresses, allow to the contractor estimates of the amounts already earned, less fifteen per cent thereof, which, when ordered by the council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the whole work has been completed by such contractor, to the satisfaction of the council, the balance due may be audited and allowed by the council, on a final estimate by the council and shall be payable out of the moneys applicable to the payment of such work.

**Guaranty of Duration:**

Sec. 189. Whenever necessary or advisable, in case of contracts for permanent improvements, the contract may provide that the city shall reserve upon the completion of the work, such sum and upon such conditions and for such length of time as the specifications shall specify, as a guarantee for the duration of the work performed under such contract.

**Council to Complete Work:**

Sec. 190. If in the opinion of the council any work under contract does not progress each month so as to ensure its completion within the time named in the contract, the 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 or to become due such contractor, or may be collected from him or the sureties on his bond in a suit by the city.

**Property Owners May Construct Streets:**

Sec. 191. Property owners shall be allowed to construct streets, and other public improvements upon, along, 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 ordinance.

#### PART IV.

##### Sidewalks.

##### Plans and Specifications:

Sec. 192. The council shall by resolution adopt and cause to be filed for inspection in the office of the clerk, general plans and specifications to apply to and govern the building, re-laying and repairing of all sidewalks in the city.

From time to time in each year, the council shall cause invitations for bids to be published in the official paper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the council during the calendar year. The bids therefor shall be received and opened, contract let, and bond given in the same manner provided in this chapter for other public improvements.

##### Grant of Powers, Duties of Owners:

Sec. 193. The city shall have the right to cause to be constructed sidewalks along any of the public streets and highways of said city that it may deem necessary, and cause the same to be re-laid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway in the city to construct, re-lay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may have been heretofore constructed or as shall hereafter be constructed or directed by the council to be built and the same shall be constructed of such material and width and according to the plans and specifications adopted by the council therefor.

##### How Ordered:

Sec. 194. Whenever the council shall deem it necessary that any sidewalk in the city shall be built or re-laid, it shall, by resolution, direct such building or re-laying, according to the plans and specifications adopted therefor.

Personal notice by the publication of such resolution once in the official paper shall be sufficient notice to the owners of the lands along which such sidewalk is to be built, to construct the same

and unless such owners shall each, along his respective land, construct and fully complete such sidewalk within thirty days after the publication of such resolution or the service thereof upon him, as aforesaid, the council shall forthwith proceed to build or re-lay the same under contract as hereinbefore provided, under the direction of the street commissioner, who shall at once file with the clerk his report of such work.

Within ten days after the filing of said report the mayor, and clerk, acting as commissioners therefor, shall ascertain the expense of such building or re-laying and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front, in accordance with the provisions herein made.

##### Repair of Sidewalk:

Sec. 195. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out, or repair it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and firm manner and report to the council the cost of such repairs, in each case, with a description of the lot or parcel of land abutting upon the sidewalk on which such repairs are made and such report shall be carefully filed and preserved by the clerk, and it shall be the duty of said commissioners to assess the cost and expense of making such repairs against said lots, as above provided.

In case any such sidewalk shall become so out of repair as to be dangerous and cannot be made safe without being rebuilt, and there are no funds to pay the expense of such rebuilding, it shall be the duty of the street commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding, when the same shall be rebuilt, and shall be collected with the assessment for such rebuilding.

##### Notice of Confirmation of Assessment:

Sec. 196. In the month of September, of each year, said commissioners shall give ten days' notice by one publication in the official paper to the effect that at a time and place therein specified, not later than the first day of October following, the assessment for sidewalks theretofore made by them will be confirmed unless sufficient cause be shown to the contrary and that objections to any particular assessment must be filed, one day before the time specified in said notice, with the clerk.

At the time and place specified said commissioners shall meet

and shall proceed to the hearing thereof and shall have the same power to revise, correct, confirm or set aside such assessments or to proceed *de novo* as commissioners have in case of other assessments under this charter, and said assessment when confirmed shall be final and conclusive unless appealed from as in this chapter provided, and said assessment shall be by said commissioners combined in one assessment roll and certified to said clerk, who shall under the direction of the council and on or before the tenth day of October, certify the same to the auditor of Todd County to be collected in the same manner as other assessments made under this chapter.

**Collection of Assessments:**

Sec. 197. The treasurer of the city shall receive payment of all such assessment up to and including December thirty-first following, and all the provisions of section 176, of this chapter, shall, so far as applicable, apply to and govern the acts and proceedings of all officers relative to the collection of the assessments herein provided for.

**PART V.**

**Sprinkling.**

**Powers:**

Sec. 198. The council shall have power throughout the city or in such districts as it shall designate, to sprinkle the streets, highways and public places of said city and to assess the whole or any part of the cost of the same upon adjacent property, and such power may be exercised by the Council either upon its own motion, or upon petition of the property owners, as hereinafter provided.

**Petition for Same:**

Sec. 199. Whenever a majority of the property owners representing at least fifty per cent. of the frontage of the abutting real property to be assessed shall petition the council to have any street, highway or public place or any portion thereof in said city, sprinkled, and to have the cost thereof or such portion of such cost as shall not be a charge upon the city at large assessed against such abutting property the council shall proceed to consider, investigate and act upon the said petition and decide whether such sprinkling is necessary and proper. The council shall give ten days' notice by one pub-

lication in the official paper that such petition has been presented and at a time and place therein stated said matter will be considered and that all persons interested may then and there appear and be heard. If upon such hearing, or if at any time upon its own motion, the council shall determine that said sprinkling is necessary and proper, it shall declare the same by resolution and proceed to cause said work to be done by contract for the calendar year under the provisions of chapter 10 of this charter, and such regulations as the council may establish therefor.

The mayor and clerk, acting as commissioners for that purpose, shall assess the cost thereof by an equal rate per front foot of the parcels of land abutting upon the street or highway sprinkled, within ten days after the letting of said contract, and said commissioners shall confirm their assessment at the time and in the same manner required in section 196, of this chapter, and all the provisions of said section, shall, so far as applicable, apply to and govern the acts and proceedings of commissioners under this section, and all the provisions of section 197 of this chapter relating to the assessment and collection of the assessments shall apply to and govern the acts and proceedings of the officers relating to the collection of the assessment herein provided for. The levy above provided for shall be made annually until the council shall receive a petition signed by the owners of more than fifty per cent. of the frontage of the property to be assessed, requesting that said improvement be discontinued, and the council shall thereupon consider said petition and if it shall determine that it is advisable and proper to discontinue the same it shall make an order to that effect; but if said levy was made upon the motion of the council, without action by the property owners, it may discontinue said levy at any time.

**Compensation:**

Sec. 200. The commissioners referred to in parts IV, and V, shall serve without compensation.

**PART VI.**

**Sewers.**

**Powers:**

Section 201. The city council shall have the power, upon its own motion, to lay, relay, enlarge, extend, or improve any sewer through any street or alley in the city.

**Condemnation of Private Property:**

Sec. 202. Whenever in the enlargement or extension of sewers it shall, in the judgment of the city council, be necessary to take any private property, the city council shall have power to take and acquire the same by purchase or by condemnation in the manner provided for in chapter twelve of this charter, and in cases of condemnation, title in fee to the property acquired shall vest in the city.

**Assessment of Cost:**

Sec. 203. The city council shall, when it deems it necessary to lay, relay, or extend any sewer through any street or alley, levy and assess and collect the cost thereof, not exceeding the estimated cost of sewers twelve inches in diameter, including all necessary catch basins, manholes, dumpholes and flushing valves, by a special assessment upon the property, upon both sides of the street, abutting upon such improvement, for an equal sum per front foot.

A sewer of twelve inches in diameter is hereby declared to be an ordinary sewer, within the meaning of this charter for draining of abutting property.

Sec. 204. - The cost not provided for by such assessment, including the cost of larger or main sewer and constructing the same across streets and against property by law exempt from taxation, shall be paid out of the permanent improvement fund.

**Branch Sewers:**

Sec. 205. The city council may at any time regulate and control the time and manner of laying and constructing by private parties branch pipes and sewers leading from main lines of the water mains and sewers, and of making connections with main lines and branch lines, both private and public. The city council may, whenever it shall deem it necessary to lay or construct branch pipes or sewers, in order in future to prevent tearing up streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, manner and construction of such branch line, providing in its discretion one or more for each lot or parcel of land or one (1) for two (2) or more adjoining lots or parcels of land; may require a competent engineer to make surveys, plat and profile showing the same, which when approved and adopted, shall thereafter be preserved in the office of the city clerk, and may thereupon, whether such main line has

been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by private parties interested, from a connection with the main lines to the line of the street, and whenever the city council constructs such branch pipes and sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs regardless of the valuation of frontage.

But in case one branch is to serve two or more lots or parcels of land, then it shall assess the whole cost of the same, upon all the lots or parcels of land to be served, at an equal sum per front foot without regard to the value thereof.

The cost of such branches shall be assessed and collected in advance of their construction as in case of other improvement, and the costs shall be estimated and fixed in manner substantially like the way pointed out in this chapter for other improvements.

The city council may, however, in case it constructs any branch at the same time that it constructs a main line, assess in the manner above indicated the whole cost thereof and add the same to and include it with the assessment for the main line.

**Reduction of Assessments in Certain Cases:**

Sec. 206. The city council shall in case where any lot fronting on two streets has been previously assessed and the assessment paid for laying sewer pipes ~~or water mains~~ upon a different street from the one through which the proposed improvement is to be extended, deduct from the assessment against such lot such portion thereof as shall equal the amount paid upon the former assessment, and shall levy such assessment for the difference only, if any there be. Whenever a sewer shall be ordered along both sides of a corner lot and an assessment levied therefor as one improvement, such assessment shall be levied only for the difference between the total frontage and that of the shorter side; provided, however, that no such assessment shall be credited with a larger reduction than fifty feet of the frontage of said lot.

Sec. 207. The city council shall have power at any time to create sewer districts and to change, diminish or enlarge the boundaries thereof from time to time in the manner provided by chapter 312 of the General Laws of Minnesota for 1903 and for that purpose said chapter 312 of the General Laws of Minnesota for 1903, where not inconsistent with the other provisions of this charter, is hereby adopted and made a part of this charter as fully as though con-



tained herein verbatim; but the method of procedure for making the plans, specifications and estimates for said sewers and for letting the contract for the construction of the same, and for determining the amount of assessments against the property to be assessed for said work, and for appealing from said assessments, shall be the same as are provided in this charter for making other local improvements.

### CHAPTER XIII.

#### Actions and Evidence.

##### Limitations of Actions, Notice to City:

Sec. 208. No action shall be maintained against the city on account of injuries received in any manner whatever to persons or property by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action be commenced within six months from the receiving or happening of the injury, nor unless notice shall have been given in writing to the mayor or to the clerk within thirty days after the receiving or occurrence of said injury, stating the time when and the place where the same was received or suffered, and that the person injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason.

##### Adverse Possession:

Sec. 209. No right, title, estate or easement of the city in or to any property shall be lost by any adverse possession or occupancy and no statute of limitation shall run or operate as against the city in favor of any person or persons occupying any of the public or platted streets or public or platted grounds, parks, park-ways or boulevards of the city, whether any such streets, or grounds or any such property shall be improved or not.

##### Obstructions, Etc., in Streets:

Sec. 210. If any person or company shall place or leave any obstruction or make any excavation or opening, or cause any defect in any street, road, alley, public ground in the city, or leave any obstruction, excavation, opening or defect, unguarded or without proper protection, such person or company shall be liable to any

person injured in person or property without his fault, because of any such obstruction, excavation, opening or defect. And in case any judgment shall be recovered in any action against the city for any injury caused by such obstruction, excavation, opening or defect, the city shall have the right to recover the amount of any such judgment from the person or company placing or leaving such obstruction, making such excavation or opening or causing such defect.

##### Process Against the City:

Sec. 211. Service of summons, process or notice in any action or proceeding against the city may be had by leaving a copy thereof with the mayor or clerk.

##### Disqualifications:

Sec. 212. No judge, justice of the peace, or juror shall be incompetent or disqualified to act as such by reason of his being an inhabitant or tax payer of the city, in any action or proceeding in which the city shall be a party in interest.

##### Security, Appeal:

Sec. 213. The city shall not be required in taking an appeal or in suing out any writ or process, in or about any action or proceeding, to enter into any bond or undertaking, or to give any security whatever.

Any stay allowed by law, or ordered by the court, in favor of the city shall take effect without the giving of any such bond or security.

##### Judgment Against the City:

Sec. 214. Whenever any final judgment shall be rendered against the city, said judgment shall be paid or enforced in the manner provided by the general laws of the state for the payment and enforcement of judgments against cities.

##### Warrants:

Sec. 215. In all prosecutions for the violation of the provisions of this charter, or the ordinances of the city, the first process shall be by warrant, which shall run in the name of the city of Staples; provided, that no warrant shall be necessary in the case of an arrest of any person while in the act of violating any provision of this charter or ordinance of the city; and the person or persons so arrested shall be proceeded against, bound over, tried, convicted and punished or

discharged in the same manner as if the arrest had been made by warrant.

**Affidavits of Publication:**

Sec. 216. The proprietor of the official paper, shall immediately after the publication of any notice, ordinance, resolution, or proceeding of the council, or of any other matter which is required by any provision of this charter, file with the clerk a copy of such publication; and such affidavit shall be prima facie evidence of the publication, and no account or claim for any publication whatever, shall be allowed or adjusted by the clerk, or warrant issued by the council, until such affidavit shall have been filed with the clerk.

**Verification of Claim:**

Sec. 217. Before any account, claim or demand against the city for any services, property or material, for which the city shall be liable, shall be audited or allowed by any board, person or persons authorized by this charter to audit or allow the same, the person in whose favor such claim shall be, or his agent having personal knowledge of the facts, shall reduce the same to writing in items and shall verify the same as claims are required to be verified by section 438 of the Revised Laws of Minnesota for the year 1905; provided, that the provisions of this section shall not apply to any claim or demand for the salary of any city official or regular employee under any department of the city government or for any claim or demand of any contractor under any contract by him secured by bond to the city as provided in this charter.

**Penalties:**

Sec. 218. Any member of any board or any person or persons authorized by this charter to audit or allow any account, claim or demand against the city, or any department thereof, who shall audit or allow any such account, claim or demand which does not conform to the requirements of the preceding section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than six months, or by both such fine and imprisonment.

**Franchises.**

**Ordinances, Granting Franchise:**

Sec. 219. Every ordinance by which the council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted, that the maximum price for the service or charge shall be stated in the grant thereof, and before any such ordinance shall be in force it shall be submitted to the qualified voters of the city at some general or special election in the manner that other ordinances are submitted under the provisions of section 66 of this charter.

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.

Sec. 220. The person, firm or corporation desiring any franchise, right or privilege, shall make written application therefor, and file such application together with the form of franchise, right or privilege desired with the city clerk. And such person, firm or corporation shall at the same time deposit with the city clerk the sum of fifty dollars to cover the cost of publication of such application and form of franchise, right or privilege, and notice. On such application and form being so filed and such fifty dollars deposited, the city clerk shall cause said application and form to be published twice in the official paper of the city, together with a notice that the same will be submitted to the city council of said city at a regular meeting of said council to be held not less than ten days after the second publication thereof; which time and place shall be stated in such notice. The cost of such publication shall be paid from the said money deposited, and the balance, if any, returned to said applicant. At the regular meeting of said city council stated in such notice, such application shall be submitted to the city council of said city.

Sec. 221. It shall be provided in every franchise granted that the council of said city shall have and possess full power and authority at all times to regulate the rates and charges of every public service and utility concern in said city operating under any franchise or privilege granted by said city, and to require the same to be made and kept on a fair, reasonable and just basis at all times; and

to that end the city council may and shall have and possess full power and authority to make and enact all needful ordinances, rules and regulations that may be requisite and necessary to give full force to the provisions hereof.

**License Fee:**

Sec. 222. 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 Staples, as a consideration for the granting of such franchise or privilege, based upon the gross earnings of such person, company or corporation obtaining such franchise or privilege. The city council may by ordinance determine the amount of said license or tax and the method of its collection, but the amount thereof shall not be less than one per cent per annum of the gross earnings of the grantee of said franchise.

Any person, company or corporation failing, neglecting or refusing to pay said license fee within the time and in the manner prescribed by said city council, 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, make a new application therefor in the same manner and subject to the same provisions as if no franchise had been previously granted.

Sec. 223. Every corporation or person exercising any franchise in the city of Staples shall file annually on the first Monday in February, in the office of the clerk a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party, the actual incumbrance, debts and obligations thereon, if any, the amount of stock issued, and to whom, the gross earnings, the expenses and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

Sec. 224. Said city shall have the right, and the same is hereby expressly reserved to said city, to purchase the property of any person, company or corporation operating and doing business in said city under a franchise or privilege granted by said city, at the end of five years from the granting of such franchise or privilege, and

at the end of each succeeding term and period of five years thereafter, by paying to the owner thereof the reasonable value of the property employed in and connected with such business, and without paying or making any allowance for the franchise privilege.

Such value, unless the same is agreed upon between the city and owner, shall be ascertained and determined by condemnation proceedings conducted in the manner prescribed in this charter for acquiring private property for public use.

**Charter to be a Part of Franchise:**

Sec. 225. The acceptance of a franchise or privilege from said city by any person, company or corporation shall be an acceptance of all the provisions of this charter, whether the same are specifically referred to or not, and all the provisions hereof shall constitute and be a part of such franchise or privilege without any express reference being made thereto.

**Term "Franchise" Defined:**

Sec. 226. The term 'Franchise' whenever the same is used or employed in this charter shall mean special privileges conferred by the city upon an individual, company or corporation, which do not belong to the citizens of the country generally of the common right.

CHAPTER XV.

Miscellaneous Provisions.

**Additional Duties:**

Sec. 227. The council may, at any time, require other and further duties to be performed by any officer, whose duties are prescribed in this charter; provided that such other and further duties are not inconsistent with this charter.

**Public Improvements.**

Sec. 228. When the council shall determine to make any public improvement, which it has authority to make under this charter, and no specific procedure is in this charter provided therefor, the council may proceed to condemn property and to award damages, and in proper cases, to assess benefits, according to any method of procedure prescribed in this charter, applicable thereto.

**Inspection of Books:**

Sec. 229. All records, books and papers pertaining to the business of the city or any board or department thereof, shall be public and open to the inspection of any citizen of said city at all reasonable times and places.

The foregoing is a draft of the proposed charter of the City of Staples, Todd County, Minnesota, framed and adopted by the commission appointed by the Judges of the District Court of the Seventh Judicial District of the State of Minnesota, under and pursuant to section thirty-six (36), article four (4), of the Constitution of the State of Minnesota, as amended by that certain amendment, proposed by the Legislature of the State of Minnesota, in an act of said Legislature known as chapter two hundred and eighty (280) of the General Laws of Minnesota for 1897, and duly adopted at the General election of said State in the year of 1898, and section seven hundred forty-eight (748) to seven hundred fifty-eight (758), both inclusive, of the Revised Laws of Minnesota for the year 1905, and said draft of said proposed Charter of the City of Staples, is hereby returned to the Hon. George Moshier, President of the Village Council of said Village of Staples, according to law, signed by the undersigned majority of said Commission.

Dated this fifteenth day of August, 1906.

E. E. Greeno, Secretary,  
H. C. Miller,  
E. K. Nichols,  
F. F. Robinson,  
George Harter,  
Joseph Wolf,  
E. J. Hackenberg,

C. A. Remillard, President.  
W. J. Lewis,  
E. A. Fletcher,  
W. S. Wright,  
H. L. Waldron,  
E. E. Daniels,  
J. E. Murray,  
W. G. Cameron.

## CHARTER OF THE CITY OF STAPLES.

State of Minnesota, }  
 County of Todd, } S.S.  
 Village of Staples. }

This is to certify that the hereto attached proposed Charter of Staples was returned to the undersigned President of the Village Council of the Village of Staples, on the 15th day of August, 1906, by the commissioner appointed by the Judges of the District Court of the Seventh Judicial District of the State of Minnesota, under and pursuant to section thirty-six (36), article four (4), of the Constitution of the State of Minnesota, as amended by that certain amendment, proposed by the Legislature known as chapter two hundred and eighty (280) of the General Laws of Minnesota, for 1897, and duly adopted at the General election of said state in the year of 1898, and section seven hundred forty-eight (748) to seven hundred fifty-eight (758), both inclusive, of the Revised Laws of Minnesota for the year 1905, signed by a majority of the members of said commission, and that said Charter was submitted to the qualified voters of said Village of Staples, at a duly called special election of said Village, called for that purpose only, held on the 5th day of September, 1906, at which the following question was submitted, namely: "Shall the proposed new Charter be adopted," and that said Charter was duly ratified and adopted at said election by the following vote, namely: Total number of votes cast, 138; number voting Yes, 122; number voting No, 15; one ballot marked both Yes and No and therefore rejected.

Witness our hands and the Seal of said Village, this 10th day of September, 1906.

*George Ashier*  
 President of the Village Council.

Attest.

*J. J. Moran*  
 Village Recorder.

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