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Charter

of the

City of Winthrop.

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OF THE
CITY OF WINTHROP.

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CHARTER OF CITY OF WINTHROP.

CHAPTER I.

Name, Powers and Boundaries.

Section 1. All the boundaries of the country in the county of Sibley and State of Minnesota, contained within the limits and boundaries hereinafter described, and all the people now inhabiting, and those who shall, hereafter inhabit the said district, shall be a municipal corporation by the name of the city of Winthrop, and by that name may sue and be sued, plead and be impleaded in any court and 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 and without the limits of said district as the purposes of the corporation may require, or the transactions 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 the powers granted to it under the general laws of the state of Minnesota or by this charter.

Boundaries.

Section 2. The district of the country constituting the City of Winthrop shall include all the territory now constituting the village of Winthrop; being the following territory situated in the county of Sibley and State of Minnesota, to wit: The northwest quarter ($\frac{1}{4}$) of section number six (6) and the west half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$), all in township number one hundred and twelve (112) north of range number twenty-nine (29) west, and the south half ($\frac{1}{2}$) of section number thirty-one in township number one hundred and thirteen (113) north of range number twenty-nine (29) west.

Succession.

Section 3. When this charter takes effect, the City of Winthrop shall be and become the legal successor of the village of Winthrop, under

its former charter, and shall be vested with all the rights and immunities formerly vested in the said village of Winthrop, except as herein otherwise provided, and all ordinances existing at the time of its adoption shall be in full force and effect until repealed. All property, property rights, and interest of every kind and nature formerly vested in said village of Winthrop, shall, when this charter takes effect, be and become vested in the City of Winthrop, under this charter and all previously existing indebtedness, obligations and liabilities of said village of Winthrop together with interest accrued or to accrue thereon shall be assumed and paid by the City of Winthrop.

CHAPTER 2.

OFFICERS AND ELECTIONS.

Elective Officers—Appointive Officers.

Section 1. The elective officers of said City of Winthrop shall be a mayor, city clerk, a treasurer, two justices of the peace, four aldermen, and an assessor. The appointive officers of the said city shall be an attorney, three members of the board of health, three park commissioners, a chief of police, a street commissioner and a chief of the fire department; and such other officers and boards as may be hereinafter provided.

Term of Office.

Section 2. The term of office of all said officers shall be one year, excepting as follows: The term of office of alderman shall be two years, excepting at the first election after the adoption of this charter, when two aldermen shall be elected for one year, and two for two years, and two aldermen shall be elected each year thereafter. The term of office of the justices of the peace shall be two years, excepting at the first election after the adoption of this charter, when one justice of the peace shall be elected for one year and one for two years and one justice shall be elected each year thereafter. All officers shall hold their respective offices until their successors are elected and qualified.

Powers Under This Charter.

Section 3. From and after the time when this charter shall go into effect, the various officers of the village of Winthrop whether then in office or subsequently elected or appointed, shall exercise and be vested with such powers and functions only as are specified and granted in this charter as to their respective offices.

Time of Election.

Section 4. There shall be a city election for electing such officers of said city as are herein or otherwise by law made elective on the first Tuesday in April, 1907, and thereafter a city election shall be held on the first Tuesday in April of each year.

Vacancies—How Filled.

Section 5. Whenever any vacancy shall occur in any elective office of said city, such office shall be filled by appointment by the city council and such incumbent so appointed shall hold his office until the next succeeding election and until his successor is elected and qualified. Vacancies in appointive offices shall be filled by the mayor with confirmation by the council.

Election Laws.

Section 6. All general laws of the State of Minnesota, relating to elections and the preliminaries thereto, shall so far as applicable apply to and govern all elections under this charter and are hereby adopted as a part of this charter as though herein specifically re-enacted. Within one week after any election under this charter the city council of said city shall meet and canvass the returns thereof, and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the officers elected of their respective elections. The city council may pass ordinances not inconsistent with the general laws of the state and provisions of this charter for conducting and regulating city elections and the preliminaries thereto and the canvassing of the votes thereof.

Special Elections.

Section 7. The city council shall have the power to call special elections at any time by passing a resolution therefor stating in such resolution the question or questions to be submitted to the voters at such special election notice of such special election shall be given by the city clerk by publishing such notice twice in the official paper of said city, the first publication thereof to be at least ten days prior to the election and by posting such notice in three public places in the city, at least ten days before the election. Such notices shall state the question or questions to be submitted to the voters at such election. Such election shall be conducted in the same manner as general elections, by the same officers, except that the ballot used shall be such as the city council may prescribe and shall intelligently state the question or questions voted upon, and have suitable places thereon to mark a vote for or against each proposition admitted.

Plurality and Equality.

Section 8. A plurality of votes for elective offices 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 city council at such time and place, and in such manner as said city council may direct.

Commencement of Term of Office.

Section 9. The term of office of each officer elected under this charter shall commence on the second Tuesday of April, of each year in which he was elected, and shall continue until his successor is elected and qualified.

Appointment.

Section 10. All officers, who, under this charter, are to be appointed, shall be appointed by the mayor and confirmed by an affirmative vote of a majority of all the members of the city council.

Removals.

Section 11. Any elective officer, under this charter, may be removed from office by an affirmative vote of three-fourths of all the members of the city council, and 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. Continued willful absence from three consecutive regular meetings by an alderman and neglect of duty by an elective officer of the city shall be deemed sufficient cause for removal from office. The city council shall have the 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 the 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. The mayor shall have the power to suspend any appointive officer for a period not to exceed ten days at his pleasure, and without showing cause, and to appoint a successor to such office for the term of such suspension. The mayor shall have power to remove any appointive officer, by and with the consent of the majority of the members of the city council at his pleasure without cause.

Abandonment of Office.

Section 12. Any elective or appointive officer, changing his residence from the city and any elective or appointive officer who shall refuse or without cause neglect to qualify and enter upon the discharge of the duties of his office for ten days after being notified by the city clerk of his election or appointment, shall be deemed to have vacated or abandoned such office.

Resignation.

Section 13. Any elective or appointive officer under this charter, having entered upon the duties of his office, may resign the same, by and with the consent of the city council.

Vacancy.

Section 14. Whenever any vacancy shall occur in any office filled by appointment, such vacancy shall be filled for the unexpired term.

Officers to Qualify.

Section 15. Every person elected or appointed to any office under this charter shall before he enters upon the duties of his office and within ten days after his election or appointment, take and subscribe an oath of office which shall be in form as follows:

State of Minnesota, County of Sibley. ss.

I, _____, do solemnly swear that I will support the Constitution of the United States, and of the State of Minnesota, and that I will faithfully discharge the duties of _____ within and for the City of Winthrop to the best of my ability, so help me God.

And shall file the same duly certified by the officers administering the oath with the city clerk.

Subscribed and sworn to before me this _____ day of _____ A. D. 19____.

Eligibility.

Section 16. No person shall be eligible to any office under this charter, who was not at the time of his election or appointment to such office, a qualified voter of the City of Winthrop.

Transfers.

Section 17. Every elective and appointive officer, shall at the expiration of his term of office in whatever way terminated, turn over to the city, or his successor in office, on demand, all books, papers, records, files, moneys and other things whatsoever pertaining to his office.

CHAPTER 3.

DUTIES OF OFFICERS.

Powers of Mayor.

Section 1. The mayor shall be the chief magistrate of the city, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced within said city, and that all other executive officers of the city discharge their respective duties. He shall preside at all meetings of the city council, and from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. He shall be the chief executive officer and head of the police force of said city, and shall appoint a chief of police and not more than two other policemen, by and with the consent of the city council, provided, however, the city council upon the recommendation of the mayor may by majority of the voters thereof increase the number of policemen of said city to be so appointed by the mayor to a number not exceeding four, and provided further, that it shall be the duty of the mayor and chief of police to assign the policemen of said city to day or night service as to them shall seem best; and in case of riot or other disturbances, the mayor may appoint as many special policemen as he may deem necessary, and any such policemen 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.

Veto Power.

Section 2. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and such as he shall not approve, he shall return to the city council unsigned, with his objections thereto, by depositing the same with the city clerk to be presented to the city council at the next regular meeting thereafter; and upon the return of any resolution or ordinance of the mayor, the vote by which the same was passed, may be reconsidered, and if, after such reconsideration the city council shall pass the same, by a vote of at least three members of said city council, 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 returned by the mayor within five days (Sundays excepted) exclusive of the first day after it shall have been presented to him, the same shall have the same effect as if approved by him.

Contracts Signed by Mayor.

Section 3. All contracts not otherwise provided for, and appropriations shall, before they take effect be presented to the mayor, and if he approves thereof, he shall sign the same, and such as he shall not approve he shall return to the city council unsigned with his objections thereto, and the same proceedings shall be had in relation thereto as is provided in section two of this chapter in relation to ordinances and resolutions.

Duties of Vice President.

Section 4. At the first meeting of the city council in each year, they shall proceed to elect by ballot from their number, a vice president, who, shall, during the absence of the mayor from the city, or his inability to discharge the duties of his office, exercise all the powers and discharge all the duties of the mayor. In case the mayor shall be absent from any meeting of the city council, the vice president shall act as presiding officer for the time being and discharge the duties of said mayor. The vice president of the city council or temporary presiding officer, while performing the duties of mayor, shall be styled, acting mayor, and the acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and the vice president of the city council shall have the right to administer oaths and affirmations.

City Clerk.

Section 5. There shall be a city clerk of said city, styled, the city clerk, who shall keep his office at the place of meeting of the city council or at such other convenient place as the city council may determine. He shall keep the corporate seal and all papers and records of the city,

and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the city council, certified by him under the corporate seal shall be evidence in all courts, the same as would be the originals thereof. He shall draw and sign all orders on the treasurer, in pursuance of an order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The city clerk shall have the power to administer oaths and affirmations.

Report of the City Clerk.

Section 6. It shall be the duty of the city clerk to report to the city council, the financial condition of the city, whenever the council shall require it. He shall keep a list of the outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, together with payment of interest and principal made thereon, and shall recommend such actions to the city council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually to the city council, ten days previous to the annual election in said city, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year.

Countersigning Contracts and Keeping Accurate Accounts.

Section 7. The city clerk shall countersign all contracts made in behalf of the city when not otherwise provided in this charter, and 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 when not otherwise provided in this charter. He shall keep regular books of account in which he shall enter all the indebtedness of the city, and which books shall, at all times, show the precise financial condition of the city including the amount of bonds, orders, certificates, or other evidences of the indebtedness, which have been redeemed, and the amount of the same outstanding. He shall countersign all bonds, or other evidences of indebtedness of the city and keep accurate accounts thereof, stating to whom and for what purposes issued, and the amount thereof. He shall keep accurate accounts with all receiving and disbursing officers of the city, showing the amount

they have received from the different sources of revenue, and the amount they have disbursed under the directions of the city council; he shall keep a list of all certificates issued for work or any other purpose, and before the levying by the city council of any special tax, shall report to the city council, a schedule of all the lots or parcels of land which may be subject to the proposed special tax or assessment. This schedule shall be certified by the affidavit of the clerk and shall be prima facie evidence of the facts therein stating in all cases where the validity of such special tax or assessment shall come in question. The city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this charter. If, before the first day of January of any year, the amount expended, or to be expended, chargeable to any city fund (adding thereto the current expense estimated for the remainder of the fiscal year, and chargeable to such funds) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund, 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. The clerk shall examine all reports, books, papers, vouchers and accounts of the city treasurer, and from time to time, shall perform such other duties as the city council may direct. All claims and demands against the city, before they are allowed by the city council, shall be examined and filed by the clerk, and he shall keep a record of all his acts and doings and keep a book, with index thereto, in which he shall enter all contracts. Such records shall be open for inspection to all parties interested. He shall not be interested, directly or indirectly, in any contract or job to which the city is a party. And any such contract in which he may be interested, shall be null and void. He shall at the end of each fiscal year and prior to April 1st following, make a full and complete report of the financial condition of the city for said year, which shall be kept on file in his office. He shall perform within said city all other services of a similar nature by law required of recorders and clerks of cities and towns, but when such services are required of him for which services compensation is provided to be made by the state or the county treasurer.

or the person requiring such services, such service shall not be regarded as rendered for such city, and he may receive such compensation in addition to his regular salary, and shall keep an accurate account of the fees so received, and make an itemized report of the amount of the same to the city council at the close of his official year.

Deputy Clerk.

Section 8. The city clerk is hereby authorized to appoint a deputy clerk with the approval of the city council, who shall have authority, in the absence of the city clerk, to transact all business that the city clerk is authorized to transact, and he may administer oaths and affirmations, and affix the corporate seal to all papers, and documents, which under the laws shall require said seal, and all acts of such deputy shall have the same validity as those of the city clerk, but such deputy clerk shall receive no compensation for such services from the city, provided, however, that the city clerk shall be responsible to all parties interested, for all the acts and doings of said deputy clerk when acting in the place and instead of the city clerk.

City Treasurer.

Section 9. The city treasurer shall receive and safely keep all moneys belonging, or accruing to the city, including taxes, license money and fines, and keep an accurate and detailed account thereof in such manner as the city council shall from time to time direct. The treasurer shall present to the city council, at least fifteen days before the annual election, or sooner, if required, by the city council, 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 treasurer, which account shall be filed with the city clerk. He shall make such other and full reports to the city council at such time and manner as they may require.

City Attorney.

Section 10. The city attorney shall be the legal adviser of the city, and of all 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 take charge of and conduct all prosecutions for the violation of all ordinances and resolutions of the city, and for the violation of any provisions of this charter. The city attorney shall, when so requested, furnish a written opinion upon any subject admitted to him by the city council or the mayor, or any officer of said city in respect of their official duties or the municipal affairs of the said city. He shall attend all meetings of the city council, and shall advise the city council as to the legality of all ordinances, resolutions, motions, proceedings, and all other actions whatsoever under consideration by said city council.

Chief of Police.

Section 11. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the city council, and who shall perform such duties, as shall be prescribed by the mayor for the preservation of the public peace. All regular police officers and watchmen of said city shall possess the powers of a constable at common law or by the laws of this state; they shall have power and authority to pursue and arrest any person fleeing from justice in any part of the state and may serve any summons, writ or process, civil or criminal, issued by the justices of the peace. And any such police officer, performing the duties of constables, aforesaid, shall be entitled to the fees prescribed by statute.

Street Commissioner.

Section 12. The street commissioner, under the direction and control of the city council, shall have the supervision of the construction, maintenance, and repairing of side-walks, and of the grading, maintaining, repairing and cleaning of all streets, alleys, and other public places within the city, and he shall be required to execute a bond, with sureties satisfactory, to the city council, 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, and shall make written reports to the city council of work done, cost of same, money expended and for what purpose, whenever requested by the city council; and he shall report to the city council the amount of all tools belonging to the city, in his custody, once a year and at any other time, when so requested.

City Assessor.

Section 13. The city assessor shall perform all 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 14. The city council of said city shall constitute a board of equalization. The same notice of the meeting of such board shall be given by the city clerk and the board of review shall be governed by the same rules and regulations in the performance of their duties, as is, or shall be prescribed in the statutes and laws of this state for town boards of review.

Courts of the Justices of the Peace.

Section 15. The justices of the peace of the city shall enter into the discharge of their 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 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-laws, rule or regulation made or adopted under or by virtue thereof; and of all cases cognizable by justices of the peace, in which the city is a party, and of all suits, prosecutions, and proceedings for the recovery of any fine, forfeiture, or any penalty under any ordinance, resolution, by-law or regulation of this city, or its charter. In all actions, prosecutions, and proceedings of every kind, before either of the city justices, such city justices shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinances in said court. In all prosecutions for any violation of the provisions of this charter, of any ordinance, resolution, by-law, or regulation adopted under or by virtue hereof, said justices of the peace may proceed to the trial and termination 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 pro-

ceedings 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 decisions 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.

In all cases of conviction, either under the 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 of the peace 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 (\$500) dollars, for their good behavior and to keep the peace, for a period not exceeding six months.

All fines and penalties imposed by the justices of the peace of this city, which belong to the city, shall be turned into the treasury of the city. The justices of the peace shall, quarterly, or oftener, if required, by the council, report to the council all proceedings instituted 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 Sibley, 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 Winthrop 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, except in cases where such fees are collected from the defendant by said justices.

Other Officers.

Section 16. The mayor shall have power at any time to require other and further duties to be performed by any officer, whose duties are herein prescribed, not inconsistent with this charter, and, with the consent of the majority of the members of the city council, to appoint such other officers as may be necessary to carry into effect the provisions of this charter, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the mayor with confirmation of the city council, as hereinbefore provided, shall be appointed for a longer term

than one year, unless otherwise herein specifically provided, and until his successor is elected or appointed, and duly qualified. The city council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this charter, and such compensation shall be fixed by resolution, and in regard to all officers created by this charter, the compensation shall be fixed within two months of the first regular meeting of the council. After the first year, the compensation of the officers shall be fixed for the fiscal year in the month of April, except for such officers as may be hereafter created in regard to which the compensation shall be fixed at the time of the creation of such offices. Nor shall the compensation of any officer, after having been fixed be increased or diminished during the term for which said officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party, to, or interested in, any contract in which the city is interested, made while such officer is holding office; provided that the mayor of said city shall not receive a salary to exceed twenty-five (\$25.00) dollars per annum, to be fixed by the city council and provided further that the aldermen shall receive no compensation for their services as such officers, except members thereof when acting as the board of equalization of taxes.

Peace Officers.

Section 17. The mayor or acting mayor, city clerk, and each alderman, the justices of the peace, police officers and watchmen shall be officers of the peace, with power of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of by-standers therein of any and all of the citizens of said city, and if any by-stander therein or citizen thereof, shall refuse so to aid in maintaining the peace, when so required, each person so refusing shall forfeit and pay a fine not exceeding fifty (\$50.00) dollars; in case of conviction of such offense, and in default of such payment, he shall be committed to the county jail of Sibley county not exceeding thirty (30) days.

Official Bonds.

Section 18. The city treasurer, city clerk and chief of police and

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such other officers as the city council may direct, shall severally before entering upon the duties of their respective offices, execute to the city a bond with at least two sureties (to be approved by the city council) who shall make the affidavit that they are each worth the penalty specified in such bond over and above debts, exemptions and liabilities; or the said officer may furnish the bond of a surety company, (to be approved by the city council) and said bond shall contain such penal sum and such conditions as the city may deem proper, and the city council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

CHAPTER 4.

City Council—General Powers.

Section 1. The legislative power and authority of the city of Winthrop shall be vested in the city council, composed of the aldermen elected as in this charter provided.

Meetings.

Section 2. The city council shall hold its regular meetings upon the first Monday of each and every month, and it shall determine and provide for special meetings and may prescribe rules for its proceedings not inconsistent with this charter. The mayor may, or, upon written request of three aldermen, shall call special meetings of the city council by giving written notice 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 3. A majority of the members of the city council shall constitute a quorum, to transact business, but a smaller number may adjourn from time to time, and may compel the attendance of the absent members.

Canvassing Votes.

Section 4. The city council shall be judges of the election and qualification of its members.

Ordinances and Resolutions.

Section 5. Every legislative act of the city council shall be by ordinance or resolution. The style of all ordinances shall be: "The City Council of the City of Winthrop 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.

Reading and Usage.

Section 6. An affirmative vote of at least the majority of all members of the city council shall be required, to enact any ordinance or resolution, which shall be taken by 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 city council as were present when said ordinance or resolution was adopted or rejected. No ordinance 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 had at a subsequent regular or adjourned regular meeting, occurring not less than one week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading; except by the 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 at least once in the official paper of the city before it takes effect. Proof of such publication shall be by affidavit of one of the printers, publishers, or of the foreman of such

paper, which shall be prima facie evidence of the legal passage of such ordinance or resolution in all the courts of this state, or elsewhere.

Failure to Vote.

Section 7. Any member of the city council, who, being present when his name is called, fails to vote on any pending proposition, shall be counted as having voted in the negative.

Three-Fourths Vote.

Section 8. Every ordinance, order, or resolution appropriating money, creating any liability of the city, awarding or approving of any contract for the payment of money, ordering any condemnation of private property or the making of any public improvements, shall require a three-fourths 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.

Disqualification.

Section 9. Except as in this charter otherwise provided, no member of the city council shall, during the time for which he is elected, be eligible to any other elective or appointive office of the city.

Funds and Accounts.

Section 10. The city council may designate the disposition of the funds of the city and by resolution approve of all bonds given for the safe keeping thereof, and it shall examine and audit the account of all city officers.

Supervision of Public Property.

Section 11. 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 12. The city council shall have exclusive power to open,

vacate, and 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.

Public Buildings.

Section 13. The city council shall have power by three-fourths vote of all the members thereof to erect, provide for, improve and repair all public buildings and works, together with such appurtenances, accessories, apparatus and equipments in connection therewith, as may be necessary for the transaction of the business of the city, either within or without its limits; and to acquire, by purchase, gift, or condemnation, all lands necessary as sites for said buildings or works to be used in connection therewith; and to acquire by purchase, gift, or condemnation, real property for municipal purposes, and to sell or authorize the sale of all or any of said property.

Plats.

Section 14. The city council shall have the sole power to accept and approve plats of additions to the city, and to prescribe the location and width of streets and alleys required in said additions.

Appointments.

Section 15. The confirmation by the council of any officer of the city appointed by the mayor shall require the affirmative vote of the majority of its members, taken by ballot and recorded by the clerk.

Revocation of License.

Section 16. Any license issued by authority of the city council may be revoked by the mayor, and a majority of the city council, at any time, for sufficient cause, and upon conviction of any person holding a license, before a justice of the peace of the city of Winthrop, for a violation of the provisions of any ordinance relating to the exercise of a right granted by such license, the city council may rebuke such license in addition to the penalty provided by the law or ordinance for such violation.

Punishments.

Section 17. The city council may impose any punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred (\$100.00) dollars or imprisonment in the county jail, or the city jail or any other place of detention maintained by the city, not exceeding ninety days, and may provide that said punishment shall be cumulative for an indefinite term not exceeding ninety days, subject to suspension or termination by reason of ordering good behavior of the person imprisoned, and offenders against such ordinance may be required to give security to keep the peace and for good behavior for a period not exceeding six months, in a sum not exceeding five hundred (\$500.00) dollars. The city council may further provide by ordinance that any person convicted of any offense before a justice of the peace of the city, subjecting said person to imprisonment under the ordinance of the city, may be kept at hard labor during the term of such imprisonment at the place of confinement, or upon the public improvements of the city, and the city council shall have full power to establish all needful regulation for the security of said persons and to prevent their escape and secure proper discipline.

Compilation.

Section 18. The city council, may, from time to time provide for the compilation and publication of the charter, ordinances of the city, rules of the city council and such other reports and regulations of the city council, and such statute of the state as it may designate, and may provide for the distribution of sale or disposal of copies of such compilation or publication. Such publication, so issued purporting on the title page to have been published by the authority of the city council, and to contain the 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 in absence of evidence to the contrary, all ordinances, resolutions, regulations and rules found therein, shall be presumed to have been legally passed and adopted. Copies duly certified by the city clerk of all ordinances, rules, resolutions and regulations or other papers in his official custody, or of any records kept by him in his official capacity, shall also be admitted as prima facie evidence of their contents in all courts of this state. All courts of this city shall take judicial notice of all ordinances and resolutions duly passed by the city council.

Witnesses.

Section 19. The city council, and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committees, and for that purpose may issue subpoenas or attachments, in any case of inquiry or investigation to be signed by its president or chairman of its committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas or any other process.

Specific Powers.

Section 20. The city council, except as in this charter otherwise provided, shall have the general management and control of the finances of all the property of the city, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and the public health, comfort and safety, for the suppression of all vice and intemperance and for the prevention of crime. It shall have power and authority to declare and impose penalties and punishments for the violation of ordinances and resolutions, and to enforce the same against any person who may violate the same; and all such ordinances and resolutions, not inconsistent with the constitution and laws of this state, nor of the United States, are hereby declared to have the full force of law. For these purposes, the city council shall have specific authority by ordinance:

1st. To regulate the use of, and to prevent and remove encroachments into, upon or over streets, alleys, avenues, public grounds, public places, public waters, and to prevent injury thereto and prohibit the improper use thereof.

2nd. To regulate and prevent the throwing or disposing of ashes, paper, refuse, offal, dirt, garbage or any other offensive matter or obstruction in or upon any street, alley, public ground, place or public waters.

3rd. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same, free from obstructions, and to remove dirt, snow or rubbish therefrom, and to authorize the removal thereof at the expense of such owner or occupant, and to assess the cost of such

removal against said premises.

4th. To regulate the making and maintaining of openings and excavations in the streets, alleys, public grounds, and public places for the laying of gas and water mains and pipes, construction subways and conduits and for other purposes, and to regulate the building and maintaining of sewers, tunnels, and drains, and the construction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate and if it is deemed necessary to prohibit the construction and maintaining of coal-holes, manholes, hatchways, cellarways and other openings in sidewalks, streets and alleys, and the coverings and guards thereof.

5th. To require throughout the city or such district or districts as the city council may designate the owner or occupant of any premises to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, nightsoil and other unhealthy or offensive matter; to regulate and provide for the collection, removal and disposition of same, either at the expense of the city or of such owner or occupant.

6th. To regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telephone, telegraph and electrical light poles, horse troughs, racks and other obstructions, the posting and distributing of handbills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys and public grounds and to regulate and prevent the encumbering of the same with vehicles, boxes, lumber, or any other things; 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.

7th. To regulate and provide for the construction and use of pavements, sidewalks, curbs and gutters.

8th. To regulate and exhibit the exhibitions or carrying of banners, paintings, posting, distributing or placing of placards, advertisements, handbills or other articles upon telegraph, telephone or electric light poles, sidewalks and public places.

9th. To regulate and prevent the flying of flags, banners and signs across or over the streets, alleys and public places, and to regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or any other property.

10th. To regulate the speed of horses and other animals, bicycles,

cars, locomotives, automobiles, and other vehicles 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, alleys or public places.

11th. To regulate and prohibit traffic and sales upon the streets, sidewalks and public places.

12th. To regulate and prescribe the maximum weight of a load to be drawn over any bridge or street in the city, and to direct upon what street heavy loaded vehicles or traction engines may be drawn or propelled, and from what streets, bridges, alleys and public places the same may be excluded.

13th. To name and change the names of streets, alleys and other public places.

14th. To regulate and prohibit the use of all bridges, drains, sewers, privies and cess-pools within the city, or in such portions of the city as it may designate, and to compel sewer connections in such portions and to make the same and to assess the cost thereof on the property so connected.

15th. To regulate the numbering of houses, buildings and lots.

16th. To provide for and change the location, grade and crossing of any railroad, and to require railroad companies to lower and raise their tracks and to pay all damages caused thereby, 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.

17th. To require railroad companies to raise or lower their tracks, to conform to any grade which has been or hereafter may be established in the city, and to keep such tracks on a level with the street surface, and to compel the planking or fixing of such tracks of such railroad companies at any place on a street, alley, or public place.

18th. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railroad trains, cars or engines.

19th. To require railroad companies to make and keep open and in repair, ditches, drains, sewers, and culverts along and under the railroad tracks, so as not to impede natural drainage, and so that stagnant or filthy water may not stand on their grounds or right of way.

20th. To prevent the pollution of the waters in any creek, river,

pond or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein or on the banks thereof, and to provide for the cleaning and purifying of water and water courses and the drainage and filling of ponds on private premises, when necessary to abate or prevent a nuisance, and to compel the owner or occupant of any ground where water is liable to collect and become stagnant, to fill or drain such low places, and upon his failure so to do, to authorize such drainage or filling and to address the cost thereof upon such ground.

21st. To regulate and prevent the sale of impure ice within the city.

22nd. To fix the amount, terms and manner of issuing license not inconsistent with law, and subject to the provisions of this charter; provided that no license shall be issued for more than one year.

23rd. To license, regulate or prohibit billiards, pool and pigeon-hole tables, pin alleys, bowling alleys and shooting galleries.

24th. To license and regulate fire, auction and bankrupt sales, itinerant merchants and transient vendors of merchandise.

25th. To license, regulate or prohibit caravans, menageries, circuses, street exhibitions and all places of amusements.

26th. To license and regulate, pawnbrokers, secondhand dealers and junk dealers; and to compel all such persons to keep such records of their transactions as it shall direct.

27th. To license and regulate peddlers, street hawkers, clairvoyants, fortune tellers and astrologers.

28th. To license and regulate hackmen, draymen, expressmen, porters, and all other persons engaged in carrying passengers, baggage or freight; and to regulate their charges thereof, and to provide standing places of stations on the street or near railroad stations where the same may remain while waiting for business and to prohibit the same from standing or waiting for business in any other than the place prescribed.

29th. To license and regulate breweries and to prohibit their erection in any portion of the city which it may designate.

30th. To license and regulate plumbers, and to regulate sewer, water and street connections of all kinds.

31st. To prohibit the carrying of concealed weapons and to provide for the confiscation of the same.

32nd. To license and to regulate the keeping of dogs and prevent

their running at large.

33rd. To regulate and prohibit the storage and use of gunpowder, dry pitch, racine, coal oil, benzine, naphtha, gasoline, turpentine, gun cotton, nitro-glycerine, and any products thereof, and other combustible or explosive matter within the city, and of lights in stables and other places, and of the buildings of bonfires. To regulate and prohibit the sale and use of fire arms, fire works and firecrackers.

34th. To prohibit, punish and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock-fights, dog fights, sparring matches, and all brutal or depraving exhibitions.

35th. To prohibit and punish vagrants, mendicants, street beggars and prostitutes and to regulate bathing and swimming in waters within the city limits, and to prevent and punish drunkenness, fighting, assaults, batteries, disorderly conducts and obscenity within the city; and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements, illustrations and printed or pictured matter tending to provoke a breach of the peace, and to impair the morals of the community.

36th. To prohibit and suppress bawdy and disorderly houses and houses of ill-fame, and all immoral resorts.

37th. To prohibit lotteries and gift enterprises, and to prohibit all gambling and playing of dice, hazard, roulette, or other games of chance; and use of black boards, lists, tickets or prize quotations for the purpose of betting or gambling; and to prohibit all pool rooms, bucket shops and betting rooms, and the selling of pools and making of books on horse races or other contests real or fictitious; to suppress and prohibit all mechanism and other devices used for betting or gambling; to prohibit all fraudulent practices, and the use of all fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling or other unlawful purposes.

38th. To establish pounds and pound districts, which shall be under the supervision and control of a single pound master; to restrain the running at large or staking out of horses, mules, cattle, swine, sheep, and other animals, and to regulate and prohibit the driving of cattle in public streets, alleys, and public places, and to authorize the distraining and sale of the same.

39th. To establish, license or regulate market and market houses. To provide for the inspection of, and to regulate the making and selling of bread, and prescribe the weight and quantity of the bread in the loaf,

and to provide for the seizure and forfeiture of bread baked contrary thereto.

40th. To provide for and regulate the inspection of meats, poultry, fish, game, butter, lard, eggs, vegetables, flour, meal, milk, fruits and other products and to provide for the taking and summarily destroying of, any such products as are unsound, spoiled or unwholesome; and to regulate and prevent the bringing into the city and the having and keeping of such unsound and unwholesome products.

41st. To provide for and regulate the place and manner of weighing hay, and straw, and measuring and selling fire wood, coal and lime.

42nd. To provide for the inspection and selling of all weights and measures, and to enforce the keeping and use by venders of proper weights and measures duly accepted and sealed.

43rd. To regulate the height, construction and material of all buildings, chimneys, stacks and other structures; to prevent the erection or maintenance of insecure and unsafe buildings, walls, stacks, girders, piers, chimney flues and other structures, and to provide for the summary abatement or destruction; to prescribe the material and construction of foundations and foundation walls, the manner of construction, and location of drains and sewer pipes, the material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus, to regulate the construction of bath rooms, water closets, privies, and vaults, to prohibit the construction of buildings and other structures not conforming to such regulations, and to direct the suspension, at any time, of any such building as does not conform to such regulations.

44th. To prescribe the fire limits within which wood buildings or structures not fire proof shall not be erected or placed, and to direct that when any such building is damaged by fire, decayed or otherwise destroyed to the extent of fifty per cent or more of its valuation, shall be torn down, and removed, and to prescribe the manner of ascertaining such percentage and to prescribe for requiring the owners of buildings or other structures, which have been destroyed or partly destroyed, or become dangerous by fire, or otherwise, to take the same or any part thereof down, and in case of refusal or neglect of said owner to take the same down when ordered by the city council, then to cause the same to be torn down at the expense of the owner, to assess the cost thereof, upon the land on which the building stood.

45th. To require the owners or lessees of buildings or structures to place thereon, such fire escapes, and appliances for the protection of life, and property, and for the extinguishment of fires as it may direct.

46th. To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and heating apparatus, used in or about any building or structure; to regulate the carrying on of manufactories liable to cause fire; to prevent the disposing of ashes, or the accumulation of shavings, rubbish or other combustible matter in unsafe places, and to make provisions to guard against fires.

47th. To regulate the operation of blasts and blastings, and the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other structures, apparatus and operations hazardous to life and property.

48th. To define what shall constitute a nuisance, and to abate the same, and to impose fines upon persons who may create and suffer nuisances to exist.

49th. To provide for and to compel the reporting of and recording of all births and deaths within the city.

50th. To regulate the burial of the dead within the city limits, and to regulate and determine the time, and manner in which bodies, which have been placed in a vault or any other place for the purpose of burial, may be removed, and to regulate and control of the location of a cemetery, and to cause the removal of bodies interred contrary to law.

51st. To purchase and hold grounds for a public cemetery, within or out of the city limits, to improve and ornament the same, and make all regulations for the care and protection of the government thereof.

52nd. To regulate the location, construction and management of stock yards, slaughter houses, packing houses, rendering establishments, tallow chandleries, storing houses for hides, bone, or glue houses, gas works, soap factories, dye houses, tanneries, sausage manufacturers and other noisome business within the limits of the city.

53rd. To prohibit offensive or unwholesome public establishments within the limits of the city.

54th. To compel the owner of any soap or tallow chandlery, sausage manufactories, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same.

55th. To regulate the location of lumber yards, and places for pil-

ing lumber, wood, timber, and other combustible matter, and the manner of piling the same, and to require any person, keeping any lumber, wood, timber, shingle, or lath yards in the city, to remove the same when they become dangerous to building structures or other property.

56th. To regulate and prevent the playing of games or any other amusements on the streets, alleys, sidewalks, or public places, and to regulate the use of bicycles and other vehicles thereon.

57th. To regulate and prevent the ringing of bells and chimes, blowing of whistles, beating of drums, and making of other noises.

58th. To establish and regulate city hospitals or pest houses, and to make all regulations, which may be necessary and expedient for the preservation of health, and the suppression of disease, and make regulations to prevent the introduction of contagious, infectious, or other diseases into the city, and to regulate, control and to prohibit the landing of persons, baggage, merchandise or other products from cars or other conveyances infected with contagious diseases, and to make such disposition of such persons or property as to preserve the health in said city, and to prohibit infected cars or other conveyances from coming within or near the limits of the city.

59th. To establish and regulate the public wells, cisterns, hydrants, reservoirs, fountains, and watering troughs.

60th. To regulate and control the quality and measurement of gas, and to prescribe and enforce rules and regulations for the sale and manufacture of gas, and to provide for the inspection of gas and gas meters, and to regulate and control measurements, and use of electricity and electrical apparatus and other means and agents for furnishing lights, heat and power within the city.

61st. To regulate lodging, tenement and apartment houses, hotels and restaurants, and to prevent the over-crowding of same, and to require the same to be kept in proper and sanitary condition.

62nd. To prohibit cruelty to animals, and to require the premises where animals are kept, to be maintained in a healthful condition, and to protect birds and harmless wild animals.

63rd. To compel the owner or owners of vacant property within the city to keep the same clean of noxious weeds and of any other matter or substance, liable to communicate fire to adjoining property.

64th. To punish injuries to, and interference with, the ornamental trees or shrubbery within the streets and public places of the city, and to

provide for the proper trimming of trees which overhang the sidewalks of the city.

65th. To provide for the revocation of license.

66th. To regulate and require license to be obtained for the pursuit and prosecution of such occupations or kinds of business not in this charter expressly referred to, and provided for, as in the opinion of the city council may require regulation, and in general to adopt all such measures and to establish all such regulations in cases for which no expressed provision is in this chapter made, as the city council may from time to time deem necessary for the promotion of health, comfort, and safety of the inhabitants, the preservation of peace, and good order, the suppression of vice, and the enhancement of public welfare of the said city.

67th. To establish city prisons and other places of confinement for the imprisonment, punishment and safe keeping of all persons arrested or charged with or convicted of any offense; make rules and regulations for the government and management of such prisons and other places of confinement, and to prescribe the duties of such keepers and officers of the same, which keepers shall have all the powers and authorities of jailors at common law, or under the laws of this state.

68th. To provide for the lighting of the streets, alleys and other public places within the city.

69th. To provide for the investigation of the origin and cause of fires, and compel the attendance of witnesses, and the production and giving of evidence upon such investigation.

70th. To regulate and control in a manner not contrary to any specific provisions on the subject contained in this charter, the exercise by any person or corporation of any public franchise or privilege on any streets, whether such franchise or privileges have been granted by said city or under the state of Minnesota, or any statute.

71st. To appropriate such reasonable sum of money for the payment of music for the public parks in the city, as the council may deem proper, not in any one year to exceed the sum of one hundred (\$100.00) dollars.

72nd. To levy and collect poll taxes as provided by the general statutes of this state.

73rd. To restrain any person from vending, dealing in or in any way disposing of any spirituous, vinous, fermented malt, or intoxicating liquors, unless duly licensed by the city council; and to license and regu-

late the sale of spirituous, vinous, fermented malt or intoxicating liquors and all persons vending, dealing in or disposing of the same, provided it may prohibit vending, dealing or disposal by any person or persons, (except regularly licensed druggists, to sell for medical, chemical or mechanical purposes, not to be used or drunk on the premises) of any spirituous, vinous, fermented malt, or intoxicating liquors in any districts of the city which it may designate; and provided further that in case of the death of the licensee and the discontinuance of the business for which said license was granted, the council may refund to the widow or legal representative that portion of said license money pro rata for the unexpired term of said license.

License to Sell Intoxicating Liquors.

Section 21st. The legal voters of the city of Winthrop, shall have the authority and power to vote upon, and determine for themselves the question of whether or not, license for the sale of intoxicating liquors as a beverage, shall be granted by the council of said city; and it shall be the duty of the city clerk of said city upon receiving a petition for that purpose, of seventy-five or more legal voters of said city, at any time not less than fifteen days before any annual election of said city, to give at least ten days notice that the question of granting license for the sale of intoxicating liquors, as a beverage in said city, shall be submitted to the legal voters thereof, at the next ensuing election; which question shall be decided by ballot, containing the words (in favor of license), or (against license), as the case may be, provided, however, that the failure or neglect of the city clerk to give the notice, required herein, shall not invalidate the vote and determination made under the provisions of this section, if the petition therefore shall have been duly filed; the votes upon such question shall be taken, canvassed, returned and announced in the same manner as is provided by this charter for the taking, canvassing and returning of the votes for the election of city officers, which determination so made shall continue until the same shall be revoked at a subsequent election in the same manner; and if such returns show that the majority of the votes cast at said election on said question be (against license), no license for the sale of intoxicating liquors shall be granted, by the authority of the said city; but if such returns, show that the majority of the votes cast at such election on said question shall be (in favor of license), then the

city council may grant license to any suitable person of lawful age and being a bona-fide resident of this state for the sale of intoxicating liquors; the city council of said city shall have the exclusive right, within said city, to license persons vending, selling, or disposing of, intoxicating liquors, within the limits of said city, and no person shall be licensed by the city council to deal in, or sell, intoxicating liquors as a beverage in said city, unless he shall fully comply with all the requirements, and be subject to all the penalties, as provided in the ordinances of the city, the general statutes of the state of Minnesota, and of the United States; provided, that whenever the people shall have voted against the issuance of license for the sale of intoxicating liquors in said city, it shall thereafter be unlawful for any person or corporation to sell, barter or give away the same, in said city, at retail or wholesale, in any quantity whatever; provided that nothing herein shall be construed to prevent or forbid any manufacturer of intoxicating liquors in said city from selling his product to be consumed outside of said city.

Chapter 5.

Taxes and Bonds—Fiscal Year.

Section 1. The fiscal year, of the city of Winthrop, shall commence on the first day of April, each year.

General Funds.

Section 2. The city council shall have the power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government, and for the acquiring, improving, and maintaining of public grounds, and the construction of buildings and improvements of a public character, and for other purposes conducive to good order, general welfare, health, cleanliness and protection against crime; provided, that such taxes shall in no one year exceed one and one-fourth percent of the assessed valuation.

Road Fund.

Section 3. The city council shall have the power to levy a special

tax upon all the taxable property within the city, for the purpose of constructing, and maintaining bridges and culverts, and openings; constructing, maintaining, and repairing roads, highways, streets and alleys, and for the construction of reservoirs, sewers, drains and street gutters, and gutters, and grading of streets; provided, that such tax in no one year shall exceed one per cent of the assessed valuation.

Poor Fund.

Section 4. The city council shall have the power to levy a special tax for a poor fund, which shall in no one year exceed two-tenths of one per cent of the assessed valuation.

Time Warrants.

Section 5. The city council may issue time warrants, when the fund on which the warrant is drawn is exhausted; provided, that at no time shall the aggregate warrants outstanding against all funds exceed the sum of seven thousand (\$7,000.00) dollars, and that said warrants shall bear interest at the legal rate.

Incurring Debt.

Section 6. No debt shall be incurred or created by the city, the city council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose, and no orders shall be issued upon the city treasurer exceeding the amount of tax collected, or assessed, or in process of collection.

Bonds.

Section 7. The city council shall have the power to borrow money, and issue the bonds of the city therefor, for such amount as may be authorized by a majority of the legal voters of the city voting upon the question; the vote to be polled and returns thereof made and canvassed in conformity with the provisions of the charter respecting city elections; and, upon due notice, given under the direction of the city council. All bonds shall be redeemable within twenty years from their date, and bear

interest at no greater rate than five and one-half per cent per annum, and taxes may be levied by the council to pay the interest accruing thereon, and to pay the principal as the bonds mature, and such authorized indebtedness shall never exceed the limit provided by law.

How Levied.

Section 8. Taxes may be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount shall exceed the amount required to be raised for the special purpose for which same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city. If it be a bond or interest tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds or the purchase thereof before due. If it be for improvements, it shall be kept and used for future improvements of the same character.

Statement to Auditor.

Section 9. The city council shall cause to be transmitted to the county auditor of Sibley county, on or before the tenth day of October of each year, a statement of all taxes by them levied; and such taxes shall be collected, and the payment thereof enforced in like manner as other taxes. And the county treasurer shall pay such taxes to the treasurer of said city, on the warrant of the county auditor, after the said auditor makes the settlement with the county treasurer required by law.

Money—How Paid.

Section 10. No money shall be paid out of the city treasury, unless such payment be authorized by vote of a majority of all the members of the city council, and then shall be drawn out only upon the order of the mayor, countersigned by the clerk, which order shall specify the purpose for which it is drawn, and the fund out of which it is payable, and the name of the person in whose favor the same is drawn, and may be made payable to the order of such person or the bearer, as the city council may determine.

Orders Cancelled.

Section 11. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same in his office, keeping the orders drawn upon each fund separate.

CHAPTER 6.

Franchises—Grants.

Section 1. The city council shall have the power to grant franchises for the occupation of the streets, alleys, and public grounds of said city, for the use of telegraph, telephone and electric light poles and wires, for street car tracks, and for laying of gas pipes for mains, and electric conduits, and for other purposes for the use, convenience and accommodation of the public; and in all cases the city council shall regulate and control the same, so that nothing shall interfere with the construction of common sewers or the lateral branches thereof, or with the proper location of water mains and pipes and the city council may at any time require the location of such poles, pipes or conduits or anything else so authorized to be changed, if the same shall be found to interfere, in any way, with the proper location of water or sewer mains or pipes, or in any other way inconvenient to the public; provided, that all such franchises so granted, shall be subjected to the regulations and restrictions hereinafter contained.

Perpetual or Exclusive.

Section 2. No perpetual or exclusive franchise shall ever be granted.

Limit of Time.

Section 3. No franchise shall be granted for a term to exceed twenty years.

Control and Percentage.

Section 4. Every franchise granted, shall be by ordinance, and shall

contain a provision reserving to the city council the right to regulate and control the business, for which said franchise shall be granted; and to limit the rate to be charged for any service to be rendered; and the city council shall have the right, in its discretion, to provide for the payment, to the city, of a percentage of gross earnings, in return for any franchise granted.

Acquisition.

Section 5. Every franchise granted, shall contain a provision granting the city the right to acquire the same and the business for which it is granted at the end of every term of five years, if a majority of the voters of the city vote in favor of such acquisition.

How Acquired.

Section 6. When the voters of the city are desirous of acquiring any business operated under a franchise granted by the city, such acquisition shall be by purchase at an appraised value, the method of appraising to be determined by the city council, by ordinance.

Two or More Applicants for Franchise.

Section 7. Whenever there are two or more applicants for the same franchise, if the council determine to grant the same, it shall be granted to such person or corporation as the city council, in their judgment, deem for the best interests of the public.

Private Sewers.

Section 8. The city council may permit any person or number of persons associated together, for such purpose, to construct or lay private sewers in any of the streets or alleys in said city, provided the same makes proper connection with the public sewer of said city, and conforms in all respects with such rules, regulations, and requirements as may be prescribed by said city council by ordinance; and such sewers shall be constructed under the direction and supervision of the said city council or such officers as it may designate for such purpose; provided, that the city shall have the right at any time to connect any public sewer with such private

sewer without the payment of any fee for such connections, and the city council shall have the right to prescribe, by ordinance, the manner and terms upon which any person, not joining in its construction, may have the right to make subsequent connections with any such sewer; provided, further, that the city may acquire and take possession of the same when the public welfare demands it.

CHAPTER 7.

Contracts—Definition.

Section 1. All contracts for commodities, work, or service, to be furnished or performed for the city or any department or officer thereof, involving an expenditure of more than five hundred dollars (\$500.00), shall be made as in this chapter provided, and not otherwise.

Estimates and Amount of Contracts.

Section 2. The city 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 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.

Plans and Specifications.

Section 3. Before advertising for bids, the city council shall cause to be prepared by the proper department or officer of the city, detailed plans, specifications, and a proposed contract for said commodities, work or service in accordance with its general directions. Duplicates of said plans, specifications and proposed contracts shall be filed with the city clerk, and remain in his office.

Advertising.

Section 4. After filing the said proposed contract and plans and specifications, the city council shall direct the city clerk to advertise for

bids for doing or furnishing such commodities, work or service in accordance with the said contract, plans and specifications as the city council may direct.

Certified Checks.

Section 5. In advertising for bids, the city council shall require each bidder to deliver, with his bid an approved certified check, payable to the city treasurer, for at least ten per cent of the total amount of such bid, which check shall be forfeited to the city 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 of Bids.

Section 6. At the time and place mentioned in the advertisement for bids, the city council shall meet in public session, and publicly receive, open and read all bids that may be presented.

Acceptance.

Section 7. The city council shall never accept any other than the lowest bid, unless for good cause it shall deem it desirable to accept one of the higher bids, but in such case, the city council shall not accept a bid higher than the lowest bid by more than the amount of the certified check deposited with the lowest bid. Provided, that for good cause, the city council may, by unanimous vote of all the members of the city council provide that the work may be done by direct employment of labor, and purchase of materials of said city.

Bond.

Section 8. Every person, to whom a contract is awarded, shall give bonds, in such sum as the city council may direct, and with such sureties as the mayor may approve, for the faithful performance of such contract. In all cases of contracts coming within the purview of sections 4535, 4536, 4537, 4538 and 4539 of the revised laws of the state of Minnesota for the

year of 1905, it shall require such bonds as are required by such laws.

Emergency.

Section 9. In case of emergency, and when delay would cause great damage to the public interests, or endanger the public safety, the head of any public department of the city, with the approval of the city council may make necessary repairs by day labor, and procure materials therefor in open market.

Three Year Contracts.

Section 10. The city council may, in accordance with the provisions of this chapter, authorize the making of contracts for the removal or disposition of garbage, ashes, street sweepings or other unwholesome or objectionable matter for a term not exceeding three years, but, in every such contract, there shall be reserved the right of the city council to increase or decrease at any time the service to be rendered thereunder, and to correspondingly increase or decrease the amount to be paid by the city thereunder.

Official Printing.

Section 11. The city council, may, at its first regular meeting in April each year, direct the city clerk to procure, in accordance with the provisions of this charter, bids for the publishing of ordinances, resolutions and proceedings of the city council, and any other notices required to be published by the city. Such publications shall be in some weekly newspaper, which is printed in the English language and published in the city of Winthrop, and which shall have been printed, published and of general circulation in said city continuously for at least one year prior thereto. Such bids shall include the publication of such pamphlets or proceedings of the city council as may be required, and any other printing required by the city or any department thereof. The city council shall, at the time of accepting any bid, designate the newspaper to which the contract is awarded, as the official newspaper of the city, and all notices and advertisements, by this charter required to be published, shall be published in said newspaper, unless in this charter otherwise specifically provided,

and in case of the suspension of the publication of such newspaper, or the failure or refusal of its publisher to make publications for the city, or if at any time for any reason there shall be no official newspaper in which publications can be made, the city council may designate some other newspaper as the official newspaper of the city, until such time as a contract can be made. Immediately after the publication of any notice, ordinance or other matter, which is required to be published, the printer or publisher shall file with the city clerk a copy of such publication, with his affidavit, or the affidavit of his or their foreman, showing the length of time the same has been published.

CHAPTER 8.

Streets and Highways.

Powers of the City and of the City Council.

Section 1. The city shall have the custody of and control over the streets, alleys and public places within its limits. The city council may lay out, open, extend and widen or straighten any street, alley, or public place within the city. The city council may also, for the purpose of drainage, construction of bridges or for making other necessary public improvements, or for the improvement of the health or sanitary conditions of the city, enter upon, lower, raise, change the course of, or divert any stream of water, ditch or drain within the limits of the city, and may cause to be built, maintained, or repaired, bridges across streams or railway tracks, and may provide for the construction of curbs and gutters, and for the pavement of streets, alleys or public places of the city.

Grades.

Section 2. The city council may, by ordinance, establish the grade of any street, when such grade has not been established, and may, by ordinance, passed by the affirmative vote of three-fourths of the members of the city council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city clerk. The expense

of establishing all grades, shall in the first instance, be born by the city, but after such grade has been established, and a profile thereof filed as aforesaid, the expense of finding such grade shall be paid by the owners of such private property.

Bridges.

Section 3. All bridges in the city of Winthrop, together with the guards and embankments connected therewith, and the immediate approaches thereto, which form a necessary part of the same, shall be built, maintained and kept in repair by the city, as a general city charge, except so far as building, maintaining, or keeping in repair of the same, may be chargeable to any railway company or other corporation or person.

Power to Open Streets and Make Other Improvements.

Section 4. Whenever the city council shall determine to lay out, or open new streets or alleys in said city, or to widen, straighten and extend any that now exist or may hereafter exist, it may, for such purpose, purchase or condemn any real estate or interest therein, which is private property, and provide for the payment of the value of such property as may be taken for such improvement and all damages done to any private property by reason of such improvements.

Sidewalk Repairs.

Section 5. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same, in a good substantial and thorough manner, and report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which said repairs were made, and such report shall be filed and preserved by the city clerk; and the city council shall once in each year, at, or as near as conveniently may be, the time of levying the city taxes, assess and levy, upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by the street commissioner, the cost of making

such repairs. Such assessment for all such repairs within the city within the year may be combined in one assessment roll and be collected as provided for in the chapter on local improvements of this charter.

Liability for Obstruction of Streets.

Section 6. All persons, who shall, by means of any excavations in, or obstructions upon, any street of said city, not authorized by law or the ordinances of the city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavations or obstructions as shall be authorized, or by the failure to maintain proper guards or lights thereon, render such streets insufficient or unsafe for travel, shall be liable for all damages, not caused by negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence; and no action shall be maintained against said city for such damages, unless such person or persons shall be joined as party defendant or defendants; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant, causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and, if the city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from other defendant or defendants; it shall be entitled to execution therein against him or them, and to take such other proceedings as judgment creditors are entitled to take.

Actions for Injuries.

Section 7. No action shall be maintained against the city of Winthrop for any defect in any street, until the same shall be graded; nor for any insufficiency of such grounds, where sidewalks are usually constructed, where no sidewalk is built.

Prohibition Against Piling Snow.

Section 8. No railway company shall have any right in clearing its tracks in any part of the said city, or otherwise to pile up snow or other material, and leave same piled upon any portion of any traveled street

in said city, and any such company shall, in addition to all penalties prescribed therefore, be liable to any person who shall be injured by means of such obstructions, caused by such company for all damages sustained; and in case of any damage shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover the same again from the company by whom the obstructions were caused.

Plats.

Section 9. Whenever any person shall subdivide any piece of land within the said city, he shall cause the same to be surveyed and platted in accordance with the provisions of Chapter 64 of the Revised Laws of the State of Minnesota for the year 1905, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council for its approval. The acceptance for such plat or addition shall not make the city liable to grade the streets, nor responsible for any insufficiency of such streets, until the same are graded or opened for travel under the direction of the City Council.

Vacation of Streets.

Section 10. The City Council, upon petition signed by majority of the owners, resident in the city, on the line of that portion of that street, alley, public ground or highway, together with a distance of Three Hundred feet in each direction from the end of such portion proposed to be vacated, stating the facts and reasons thereof, may, if they deem it expedient that the matter should be proceeded with, order the petition to be filed with the City Clerk, who shall give notice by publication, twice in the official paper of said city, at least once a week, to the effect that such petition has been filed and stating in brief its object, and the day upon which and place where the petition will be heard and considered by the City Council, not less than ten days from the expiration of such publication. The City Council shall investigate and consider the matter, and hear the testimony and evidence of the party or parties interested. The City Council may, by resolution, after the hearing, passed by a unanimous vote of all the members elect, declare such street, alley, public ground or high-way vacated, which resolution, if the same shall go into effect, shall be published as in the case of ordinances, and thereupon a

transcript of such resolution duly certified by the City Clerk, shall be recorded in the office of the Register of Deeds of Sibley county. Said petitioners shall in all vacation proceedings pay the cost thereof, and shall deposit with the City Clerk upon the filing of the petition, a sum sufficient to cover the cost of vacation proceedings.

Improvements--How Made.

Section 11. All of the improvements herein provided for shall be made under the Chapter of this Charter relative to local improvements, so far as the same may apply.

Authority to Repair Roads and Bridges.

Section 12. The City Council, by three-fourths vote of all the members, shall have power to build, repair and maintain roads, and bridges beyond the city limits into other towns, whenever they deem it proper, and to fix the amount and manner in which the appropriations for such purposes shall be expended.

CHAPTER 9.

Local Improvements--Power to Acquire Property.

Section 1. The City of Winthrop may acquire, by purchase, condemnation or otherwise, either within or without the limits of said city, any property that may be required for any purposes of the city. In all said cases, the city may acquire the fee title and absolute ownership of such property, and, where nothing to the contrary is specified, the city in any acquisition of property shall be deemed to acquire the fee title and absolute ownership of city property, except in the cases of streets and alleys.

By Purchase.

Section 2. Whenever it shall be necessary for the City of Winthrop

to take, damage, or destroy private property for public use or any portion, where the same is authorized by this charter, it shall proceed as follows: The City Council may by purchase from the owner, or by agreement with the person or party whose property will be damaged or destroyed agree upon and pay for the property or the damage thereto or destruction thereof, and take the proper conveyance, release or contract to acquire the land, easement, or right necessary for the city. If the City Council cannot agree with the person or parties so effected, then the City Council may proceed to acquire such real property, or the easement thereof as hereinafter provided.

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Condemnation Procedure.

Section 3. Whenever the City Council shall have ordered any local improvements, as in other parts of this charter provided, which improvements, will require the taking, destruction of or damage to any private or real property, or whenever any City Council, by vote of three-fourths of the members thereof, shall order any public improvement, building or public work authorized by this charter, which necessitates the taking, destruction of or damage to private property, they shall proceed as follows: After the adoption of said order, or in case said order is by other private, provisions of this charter required to be published, then after the expiration of the publication so fixed, the said council shall by order appoint three commissioners, who shall be disinterested free holders and voters of said city, to view the property so effected, and assess the damages thereof. Said commissioners, before entering upon their duties, shall, within ten days after their appointment, be sworn by an officer authorized to administer oaths, to discharge their duties in the matter impartially, and with fidelity and to make due return of their actions and doings to the City Council.

Said commissioners may, if they deem it necessary, employ a competent surveyor, or, if, the city has in its employ a city surveyor, then require such surveyor to make an accurate plat and description of all property to be taken, damaged or destroyed. And if such surveying is ordered by them, they shall cause the same to be filed in the office of the City Clerk at least ten days before the meeting, hereinafter provided for, for the information of any one interested. They shall thereupon cause a notice to be published in the official paper of said city, for two

consecutive weeks, at least once in each week, stating in such notices, the general nature of the work to be done, and giving a description of all property to be taken, damaged or destroyed, and fixing the time and place, when and where they will meet to hear such allegations and proofs as interested parties may offer, and assess the damages for such taking, destroying or damaging of property. At the time and place fixed in said notice, the commissioners shall meet and view the property, and may adjourn from time to time, and after having viewed the property, may for the hearing of evidence and preparation of the award, adjourn, or go to any convenient place, in said city, and such commissioners shall make a true and proper appraisement and award of the compensation and damages to be paid to each person, whose property is to be taken, damaged, appropriated, or effected, and shall forthwith file a report of the same with the City Clerk.

Upon the filing of such report, the City Council shall fix a time and place when and where, it will meet to consider, review and act upon such report, and shall cause notices of such meeting to be made out, and signed by the City Clerk, which notice may be in the following form: "To the owners of property named below, and to those whose names are unknown as shown below. Take notice that the commissioners heretofore appointed to assess and award the damages for the taking, destruction or damage to property by reason of (Here insert generally the object of the taking) have filed report of their assessment and award in the office of the City Clerk, and that by such report your damage for taking or damages of your property below described are assessed, and awarded, and awarded at the sum below shown. And that the City Council of the City of Winthrop will meet on the day of, at o'clock and at the to consider and act on such report, and will hear all evidence presented by parties interested."

Name of Owner.	Description.	Amount Awarded	
		Dollars	Cents.

Such notice shall be served upon all persons named therein, and who reside in the said City of Winthrop, in the same manner as a summons in the District Court, at least ten days before such meeting, which may be served by any police officer of said city, or by a private person. Such notice shall be served upon all persons whose names are unknown and upon all persons who are not residents of the City of Winthrop, by publication thereof for two consecutive weeks once in each week in the official paper of the City of Winthrop, prior to said meeting.

At the time and place so fixed, the City Council shall meet and consider such reports and hear all evidence presented by parties interested, and correct any error therein, and may modify and change any award therein, or the whole thereof, if shown by the evidence presented to be unjust or erroneous. And said City Council may send back such report to the City Clerk for reconsideration or reject the whole thereof, and appoint new commissioners to make a new award thereof, or may abandon the proceedings. If the Council, after such consideration, shall approve the report and award as corrected and revised by them, they shall do so by motion and the awards of damages as so approved then be recorded by the City Clerk in a book kept by him for that purpose. When any such award shall be confirmed by the City Council, the same shall be final as to all parties interested, except as hereinafter provided.

Awards.

Section 4. Whenever any award of compensation and damages is confirmed by the City Council, and not appealed from, and whenever the same, when appealed from shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land or property or rights in property, for which compensation or damages are so awarded; and the City Council shall thereupon cause to be paid from the proper fund of said city, to the owners of such property, the amount awarded to each severally.

When an award has been approved and confirmed by the City Council, said council shall make a final order in the matter, laying out and establishing the improvement for which the property is taken or formally appropriating the property to the use of the city for the purpose for which it is taken. Such order shall contain an accurate description of the land or easement, or right in land so taken, and shall be

recorded in the minutes of the City Council, and the City Clerk shall make a certified copy thereof, and cause the same to be recorded in the office of the Register of Deeds of Sibley county in the State of Minnesota. And the same shall be entitled to record in said Register's office, and be notice to all persons the same as a deed of real estate duly recorded.

In case such payment is not made, or the money set aside in the City Treasurer within one year after the confirmation of the award, or the determination of the appeal, thereupon, the proceedings shall be deemed to be abandoned.

Before payment of such awards, the owner of such property or the claimant of the award shall furnish an abstract of title or other satisfactory evidence of his right to such award. In case of neglect to furnish such abstract or other evidence, or in case there shall be any doubt as to who shall be entitled to the compensation or only part of the same, the amount so awarded, or the part thereof in dispute shall be by the City Council set aside in the City Treasury, for whomsoever shall show clear right to receive the same.

The City Council may, in its discretion, require of such claimant such bond with good and sufficient sureties, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims.

Upon the payment of said award or appropriation, or the setting apart of the money in the City Treasury to pay the same as provided, the City Council shall become vested with the title to the property taken and condemned, and may fully enter upon and use the same.

This section shall apply to all cases of appropriation of private property for public use, provided for in this charter.

Streets and Water Courses.

Section 5. Whenever the City Council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now, or hereafter may exist, which shall make it necessary to take, injure or interfere with, private property, it shall determine and designate in a general way as nearly as may be, the character and extent of such proposed improvement and injury, and shall proceed as near as can be, as provided in sections three and four of this chapter; provided that the plat and survey therein required, shall show all land contiguous to said

improvements, and the notices therein required, shall be served upon the owners and occupants of all lands shown on said plat, and the commissioners therein provided for, shall, after viewing the premises and hearing the evidence offered, prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but, if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvements, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation over and above such benefits, if any there be.

The said commissioners shall then assess the amount of such compensation and damages so awarded, together with the expenses and cost of making the improvements upon the land and property benefited by such improvements, and in proportion to such benefits, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcel which are less than such benefits, and assessing only the excess and prepare and report to the City Council their appraisal and award. And, if, in the judgment of said commissioners, the whole amount of such compensation and damages together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to such assessment, they shall so indicate in their report, stating the amount of such excess.

Said commissioners shall also report to the City Council an assessment list, containing their assessment of such compensation, damages and costs of such improvement, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of such tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and cost as aforesaid, which they shall return unassessed, and shall be presented and acted upon as provided in section three and four of this chapter.

Whenever the City Council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and

conclusive upon all parties interested, except as hereinafter provided for, and the City Council shall proceed, at the same or any subsequent meeting, to levy such assessment list, reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in any form the City Council may adopt.

Objections and Appeals.

Section 6. Any person, whose property is proposed to be taken, interfered with, or assessed for benefits, under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council, or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of the damages awarded to him for the taking of, or interference with, his property, or the amount of assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the City Council, file with the City Clerk in writing, his objections to such confirmation, setting forth therein specifically, the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding, such objections, the City Council shall confirm the award or assessment, such person so objecting shall have the right to appeal from such confirmation of the City Council, to the District Court of the County of Sibley, at any time within twenty days after such confirmation.

Such appeal shall be made by serving written notice of appeal upon the City Clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and by also delivering to the said City Clerk a bond to the City of Winthrop, executed by the appellant or someone in his behalf, with one or more sureties who shall justify in the penal sum of seventy-five (\$75.00) dollars, conditioned to pay all costs that may be awarded against appellant.

Thereupon the City Clerk shall make out and transmit to the Clerk of the District Court, within ten days after the taking of such appeal, a copy of such award of said commissioners as confirmed by the City Council, and of the actions of the council confirming the same, and of the objections filed by the appellant as aforesaid, all certified by the said

City Clerk to be true copies. But, if more than one appeal be taken from any award of assessment, it shall not be necessary for the Clerk, in appeals subsequent to the first, to send up anything except a certified copy of the appellant's objection.

There shall be no pleadings on such appeal, but the Court shall determine in the first instance whether there was in the proceedings, any such irregularity or omission of duty, prejudicial to the appellant and specified in the said written objections, that as to the appellant, the award or assessment of the commissioners ought not to stand, and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight days notice at any general or special term of the Court, and the judgment of the Court shall be either to affirm or annul the proceedings, only as the same affects the property of the appellant proposed to be taken, damaged, or assessed for benefits, as described in the written objections.

In case the amount of damages awarded or assessments made for benefits is complained of by such appellant, the Court shall, if the proceedings shall be confirmed in other respects upon such confirmation, order the cause to be docketed by the Clerk in the name of the person taking such appeal against the City of Winthrop, as an appeal from assessments. The cause shall then be at issue in such Court, tried in the District Court, as are all other civil cases, except no pleading shall be required, and as to the owner, the only questions to be passed upon, shall be whether the valuation of the property, specified in the objection, is a fair valuation, and the assessment of damages, so far as it affects said property, is fair and impartial. The judgment of the Court shall be such as to confirm or annul said assessment or modify said assessment to conform to the verdict, or finding of the jury so far as the same affects the property appropriated of said appellant from which judgment no appeal or writ of error shall lie, and if the Court shall be of the opinion that such an appeal was frivolous or vexatious, it may adjudge costs against the appellant in a sum not exceeding twenty-five (\$25.00) dollars; otherwise no costs shall be recovered by either party.

Abandonment.

Section 7 The City Council shall have the right at any time during the pendency of any proceedings for the improvement authorized in

this chapter, or at any time within thirty days after the final order of the Court on any appeal from such proceedings, to abandon all such proceedings or any part of the same, whenever it is deemed for the best interest of the city to do so.

Assessments for Pavements.

Section 8 Whenever the City Council shall determine to pave, repave or macadamize any street or alley, or to construct or rebuild any gutter or curbing of any street or alley in said city, or to repair any thereof, they shall adopt an order or resolution therefor, which may be substantially in the following form:

Whereas the City Council of the City of Winthrop in Sibley county, Minnesota, deem it necessary to pave (or repave or macadamize, or to build or rebuild any gutter or curbing, or repair any thereof, as the case may be) on Street (or alley) (or on side or both sides of Street) (or alley as the case may be) from to in said city, adjoining lot (lots or parcels) in block (or tract) in said City of Winthrop, formerly the Village of Winthrop in Sibley county, Minnesota.

Therefore the owner (or owners) of said lot (lots or parcels) is (or are) hereby notified that said city will build, make or construct such pavements (macadamize or repave or repair any gutter or curbing as the case may be) and assess the cost and expense thereof to the said lot (lots or parcels) adjoining the same.

Adopted by the City Council of the City of Winthrop this day of

Approved,
Mayor.

Attest:
City Clerk.

Such order or resolution shall be published once in the official paper of the city of Winthrop, and be recorded in the minutes of the City Council.

Thereupon, the City Council shall let the contract for the making of such improvements to the lowest responsible bidder, or in case the construction or repair amounts to less than two hundred (\$200.00) dollars, the

City Council may let the same by contract, as aforesaid, or direct the street commissioner of said city to have said improvement made. After the contract for such improvement is let, or in case the work is done by street commissioner, then as soon as the work is done, the City Council shall fix the time and place, when and where they will meet to assess the cost and expense upon such lots and parcels adjoining the same, and shall cause notice of such meeting and assessment to be made out by the City Clerk, and such notice shall be served upon the owner or owners of the lots or parcels of lands to be assessed at least ten days before such meeting in the same manner as a summons in the District Court of this State. The same may be served by any police officer in said city or by any private person. If any owner to be served is not a resident of the City of Winthrop, or is unknown, such notice shall be served by publication for two consecutive weeks, once each week, in the official paper of the City of Winthrop, at least ten days prior to such meeting.

At the time and place so fixed, the City Council shall meet and consider such assessments, and hear all evidence offered in relation thereto by all parties interested, and shall proceed to assess the costs and expenses of making such improvements, according to the frontage thereon upon the lots and parcels of land especially benefited thereby, and adjoining the same, and said council shall make out an assessment roll, which may be substantially in the following form:

"The City Council of the City of Winthrop does hereby levy and assess upon and against the several lots and parcels of land, the respective sums of money, set opposite each lot or parcel of land.

This assessment is made to defray the costs and expenses of (Here state the nature and location of improvements) adjoining said lots and parcels of land pursuant to order and resolution of the City Council, passed on the day of The amount assessed against each lot or parcel being the amount necessary to make such improvement along and fronting upon the same lot or parcel (and to the center of the street or alley."

Name of Owner.	Description	Amount	
		Dollars	Cents
<hr/>			
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In making such assessment, the City Council shall not assess upon any lot or parcel of land any greater part of the cost and expense of making such improvement than the cost and expense of making that part of such improvement adjoining said lot or parcel of land and lying between the lot or parcel line thereof and the center of the street or alley so improved. The cost and expense of making such improvement adjoining any of the city property, shall be borne by the city at large."

Sewers.

Section 9. The City Council shall have power to establish and build sewers, drains and a sewerage system for said city, and to extend and repair the same as follows: Whenever a petition signed by a majority of the owners of the property to be benefited thereby for the locating and building or repairing of a sewer, drain and sewerage system, or either of them is presented to said council, or whenever said council, on its own motion, by a vote of three-fourths of the members of said council may so determine, the City Council may by resolution so passed, determine to establish and build a sewer, drain or sewerage system, or to repair and extend the same or either of them, and to levy assessments upon the property adjudged to have received special benefits therefrom to the extent of such special benefits to pay in part or all the costs and expenses of establishing, building, extending or repairing such sewers, drains or sewerage system, or either of them.

Such resolution shall designate the location and general extent of the work to be done, and construction to be made and shall be published once in the official paper of said city, and be recorded in the minutes of the City Council.

For the purpose of building, constructing and repairing such sewers, drains or sewerage system, the City shall have power to acquire by purchase or condemnation, lands and easements in land in Sibley county, Minnesota, within or without the limits of said City of Winthrop, and shall proceed as directed in this chapter of this charter, relating to Condemnation Procedure. No work shall be done or liability incurred by the city for building or constructing sewers, drains or sewerage system until the necessary lands or easements have been acquired, in case the taking or purchasing of land or easements in land shall be necessary for the construction thereof.

After having acquired all necessary lands and easements for such building, construction or repair, the City Council shall have plans and specifications for the work prepared and shall then proceed to let contract for the building and construction or repair of such sewers, drains or sewerage system, or either of them, to the lowest responsible bidder therefor. Provided that slight repairs, not exceeding one hundred (\$100.00) dollars in amount may be directed to be made by the street commissioner or under his direction at the expense of the city.

Thereupon the City Council shall appoint three disinterested residents and free holders of said city to view the premises, and examine all property that will be benefited thereby, and to assess the benefits that will result to all real property from the contemplated building and construction. Two of such commissioners shall constitute a quorum, and be competent to do any act required of them. The commissioners shall be sworn by an officer, authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and to make due return of their action to the City Council. Vacancies in said commissioners shall be filled in the same manner as their appointment.

Said commissioners shall give notice by publication for two consecutive weeks in the official paper of said city, that they will on a day and place designated in said notice, meet and assess the benefits from said contemplated building and construction or repair of said sewers, drains or sewerage system, or either of them, upon the property which shall be adjudged to be especially benefited thereby. At the time and place so fixed, the commissioners shall meet and make such assessment, and shall hear all evidence presented to them by interested parties, and may adjourn from day to day until their assessment shall be completed. They shall make a written return of their assessment to the Council and state therein the names of all owners of property assessed, if known, if not known, that fact shall be stated, the description of each lot or parcel of land assessed, and the amount of assessment on each lot or parcel. Such assessment shall be signed by them or a majority of them, and be filed in the office of the City Clerk.

No lot or parcel of land shall be assessed by the commissioners for more than the actual special benefits adjudged to result thereto, nor shall the total benefits assessed in any case, exceed the total costs and expenses of making the improvement, but such assessment shall be proportionately adjusted. Upon the filing of such assessment, the City

Council shall fix the time and place, when and where, it shall meet to consider, review and act upon such assessment, and shall cause a notice of such meeting to be made out, and signed by the City Clerk, which notice may be substantially in the following form: "To the owners of property named below and to those whose names are unknown as shown below.

Take notice that the commissioners heretofore appointed to assess benefits to property from the building and construction or repair of (sewers, drains or sewerage system, or either of them) commencing at and running and ending at, have filed report of their assessment in the office of the City Clerk and that your property is therein reported assessed as below shown. And that the City Council of the City of Winthrop will meet on the day of at o'clock M., at, to consider and act on said assessment, and will hear all evidence presented by parties interested therein.

Name of Owner.	Description	Amount of Assessment	
		Dollars	Cents.

Such notice shall be served upon all persons named therein, and who reside in said City of Winthrop in the same manner as a summons in the District Court, at least ten days before such meeting, but may be served by any police officer of said city, or any private person. Such notice shall be served upon all persons whose names are unknown, and upon all persons who are not residents of said city by publishing the same for two consecutive weeks, once in each week, in the official paper of the said city, prior to such meeting. At the time and place so fixed, the City Council shall meet and consider such assessment, and hear an evidence offered by parties interested, and correct any errors therein, and may modify and change the same if shown by the evidence presented to be unjust or unequal, and the same council may send such assessment back to the commissioners for reconsideration, or may disprove the whole thereof, and appoint any new commissioners to make a new assessment, or may abandon the improvement. If the City Council, after such consideration and correction shall approve said assessment as reviewed and

corrected by them, they shall do so by motion, and the assessment as so approved, shall stand as the assessment for such improvement. And the City Council shall then make out an assessment roll in accordance therewith, which may be substantially in the following form: "The City Council of the City of Winthrop does hereby levy and assess upon and against the several lots and tracts of land below described, the respective sums of money set opposite each lot or parcel of land. This assessment is made to defray the cost and expense of building and constructing (or repairing) a sewer (drain and sewerage system) on Street in said City of Winthrop, and thence extending to and is for special benefits resulting to each lot or parcel of land."

Name of Owner.	Description.	Amount Assessed.	
		Dollars.	Cents.

Sidewalks.

Section 10. Whenever the City Council shall deem it necessary to build any new sidewalks, or to replace any old sidewalk which has become rotten, unsafe or otherwise objectionable, or to repair any sidewalk, they shall adopt an order or resolution, which order or resolution may be substantially in the following form:

"Whereas the City Council of the City of Winthrop, in Sibley county, Minnesota, deem it necessary and expedient to build (or repair) a sidewalk on the side of Street in said city, adjoining lot (lots or parcels) in block (or tracts) in said city, formerly in the village of Winthrop in Sibley county, Minnesota. Therefore, the owner (or owners) of said lot (lots or parcels) is (or are) hereby notified that said city will build (or repair) said sidewalk and assess the cost and expense thereof to said adjoining lot (lots or parcels). Said sidewalk to be feet wide and to be built of and built in the following manner:

"Adopted by the City Council this day of"
 Approved

Mayor.

Attest:
 City Clerk.

Such order or resolution shall be published once in the official paper of the said City of Winthrop, and be recorded in the minutes of the City Council.

Thereupon, the City Council shall let the work of building or repairing of said sidewalk by contract to the lowest responsible bidder. In case the construction or repair so ordered amounts to less than two hundred (\$200.00) dollars, the City Council may let the same contract, as aforesaid, or else direct the street commissioner to have the sidewalk built, or repaired. As soon as the contract for such work is let, or in case said work is done by the street commissioner, then as soon as the work is done, the City Council shall fix a time and place, when and where it will meet to assess the costs and expenses of such building or repair to the lots and parcels adjoining the same and shall cause notice of such meeting and assessment to be made out by the City Clerk. Such notice shall be served upon the owner or owners of lots or parcels of land at least ten days before such meeting, in the same manner as a summons in the District Court in this State, but may be served by any police officer or by a private person. If any owner to be served is not a resident of the City of Winthrop, or is unknown, such notice shall be served upon such unknown resident or unknown owner by publication thereof in the official paper of said City of Winthrop for two consecutive weeks, once each week, at least a week prior to said meeting. At the time and place so fixed, the City Council shall meet and consider the assessment, and hear all evidence in relation thereto, and shall proceed to assess the costs and expense of building or repairing said sidewalks, according to frontage thereon upon the lots or parcels of land, adjoining such sidewalk provided that no lot or tract of land shall be assessed for any greater sum than the amount necessary to build or repair that portion of such sidewalk, which adjoins such lot or parcel, and the City Council shall make out an assessment therefor, which assessment shall be substantially in the following form: "The City Council of the City of Winthrop does hereby levy and assess upon and against the several lots and parcels of land, below described, the respective sum of money set opposite each lot or parcel of land.

This assessment is made to defray the cost and expense of building (or repairing) sidewalks adjoining said lots and parcels of land pursuant to order and resolution of the City Council passed on the day of The amount assessed against each lot being the

amount necessary to build (or repair) such sidewalk along and fronting the same lot or parcel of land."

Name of Owner.	Description.	Lot.	Block.	Amount Assessed.	
				Dollars.	Cents.

The cost and expense of building any sidewalk adjoining any public ground or city property, and of building cross walks across the streets and alleys, shall be borne by the city at large.

Nothing in this section, contained relating to sidewalks shall prevent the owner or owners of the lots or parcels of land to be assessed for the construction of such new sidewalk to build and construct his or their own sidewalks provided the owner does so within sixty (60) days after the adoption of a resolution to construct such sidewalk.

Street Sprinkling.

Section 11. Whenever the owners or the occupants of a majority of the amount of frontage of lots, fronting on any continuous portion of any street in this city not less than one full block through or across which the water pipes of the city water are, or may be laid, shall petition the City Council to provide for sprinkling such portion of such street, the City Council may make a contract for sprinkling such portion of such street for any time not exceeding three years, to the lowest responsible bidder therefor, upon such terms and conditions, and for such portion of each year as shall be deemed advisable. Water for such purposes shall be obtained from the City Water Works, which shall be free of charge. The supply of water shall be deemed the city's proportion of the expenses of such sprinkling for the street crossings, and of all parts of such streets fronting all land exempt from assessment. The whole cost for sprinkling such portion of the street shall be levied and assessed upon the lots and land fronting upon that part of the street so sprinkled, and which are subject to assessment according to the frontage thereon, such levy to be made annually. Assessments for sprinkling streets may be in the following form, or in any other form which the City Council may adopt:

"The City Council of the City of Winthrop doth hereby assess and levy upon or against the several lots or parcels of land, the respective

sum set opposite each lot or parcel. This assessment is levied to defray the cost and expense of sprinkling the streets fronting the said lots or parcels of land from A. D., to A. D., according to a contract for sprinkling from to for the term of years, and said lots and parcels of land are assessed by an equal rate upon the front foot of the lot and lands fronting on the portion of the street so sprinkled.

Name of Owner.	Description.	Lot.	Block.	Amount.	
				Dollars.	Cents.

Done at the meeting of the City Council this day of

Approved.....
Mayor.

Attest:
City Clerk.

Three-fourths Vote.

Section 12. No improvement, to be paid for by special assessment shall be undertaken without the consent, in writing, of a majority in interest and number, of the owners of the property to be taxed or assessed; unless the ordinance, resolution or order therefor shall receive, on final passage, the affirmative vote of three-fourths of all the members of the City Council.

Proceedings When Awards are Set Aside.

Section 13. Whenever any portion of any award made by the commissioners, and confirmed by the City Council, or made by the council under the provisions of section four of this chapter, shall be annulled by the court upon appeal, as hereinbefore provided, the City Council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like pro-

ceedings shall be had, so far as applicable, as provided in section four, except that such commissioners shall make no new assessment of cost and expenses. They shall, however, in arriving at the compensation to be awarded, take into consideration and offset any benefits which, in their judgment, the contemplated improvements will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the City Council, whereupon the same proceedings may be had, as far as applicable, as upon an original award, and if such award shall again upon appeal, be annulled by the court, still another commission may be appointed and award made in the same manner and so on until a valid award shall be made, but no new assessments for benefits shall be made merely by reason of any changes in the amount of the sum awarded for compensation and damages, and any sum which may be lacking to pay the award shall be paid from the general fund.

Re-Assessment.

Section 14. If any special assessment heretofore made by the City Council or under its direction, to defray any expense of any local improvement has been, or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or, if the City Council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Council shall have omitted to make such assessment at or before the making of such improvement when it might, or should, have been done the City Council shall anew or thereafter, compute or determine upon the cost of making such improvement in gross amount, upon such data as it shall deem sufficient and the City Council may then proceed to cause a new assessment of the cost of such local improvement, or property benefited by such improvement according to the character of such improvements following as nearly as may be the provisions of the city charter in force at the time of making such improvements in determining the property to be assessed and the form and manner of proceeding subsequent to the determination of the cost of the improvements, and in case such second assessment shall be annulled, the City Council may proceed to make other assessments, until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where the court shall determine that the lots and lands are not subject thereto. After such

assessment roll shall have been completed, the city clerk shall note thereon, against any piece or parcel of land upon which a former assessment for the same improvement has been made, the words: "Paid on former assessment," which shall cancel such assessment on that parcel.

Section 15. The city clerk shall record all assessment rolls of special assessment in a book kept by him for that purpose, and shall, on or before the first day of October of each year, deliver to the county auditor, of Sibley county, certified copies of all such assessment rolls, and shall show and indicate on all such assessment rolls, such assessments as are unpaid. And the said auditor shall enter all such unpaid assessments on his tax list and extend such assessments in the proper columns against property assessed, and such assessments and the interest thereon, shall be collected and enforced in the same manner as state, county and other taxes are collected, and such assessments and interest thereon, when collected, shall be paid over by the county treasurer of said city together with all costs and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

No Informality to Effect the Validity of Assessments.

Section 16. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment, shall effect the validity of the same, where the assessment roll has been adopted by the City Council. And the assessment roll and record thereof, kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly made, taken and performed as required by this chapter. And no failure of the city clerk to record the assessment roll or deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or deed by him required, shall in any way invalidate any assessment; and no variance from the directions herein obtained as to the form or manner of any proceedings, shall be held material, unless it clearly shows that the party objecting was materially injured thereby.

Assessments May Be Paid To The City Treasurer.

Section 17. After a special assessment shall have been adopted by the council, and before the same shall have been delivered to the county auditor for assessment and collection, any assessment thereon may be paid direct to the city treasurer; and upon the production of the city treasurer's receipt therefor, the city clerk shall enter upon the assessment roll, opposite the assessment so paid the words: "Paid to the city treasurer," which entry shall cancel the assessment so paid.

Balance of Costs Paid by City.—When.

Section 18. When the damage to be paid for the condemnation or appropriation of any property in pursuance to provisions of this charter shall have been ascertained and determined in the manner herein prescribed, or in case an appeal shall have been taken as provided in this chapter and such damages shall have been made upon real property deemed to have been especially benefited by the doing of the work or the making of the improvement in proportion as nearly as may be to the benefits resulting thereto, the balance of the cost of such improvement over and above the amount realized by such assessment will be chargeable upon and paid by the city at large.

CHAPTER 10.

Fire Department.—Chief of The Fire Department.

Section 1. There shall be a fire department in the City of Winthrop, of which the mayor shall have control and supervision. The head of said department shall be known as the Chief of the Fire Department. The mayor shall appoint by and with the consent of the City Council, and at his pleasure may remove, by and with the consent of the City Council, the Chief of the Fire Department.

Assistants and Employees.

Section 2. The Chief of the Fire Department shall appoint subject to the approval of the City Council and at his pleasure may remove, a first assistant chief of the fire department who shall act as the chief

in case of his absence from the city or inability to act and may discharge or suspend such other assistants, captains, engineers, firemen and other officers and employes as may be necessary for the purpose of said department, whose aggregate salaries, together with other expenses of said department, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

Powers and Duties of the Chief.

Section 3. The Chief of the Fire Department shall have the general superintendency of the fire department, and the custody of all engines and engine houses, hooks, ladders, hose and horses and other property used for the purposes of said department. He shall see that the same are kept in order and that all rules and regulations and all ordinances and 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 fires and shall have control and direction, in cases of fire of all persons, organizations or associations engaged in preserving such property.

Rules and Regulations.

Section 4. The Mayor and the Chief of Fire Department are authorized and required to make 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 the fire department and for the prevention and extinguishment of fires. All rules and regulations made in pursuance thereof shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk and shall be binding upon all persons connected with the said department.

Authority at Fires.

Section 5. The City 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, the assistant chief and other officers of the fire department and the police officers of the

city. The mayor shall have authority under such provisions as the City Council may enact to send apparatus of the department, with complete force of employees, 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 6. The City Council may provide for the establishment and maintenance of an efficient fire alarm telegraph and telephone system for the purposes of the fire department, and may provide for the purchase of such apparatus as may be necessary.

The City 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 city treasurer.

Destruction of Buildings.

Section 7. Whenever any building in the city shall be afire, it shall be lawful for, and shall be the duty of, the Mayor and the Chief of the Fire Department to order and direct the destruction and removal of, and to destroy, pull down and remove such buildings, or any other building in the vicinity or any part thereof that they deem hazardous or likely to communicate fire; and no action shall be maintained against any person or the city thereof, or on account thereof.

Penalties.

Section 8. 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 the city, or, in case the offense is not punishable under the ordinances of the city, than as such misdemeanors are punished under the laws of the state.

CHARTER 10½.

Lights.

Section 1. The electric light plant, lighting system and machinery and apparatus and all property rights and privileges connected therewith of the village of Winthrop, is hereby adopted and appropriated as a lighting plant and lighting system of the City of Winthrop.

Section 2. The City Council of the City of Winthrop shall have sole control, management and regulation of the lighting plant and lighting system of said city. Said City Council shall have power to repair, alter, modify, enlarge, extend and rebuilt such light plant and lighting system from time to time. They may furnish therefrom light for public and private use. They shall have power to employ such agents and servants as may be necessary to operate and run said light plant and lighting system, and to fix their compensation.

They shall fix the rates to be charged to the consumers of light from said plant and prescribe all rules and regulations necessary for the running of said light plant and system and for the furnishing of light therefrom, and for the use of such light by such consumers. They may require all consumers to use proper meters, and no person shall connect with said light plant or system or use any light therefrom without having permission from the City Council to do so. And said City Council may require that all connections with said lighting plant and system shall be made only under the direction of its own engineers and servants, and regulate the placing of all meters. All income from such lighting plant shall be collected and paid into the city treasury or as the city may direct.

Section 3. The City Council shall have power to acquire by purchase or condemnation land or easements in land for the building, extending, enlargement and repair of said lighting plant and system. And whenever such condemnation shall be necessary it shall proceed as pointed out in Chapter nine of this charter.

Section 4. The City Council may, by ordinance or resolution, establish rules or regulations for the lighting plant and lighting system in said city and prescribe penalties for the violation of any ordinance or regulation, regulating the use and operation of said lighting plant and lighting system for its property rights therein.

CHAPTER. II.

Health Department.—Membership.

Section 1. 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 and of good standing in his profession. He shall be styled Health Officer. Each member of the said department shall be a resident and elector of the city at the time of his appointment, and shall hold his office for a term of three years and until his successor has been appointed and qualified, provided, that the first members shall be appointed for one, two and three years respectively.

General Powers, Duties.

Section 2. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and powers, and 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 governing such local boards shall, so far as applicable, apply and be in force in the city.

Special Powers and Duties.

Section 3. The members of said department in addition to the powers and duties mentioned in section two 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 relative to public health; and, for the enforcement of all such laws, ordinances and provisions, they, and each of them, shall have and be vested with all the powers of police officers, of the city.

The Health Officer, in addition to other powers and duties vested in and required of him, shall be required:

(1). To give to the mayor or other city authorities such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall know or be in-

formed of the existence of any malignant, contagious or pestilential disease he shall investigate the same and adopt measures to arrest its progress.

(2). It shall be the duty of the members of the Health Department to make or cause to be made a personal inspection of every part of the city from time to time, not less than once in three months during the period from April first to October first, and in all cases where they may discover the existence of any agent, the presence of which might prove dangerous to the health of the city, to cause the same to be removed, in accordance with the ordinances of the city; or, should there be no ordinance competent for the correction of the evil, they shall immediately report the same to the City Council, accompanied by their written opinion of the necessity of extraordinary or particular action.

Selection of Sites for Quarantine Stations.

Section 4. The Health Department, by and with the approval of the City Council, may select such sites, places and boundaries for quarantine stations and purposes as may be necessary.

Rights to Enter Buildings.

Section 5. For the purpose of carrying out the foregoing requirements, the Health Department 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 they shall deem it necessary for the purpose of 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 nuisance or unwholesome things to be burned or removed or disposed of as they may direct.

To Serve Notice to Abate Nuisance.

Section 6. 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 or serve

the same by the Health Department.

Providing Books For Keeping Records.

Section 7. 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 the births and deaths and such other statistical information necessary for the official work of said department.

Visiting and Examining the Sick.

Section 8. 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 sufficiently quarantined, and cause him to be provided with suitable nurses and attendants at his own expense, if he is able to pay for same, but if not, then at the expense of the city.

Providing Equipments and Medicine.

Section 9. The Health Officer shall provide, under the direction of the City 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 disease among men or animals; and control all such hospitals, and secure the decent and prompt burial of bodies of all persons dying at such hospital. He shall, when directed by the City Council or the Board of Health, attend the poor and indigent sick in the city, and furnish at the city's expense, medicine for said person.

Penalties.

Section 10. Any person, who without a permit from the Health Officer shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than six 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 the Health Officer so to do; or 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 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 of the laws of the state of Minnesota; or who shall import or bring within the limits of the city knowingly any person or animal sick with 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, and attached to any house or building or place, by the Health Officer or his subordinates, or who shall disobey or willfully 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, the laws of the state, or the ordinances of the city, relating to the public health, shall, upon conviction, be 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.

Whenever the owner or occupant of any building, structure, or premises within the city shall neglect or refuse, after reasonable notice by the Board of Health or Health Officer, to observe and comply with respect to the sanitary condition of such building, structure or premises, the requirements of the law of the state, the ordinances of the city, the provisions of this charter or the rules and regulations of the Board of Health or Health Officer relative to the public health and sanitary condition of the city, then the Board of Health or Health Officer shall cause to be done in and upon such building, structure or premises whatever may be reasonably necessary to remove any cause of offense and put the same into suitable sanitary condition, in accordance with the requirements of law and the rules and regulations of the Board of Health or the directions of the Health Officer, and assess the expense thereof against the property in and upon which such expense has been incurred in the premises.

Before proceeding, however, in any case, in accordance with the foregoing provisions of the section, the City Council shall give at least five days notice to the owner or occupant of any such building, structure

or premises, of its intention to take such action and to assess the cost thereof upon said property; which notice may be served upon such owner or occupant personally, if found within the city; if not occupied and the owner does not reside within the city, then said notice may be served upon, by mailing a copy thereof to, said owner at his last known postoffice address.

At a meeting of the City Council at which said matter is to be heard, or at any meeting to which said matter may be adjourned, the City Council shall hear all interested parties and, if determined upon to make an assessment against said property, such assessment, for said expenses so incurred as aforesaid, may be for the full amount of such expense and the cost of notice; and before making the same, the City Council shall require the city clerk to give notice, personally, or by mail, to the interested parties, of its intention to make such assessment upon such property, at a meeting of the City Council to be specified in said notice, and at said meeting or at any subsequent meeting to which said matter may be put over, the City Council shall hear all interested parties and shall then, or at a subsequent meeting, proceed to make an assessment against said property, which assessment shall be certified and returned to the county auditor of Sibley county, Minnesota, to be collected in the same manner as other city assessments are collected.

Nothing herein contained shall affect the right of the city to have imposed, or relieve any person mentioned in this section from any liability to any prosecution for the violation of or penalty imposed by, any ordinance of the city.

CHAPTER 12.

Park Board.—Appointment.

Section 1. There shall be appointed by the mayor and confirmed by the Council three Park Commissioners, to be known as the Park Board of Winthrop, who shall have control and supervision of the parks within the corporate limits of the said city and also of such streets and 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, pro-

vided, that the first commissioners shall be appointed for one, two and three years respectively.

Powers.

Section 2. 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 departments.

Money.—How Appropriated and Expended.

Section 3. The City Council may appropriate money from the general fund and turn the same over to said board for the purposes of said board as herein above 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 purpose of furnishing entertainment for the public on the public ground as they may designate.

CHAPTER 13.

Miscellaneous Provisions.—Reconsiderations.

Section 1. No vote of the City Council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there shall be present as large a number of aldermen as were present when the vote was taken; and no such motion shall be made more than once.

Remitting Penalty.

Section 2. No penalty or judgment recovered in favor of the city shall be remitted except by the vote of three-fourths of the members of the City Council.

Prosecutions.

Section 3. In all prosecutions for any violation of the provisions of this charter, the first process shall be by warrant, on complaint being made; provided, no warrant shall be necessary in any case for the arrest of any person while in the act of violating any law of the state of Minnesota, or ordinance of the city, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs by a justice court for the violation of any ordinance of said city, shall be directed to the chief of police or any police officer of said city.

Fines and Penalties.

Section 4. In all cases of imposition of any fines or penalties, or the rendering of judgment by a justice court of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance of said city, as punishment for any offense, or for the violation of any ordinance, aforesaid, the offender shall forthwith be committed to the city prison, the common jail of the county, or any other place of detention provided by the city, and be there imprisoned for a term not exceeding ninety days in the discretion of the justice court, unless the said fine or penalty be sooner paid or satisfied, (and from the time of arrest of any person or persons for any offense whatever) and until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county; provided, that nothing contained herein shall prevent the City Council from providing by ordinance for subjecting any male offender to be kept at hard labor upon the public streets.

Eligibility.

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

Holding and Selling Property.

Section 6. The city may purchase and hold real and personal estate, for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Library Board.

Section 7. The City Council may establish a Library Board, consisting of three members, appointed for a term of three years, who shall have charge of the public library of the city under such regulations as the City Council may prescribe.

Cemetery Board.

Section 8. The City Council may establish a Cemetery Board, consisting of three members appointed for a term of three years, who shall have charge of all public cemeteries of the city, under such regulations as the City Council may prescribe.

Amendments.

Section 9. This charter may be amended at any time, by the Commission proposing any amendment to the people, which shall be published as provided by law, and if accepted by three-fifths of the qualified voters of said city voting at the next election, shall be declared adopted, and shall thereupon become a part of this charter. Upon application of five per cent of the legal voters of said city, by written petition addressed to, and filed with, the charter commission of said city, such commission shall submit to the vote of the people any amendment to this charter endorsed by such application and petition; which submission shall be made in the manner provided by law.

Charter to Public Law.

Section 10. This charter is hereby declared to be a public act and may be read in evidence in all courts in this state, and need not be pleaded or proven.

Charter Not Repealed by State Law.

Section 11. No law of this state, concerning the provisions of this charter, hereafter passed, shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

City Not Liable For Jail Fees in State Cases.

Section 12. The City of Winthrop shall not be liable in any case for the board, sheriff's fees, or jailor's fees of any person who may be committed to the jail of Sibley county, under the laws of this state.

No Public Property to Be Disposed of Without Authority of Council.

Section 13. No city officer or employee of the city shall sell, dispose of, or convert to his own use, any city property in his charge, without special authority from the City Council.

Limitation of Actions.

Section 14. No action shall be maintained against the city of Winthrop on account of, or to recover damages for, any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, public building or public works of any kind; or by reason of any alleged negligence or misconduct of any officer, agent, servant or employee of the city, at any time or place, unless the person claiming to have sustained such injury or loss, or his lawful representatives, shall, within thirty days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty days, after the happening of such injury or loss, present his or their claim to compensation, damages or other relief on account thereof to the City Council in writing, stating the time when, place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said council ten days time after such claim is so presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any action be maintained unless the same shall be commenced

within one year after the happening of such alleged injury or loss.

Adverse Possession.

Section 15. 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 limitations shall run or operate against the city in favor of any person or persons occupying any of the public or platted streets, grounds, parks, parkways or boulevards of the city, whether any such streets or grounds or any such property shall be improved or not.

Process Against the City.

Section 16. When any suit or action shall be commenced against said city, all and every process and notice whatever affecting said city, shall be served upon the mayor, or, in case of his absence from the city, upon the city clerk; and a copy thereof shall be filed in the office of the city clerk; provided, that when the issues have been joined in any action or proceeding, all further notices or papers proper to be served in such matter, shall be served upon the city attorney, who shall file a report thereof with the city clerk.

Security on Appeal.

Section 17. 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.

The foregoing is a draft of the proposed charter of the city of Winthrop, Minnesota; made, framed and adopted by the commission appointed by the District Court of the Eight 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 and the Revised Laws of Minnesota for the year 1905, chapter nine (9); and said draft of said proposed charter of the City of Winthrop is hereby returned to the Honorable Aug. L. Anderson, President of the Village of Winthrop, according to law, signed by all the members of the said commission.

Dated this 17th day of October, A. D., 1906.

Chas. H. Quardt, President
L. J. Larson Secretary
Wm. F. Farnsworth
J. E. Smith
C. E. Larson
E. H. Nelson
Sam Hagberg
Henry Kjosling
J. H. Klossner
W. Larson
Veter Espen
Robert Schmidt
A. Schilling
A. L. Thuesmann

I, Aug. L. Anderson, President of the Village of Winthrop, Sibley County, Minnesota, do hereby certify that the foregoing proposed charter was, on this 18th day of October, 1906 returned to me, as President of the Village of Winthrop, by the Charter Commission, duly appointed under and pursuant to Section Thirty-six (36); Article Four (4) of the Constitution of the State of Minnesota, and the Revised Laws of Minnesota for the year 1905, Chapter Nine (9), to be submitted to the voters of the Village of Winthrop, according to law.

Witness my hand this 18th day of October, A. D. 1906.

Aug. L. Anderson
 President of the Village of
 Winthrop, Sibley County, Minnesota.

BE IT RESOLVED, By the Village Council of the Village of Winthrop that the said new proposed charter be submitted for ratification to the qualified voters of said Village of Winthrop at a special village election to be held on ~~Friday~~ the 10th day of January, 1907.

Attest:

H. J. Schuster
 Village Recorder.

STATE OF MINNESOTA, }
 County of Sibley, } ss.
 Village of Winthrop.

This is to certify that the within proposed Charter was on the 10th day of January, 1907, submitted by the Village Council to the qualified voters of the said Village of Winthrop at a special election then and there had, in accordance with the laws of this state, at which election said Charter was duly ratified and adopted by a vote of *One hundred and one* for and *ten* against.

Dated this *11th* day of January, 1907.

Aug. L. Anderson
 President of the Village of Winthrop

(Corporated Seal)

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WINTHROP NEWS PRINT.

RE-INDEXED

STATE OF MINNESOTA,
DEPT. OF STATE

Filed in the office of Secretary
of State this

March 1907

Julius A. Schuchert
Secretary of State.