

2356

CHARTER OF CITY OF RENVILLE.

CHAPTER 1.

NAME, POWERS AND BOUNDARIES.

Name and Powers.

Section 1. All that district of country in the County of Renville 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 Renville, and by that name may sue and be sued, plead and be impleaded in any court or tribunal; have perpetual succession, make and use a common seal, and alter it at pleasure, take, hold, purchase, lease and convey all such real, personal and mixed property within or without the limits of said district as the purposes of the corporation may require, or the transaction or exigencies of its business may render convenient; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law and in addition thereto all the powers granted to it under the general laws of the State of Minnesota, or by this charter.

Boundaries.

Section 2. The district of country constituting the City of Renville shall include all the territory now constituting the Village of Renville, being the following territory, situate in the County of Renville and State of Minnesota, to-wit--All of Section Five (5) and the North half (N 1/2) of Section Eight (8), Township One Hundred and Fifteen (115) North, Range Thirty-six (36) West, excepting the Southeast quarter (S. E. 1/4) of the Northeast quarter (N. E. 1/4) of said Section Eight (8) and South Twenty-eight (28) Acres of Southwest quarter (S. W. 1/4) of Northeast quarter (N. E. 1/4) of said Section Eight (8), Township One Hundred and

Fifteen (115), Range Thirty-six (36).

Ward Boundaries.

Section 3. The said City shall comprise and is hereby divided into three wards as follows: The first ward shall comprise all the territory within said City limits which lies North of the centre line of the Chicago, Milwaukee & St. Paul R. R. Company's right of way in said Village: The second ward shall comprise all that portion of said City of Renville lying South of the centre line of said Railroad Company's right of way and East of the centre line of Second Street in said Village: The third ward shall comprise all the territory within the limits of said City of Renville lying South of the centre line of said Railroad Company's right of way and West of the centre line of Second Street in said Village.

Succession.

Section 4. When this charter takes effect the City of Renville, shall be and become the legal successor of the Village of Renville under its former charter, and shall be vested with all the rights and immunities formerly vested in the said Village, 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 the said Village of Renville, shall, when this charter takes effect, be and become vested in the City of Renville, under this charter, and all previously existing indebtedness, obligations and liabilities of said Village of Renville together with interest accrued or to accrue thereon shall be assumed and paid by the City of Renville.

CHAPTER 11.

OFFICERS AND ELECTIONS.

Elective Officers,

Appointive Officers.

Section 1. The elective officers of the said City of Renville shall be a Mayor, a City Clerk, a Treasurer, a Mun-

Principal Judge, two Justices of the Peace, one Alderman from each ward and two Aldermen at large.

The appointive officers of the said City shall be appointed by the Mayor and confirmed by the Council and shall consist of the following: A City Attorney, who shall be an Attorney admitted to practice in any of the Courts in the State of Minnesota, an Assessor, a Board of Health, three Park commissioners, a Chief of Police (and such police officers as the Mayor and City Council shall deem necessary), two Constables, a Street Commissioner, a Chief of the Fire Department and a Superintendent of the Light and Water Plant.

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 Aldermen at large shall be two years excepting at the first election after the adoption of this Charter, when one Alderman at large shall be elected for one year and one for two years. The term of the Judge of the Municipal Court shall be four years and that of the Justice of the Peace shall be two years. 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 Hennville, 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 Elections.

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 second Tuesday in March, 1906, and thereafter a city election shall be held on the second Tuesday in March of each year.

Vacancies--How Filled.

Section 5. Whenever any vacancy shall occur in any elective office of said city, such vacancy 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 of the council except as herein otherwise provided.

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 reenacted. 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 the 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 may by resolution adopted by the affirmative vote of a majority of its members, order a special election of the voters of the city and provide for holding the same. The purpose of such special election shall be clearly stated in such resolution and no other matter shall be submitted thereat.

Plurality and Equality.

Section 8. A plurality of votes for elective officers shall constitute an election. When two or more persons shall

receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council at such time and place, and in such manner as it may direct.

Commencement of Term of Office.

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

Appointment by City Council.

Section 10. The appointment of all officers, who under this charter are to be appointed, shall be made by the City Mayor and shall require a confirmation by the city council by a majority vote.

Removals by the City Council.

Section 11. Any elective officer under this charter may be removed from his office by the affirmative vote of a majority 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 absence from 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 (10) 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 city council shall have the power to remove any appointive officer at its pleasure and without cause.

Abandonment of Office.

Section 12. Any elective or appointive officer, changing his residence from the city, and any alderman elected from a particular ward changing his residence from such ward, 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 the beginning of the term for which he was elected, and ten days after being notified by the city recorder of his election or appointment, shall be deemed to have vacated or abandoned such office.

Resignation.

Section 13. Any elective 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 a vacancy has occurred in any office filled by appointment, such vacancy shall be filled for the unexpired term in the same manner as referred to in Section 10.

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 and file the same with the city clerk.

Eligibility.

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

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 111.

DUTIES OF OFFICERS.

Powers of Mayor.

Section 1. The mayor shall be the chief executive officer of the city. He shall be the head of and have command and control of the police force and in case of riot or other disturbance he may appoint as many special policemen as he shall deem necessary and any police officer appointed by the mayor as aforesaid, may be discharged from office by him whenever in his opinion the welfare of the city may demand it or a reduction of their number be rendered necessary. He shall be a member of the council and preside over its meetings but shall have no vote except in case of a tie when he shall have the power to cast the deciding vote. He shall not serve upon any committee of the council except upon a unanimous vote of the entire council. He shall cause the laws of the State, the provisions of this charter and the ordinances of the city to be duly observed and enforced within the city, and all officers of the city to discharge their respective duties and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the council such information and recommend such measures as he shall deem advantageous to the city. He shall sign all warrants, and orders drawn on the treasurer and all bonds, obligations and contracts on behalf of the city except as otherwise provided for herein. He shall, upon service of notice, summons or process upon him in any action or proceeding against the city, forthwith inform the attorney and the council thereof.

Veto Power.

Section 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 sign he shall return to the city council with his objections thereto, by depositing with the city clerk to be presented to the city council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the vote by which the same was passed may be reconsidered, and if, after such reconsideration, the city council shall pass the same by a vote of four-fifths of the members elected 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 of the city clerk. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Duties of Vice Presidents.

Section 3. At the first meeting of the city council in each year they shall proceed to elect by ballot from their number a vice president. The mayor shall preside over the meetings of the city council, and in case of a tie, shall cast the deciding vote; during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of the mayor. 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.

Duties of City Clerk.

Section 4. The clerk shall keep the corporate seal of the city and all papers and records thereof, except as herein otherwise provided; attend all meetings of the council and keep a record of all proceedings thereof. He shall draw and sign all orders on the treasurer as directed by the council, and he shall keep a full and accurate account of the orders so drawn by him, in books provided for that purpose; and said books shall show to whom and for what purpose the same were drawn. He shall attest the signature of the mayor to all contracts, and affix the seal of the city thereto, and deliver the same to the proper officer or party. He shall keep regular books of account, which shall at all times show the precise financial condition of the city, a record of all bonds, orders, warrants or other evidence of indebtedness which have been redeemed, and the amount of each outstanding.

Said books shall contain separate accounts with the different city officers and the various funds of the city, and the amount, date and purpose of each appropriation made by the council, and all payments made on account of the same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the mayor, and the time when it was returned to him by the mayor. He shall, upon request, furnish certified copies of papers and records in his possession, and when so certified to by him, under the corporate seal of the city, they shall be received in evidence in any and all courts, the same as if the originals thereof were produced by said clerk in such court, and he shall be entitled to collect and receive for such services such fees as are allowed to the clerk of the district court of Renville County for similar services. He shall record at length in a book provided by the city for that purpose all official and other bonds running to the City of Renville, excepting only the bonds of the clerk and treasurer, which shall be recorded in the office of the register of deeds of Renville

county, and all bonds shall be filed and served by the clerk.

He shall be entitled to receive from the obligors upon all such bonds, or the person presenting the same for record, such compensation as is allowed for similar services to the register of deeds of Renville County. He shall file in his office all chattel mortgages, contracts and other instruments by which personal property is transferred or encumbered presented to him for filing, and which are permitted to be filed by the laws of this state, referring to chattel mortgages, and shall receive as compensation therefor such fees as are allowed by the general law. He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws or by the council.

Report of City Clerk.

Section 5. 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. He shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action 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, 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 6. The city clerk shall countersign all contracts made in behalf of the city, 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 or to which the city is a party, shall be void unless signed by the clerk. The clerk shall keep regular books of account in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the

city, the amount of bonds, orders, certificates or other evidence of the indebtedness, which have been redeemed, and the amount of cash outstanding. He shall countersign all bonds, orders or other evidence of indebtedness of the city, and keep accurate accounts 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 which they have disbursed under the direction 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 stated, in all cases wherein 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 any year, the amount expended, or to be expended chargeable to any city fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund, 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 record shall be open to the inspection of all parties 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.

Deputy Clerk.

Section 7. The city council shall, at its first regular meeting, appoint, upon the nomination of the clerk, a deputy-clerk, for such period as may be deemed necessary. Whenever the clerk and deputy clerk are absent, or are for any reason unable to act, the council may appoint a clerk pro tempore, and said clerk so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers, and be subject to the same restrictions and liabilities, as the city clerk.

City Attorney.

Section 8. The city attorney shall be the legal advisor of the city, and shall perform all services incident to that office. He shall appear in and conduct civil suits, prosecutions and proceedings in which the city shall be directly or indirectly interested, and take charge of and conduct all prosecutions for the violations of all ordinances and resolutions of the city, and for the violation of any provisions of this charter. He shall, when requested, furnish a written opinion upon any subject submitted to him by the city council or the mayor of said city in respect to their official duties or municipal affairs.

City Treasurer.

Section 9. The city treasurer shall receive and safely keep all money belonging or accruing to the city, including taxes, license money and fines, and keep an accurate and de-

tailed account thereof, in such a manner as the city council shall from time to time direct. The treasurer shall furnish to the city council at least fifteen days before the annual election, or sooner, if required by them, a full and detailed account of the receipts and expenditures from the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk, and a copy of the same published in the official paper of the city. He shall also report to the city council as it may require. He shall be the custodian of all bonds, certificates of indebtedness or other securities held by the city or in the sinking fund of the city. Upon the receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs or for which the same has been levied and shall deposit the same daily to the order of the treasurer, in such depositories as shall have been designated by the council therefor, and it shall be unlawful to transfer money from one fund to another or to divert money from the fund to which it belongs except when there shall be a surplus of cash to the credit of any such fund, the council may by resolution by four-fifths of all its members authorize said surplus cash to be placed in the sinking or surplus fund. Provided that money shall never be transferred to any fund from the sinking fund until the separate purposes for which said fund has been established and maintained shall have been fully accomplished.

Chief of Police.

Section 10. 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 city council for the preservation of the public peace. All police officers and watchmen of said city shall possess the powers of constables at common law or by the laws of this state, and it shall be their duty to execute and serve any warrant, process, commitment, or writ whatsoever, is-

sued by the municipal court or justices of the peace for any violation of the laws of the State of Minnesota, or the ordinances or resolutions of said city, and any writ or process whatever issued by the municipal court or by justices of the peace in civil actions and they shall have authority to pursue and arrest any person fleeing from justice in any part of the state, and when performing the duty of constable aforesaid, shall be entitled to the fees prescribed by statute. The chief of police shall keep such records and make such reports as the council may desire.

Street Commissioner.

Section 11. The street commissioner, under the direction and control of the city council, shall have the supervision of the construction, maintaining and repairing of side-walks and of the grading 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 monthly written reports to the city council of work done, cost of same, money expended and for what purpose.

City Assessor.

Section 12. The assessor must be a freeholder of the city and for at least five years immediately preceding his appointment must be a resident and elector thereof. He shall be appointed by the mayor, which appointment shall be confirmed by the council. He shall, with the consent of the council, appoint such deputies as may be required to enable him to properly perform the duties of his office and may discharge such deputies at will. The assessor and his deputies shall qualify in the manner and form prescribed by the general laws of said State and have the power, rights and privileges allowed by the same respecting the listing of property for taxation and notice may be signed and given and other acts performed, relat-

ive to the duties of such office, by such deputy assessor in the name of the assessor.

Board of Equalization.

Section 15. The city council of said city shall constitute a board of equalization. The members thereof shall be sworn according to law, as such, and shall meet at the council chamber on the fourth Monday in June, at ten o'clock in the forenoon, and from day to day thereafter by adjournment, until their work is completed. Said board shall cause notice of its meetings to be published at least ten days prior to the first day of its meeting, in the official paper of the city. Said board shall elect one of its members secretary, who shall keep a record of its proceedings, and perform such other duties as may be herein provided.

The powers and duties of such board of equalization shall be the same as that prescribed by general law for township boards of review and county boards of equalization, so far as relates to property within the city of Renville, and the mode of procedure shall be the same as that prescribed by the general laws for the conduct of proceedings of such boards. The assessor shall attend the sessions and hearings of said board, and give information when desired. He shall revise his assessment rolls in accordance with the decisions of said board, and after the same shall have been certified by the mayor and secretary of said board, he shall transmit to the county auditor such revised assessment rolls not later than the fifteenth day of July of each year.

Municipal Court and Courts of the Justice of the Peace.

Section 14. All laws of the State of Minnesota, relating to the courts of the justices of the peace and the justices thereof, of the Village of Renville, in force at the time this charter goes into effect, are hereby adopted and made a part of this charter, and shall have the same force and effect as

if herein set out in full. The municipal judge shall as often as the city council may require, report to the city council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties received by him belonging to said city.

Other Officers--Duties and Compensation.

Section 15. The city council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this charter and to appoint such other officers as may be necessary to carry into effect the provisions of this charter, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the city council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, 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 three months from the first organization and meeting of the city council. After the first year the compensation of officers shall be fixed for the fiscal year in the month of March except for such officers as may thereafter be created in regard to which the compensation shall be fixed at the time of the creation of such office. 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 and aldermen shall receive no compensation for

their services as such officers, except when acting as a board of equalization. But there shall, each year, be set apart from the general fund one hundred dollars for the mayor's contingent expenses, which shall be paid out by the treasurer upon the mayor's warrant, and which he may expend for any purpose connected with the proper discharge of the duties of his office. He shall file proper vouchers for all such expenditures, and if any part of said sum remains unexpended at the close of the fiscal year, it shall be returned to the general fund.

Peace Officers.

Section 16. The mayor or acting mayor, clerk, and each alderman, the judge of the municipal court, 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 and if need be, of all the citizens and military companies, and if any person, bystander, military officer, noncommissioned officer or private shall refuse to aid in maintaining the peace, when so required, such person shall forfeit and pay a fine, on conviction thereof, not exceeding fifty (\$50) dollars or by imprisonment not to exceed thirty (30) days and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Official Bonds.

Section 17. The city treasurer, city clerk and chief of police and 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 affidavit that they are each worth a penalty specified

in said bond over and above all debts, exemptions and liabilities; or the said officers 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 council 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 IV.

CITY COUNCIL.

General Powers.

Section 1. The legislative power and authority of the City of Renville shall be vested in the city council as in this charter provided.

Meetings.

Section 2. The city council shall determine the time of its regular meetings, and provide for special meetings, and may prescribe rules for its proceedings not inconsistent with this charter. The mayor may, or upon the written request of three aldermen, shall call special meetings of the city council by giving written notices to each of its members, to be delivered personally, or left at his usual place of abode, and no business shall be transacted at any special meeting unless the subject of the same shall have been specified in said written notice.

Quorum.

Section 3. A majority of the members of the city council shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a majority may compel the attendance of the absent members.

Canvassing Votes.

Section 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 Benville 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 a 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 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 in the official newspaper of the city before it takes effect. Proof of such publication shall be by affidavit of one of the printers, publishers or the foreman of such newspaper which shall be prime facie evidence of

the legal passage of such ordinance or resolution in all courts of this state, or elsewhere. All ordinances and resolutions with proof of publication shall be deposited with the clerk, who shall record the same at length in a suitable book but proof of recording shall not be required in any proceeding where it is necessary to prove such ordinance.

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.

Four-fifths 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 four-fifths 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 accounts 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, 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 a four-fifths 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 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 election or confirmation of appointment of any officer of the city by the city council shall require the affirmative vote of a majority of all 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 the municipal court

of the City of Knoxville, for a violation of the provisions of any ordinance relating to the exercise of a right granted by such license, the city council may revoke such license, in addition to the penalties provided by 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, city jail or any other place of detention maintained by the city, not exceeding ninety (90) days, and may provide that said punishment shall be cumulative for an indefinite term, not exceeding ninety (90) days, subject to suspension or termination by reason of or during 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 (6) 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 the municipal court 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 by ordinance all needful regulations for the security of said persons and to prevent their escapes and secure proper discipline.

Compilations.

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 statutes of the state as it may designate, and may provide for the distribution, sale, or disposal of copies of such com-

dition 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, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed and adopted. Copies, duly certified by the city clerk, of ordinances, rules, regulations and resolutions, 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. The municipal court and all other 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 the chairman of such 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 and 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

of the public and the public health, comfort and safety, for the suppression of 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 those purposes, the city council shall have specific authority by ordinance:

1st. To regulate the use of and to prevent encroachments into, upon or over streets, alleys, avenues, public grounds, public places, public streams and 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 stream or waters.

3rd. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same, free from obstruction and to remove snow, dirt, 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,

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 council may designate, the owner or occupant of any premises to collect, remove, and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night soil, and other vile, unhealthy or offensive matter; to regulate and provide for the collection, removal and disposition either at the expense of the city or of such owner or occupant.

6th. To provide for, and regulate, the construction and use of pavements, sidewalks, cross-walks, curbs and gutters.

7th. To regulate and prevent the use of streets, alleys, sidewalks, and public grounds for signs, signposts, awnings, awning-posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, and posting and distributing of hand bills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys, and public grounds, and 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.

8th. To regulate and prohibit the exhibition or carrying of banners; painting, posting, distributing, or placing of placards, advertisements, hand bills, or other articles upon telegraph, telephone or electric light poles or in or upon streets, alleys, 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 other property.

10th. To regulate and prohibit traffic and sales upon the streets, sidewalks, and public places.

11th. 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.

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 streets heavily 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 bridge over or 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 construct cattle guards and to keep the same in repair within the limits of the city.

17th. 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 railway trains, cars or engines.

18th. To require the railroad companies to raise or lower their tracks to conform to any grade which has been

or hereafter may be established in said city, and to keep such tracks on a level with the street surface, and to compel the planking or paving of said tracks by such railroad companies so that they may be crossed at any place on a street, alley or public place.

19th. To require railroad companies to make and keep open and in repair, ditches, drains, sewers and culverts along and under their 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 of 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 cleansing and purification of water and water-courses, and the drainage or filling of ponds or pools on private property when necessary to abate or prevent a nuisance, and to compel the owner of any grounds 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 assess the cost thereof upon such ground.

21st. To regulate and prevent the cutting of ice in waters in or adjacent to the city and to compel the erection of fences around all ice cuttings and to prevent the sale of impure ice within the city.

22nd. To fix the amount, terms and manner of issuing licenses 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.

26th. To license, regulate or prohibit caravans, menageries, circuses, street exhibitions and all places of amusement.

27th. To license and regulate auctioneers, rummabrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it shall direct.

28th. To license and regulate peddlers, street hawkers, clairvoyants, fortune tellers and astrologers.

29th. To license and regulate hackmen, draymen, expressmen, porters, and all other persons or corporations engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to provide standing places or stations on the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other than the place proscribed.

30th. To license and regulate breweries and to prohibit their erection in or near any portion of the city which it may designate.

31st. To license and regulate plumbers, and regulate sewer, water and street connections of all kinds.

32nd. To prohibit the carrying of concealed weapons and to provide for the confiscation of the same.

33rd. To license and regulate the keeping of dogs and to prevent their running at large, and to provide for the destruction of unlicensed dogs.

34th. To regulate and prohibit the storage and use of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, gun-cotton, nitro-glycerine and any products thereof, and other combustible or explosive materials within the city, and of lights in stables, shops and other places, and of the building of bonfires. To regulate and prohibit the use of fireworks and firecrackers.

54th. To prohibit, punish and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions.

55th. 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 conduct and obscenity within the city; and to prohibit within the city 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, or impair the morals of the community.

56th. To prohibit and suppress bawdy and disorderly houses and houses of ill fame and assignation and all immoral resorts.

57th. To prohibit lotteries and gift enterprises and to prevent all description of gambling and playing dice, hazard, roulette or other games of chance; the use of black boards, list, tickers, or price quotations for the purpose of betting or gambling; 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 gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of betting, gambling or other unlawful purposes.

58th. 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, poultry and other animals and to authorize the distraining and sale of the same.

39th. To establish, license or regulate markets and market houses. To provide for the inspection of, and to regulate the making and sale of bread and prescribe the weight and quality of the bread in the loaf and 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, cheese, 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 or keeping of such unsound, or unwholesome product.

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

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

43rd. To regulate the height, construction, and materials of all buildings, chimneys, stacks and other structures; to prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks, chimneys or other structures and to provide for their summary abatement or destruction; to prescribe the material and methods of construction of foundations and foundation walls, the matter of construction and location of drains and sewer pipes, the thickness, materials, and construction and location of drains and sewer pipes, the thickness, materials 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 structures not conforming to such reg-

ulations, 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 wooden buildings or structures shall not be erected or placed, and to direct that any building within such fire limits when damaged by fire, decay or otherwise, to the extent of fifty percent of its value, shall be torn down and removed and to prescribe the manner of ascertaining such percentage, and to provide for requiring the owners of buildings or other structures which have been destroyed or partially destroyed or have 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, they to cause the same to be done at the expense of the owner and to assess the cost thereof upon the land upon which such building or structure 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 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 apparatus used in or about any building or structure; to regulate the carrying on of manufactures liable to cause fires; to prevent the depositing of ashes or the accumulation of shavings, rubbish, or other combustible materials 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, continue or suffer nuisances to exist.

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

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

51st. 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 manufactories, and other noisome business within the limits of the city.

52nd. To prohibit offensive or unwholesome business or establishments within the limits of the city.

53rd. To compel the owner of any soap and tallow chandlery, creamery, cheese factory, sausage manufactory, pig sty, privy or other unwholesome or noxious house or place to cleanse, abate or remove the same, and to provide for the inspection of all animals, poultry and meats to be slaughtered, butchered or offered for sale in the city of Renville and to prevent the sale or offering for sale of any diseased or unwholesome meats, poultry or fish in said city.

54th. To regulate the location of lumber yards, and places for piling timber, wood, and other combustible materials, and the manner of piling the same, and to require any person maintaining any lumber, shingle or lath piles, or wood yards in the city to remove the same when they become dangerous to buildings, structures or other property.

55th. 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.

56th. To regulate and prevent the ringing of bells and chimes, the blowing of whistles, beating of drums, and the making of other noises.

57th. 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 make quarantine laws and to enforce the same within the city, and to regulate, control, and prevent the landing of persons, baggage, merchandise, or other property from cars or other conveyances infected with contagious diseases, and to make such disposition of such persons or property as to preserve the health of said city, and to prevent infected cars or other conveyances from coming within or near the limits of the city.

58th. To establish and regulate the public wells, cisterns, hydrants, reservoirs, fountains, and watering troughs.

59th. To regulate and control the quality and measurement of gas, and to prescribe and enforce rules and regulations for the manufacture and sale of gas, and to provide for the inspection of gas and gas meters, and to regulate and control the measurement and use of electricity and electrical apparatus and other means and agents for furnishing light, heat and power within the city.

60th. To regulate lodging, tenement and apartment houses, hotels and restaurants and to prevent the over crowding of the same and to require the same to be put and kept in proper sanitary condition.

61st. To prohibit and punish cruelty to animals and to require the places where animals are kept to be maintained in a healthful condition and to protect birds and harmless wild animals.

62nd. To compel the owner and owners of vacant property within the city limits to keep the same clear of noxious weeds and of any brush or other material or substance liable to communicate fire to adjoining property.

63rd. To punish injuries to, or interference with, the ornamental trees or shrubbery in the streets and public places of the city, and to provide for the proper trimming of trees which overhang the sidewalks of the city.

64th. To provide for the revocation of licenses.

65th. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kinds of business not in this chapter 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 establish all such regulations, in cases for which no express provision is in this chapter made, as the city council may from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice and the enhancement of the public welfare in said city.

66th. To establish and maintain city prisons and other places of confinement, for the imprisonment, punishment and safe keeping of all persons arrested for, 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 the keepers and officers of the same, which keepers shall have all powers and authorities of jailers at common law or under the laws of this state.

67th. To provide for the lighting of the city.

68th. 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 investigations.

69th. 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 in any of the streets or public places in the city, whether such franchises or privileges have been granted by said city or under the State of Minnesota, or any other authority.

70th. 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 regulate 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 medicinal, chemical or mechanical purposes not to be used or drunk on the premises) of any spirituous, vinous, fermented, malt, or intoxicating liquors in any district 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.

71st. To provide for the levy, assessment and collection of a corporation poll tax pursuant to the laws of the State of Minnesota.

72nd. To regulate and control the supply, quality and measurement of water and to prescribe and enforce the rules and regulations for the supply and sale of the same and to provide for the inspection of water and water meters.

73rd. Any bank, banking house or trust company, having its principal place of business in the State of Minnesota may be designated by the council, by resolution, after advertising in the official paper for proposals and receiving pro-

proposals, stating what security will be given to said city for such funds so deposited, and containing the conditions that said funds with accrued interest shall be held subject to drafts and payments at all times on demand. Provided, that the amount deposited in any such depository shall not exceed the assessed capital stock of said depository, as the same shall appear on the duplicate tax list, provided further, that the proposals above referred to shall not be acted upon by the council until ten days after advertisement.

Before any such bank, banking house or trust company shall be designated as such depository it shall deposit with such treasurer, a bond payable to the city, and executed by not less than three freeholders of the State of Minnesota as sureties, or in lieu thereof a bond furnished by some reputable surety company, which bond shall be approved by the council, and shall be in such amount as said council shall direct, and in at least double the amount of funds to be deposited in said depository; said bond to be conditioned for the safe keeping and payment of such funds and interest thereon; and whenever required to do so by the council, such depository shall furnish a new bond and other sureties to be likewise approved.

74th. To provide for the regulation and inspection of dairies and milk cows.

License to Sell Intoxicating Liquors.

Section 21. The legal voters of the City of Rosville, shall have the authority and power to vote upon, and determine for themselves, the question 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 twenty-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 intox-

Intoxicating liquor 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 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 I.

TAXES.

Fiscal Year.

Section 1. The fiscal year of the city of Kenville shall commence on the second Tuesday of March each year.

General Fund.

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; provided, that such taxes shall in no year exceed one per cent 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 in the city, for the purposes 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 grading of streets, and for other purposes conducive to good order, general welfare, health, cleanliness and protection against crime. Provided, that such tax in no 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, not to exceed two-tenths of one per cent of the assessed valuation in any year.

Sinking Fund.

Section 5. In addition to the other funds herein provided there shall be maintained in the treasury of said city, a sinking fund. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund, there shall be levied an annual tax of two mills on the dollar of the assessed valuation of all taxable property in the city. There shall also be assigned and placed in the sinking fund twenty-five per cent of all license fees collected by the city and the treasury shall keep a separate account with the city depositories of all moneys belonging to the sinking fund and the treasurer is hereby forbidden to place any money appropriated to the sinking fund in any other fund.

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

Sinking Fund Commissioners.

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

And said commissioners, by and with the consent of the council, may dispose of any of the bonds in said fund at such other time as said commissioners and council may deem for the best interests of said fund. Whenever the amount of such sinking fund, together with the interest and revenue therefrom, computed to the time of the maturity of the city bonds is sufficient to pay all of said bonds, the levy of two mills heretofore provided for may be omitted, and the money otherwise devoted to this fund may be devoted to other funds; but, in case of decrease of interest, or for any other cause, said fund shall, in the judgment of the council, be insufficient to pay said bonds of the city at maturity, such tax shall be resumed.

Said commissioners shall make a detailed report to the council on the 15th day of March each year, and at such other times as the council may require, and said report shall show the condition of said sinking fund, the nature and value of each of the securities thereunto belonging, with the full description of said securities.

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

Time Warrants.

Section 6. 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 Twenty-five Hundred (\$250,00) Dollars, and that said warrants shall bear interest at the legal rate.

Incurring Debt.

Section 7. 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 8. 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 votes 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 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 9. 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 10. The city council shall cause to be transmitted to the county auditor of Rowville 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 of said county 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 11. 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 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 12. 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 XI.

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 or 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 any 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 and convenient location of sewer or water mains and pipes or in any other way inconvenience the public; provided, that all such franchises so granted shall be subject to the regulations and restrictions hereinafter contained.

Perpetual or Exclusive.

Section 2. No perpetual or exclusive franchise shall ever be granted, and no franchise shall be granted for the laying of water mains.

Limit of Time.

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

Control and Percentage.

Section 4. Every franchise 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 rates 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. Whenever 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.

Public Vote.

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; provided, that, whenever an application is made for a franchise, upon the petition of twenty per cent of the legal voters, who are freeholders, in said city, the question of granting such franchise shall be submitted to a vote of the legal voters of said city, at any general or special election.

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 conform 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 of way to connect any public sewer with such private sewers without the payment of any fee for such connection; 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 at any time when the public welfare demands it.

CHAPTER VII.

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 (\$500.00) Dollars shall be made as in this chapter provided and not otherwise.

Estimates and Amount of Contract.

Section 2. The city council in the first instance shall on its own motion, or it 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, work or service in accordance with its general directions. Duplicates of said plans, specifications and proposed contracts shall be filed with the city recorder 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 said 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 cert-

ified check payable to the city treasurer for at least five 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 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.

Lowest Bid.

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 a four fifths vote of all the members provide that the work and material may be procured in the open market or done by day labor.

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 chapter 354, General Laws of 1935, of the State of Minnesota, and the amendments thereto, 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 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 charter authorize the making of lighting contracts and 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 shall at its first regular meeting in March 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 Renville, 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 bound 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 coun-

oil 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, resolution 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 VIII.

FIRE DEPARTMENT.

Chief of the Fire Department.

Section 1. There shall be a fire department in the City of Reaville, 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, 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, under the direction of the mayor, 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 the 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 a fire, 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 buildings 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, then as such misdemeanors are punished under the laws of the state.

CHAPTER IX.

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 streets, alleys, or public places 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 four-fifths 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 borne by the city, but after such grade has been established and a profile thereof filed as aforesaid, the expense of finding such grade for private purpose shall be paid by the owners of the property.

Bridges.

Section 3. All bridges in the City of Renville, 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 the 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 once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired 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 excavation or obstruction as shall be authorized, or by the failure to maintain proper guards or lights thereat, 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 defendants; and in case of judgment against the defendants in such action, executions 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, it shall be entitled to execution therein against him, 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 Renville on account of any injuries received by means of any defects in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year from the happening of the injuries, nor unless notice shall have been first given in writing to the mayor of said city, or the city clerk thereof, within thirty days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been graded; nor for any insufficiency of such grounds or sidewalks as are usually constructed when no sidewalk has been ordered by the city.

Prohibition Against Piling Snow.

Section 8. No railway company shall have any right, in clearing its tracks through any part of said city, or otherwise to pile up snow or other material and leave the same piled up on any traveled portion of any street in said city, and any such company shall, in addition to all penalties prescribed therefor, be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained; and in case 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 ground within the said city, he shall cause the same to be surveyed and platted in accordance with the provisions of chapter twenty-nine (29) of the general statutes of the State of Minnesota, of 1904, and when the survey and plat are so completed and acknowledged, it shall be presented to the city council for its approval. The acceptance of such plat or addition shall not make the city liable to grade the streets therein designated nor responsible for any insufficiency of such streets, until the same are graded and opened for travel under the direction of the city council.

Vacation of Streets.

Section 10. The city council may upon petition signed by a majority of the citizens who are owners of property on the line of that portion of any street, alley, public ground or highway proposed to be vacated, stating the facts and reasons therefor, order the vacation of any such street, alley, public place or highway. If the city council deem it expedient that the matter should be proceeded with it shall order the city clerk to give notice to all persons interested in such manner as it shall require. The city council after investigating said matter and hearing all persons interested may by resolution passed by four-fifths of all its members order the vacation of such street, alley, public place or highway.

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.

CHAPTER X.

Health Department.

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, of good standing in his profession, and who shall have been in practice for at least three years. 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. The members of the said department shall be appointed as other officers for the term of one year.

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 (2) 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 informed 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 a month 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 of 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.

Right 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 poor committee of the city council or the board of health attend 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 four (4) 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 or 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 refuse to be vaccinated or to secure the vaccination of any minor child for whom he may be responsible; 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 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 pub-

lie 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 from which such expense has been incurred in the premises.

Before proceeding, however, in any case in accordance with the foregoing provisions of this 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 post office 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 Rowville 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 11.

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 Rowville, who shall have control and supervision of the parks within the corporate limits of the said city, and also of such streets or portions of streets and other public grounds as the city council shall by proper resolution designate. Said commissioners shall hold their offices for three years and until their successors have been appointed and qualified, provided, that the first commissioners shall be appointed for one, two and three years respectively.

Powers.

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 department.

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 such public grounds as they may designate.

CHAPTER VII.

LOCAL IMPROVEMENTS.

Power to Acquire Property.

Section 1. The City of Newville 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 any such property and where nothing to the contrary is specified, the city in any acquisition of property shall be deemed to have acquired the fee title and absolute ownership of said property, except in the case of streets and alleys.

General Improvements.

Section 2. Whenever the city council shall consider it necessary to acquire real estate, or any rights in real estate or any other property for public purposes, the city council shall appoint a committee of not less than three (3) of its members, who together with the city engineer, shall make examination and propose to the city council a location and description of land and other property suitable for any of the purposes hereinafore described, and the most convenient manner of taking and using the same and present to the city council a plat, plan, survey or a description of the land or other property proposed to be taken, and their report shall, so far as the committee shall deem necessary, state what other existing property can be used for the particular purpose under consideration, and any other matters which the committee shall deem proper for the information of the council; and such committee may present for the consideration of the city council more than one location, proposition or plan. Any citizen may present for the consideration of the city council any such location, plan or proposition for such purpose.

Notice of Report.

Section 3. Such committee shall file its report with

the city clerk of the city, who shall give notice by publication twice in the official paper of said city that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of the said city council to be named in such notice, which shall be the regular meeting of said council which shall occur next after one week from the second publication of such notice. At the meeting named in such notice, the city clerk shall next after the reading of the minutes of the previous meeting, present such report, and the matter may be proceeded with by the city council at the same or any subsequent meeting. The city council, under such rules as it may prescribe, may hear any person interested in the matter or refer the matter to a committee to hear such persons and report.

Action and Report.

Section 4. In all cases where different locations, propositions or plans may be equally available for the purposes specified in section two (2), the city council may, either before or after appointing said committee, obtain offers for appropriate real estate or other property, in accordance with the provisions of the chapter on contracts in this charter, and may if it deem advisable, accept the most advantageous of such offers without taking any condemnation proceedings; and in all cases where different locations, propositions or plans may be equally available or advantageous for the purposes under consideration, the committee shall before making its report, advertise for proposals or offers for such locations, propositions or plans.

Condemnation Procedure.

Section 5. Whenever the city council shall determine to take and appropriate any lands or other property for any public purpose it shall designate the same as nearly as may conveniently be done, and direct the city engineer or other

city officer to make such plat or survey or description as may be necessary to show or explain the same, and when made, it shall be filed with the city clerk, and the city council shall then or afterwards appoint three (3) commissioners, who shall be freeholders of said city and no two of whom shall reside in the same ward, to view the lands or other property to be taken and appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the same.

Two of such commissioners shall constitute a quorum and be competent to do any act required of such commissioners.

They shall be notified by the city clerk by notice served on them severally, either personally or through the mail, to attend at his office, on or before the day fixed by him, not less than two (2) days after the service or mailing of such notice, to qualify and enter upon their duties; and in case a quorum of such commissioners shall not so attend at the time and place designated in such said notice, the mayor of the said city may in writing appoint one or more commissioners in the place of such absentees.

The commissioners shall be sworn by the city clerk or any other officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality and make due return of their action to the city council.

They shall give notice by two publications in the official paper of said city that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in such notice on or near the property proposed to be taken and appropriated, and view such property and ascertain and award therefor compensation and damages, and that they will then and there hear such allegations and proofs as interested persons may offer.

After the publication of such notice and at least six days (Sunday excepted) prior to the meeting designated in said notice, the city clerk shall also cause a copy of the same to be served personally upon some person in possession of each parcel of said property as separately assessed or some part thereof, if the same is actually occupied, in the same manner as is provided for the service of summons in civil action in the district courts of the State of Minnesota.

A copy of all subsequent notices relating to said proceedings which are required to be published, shall be mailed in the manner above specified by the city clerk, immediately after the first publication thereof, to such persons interested in said proceedings as shall have appeared in said proceedings and have requested in writing that such notices be mailed to them.

Such commissioners shall meet and view the property pursuant to such notice, and may adjourn from time to time, and after having viewed the property, may for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city and such commissioners shall 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 appropriated, and shall forthwith file a report of the same with the city clerk, for presentation by him to the city council and such report shall lie over until the next meeting of the city council, which shall occur at least one week after the reception of the same, at which or at any subsequent time, the city council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objections and report thereon.

The city council may confirm such award or annul the same, or send the same back to the same or a new board of commissioners for further consideration; and such commissioners may in such case, again, on giving notice as before, meet at

a time and place to be designated in said notice and hear any evidence that may be adduced by interested parties or persons, and may adjourn from time to time and correct any mistake in such award, and revise and alter the same as they deem just, and again report such award to the city council, which may confirm or annul the same.

When any such award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereafter provided.

Awards.

Section 6. 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.

In case such payment is not made, or the money set apart in the city treasury 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 award 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 is entitled to such compensation or damages or any part of the same, the amount so awarded or the part thereof in dispute, shall be by the city council set apart 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 a 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 aforesaid, the city shall become vested with the title to the property taken and condemned, and may forthwith 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 7. 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 the proposed improvement and injury, and shall proceed as near as can be, as provided in sections five (5) and six (6); provided, that the plat and survey therein required shall show all land contiguous to said improvement, 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 improvements, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages,

shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages 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 expense 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 each 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 costs as aforesaid, which they shall return unassessed and shall be presented and acted upon as provided in Sections five (5) and six (6) of this chapter.

Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and

assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the 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 9. 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 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 objection 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 Beville, at any time within twenty days after such confirmation.

Such appeal shall be made by serving a 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 Beaville executed by the appellant or some one in his behalf, with two or more sureties who shall justify in the total sum of fifty (\$50) dollars, conditioned to pay all costs that may be awarded against appellant.

There upon the city clerk shall make out and transmit to the clerk of the said district court within ten days after the taking of such appeal a copy of the award of said commissioners, as confirmed by the city council and of the action of the council confirming the same, and of the objections filed by the appellant as aforesaid, all certified by 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 said written objection, 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 correct 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 Beaville, as an appeal from assessments. Such appeal shall

be tried in district court as are all other civil cases, except no pleading shall be required and as to the owner, the only questions to be raised upon shall be whether the valuation of the property specified in the objection is a fair valuation and the assessments 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 to 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 and if the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge costs against the appellant in a sum not exceeding twenty-five (\$25.00) dollars; in addition to all costs allowed by law.

Abandonment.

Section 9. The city council shall have the right at any time during the pendency of any proceedings for the improvements 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 shall deem it for the best interest of the city to do so.

Assessments for Pavements and Sewers.

Section 10. Whenever the city council shall determine to cause to be paved, repaved or macadamized any street, lane or alley in said city, or to lay, relay or extend any sewer pipes in or through such streets, lanes or alleys or any portion thereof, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the improvements and the material to be used therein, and thereupon it shall be the duty of the city engineer to take and present to the city council an estimate of the cost which shall be required to construct such improvements in front of abutting lands, which cost shall not in case of sewers exceed

the cost of eight-inch sewers in front of any such abutting lands, and the proportion thereof required to construct the same across streets, lanes, alleys, and in front of lands not subjected to assessment, and also the excess of cost in case of sewers over and above the cost of such ordinary sewers, also a list of the several lots and parcels of land fronting upon such proposed improvements, with the number of feet in front of each extending along such improvements, together with the names of the owners of the several parcels as nearly as the city engineer can determine; a record of the reception of such report shall be made in the official proceedings of the city council, and there shall be published once in the official paper a brief statement of the proposed improvements over the signature of the city clerk, which shall be held to be sufficient notice to all persons concerned, and such report shall lie over without any assessment being made until the next regular meeting of the city council, which shall not occur for at least one week after the reception of such report and publishing of such notice; but the city council, in its discretion, may direct the city clerk to advertise for and receive, in the mean time, bids for doing work and furnishing the material required to construct and complete such improvement, and report the same to the city council at such meeting as it may designate or to which such report is laid over; the city council may consider such estimate and list and any further communications from the city engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements who may desire to be heard and the city council may adhere to its resolution of making improvements or may modify the character of the same or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements, estimate and fix upon the cost thereof, and the

proportion or amount of such cost which is required to construct such improvements, not exceeding, in the case of sewer, the cost of eight-inch sewer when larger sewers are constructed, and may assess and levy such proportion, or amount of such cost, upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements, and provide for the payment of any deficiency from the general funds of said city, and the city council shall cause to be made, and shall adopt, an assessment roll thereof, which may be in any form which the city council may deem proper, and in case where it shall be found necessary to extend any sewer, ditch or drain beyond the limits of said city for the purpose of procuring a suitable outlet to any drain, sewer or ditch in or to be constructed in said city, the city council shall have full power and authority to construct the same and pay the costs thereof out of the general funds of said city.

Corner Lots.

Section 11. The city council shall when any corner lot has been previously assessed for the laying of any sewer pipe upon a different street or avenue from the one through which such proposed improvement is to be extended, remit from the assessment of such corner lots such portion of such second assessment as shall equal the amount of assessment of the width of said lot. And in no case shall assessments be made for the laying of sewer pipes and the construction of sewers on any corner lot in said city for a distance greater than the longest abutting dimension of said lot.

Sidewalks.

Section 12. Whenever the city council shall have ordered the construction or reconstruction of any sidewalk, it shall be the duty of the street committee to report to the city council a list of the several lots and parcels of land with the number

of feet front of each extending along such improvement and the name of the owner or owners of the several lots and parcels as nearly as they can readily ascertain the same, and their estimate of the cost of constructing or reconstructing such sidewalk.

The city clerk shall give notice by publication once in the official paper of the city and in such other manner as the city council may direct, that such report is on file in his office for inspection of all persons interested and that the same will be presented to the city council for action thereon at a meeting of said council to be named in said notice, which shall be the regular meeting of said council occurring next after one week from the publication of said notice, at which meeting the parties interested may be heard.

At a meeting named in said notice, or at any future meeting, the city council may order the building of such sidewalks and thereupon after the building of such sidewalks or the letting the contract therefor, the city council shall assess and levy upon and against each lot and parcel of land along which such sidewalk is to be or has been built, such sum as will cover the cost of building such sidewalk along and fronting upon the various lots or parcels of land respectively and cause to be made an assessment roll of the same; provided, that nothing in this section contained shall apply to cases where the owner of the property shall construct his own sidewalk as hereinafter provided.

No sidewalk shall be ordered except upon recommendation of the street committee.

No person shall construct any sidewalk-curb or curb and gutter on any street, lane or alley in the City of Renville where the same has not been ordered by the city council, unless he shall first have obtained a permit from the city council for doing such work, such permit shall regulate the manner of constructing such improvement and shall also include what-

ever bond or bonds the city council may deem necessary to protect the interest of said city.

Four-Fifths Vote Necessary.

Section 13. 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 therefor shall receive, on final passage the affirmative vote of four-fifths of all the members of the city council.

Sprinkling Streets.

Section 14. The city council shall have power to cause the streets to be sprinkled and assess the property abutting on the streets so sprinkled for the expense thereof.

Proceedings When Awards are Set Aside.

Section 15. Whenever any portion of any award made by commissioners and confirmed by the city council under the provisions of Section Six (6) 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 proceedings shall be had so far as applicable, as described in said Section Six (6), except that such commissioners shall make no new assessment of cost and expenses. They shall, however, in arriving at the compensation and damages 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 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.

No-Assessment.

Section 16. If any special assessment heretofore made by the city council or under its direction, to defray the 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, not exceeding in the case of sewers, the cost of an eight-inch sewer pipe; and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made either on the property fronting such improvements 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.

New Assessment Rolls Shall Be Recorded and Returned.

Section 17. The city clerk shall record all assessment rolls of special assessment in books to be 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 the County of Kenville, all such assessment rolls, and the said Auditor shall extend the assessment in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced, with and in like manner as State, County and other taxes are collected and the payment thereof enforced; such assessment, when collected, shall be paid over by the County Treasurer to the Treasurer of the City, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the City Treasurer.

No Informalities to Affect the Validity of Assessment.

Section 18. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the 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 had, taken and performed as required by this chapter. And no failure of the city clerk to record the assessment roll, or to 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 contained as to the form or manner of any proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

Assessments May Be Paid to the City Treasurer.

Section 19. After a special assessment shall have been adopted by the city 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 Cost Paid by City--When.

Section 20. 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 the 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 shall be chargeable upon and paid by the city at large.

CHAPTER VIII.

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 four-fifths 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 the municipal court or 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 the imposition of any fines or penalties, or the rendering of judgment by the municipal court or 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 (90) days in the discretion of the municipal court or justice court, unless the said fine or penalty be sooner paid or satisfied, (and from 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 county 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. All the provisions of the General Statutes of Minnesota shall apply to the library board of the City of Renville.

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 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 the application of ten 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 amend-

ment to this charter endorsed by such application and petition
which submission shall be made in the manner provided by law.

The foregoing is a draft of the proposed charter of the City of Renville, Minnesota, made, framed and adopted by the commission appointed by the District Court of the 12th Judicial District of the State of Minnesota under and pursuant to the provisions of Sec. 36, Art. 4 of the Constitution of the State of Minnesota and Statutes enacted in pursuance thereof, and said draft of said proposed charter of the City of Renville is hereby returned to the Hon. A. A. Bennett, President of the Village Council of the Village of Renville, according to law, signed by all of the members of said commission.

Dated this 15th day of December, A. D. 1905.

T. O'Connor, President

L. D. Barnard, Secretary

H. H. Stabeck

J. H. Dale

L. E. Lien

E. H. Heins

A. R. Holmberg

F. O. Cold

A. L. Bratsch

Chris Jensen

L. E. Lambert

P. Haan

A. H. Holton

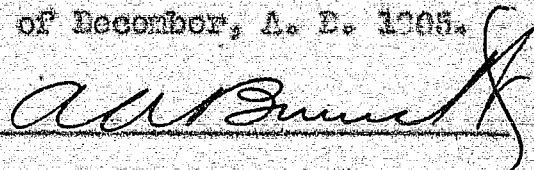
R. T. Daly

Wm. O'Connor.

State of Minnesota, County of Renville, Village of Renville.

I, A. A. Bennett, President of the Village of Renville, Renville County, Minnesota, do hereby certify that the foregoing proposed charter was, on this 30th day of December, 1905, returned to me, as President of the Village of Renville, by the Charter Commission, duly appointed, under authority of Minnesota Constitution, Article Four, Section Thirty-six, and Minnesota General Laws of 1903, Chapter 230, to be submitted to the voters of the Village of Renville, according to law.

Witness my hand this 30th day of December, A. D. 1905.

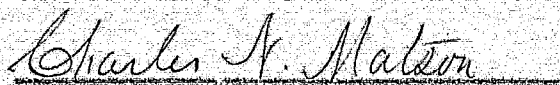


President of Village.

Resolved: by the Common Council of the Village of Renville; That in accordance with Chapter 230, general laws of the State of Minnesota for 1903, said proposed charter shall be submitted to the qualified voters of the Village, at a special election, to be held on Tuesday the 16th day of January in the year 1906.

Attest:

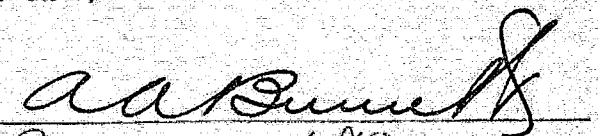
2356



Recorder.

State of Minnesota,
County of Renville, Village of Renville.

This is to certify that the within proposed Charter was, on the Sixteenth day of January, A. D. 1906, submitted by the Village Council to the qualified voters of the village of Renville, 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 Fourteen for and Forty one against. One blank ballot was cast.
Dated this Seventeenth day of January A. D. 1906.


President of the Village