

Certificate

STATE OF MINNESOTA,)
) ss.
COUNTY OF BROWN,)

I, I. M. Olsen, the duly elected, qualified and acting Mayor of the City of Sleepy Eye, in Brown County, Minnesota, being the chief executive officer of said City, do hereby certify as follows:-

That the foregoing and attached printed document entitled, "Charter of the City of Sleepy Eye," has been carefully compared by me with the original Charter of the City of Sleepy Eye on file in the office of the City Recorder of said City of Sleepy Eye, and that the foregoing printed document is a true, correct and complete copy of said original Charter of the City of Sleepy Eye on file, as aforesaid. That the City of Sleepy Eye was formerly an incorporated Village under and by the name of the Village of Sleepy Eye Lake. That heretofore and on the 27th day of May 1903, a board of fifteen freeholders in and of said Village of Sleepy Eye Lake, upon due petition, was duly appointed by the Judge of the District Court of the Ninth Judicial District in and for Brown County, Minnesota, under and pursuant to Section thirty-six(36) of Article four(4) of the constitution of the State of Minnesota, and of Chapter two hundred thirty-eight(238) of the Laws of Minnesota for the year 1903, to frame, draft and propose a charter for said Village of Sleepy Eye Lake. That said board of freeholders, so appointed, duly entered upon the performance of their duties and did thereafter, and within six months from their appointment, frame, draft and propose and return to the chief magistrate of said Village, signed by a majority of said board, the original Charter of the City of Sleepy Eye hereinbefore referred to and on file as aforesaid and of which original Charter the foregoing and attached printed document is a true and correct copy. That thereupon such original Charter was duly proposed and submitted to the qualified voters of said Village of Sleepy Eye Lake, for ratification and adoption, at a special election duly held in and for said Village for that pur-

pose on the 22d day of December 1903. That at such election there were three hundred forty-four(344)qualified voters voting, and three hundred forty-four(344)ballots cast. That of the ballots so cast two hundred eight(208)ballots were cast in favor of the adoption and ratification of said Charter and one hundred twenty-nine ~~ballots~~ ~~being~~ cast against the adoption and ratification thereof, seven ballots being blank or unintelligible. That all ballots cast were duly canvassed and counted and the result of such election publicly declared. That more than four-sevenths of all the qualified voters voting at said election were in favor of the adoption and ratification of said Charter and said Charter was declared duly ratified and adopted as the Charter of the City of Sleepy Eye.

That the foregoing and attached printed document correctly and fully sets forth the Charter of the City of Sleepy Eye, as so framed, proposed and ratified and thereafter recorded and filed in the office of the City Recorder of said City.

That thereafter, and on the 5th day of April 1904, the first city election was held in and for the City of Sleepy Eye. That such election was held under and pursuant to and in conformity with said Charter of the City of Sleepy Eye. That at said election the undersigned was duly elected mayor of said City of Sleepy Eye. That there was further elected at said city election one alderman at large for said City, two aldermen from the first ward and two aldermen from the second ward in said City, one city treasurer, one City recorder and one Municipal Judge in and for said City. That all of said officers duly qualified under said Charter and entered upon the performance of their duties thereunder and ever since have and now do continue in office and acting as officers of said City. And that ever since said election said City of Sleepy Eye has been governed under and pursuant to said Charter of the City of Sleepy Eye by the officers so elected thereunder, and has existed, acted and carried out its functions as a municipal cor-

poration and as a city under and pursuant to the Charter of said
city so framed, proposed, adopted and ratified.

Witness my hand and the corporate seal of the City of Sleepy
Eye, this 5th day of April 1905.

J. M. Olson

Mayor of the City of
Sleepy Eye.

#2359

2359 No 43

#2359

Filed April 7-1905

P. E. Hanson
Secy of State

CHARTER

OF THE

CITY OF SLEEPY EYE

RE-INDEXED

MAY 12 1921

THE CHARTER
OF THE
CITY OF SLEEPY EYE.

FRAMED AND ADOPTED PURSUANT TO

SECTION THIRTY-SIX OF ARTICLE FOUR OF THE CONSTITUTION OF THE STATE OF MINNESOTA, CHAPTER THREE HUNDRED AND FIFTY-ONE OF THE GENERAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR 1899, AND CHAPTER THREE HUNDRED AND SEVENTY-NINE OF THE GENERAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR 1901 AND THE ACTS AMENDATORY THEREOF AND SUPPLEMENTARY THERETO.

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All the district of the country in the County of Brown, State of Minnesota, contained within the subdivisions and boundaries hereinafter described, shall be a city by the name of Sleepy Eye, and the people now inhabiting, and those who shall hereafter inhabit, within the district or territory hereinafter described, shall be a municipal corporation by the name of the "City of Sleepy Eye," and by that name shall sue and be sued, and be impleaded in any court, and have and use a common seal and alter it at pleasure, and take and hold and purchase, lease and convey any and all such real and personal or mixed estate as the purposes of the corporation may require, within or without the

limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The subdivisions of land included in and constituting the City of Sleepy Eye shall be as follows, to-wit: The West Half ($\frac{1}{2}$) of Section Twenty-nine (29); the East Half of Section Thirty (30); the Northeast Quarter of Section Thirty-one (31); the Northwest Quarter of Section Thirty-two (32), all of said territory being in Township One Hundred and Ten (110), Range Thirty-two (32), County of Brown, State of Minnesota, and also all the territory and land in the County of Brown and State of Minnesota, embraced within the following boundaries, to-wit: Commencing at the Northwest corner of the Southwest Quarter of Section Thirty-two (32), Township One Hundred and Ten (110) Range Thirty-two (32), thence East Nine Hundred and Forty-five feet and Five inches (945.5), thence South Three Hundred and Forty (340) feet, thence West Six Hundred and Twenty (620) feet, thence North Forty (40) feet, thence West Three Hundred and Twenty-five feet and Six inches (325.6), thence North Two Hundred Ninety-eight (298) feet to point of beginning.

SEC. 3. The said City of Sleepy Eye shall be divided into two wards, to be called the first (1) and second (2) wards, and to be limited, bounded and described as follows, to-wit: All that portion of the City of Sleepy Eye situated, lying and being West of the Center line of Fifth (5) Street extended North and South to the City limits shall constitute and be the First (1) Ward of the City of Sleepy Eye. All that portion of the City of Sleepy Eye situated, lying and being East of the Center line of Fifth (5) Street so extended shall constitute and be the Second (2) Ward of the City of Sleepy Eye.

CHAPTER II.

ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an election for electing such officers of said City as are herein or otherwise by law made elective, on the first Tuesday of April, A. D., Nineteen Hundred and Four (1904), and every year thereafter at such place or places in each Ward or election precinct of said City as the City Council of said City shall designate, which election shall be held in conformity with the general laws of this State.

SEC. 2. At such City elections there shall be elected a Mayor, City Treasurer, City Recorder of said City, and a City Council of said City, consisting of five (5) Aldermen, all of which officers shall be residents and qualified voters of said City. Each Ward shall elect Two (2) Aldermen, who shall be residents within and qualified electors of the Ward for which they are elected. There shall be elected within and for said City One (1) Alderman at large, who shall be a resident of, and qualified elector of said City. Each of the above named officers shall hold his office for the period of One (1) year, and until his successor is elected and qualified, unless sooner removed as hereinafter provided. The term of office of all said officers shall commence on the second Tuesday of April of the year for which he was elected; provided that at such city election there shall also be elected two (2) Justices of the Peace, who shall be styled City Justices, and who shall be residents and qualified electors of said City, and who shall hold their offices until said City shall establish a Municipal Court in and for said City, and thereafter no City Justices shall be elected; and provided further that as soon as said City shall establish a Municipal Court therein; there shall at said election be elected a Municipal Judge and a special Judge of the Municipal Court, each of whom shall hold his office for the period of two (2) years.

SEC. 3. Any person appointed to any office by the City Council or elected to any office by the people may be removed from said office by a vote of four-fifths of all the Aldermen authorized to be elected. But no such officer shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have a reasonable opportunity to be heard in his defense. The City Council shall fix a time and place for the trial of such officer, of which

not less than ten days notice shall be given to said officer, and said City Council shall have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the cause; and if said officer shall neglect to appear and answer the charge against him, the City Council may declare his office vacant.

SEC. 4. Whenever a vacancy shall occur in any elective office in said city, the City Council shall have power, and it shall be its duty to declare such office vacant by resolution entered upon its minutes. All such vacancies shall be filled by appointment by the City Council.

SEC. 5. The person appointed to fill a vacancy shall hold his office for the unexpired term and until his successor is elected and qualified. A plurality of votes shall constitute an election in all popular elections, but in elections by the City Council a majority of votes by the Aldermen authorized to be elected shall be necessary. Where two or more candidates for election by the people shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the City Council at such time and in such manner as said Council shall direct.

SEC. 6. The City Council shall meet and canvass the election returns within three days after each election and then and there declare the result. The recorder shall forthwith notify each officer elected or appointed to the office of his election or appointment to such office, by written notice served upon him personally, or left at his usual place of abode with some person of suitable age and discretion. Should there be a failure to elect any officer herein required to be elected on the day designated, the City Council may order a special election of such officer.

SEC. 7. Any officer moving from the City or Ward for which he is elected, or any officer who shall refuse or neglect for Ten (10) days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of the office to which he was elected, shall be deemed to have vacated his office, and the City Council shall proceed to fill the vacancy as herein prescribed.

SPECIAL ELECTIONS.

SEC. 8. The City Council shall have the power to call special elections at any time by passing a resolution therefor, stating in such resolution the question or questions to be submitted to the voters at such

special election. Notice of such special election shall be given by the City Clerk by publishing such notice twice in the official paper of said City, the first publication thereof to be at least ten days prior to the election, and by posting up such notice in three public places in the City, at least ten days before the election. Such notice shall state the question or questions to be submitted to the voters at such election.

Such election shall be conducted in the same manner as a general election and by the same officers, except that the ballot used shall be such as the City Council may prescribe and shall intelligently state the question or questions voted upon, and have suitable places thereon to mark a vote for or against each proposition submitted.

CHAPTER III.

DUTIES, POWERS AND SALARIES OF CERTAIN CITY OFFICIALS.

SECTION 1. Every person elected or appointed to any office under this Charter shall, before he enters upon the duties of his office take and subscribe an oath of office, which shall be in form as follows:

STATE OF MINNESOTA,)
)ss.
 COUNTY OF BROWN.)

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

Dated at Sleepy Eye, Minnesota, this.....day ofA. D. 19.....

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

And shall file the same duly certified by the officer administering the same, with the City Recorder.

The Treasurer, Recorder, and such officers as the City Council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the City of Sleepy Eye a bond for the faithful performance of their duties, with at least two sureties satisfactory to and to be approved by the City Council; and such bond shall contain such penal sum and such conditions as the Council may deem proper, and shall fix upon, and the City Council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to execute the same, provided, that said Council may in all cases require that such bond be executed by a surety company, to be designated by said City Council, and all such bonds shall be at once filed with the City Recorder, except that the bond of the City Recorder shall be filed with the City Treasurer.

SEC. 2. The Mayor shall take care that the laws of the State and the ordinances of the City are duly observed and enforced within said City and that all other executive officers of the City discharge their respective duties. He shall preside at all meetings of the City Council and from time to time give the City Council such information and recommend such measures as he may deem advantageous to the City. The Mayor shall be the Chief Executive Officer and head of the police of the City, and shall appoint a Chief of Police and not more than Three (3) other policemen, by and with the consent of the City Council, provided, however, the City Council upon the recommendation of the Mayor may by majority of the votes thereof increase the number of policemen of said City to be so appointed by the Mayor to a number not exceeding Five (5), and provided further that it shall be the duty of the Mayor and Chief of Police to assign the policemen of said City to day or night service as to them shall seem best. The Mayor may, in case of large public gatherings, or other unusual occasions requiring additional police force, appoint such number of temporary police officers, at a compensation not exceeding two dollars (\$2.00) per day each, as he may deem necessary, but such temporary appointments shall not continue in force for more than one (1) week without the consent of the City Council.

The Mayor may likewise, at the request of persons, firms, corporations, societies or organizations requiring special police protection, appoint special policemen, who shall serve without pay or expense to the City and possess police powers to preserve the peace, protect property, and make arrests for crime, at such place and within such limits as may be designated by the Mayor; but such special policemen shall not exercise any official authority nor wear any badge of office outside of the limits so designated, except that in the event of an arrest made by him he may wear such badge while taking the person so arrested to the police station.

All ordinances and resolutions of the City Council shall, before they take effect, be presented to the Mayor, and if he approves thereof he shall sign the same, and such as he shall not approve he shall return to the City Council unsigned, with his objection thereto, by depositing the same with the recorder to be presented to the City Council at its next regular meeting thereafter; and upon the return of any ordinance or resolution by the Mayor unsigned, said ordinance or resolution shall be reconsidered, and if the City Council shall pass the same by a vote of at least Four (4) members of said City Council it shall have the same effect as if approved by the Mayor. And in such case the vote shall be by ayes and nays which shall be entered in the records. If any ordinance or resolution shall not be returned by the Mayor within Five (5) days (Sundays excepted), exclusive of the first day after it shall have been presented to him, the same shall have the same effect as if approved by him, provided, however, that in all cases where the action of the City Council requires a four-fifths vote, or a greater vote, the veto of the Mayor shall be effectual unless overruled by the unanimous vote of all the members of the City Council.

SEC. 3. All contracts not otherwise provided for, and all appropriations shall, before they take effect, be presented to the Mayor, and if he approves thereof, he shall sign the same, and such as he shall not approve he shall return to the City Council unsigned with his objection thereto, and the same proceeding shall be had in relation thereto as is provided in Section Two (2) of this Chapter in relation to ordinances and resolutions. The City Council shall have authority to revoke and cancel for cause any liquor license granted by the City

Council, or other authority, but no liquor license shall be revoked except upon proof satisfactory to the City Council that the licensee has violated any of the laws of this State regulating the selling of intoxicating liquors, or any ordinance of said city regulating the selling thereof, or any of the conditions of the bond required to be given by such licensee, nor unless the licensee is furnished with a written statement of the charges against him, nor unless he shall have a reasonable opportunity to be heard in his own defense, and the City Council shall fix the time and place for the trial of such licensee, and shall give said licensee not less than five (5) days notice in writing, specifying the charges which at such hearing will be preferred against said licensee and specifying the time and place when and where such charges shall be heard, and the City Council shall have the power to compel the attendance of witnesses, and the production of books and papers, and to hear and determine the case, and if said licensee shall neglect or refuse to appear and answer to the charges so preferred against him his license may by the City Council be revoked. The Mayor or any Alderman may file with the City Recorder charges in writing against any saloonkeeper and thereupon it shall be the duty of the City Council to at once fix a time and place for the hearing of such charges and to notify the person so accused and to proceed as above provided, provided, however, that the City Council of said City may reinstate said license as provided by the General Laws of the State of Minnesota.

At the first meeting of the City Council, which shall be held on the second Tuesday in April, after their election, they shall organize by electing by ballot, one of their members as President, whose term of office shall be one year, and until his successor is elected and qualified. It shall be the duty of the President to preside at all meetings of the City Council in the absence of the Mayor, and to enforce such parliamentary rules and usages as the City Council may adopt. In the absence of the Mayor from said City, or his inability from any cause to discharge the duties of his office, the President of the City Council shall exercise all the power and discharge all the duties of the Mayor. In the absence of the Mayor and President from any meeting of the City Council, or the inability of both of them to act,

the members thereof may select one of their number present to preside at such meeting, and the acts of such member so presiding shall have the same force and effect as the acts of the Mayor at all times during the inability of the Mayor and President to act.

CITY RECORDER.

Sec. 4. There shall be a Recorder of the City, styled the City Recorder, who shall keep his office at the place of the meeting of the City Council, or such other convenient place as the City Council may determine. He shall keep the corporate seal and all papers and records of the City, and keep a record of the proceedings of the City Council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts, from all records of the City Council, certified by him shall be evidence in all courts, the same as would be the originals thereof. He shall draw and sign all orders on the Treasurer in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in the books provided for that purpose. The City Recorder shall have power within the limits of said City to administer oaths and affirmations and take acknowledgements of all papers. It shall be the duty of the City Recorder to report to the City Council the financial condition of the City whenever the City Council shall require.

He shall keep a list of outstanding City bonds of said City, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, together with payments of interest and principal made thereon, and shall recommend such action to the City Council as will secure the punctual payment of the principal and interest of such bond.

He shall countersign all contracts made in behalf of the city when not otherwise provided in this charter. He shall keep regular books of account in which he shall enter all the indebtedness of the City, and which books shall at all times show the precise financial condition of the City, including the amount of bonds, orders, certificates, or other evidences of indebtedness which have been redeemed and the amount of the same outstanding. He shall countersign all bonds, or other evidences

of indebtedness of the city and keep accurate account thereof stating to whom and for what purpose issued and the amount thereof.

He shall keep accounts with all disbursing and receiving officers of said City, showing the amount they have received from different sources of revenue, and the amount they have disbursed under the direction of the City Council.

If, before the First day of July in each year, the amount expended or the amount 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 sign any contract chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expense of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable.

He shall examine the reports, books, papers, vouchers, and accounts of the 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 audited and adjusted by the Recorder; and it shall be the duty of the Recorder in auditing and adjusting claims and accounts against the City, to designate and specify in writing upon such claim, demand or account so audited and adjusted, the particular fund out of which the same shall be paid, and the same shall not be audited and adjusted by him or reported to the City Council for allowance until there shall be sufficient funds to the credit of the particular fund out of which the same is payable to pay the same as well as all other claims before that time audited and allowed against such fund. And the said City Recorder and the sureties on his official bond shall be liable to the City of Sleepy Eye for the amount of any warrant or other claims paid by said City, which shall not be a just or legal claim against the City of Sleepy Eye, and which shall have been negligently or corruptly, or contrary to the provisions of this Charter approved, audited or adjusted by said City Recorder. He shall keep a record of all his acts and doings, and keep a

book in which he shall enter all City contracts with an index thereto, and such records shall be open to the inspection of all parties interested. He shall at the end of each fiscal year and prior to March Tenth following make a full and complete report of the financial condition of the City for said year, which shall be kept on file in his office.

The City Recorder shall perform within said City all other services of a general nature by law required of Recorders and Clerks of cities and townships, but when such services are required of him, for which services compensation is provided to be made from the State or the County treasury, or the persons requiring such service, such services shall not be regarded as services rendered for said City, and he may retain such compensation in addition to his regular salary, and shall keep an accurate account of fees so received and report the amount of the same to the City Council at the close of his official year.

In addition to all other duties herein enumerated to be by the City Recorder performed, he shall at the first regular meeting of the City Council in March in each year, make an itemized report to the City Council of all the funds received by the City during the preceding year, from fees, fines, or costs taxed and collected in the Municipal Court, which report shall contain a statement of the title of each action, civil or criminal, the amount collected in each case, by whom paid, and the amount paid into the City treasury in each case. He shall also at the same time make a report of the amount received from dog licenses, giving the amount paid for each license, by whom and when paid, and the amount thereof paid into the City treasury. He shall also at the same time report to the City Council the amounts received for licenses granted to auctioneers, to circuses, to peddlers, and all other amounts received from any source whatsoever, all of which report shall be itemized, and after having been presented and approved by the City Council shall be once published in the official paper of the City, if the City Council shall so order, or they may cause to be published a synopsis of the same instead.

DEPUTY RECORDER.

SEC. 5. The City Recorder is hereby authorized to appoint a deputy recorder with the approval of the City Council, who shall have authority in the absence of the Recorder to transact all business that the City

Recorder is authorized to transact, and he may administer oaths and take acknowledgements, and affix the corporate seal to all papers and documents which under the law shall require said seal, and all acts of such deputy shall have the same validity as those of the recorder, but such Deputy Recorder shall receive no compensation for his services from the City, provided, however, that the City recorder and his bondsmen shall be responsible to the parties interested for all the acts and doings of said Deputy Recorder when acting in the place and instead of the City Recorder.

CITY ATTORNEY.

Sec. 6. There shall be a City Attorney of said City who shall be appointed by the Mayor by and with the consent of the City Council, and who shall be learned in the law, and shall be a duly licensed and practicing attorney in the State of Minnesota and shall reside in the City of Sleepy Eye and shall hold his office for One (1) year, and until his successor is duly elected and qualified. The City Attorney shall be the legal advisor of the City and of all the boards and departments thereof and shall perform all services incident to that office.

He shall appear in and conduct all civil suits, prosecutions and proceedings in which the City or any board or department thereof shall be directly or indirectly interested, and when necessary take charge of and conduct all prosecutions of the violation of all ordinances or resolutions of the City, or any board or department thereof, and for the violation of the City Charter by any officer, council, board, or department thereof, or any other person or corporation. The City Attorney shall, when so requested, furnish a written opinion upon any subject submitted to him by the City Council or by any committee thereof, or by the Mayor, any board or head of a department of the City, in respect to their official duties or the municipal affairs of said City. He shall attend all meetings of the City Council and shall advise the City Council as to the legality of all ordinances, resolutions, motions, proceedings, and appropriations, and all other acts whatsoever under consideration by said City Council, and shall especially so advise the City Council if in his opinion any such matter is in violation of law. Neither the City Council, nor any board or department or officer of said City shall have or employ any other

attorney in connection with their official duties, or make any contract for payment for legal services out of the public funds, provided that the City Council may in case of great importance authorize the employment of such additional counsel as the City Attorney may recommend, and at such compensation as the City Council may determine.

CITY TREASURER.

Sec. 7. The City Treasurer shall receive all monies belonging to the City, including license money and fines, and keep accurate and detailed account thereof in such manner as the City Council shall from time to time direct. The Treasurer shall present to the City Council, monthly, and at the end of each fiscal year, and at least twenty days before each annual election, or sooner if required, a full detailed account of his receipts and expenditures, and the state of the treasury, which shall be filed with the City Recorder. He shall make such other and further reports to the City Council at such time and manner as they may require. Said Treasurer may appoint a deputy who may perform any or all of the duties required of his principal, but shall receive from said City no compensation for his services, provided, however, that the treasurer and his bondsmen shall be responsible for the acts and doings of said Deputy Treasurer. Said City Treasurer shall perform such other acts and duties as are required of him by other provisions of this Charter.

CHIEF OF POLICE.

Sec. 8. 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, who shall execute and enforce the laws, ordinances and resolutions and regulations of said City and who shall perform such other duties as shall be prescribed by the City Council for the preservation of the public peace.

All regular police officers of said City shall possess the power of constables at common law, and by the laws of this State; they shall have power and authority to pursue and arrest any person fleeing from justice in any part of the State of Minnesota, and may serve any summons, writ or process, civil or criminal, issued by the Judge or Clerk of the Municipal Court. Each police officer before he enters upon the

duties of his office, shall take and subscribe to the oath of office prescribed by law for constables, and shall execute a bond to the City of Sleepy Eye in such penal sum as the City Council shall direct, with one or more sureties to be approved by the Mayor conditioned for the faithful performance of his duties as such police officer, and further conditioned to pay over to the party entitled thereto any money that shall come into his hands by virtue of his office, and to pay all fees collected or received by him to the City Treasurer, which bond shall be filed with the City Recorder.

ASSESSOR.

SEC. 9. There shall be a City Assessor of said City, who shall be appointed by the Mayor by and with the consent of the City Council, and who shall perform all the duties in relation to the assessing of property within said City prescribed by the General Laws of the State for the government and duties of assessors.

The Assessor shall hold his office for One (1) year, and until his successor is elected and qualified. The Assessor may appoint a Deputy Assessor to aid in making the assessments, who shall act under the direction of the Assessor, and shall report to him all his doings as such deputy and be responsible to such Assessor for all his acts, but shall receive no compensation from the City for such services.

BOARD OF REVIEW.

SEC. 10. The City Council of said City shall constitute a Board of Review. The same notice of such meeting of such board shall be given by the Recorder, and the Board of Review shall be governed by the same rules and regulations in the performance of their duties as is or shall be prescribed in the General Statutes and Laws of this State for town boards of review.

STREET COMMISSIONER.

SEC. 11. There shall be a Street Commissioner of said City, who shall be appointed by the Mayor, by and with the consent of the City Council, and who shall, under the direction of the City Council, superintend all works and improvements on the streets, bridges, and public grounds of said City, and carry into effect all orders and ordinances of the City Council in relation to work or improvements on the streets,

roads, sidewalks, alleys, bridges, and public grounds, and it shall be his duty to see that the same, when graded and open for travel, are kept clear from obstruction and in such repair as to be safe and passable, and that all trees along or over sidewalks shall be trimmed, and awnings kept so as not to obstruct or interfere with public travel thereon, and shall perform such other services as are required of him by the City Council or the ordinances of said City, and receive and receipt to his predecessor for, and account to his successor for all property of the City received by him or under his control belonging to the City. But no improvement exceeding an estimated cost of \$25.00 shall be made, except by direction of the City Council.

The Street Commissioner shall not be interested in any contract for work done upon the streets, nor be allowed compensation for any use of teams owned by him, or in which he has any interest. The Street Commissioner shall, at each regular meeting of the City Council, make and file with the City Recorder, a detailed written report, showing the amount and character of the work done by his department since the date of his last report, and showing by whom said work was done, and the sum due to each person therefor, which said report shall be by the City Recorder presented to the Council at said meeting, but until such report is filed as above provided, no salary shall be allowed or paid to said Street Commissioner.

CITY JUSTICES.

SEC. 12. The City Justices shall possess all the authority, power, rights, and perform all the duties, and receive like compensation as Justices of the peace of this State under the general laws, and shall have concurrent jurisdiction with the Justice of the Peace of the County of Brown, and shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trial for offences committed within the City, which are cognizable before a Justice of the Peace, for violation of any of the provisions of this Charter, and any ordinances, rules, or regulations made or adopted by virtue thereof, and in all cases of offences committed against the same, and all cases in which the City is a party until a Municipal Court shall be established for said City, except as hereinafter otherwise provided, and such other and further jurisdiction as is

conferred by Section 1074, General Statutes of 1894, and the amendments thereof.

In all actions, prosecutions and proceedings of every kind before either of the City Justices, such City Justice shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such ordinances in said Court.

The said City Justices shall, every month and as often as the City Council may prescribe, make and file with the City Clerk written reports of all proceedings instituted before them in which the city is interested, and make report of all criminal cases instituted before them, with their title, date of trial and character of offence, and sentence and amount of fine, and also account to and pay over to the City Treasurer all fines and penalties collected by them, belonging to the city, within twenty-four hours after collected, and file the Treasurer's receipts with their reports; and said Justices shall be entitled to receive from the County of Brown such fees in criminal cases as are allowed by statute to Justices of the peace for similar services.

CITY PRINTING.

SEC. 13. On the Third Tuesday of April in each year, and on or before Three o'clock in the afternoon, the City Recorder shall receive bids for the City publishing during the year beginning on June First following, such publishing to be in a newspaper printed and published in the City of Sleepy Eye in the English language, qualified under the Laws of the State to publish legal advertisements, and to be specified in the bid; such bids shall be opened by the City Council before June first following, and said City Council shall accept the lowest responsible bid or may reject any and all bids, and designate such bidder as City Printer, and designate the said newspaper specified therein as aforesaid as the newspaper in which shall be made for said year all said publications, and for said year said bidder shall be such City Printer, and said newspaper shall be the official newspaper of said City, and until his and its successor shall be designated, provided, however, that the City Council shall require the person so designated as City Printer to make, execute, and file with the City Recorder of said City, a good and sufficient bond, with two or more sureties, and in such amount as may by the City

Council be required, conditioned that he will in all respects perform and carry out the duties of such City Printer as herein and as by law provided. Provided that if each and all of said bids fix a price exceeding Forty (40) cents per legal folio for first insertion and twenty-five (25) cents per legal folio for each subsequent insertion, the City Council may reject all such bids and adopt such other method of City publishing, and designating such official newspaper as it may in its discretion determine. The printer, publisher, or foreman of said newspaper, immediately after the publication of any notice, ordinance, or resolution, or other instrument which by this act is required to be published, shall file with the City Recorder of said City a copy of such publication, with his affidavit setting forth the period of time and dates of publication thereof, and such affidavit shall be prima facie evidence of the publication of such notice, ordinance or resolution or other instrument, and no account for the publication of such notice, ordinance, resolution, or other instrument shall be allowed or adjusted by the City Recorder, until such proof of publication has been so made and filed.

DUTIES OF OFFICERS TO TURN OVER PROPERTY.

SEC. 14. If any person having been an officer of said City shall not, within one week, after notification and request, deliver to his successor in office all the property, books, papers, and effects of every description in his possession belonging to said City, or pertaining to the office he may have held, he shall forfeit and pay for the use of said City One Thousand Dollars (\$1,000), beside the damages caused by his neglect or refusal so to deliver, and said successor may secure possession of such books, papers and affects in the manner prescribed by the Laws of this State.

FURTHER DUTIES OF OFFICERS.

SEC. 15. The City Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act. But no officer elected or appointed by the Mayor, as herein provided, shall be appointed for a longer term than One (1) year and until his successor is elected or appointed and qualified.

PEACE OFFICERS.

SEC. 16. The Mayor of said City, and each Alderman thereof, Judge of the Municipal Court and Police Officers, shall be Peace officers, and may command the peace, suppress in a summary manner, all rioting and disorderly behavior within the limits of said City; and for such purpose may command the assistance of bystanders therein, and any and all of the citizens of the said City, and if any bystander therein or citizen thereof shall refuse so to aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine not exceeding fifty dollars (\$50.00) in case of conviction of such offense, and in default of such payment he shall be committed to the County Jail of Brown County not exceeding Thirty (30) days.

HEALTH OFFICERS.

SEC. 17. The Mayor shall by and with the consent of the City Council appoint a Health Officer, who shall be a physician in regular practice in said City, in good standing in his profession, and a graduate of a college of medicine. It shall be the duty of the Health Officer to make a regular inspection of the City as to the matters affecting the health of the citizens. He shall make report to the City Council and to the State Board of Health of such facts as may be required by said City Council or by the State Board of Health.

He shall be the ex-officio president and executive officer of the Board of Health, established by the City, and perform all duties required of him by any ordinance or resolution of said City.

HEALTH INSPECTION.

SEC. 18. The Mayor shall by and with the consent of the City Council appoint three Health Inspectors for said City, who shall have the same authority as Police Officers in enforcing the ordinances of the City designed to protect the public health, and they, together with the Health Officer shall constitute the Board of Health of said City.

OFFICERS NOT TO BE INTERESTED IN CONTRACTS.

SEC. 19. No Alderman or other officer of said City of Sleepy Eye, while holding his office shall directly or indirectly be a party to or concerned in any contract or job with said City or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing supplies, fuel or other articles purchased for

the public use, and any contract or transaction prohibited as aforesaid shall be void and all the monies which may be paid thereon by said City may be recovered back, and the office of any officer offending shall thereby become vacant upon conviction thereof.

CONFERENCE COMMITTEE.

SEC. 20. The Mayor shall require the President of the City, Council, the City Attorney, City Recorder, City Treasurer, the presidents of the various boards of the City, the heads of all the departments of the City, and such other officers of the City as he may designate to meet as often as once in three months, at least, at such time and place as he shall designate, as a Conference Committee of the City, to consult and advise together, relative to the care, supervision, and economical management of the affairs and expenses of the City and of each board, department or office thereof. Such Conference Committee shall require at such meetings from each department, board or officer of the City detailed reports in reference to the receipts, expenditures and management of each department, board or office of the city, together with its indebtedness and estimated income and expenditures during the current fiscal year, and such reports as it may deem necessary for its information.

It shall be the duty of such Conference Committee to recommend to each board, department, or officer of the City such changes in the conduct of its business and affairs as it may deem necessary for the best interest of the City, and also to make to the City Council before the levy of taxes in each year such recommendations as it may deem proper.

The Mayor shall be a member of said Conference committee, and shall preside at all its meetings, and the City Recorder shall act as its Secretary and keep a record of its proceedings.

SPECIAL EXAMINER.

SEC. 21. The Mayor may at least once each year, and oftener if he deems necessary, appoint a competent disinterested person who shall forthwith, without notice, examine the affairs and accounts of any or all of the boards, departments or officers of the City, and thereupon make full report of such examination to the Mayor, and he shall be entitled to a reasonable compensation from the City for his services, and for his expenses incurred in said examinations.

SALARY OF CITY OFFICERS.

SEC. 22. Each Alderman of the City shall receive for his services not to exceed One Dollar (\$1.00) for each meeting of the City Council that he shall attend, but no alderman shall receive more than Twenty-five Dollars (\$25.00) for said service in any one year, except as herein otherwise provided.

The Mayor of said City shall receive a salary of not to exceed Twenty-five Dollars, (\$25.00) per annum, to be fixed by the City Council.

The City Recorder for all his services as City Recorder shall receive a salary of not to exceed Two Hundred Fifty Dollars (\$250.00) per annum to be fixed by the City Council.

The City Attorney shall receive a salary of not to exceed Two Hundred Dollars (\$200.00) per annum, to be fixed by the City Council.

The City Treasurer shall receive a salary of not to exceed One Hundred and Fifty Dollars (\$150.00) per year, to be fixed by the City Council, and shall account to and pay over to the City all interest and income from any and all city funds, earned by such funds.

The City Assessor shall receive a salary of not to exceed One Hundred (\$100.00) Dollars per annum, to be fixed by the City Council.

The Street Commissioner shall receive a salary of not exceeding Six Hundred Dollars, (\$600.00) per annum, to be fixed by the City Council.

The Chief of Police shall receive a salary of not to exceed Fifty Dollars (\$50.00) per month, and all regular policemen of said City shall receive a salary of not to exceed Forty Dollars (\$40.00) per month, to be fixed by the City Council.

Each Alderman when acting as a member of the Board of Review of said City shall receive a salary of Two Dollars (\$2.00) per day and no more, for a period not exceeding twelve (12) days.

The City Council shall have power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution.

Unless otherwise provided for in this act, salaries shall be fixed by the City Council at the second regular meeting in April, after each annual election; for such officers as may hereafter be created the compensation shall be fixed at the time of the creation of such office and thereafter as provided by this chapter.

SEC. 23. All orders drawn upon the City Treasurer shall be signed by the City Recorder and countersigned by the Mayor, or in his absence by the president of the City Council. And the City Treasurer shall not pay any order unless so signed and countersigned.

CHAPTER IV.

COUNCIL POWERS AND DUTIES.

QUORUM—STYLE OF ORDINANCES.

SECTION 1. The Aldermen from the different Wards and from the City at large shall constitute the City Council of the City of Sleepy Eye, and a majority thereof shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

The style of all ordinances shall be: "The City Council of the City of Sleepy Eye do ordain." No ordinance shall be passed or other action taken unless voted for by a majority of all the members elected, and the vote entered upon the minutes.

MEETINGS.

SEC. 2. The City Council shall hold regular or special meetings at times and places as they, by resolution, may direct. The first regular meeting after the annual election shall be held on the first Tuesday after the annual election, in each year. The Mayor, or at his refusal, any Four (4) members of the City Council, may call special meetings by notice to each of the members, to be delivered personally, or left at their usual place of abode.

JUDGE OF MEMBERS—RULES.

SEC. 3. The Council shall determine the rule of its own proceedings, punish its members for disorderly conduct, and with the concurrence of four-fifths of all the councilors elected, expel a member after due notice given and an opportunity extended to the accused, to be heard by counsel, or otherwise, shall have power to compel the attendance of absent members, and may provide for the punishment of such absent members. Continued absence from the meetings of the City Council without excuse, by any of its members for six (6) regular consecutive meetings, shall be deemed good cause for removal.

RECORD OF PROCEEDINGS.

SEC. 4. The City Council shall keep a record of its proceedings, and the "ayes" and "noes" of each member present, shall be entered on the minutes; upon the passage of any ordinance or resolution or the appropriation of money for any purpose.

CONTROL OF FINANCES AND PROPERTY--POWER TO ENACT ORDINANCES.

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

First. To regulate and license exhibitions of common show-men and shows of all kinds, circuses, the exhibition of caravans, concerts and theatrical performances, also to license and regulate auctioneers, hawkers, peddlers, public halls and other buildings and enclosures used for places of public resort and amusement, billiard tables, pool or pigeon hole tables, nine or ten pin alleys, bowling tables, bowling saloons, taverns and saloons, and all persons vending, dealing in and disposing of spiritous, vinous, malt or fermented liquors, and provide such restrictions and prohibitions therefor as to the Council seem proper. Provided, that all

licenses for dealing in spiritous, vinous, malt or fermented liquors, shall terminate on the third (3) Tuesday in April of each year, and shall be at least Five Hundred (\$500) Dollars and as much higher as the City Council shall direct, and the City Council shall have exclusive right to so license any person or persons; and provided further that the City Council may grant licenses to druggists and apothecaries to sell spiritous liquors within said City for Medical, Chemical and Mechanical purposes only, for such sum as they may deem just and proper without regard to saloon licenses.

And provided further that the City Council shall not issue any licenses for the sale of spiritous, vinous, malt or fermented liquors for any sum less than the sum fixed under the provisions of any general law of this State.

Second. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gambling in said City, and to authorize the seizure and destruction of all instruments or devices used for the purpose of gambling.

Third. To prevent rioting, noise, disturbance, disorderly assemblages in said City, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, tents, wagons and other places or structures used for immoral purposes, and to provide for the arrest and punishment of the keepers of the same and the inmates, proprietors, or lessors thereof.

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

Fifth. To locate, regulate, or prohibit the erection of slaughter-houses, and the slaughtering of animals within said City, to direct the location and management of slaughter-houses, and markets, breweries, distilleries, and to establish rates for and license vendors of gun powder, and regulate the storage, keeping and dealing in and conveying gun powder, or other explosives or combustible oil, substances or materials

within said City; and to cause and compel the keeping, storing and dealing in and conveyance of all combustible, explosive and dangerous substances or materials within said City in such a manner and in such a place or places as they may deem expedient and direct.

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

Seventh. To prevent and provide for the punishment of horse racing, immoderate riding or driving in the streets, and to regulate the use and speed of bicycles, automobiles and other vehicles; to compel persons to fasten their horses, or other animals attached to vehicles, or otherwise, while standing in the streets; and provide and regulate places for bathing and swimming in the waters within the city limits of said City. And to prohibit the standing of horses or other animals on the streets or alleys within the corporate limits of the City for more than two hours.

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

Ninth. To prevent the running at large of dogs, and may impose a tax or license on same, impose fines upon the owners or keepers and authorize the muzzling, destruction or killing of dogs when at large contrary to the ordinances, whether licensed or not.

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

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

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

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

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

Fifteenth. To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, or other public places within said City, (and all places to which the public are invited for the purposes of business or pleasure, or any other purposes, are in addition to all other public places, to be considered public places within the meaning of this act), and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth. To plant, direct, and regulate, the planting of shade or ornamental trees in the streets, alleys, highways, boulevards and public grounds of the city; and to provide for the payment of planting and caring for the same by taxing the abutting property, or from the general fund, and prohibit the removal, injury, or destruction of trees in the streets, alleys, highways and public grounds in the City, and provide for the trimming of trees along the sidewalk thereof, and provide for the punishment of any violation of the ordinances relating thereto.

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

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

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

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

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

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

Twenty-third. To establish, maintain and regulate public pounds for the detention of stray animals, to provide for a pound-master or

keeper, and prescribe his fee or compensation; to provide, construct and maintain public waterworks, wells, cisterns, and reservoirs, water mains and hydrants; to provide for and control the water supply for the inhabitants of said City and regulate water rates; to create, alter and extend districts of water, to construct, maintain and repair drains and sewers; to purchase, build, construct and maintain electric light, power or heating plant, gas works, and other works for the lighting of the City streets, alleys, public grounds and buildings, and for commercial and private lighting; to provide for the lighting of the city; to create, alter and extend lamp districts; to establish and regulate rates for commercial and private lighting and other public utilities; provided, however, that the City Council shall not purchase, build or construct any public water works, electric light plant, gas works, city hall, or other works or public improvements, the cost of which shall be Three Thousand Dollars (\$3,000.00) or more, without first submitting such proposition to the legal and qualified voters of said City for their approval or rejection, at a regular or special election called for that purpose. If a majority of the legal and qualified voters at such regular or special election favor the proposition the City Council shall then have the power and authority to build and make such improvements, but if a majority of the votes cast at such election shall be against the proposition they shall not have such power and authority.

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

Twenty-fifth. To compel the owner or occupant of buildings or grounds to remove snow, ice, dirt, or rubbish from the sidewalk opposite thereto, and in default, to authorize the removal thereof by the proper officers of the city at the expense of such owner or occupant. Also to compel the owners of low grounds where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such filling or draining and assess the cost against such property.

Twenty-sixth. To control and regulate the flowage of the waters of the lakes and streams within said City and the whole thereof; to regulate the height or stage of water and navigation therein and public use thereof; to improve, dredge, deepen and beautify the bed or shores of said lakes and streams; to prevent dumping of manure, rubbish, or other substances into said lakes and streams and to prevent the pollution of the waters.

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

Twenty-eighth. To restrain and regulate parties, processions, runners, porters, agents and solicitors for boats, vessels, stages, omnibuses, cars, public houses or other establishments.

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

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

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

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

Thirty-third. To regulate the opening of hatchways, cellar stair openings and walls, and width and location of same and compel proper guards about the same.

Thirty-fourth. To regulate the movement and speed of railroad locomotives, cars and street cars within said city, and to require the maintenance of flagmen, or the construction and maintenance of gates, or other devices, and the crossings of railroad tracks over such streets and highways as the City Council may deem safe and necessary. To prevent any railroad or street car company from unnecessarily obstructing the streets or crossings in said city at any time, and in no event exceeding five (5) minutes, and any conductor, engineer, or any other person in charge of any railroad train, locomotive, car or street car, who shall so obstruct any street or crossing in said city contrary to the provisions of any ordinance, shall be guilty of a misdemeanor, and on conviction be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars and costs and may be imprisoned until said fine and costs are paid, not exceeding Ninety (90) days, in the discretion of the Court.

Thirty-fifth. To compel railroad companies to grade the crossings of the streets, alleys, and highways in the city to the full width and length of their right of way in said streets, alleys, and highways where the railroads cross the same in said city, and to keep the same in repair and to build and maintain suitable walks across the right of way in said streets for the accommodation of the public, and to plank the entire width of the street or alley between all tracks or rails, not more than ten (10) feet apart, said planks to be laid level with the top of rails, and not further than two and one-half (2½) inches from the rails, and not more than one (1) inch between planks, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways, and to compel them to build and maintain overhead crossings or bridges across their right of way or yards in said city when and where the same shall be deemed necessary by the City Council of said city, and to require railroad companies to provide lights at crossings where their tracks cross the streets of said city.

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

Thirty-seventh. The City Council shall have the power to expend

monies on the roads and highways beyond the city limits, provided that money shall be expended on roads outside of the city limits only to aid townships in cases where the work to be done has been let by the township officers to the lowest bidder after due notice, and then not to exceed one-third (1-3) of the contract price, and only for work done within one mile of the city limits, and direct the street commissioner or such other person as they may designate when, where and in what particular manner to expend the same.

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

Thirty-ninth. To establish, lay out, construct, alter, open, widen, extend, grade, repair, pave, build bridges, and otherwise to improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also to prescribe the width, grade, material, construction and surface line of sidewalks, to prescribe different widths in different localities, and to prevent damages thereto, provided that when the city constructs any sidewalks, curb, or gutters, it shall be given by contract to the lowest responsible bidder, who shall give a good and sufficient bond for completion of said work, and for the durability of said walk, curb, or gutters. And to assess the cost and benefit of such improvements in whole or in part to the property benefited thereby or fronting thereon.

Fortieth. To establish and record with the City Recorder grades of streets, alleys, highways and walks, and to require buildings and other constructions to conform thereto, and to provide for the enclosing, improving, adorning, and regulating all public buildings and grounds belonging to the City.

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

Forty-second. To contract with any person, persons, or corporations,

for the lighting of such streets, parts of streets, public buildings and places as the City Council shall deem proper for the convenience and safety of the inhabitants of said city, and also providing the city with water.

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

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

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

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

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

Forty-eighth. To provide for and regulate the removal of buildings or other structures which shall have been damaged by fire or otherwise, or which by reason of dilapidation, defects in construction, or from other causes may have or shall become dangerous to life or property, or liable to cause accidents, to take the same or any part thereof down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by the officers designated by said City

Council then to cause the same to be done at the expense of the owner, the cost thereof to be raised by special assessment on the land upon which said building or structure stands.

Forty-ninth. To regulate, or prohibit, fishing or hunting within the waters and streams in the limits of said city, and within the police limits and jurisdiction thereof.

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

Fifty-first. To regulate or prohibit the location and use of steam boilers in size and construction as it may designate as being dangerous to life and property, or to prohibit the location of any such steam boiler except permission therefor is first granted by the City Council, specifying the location and prescribing the regulations for its use.

Fifty-second. To require the City Recorder to make a monthly report or statement of the receipts and disbursements or the financial condition of said city to the City Council, and to require such report or statement to be made and submitted before his salary for the preceding month be paid, and to withhold such Recorder's salary until such report or statement is made and submitted.

Fifty-third. To compel the owner or occupant of building or lot to remove from the lot or building such substances as the Board of Health shall direct, and in default to authorize the removal or destruction thereof by the proper officers of the city at the expense of such owner or occupant, and assess the cost against such property.

Fifty-fourth. To grant, revoke, regulate, license and tax franchises and privileges.

Fifty-fifth. Whenever any additions are laid out, the streets in said addition must have the same width as the street or streets adjoining said addition and not less than eighty (80) feet, and said addition shall join on to the plat or addition to which it joins, and a duplicate plat of the addition shall be filed and become a part of the records of the City Recorder.

Fifty-sixth. To pass ordinances for the prevention of cruelty to animals.

Fifty-seventh. To control, license, and regulate skating rinks.

Fifty-eighth. To make proper ordinances in regard to the inspection of cattle, hogs, and other animals to be slaughtered for food.

Fifty-ninth. To levy and collect a poll tax as provided by the General Statutes of this State.

PUNISHMENT.

SEC. 6. Fines, penalties and punishments imposed by the City Council for breach or violation of any ordinance, law or regulation of said city, may extend to a fine not exceeding One Hundred (\$100) Dollars and costs, or imprisonment not exceeding ninety days, or both, and offenders against the same may be required to give security for their good behavior and to keep the peace for a term not exceeding six (6) months, and in a sum not exceeding Five Hundred (\$500) Dollars.

OFFENDERS PUT TO LABOR.

SEC. 7. The City Council may also provide by ordinance that any one convicted of an offense before a City Justice or Judge subjecting such offenders to imprisonment under the charter and ordinances of said city may be kept at hard labor in any work house established or designated for that purpose, or in case of a male offender, may be kept at hard labor during the term of imprisonment in such work house or upon the streets, highways, or public works, or improvements of said city, or both, and may also provide by ordinance that any one convicted of an offense before a City Justice or Judge, and committed upon non-payment of the fine imposed may be kept at hard labor in any work house in said city, and in case of a male offender may be kept at hard labor either in such work house or upon the public streets, highways, public works or improvements, or upon any pile of rocks or stone owned by said city and crushing or breaking the same until such person shall work out the amount of such fine at such rate of compensation as the said Judge or the said Justice or the City Council may prescribe for a time not exceeding said commitment, and the City Council shall have the power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and secure proper discipline.

ABATEMENT OF NUISANCES BY SUIT ALLOWED.

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

REVOCATIONS OF LICENSES.

SEC. 9. The Mayor shall have power at any time to revoke and cancel for cause any license granted under this charter or by the authority of any ordinance except liquor licenses, which are governed by Section Three of Chapter Three of this Charter by serving written notice upon the person holding the same that such license is revoked and cancelled, and the same shall hereafter be null and void, and if such license be revoked by the Mayor he shall notify the City Council at its next meeting thereafter of the cause of revoking and cancelling such license. The City Council may reinstate such license revoked and cancelled by the Mayor by four-fifths (4-5) vote of the whole City Council, the ayes and noes being taken and recorded in the minutes, and thereafter the same shall be valid, and in full force until revoked and cancelled again, provided that this Charter shall be deemed a part of each and every license which may hereafter be issued, and each such license shall have written or printed therein the words "revokable for cause without notice as provided by Charter" and provided further that when any such license is revoked the city shall repay to the licensee the unearned part of the license fee. No provision of this section shall in any way apply to or affect liquor licenses.

ORDINANCES—PASSAGE AND PUBLICATION.

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

RECORDING OF ORDINANCES.

SEC. 11. All ordinances and resolutions after the same are approved, shall be recorded by the City Recorder, in a separate book provided for that purpose, and the record of such ordinance and affidavit of

publication or a certified copy thereof shall at all times be deemed and taken as sufficient evidence of such publication; and all ordinances passed by the said City Council and approved by the Mayor may be proven in like manner and the record thereof, and of the affidavit of publication or a certified copy shall be sufficient evidence of the publication of the same.

AUTHENTICATION OF ORDINANCES.

SEC. 12. That all books and pamphlets published, or which may be published purporting on their title page to be published by the authority, order or direction of the City Council, and purporting to contain the Charter and ordinances of said city, rules, orders, regulations, or resolutions, of said City Council, or either, are hereby declared to be competent and prima facie evidence of the contents thereof, and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this State without further proof; and the certificate of the City Recorder that any printed slip or paper to which such certificate may be attached contains, or is a true copy of any ordinance, resolution, proceeding of the City Council, or other paper, the original of which is presumably in the possession of said City Recorder, shall constitute such printed slip of paper competent and prima facie evidence of the contents and purport of such ordinance, resolution, or proceeding of the City Council or other paper, and of the legal passage, adoption, approval, and publication thereof.

TEMPORARY LOANS.

SEC. 13. The City Council, may, during any fiscal year, by vote of four-fifths of all the members elected, the ayes and noes being taken and entered upon the minutes, issue the bonds or other evidence of indebtedness of said city, bearing interest at a rate not exceeding six per cent (6 per cent.) per annum, and for a time not exceeding One (1) year, in such amount and under such regulations as the City Council may prescribe in anticipation of the taxes and revenues of such year, provided, that the amount of such bonds, or other evidence of indebtedness shall not at any time exceed one-third of such taxes and revenues, except that for the first two years under this Charter such bonds or other evidences of indebtedness may be issued to the extent of one-half ($\frac{1}{2}$) of such taxes

and revenues to provide for the present floating indebtedness, and provided further that the proceeds of such bonds, or other evidence of indebtedness shall be applied to the same purpose as the taxes and revenues in anticipation whereof they may have been issued. Provided, further, that when the taxes are collected a sufficient amount shall be set aside and used to pay the temporary loans and interest thereon.

PROPERTY—HOW ACQUIRED OR SOLD.

SEC. 14. The City Council shall have power to acquire by purchase, lease, donation, grant or condemnation such private property as may be necessary for the sites for public buildings, streets, or grounds for the use of the city, or any public improvements authorized by this Charter, and all other necessary purposes thereof in manner as herein provided, and as provided by law; provided, however, if the price or value of the property so to be acquired or purchased shall exceed the sum of Three Thousand (\$3,000) Dollars, the same shall not be acquired by purchase, lease, condemnation, unless the question is first submitted to a vote of the people at a general or special election, nor unless a majority of the qualified electors voting thereon vote in favor thereof, and the City Council may, by unanimous vote of all the members thereof, sell, convey, and dispose of such real estate as the city may own, and which is not needed for municipal purposes.

ACCOUNTS OF CITY OFFICERS.

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

PLATS.

SEC. 16. Whenever any person or persons shall lay out any addition to the city, or subdivide any lot, piece or parcel of land within said city, or tract of land heretofore platted, he shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of this State relating to town or city plats, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council; said City Council may accept or reject said plat or direct it to be changed or modified in such manner as it may deem expedient. When any plat is accepted by the City Council and 55 of Sec. 5, of Powers have been complied with the City Recorder and Mayor shall certify upon the face of such plat, and affix the corporate seal when it may be recorded in the same manner and with the same effect as provided for by general law.

BOARD OF REVIEW.

SEC. 17. The City Council shall meet on the Fourth Monday of June at the Council rooms in said city for the purpose of reviewing the assessment of property in said city and they shall immediately proceed to examine, ascertain, and see that all taxable property in said city has been properly placed upon the list and duly valued by the assessor. And in case any property, real or personal, including franchises and other public privileges and utilities, shall have been omitted by inadvertence or otherwise, it shall be the duty of said Board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property, and each article, parcel or class of personal property shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall have been duly notified of the intent of the Board so to do.

On the application of any person considering himself aggrieved, they shall review the assessment and correct the same as shall appear to them just.

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

The assessor shall be present at all meetings of said Board and act

as clerk thereof and present to them all facts required of him relating to the assessment. A majority of said Board shall constitute a quorum authorized to transact business and they may adjourn from day to day until they shall finish the hearing of all cases presented.

RESOLUTIONS.

SEC. 18. If, in any case, any of the powers granted to the City Council to be exercised by ordinance named in Section 5 of this Chapter, or other provisions of this act, cannot be well exercised by the passage of ordinances, then, and in that case, the said City Council may exercise any of said powers by means of the passage of resolutions.

CHAPTER V.

TAXES AND FINANCES.

FISCAL YEAR.

SECTION 1. The fiscal year of the City of Sleepy Eye shall end on the first day of March in each year.

PROPERTY SUBJECT TO TAXATION.

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

WHEN AND HOW LEVIED.

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

ESTIMATES TO BE FURNISHED.

SEC. 4. On or before the first Monday in July, in each year, the several heads of departments, officers, boards, committees of the City Council, and commissions, shall furnish to the City Council an estimate in writing of the amount of expenditures specifying in detail the object thereof, required in their special departments, offices, boards, committees, and commissions during the year.

ESTIMATES FOR TAX LEVY.

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

FISCAL BUDGET.

SEC. 6. The City Council shall, between the tenth day of August and the first day of September, in each year, and by the majority vote of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board, committee or commission, as the Council may determine, and shall be recorded upon the minutes at length.

SAME TO BE SUBMITTED TO MAYOR.

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

LIMIT OF TAX LEVY.

SEC. 8. The City Council shall annually levy taxes as herein before provided, not to exceed twelve mills on the dollar of the taxable valuation

of the city for current expenses, parks, bonds, interest and sinking fund, and in addition thereto, not to exceed one and one-half ($1\frac{1}{2}$) mills upon the taxable valuation of the city for the library fund.

TRANSMISSION TO COUNTY AUDITOR—WHEN.

SEC. 9. The City Recorder shall transmit to the County Auditor of Brown County, on or before the first day of October, in each year, a statement of all taxes levied by the City Council, as by this Charter provided, and also all special assessments levied upon any of the lots or portions of the city, and such taxes shall be levied and collected and the payment thereof enforced, with and in like manner as State, County or other taxes are paid, and the payment thereof enforced, and the County Treasurer shall pay such collective taxes to the City Treasurer, at such times and in such manner as is directed by the General Statutes of this State.

FUNDS.

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

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

The street improvement fund, into which shall be paid such proportions of the general tax as shall have been determined by the City Council in compiling the budget, and all monies received by special assessments for street and sidewalk improvement. No monies shall be transferred into said fund from any other fund.

The Water Works and Lighting fund, into which shall be paid all monies received for water rent, and for light. No monies shall be taken from said fund except for purposes connected with the water works or lighting plant, and for the payment of interest and principal on the water and light bonds. Whenever a deficiency occurs in such fund money may be transferred from the general fund to the water works and lighting

fund. In case there are no bonds or outstanding indebtedness against said fund and any surplus over and above the amount necessary to operate said plants, then the surplus may be transferred to the general fund.

The city bond fund into which shall be paid all monies raised by taxation for the payment of the bonds of the city, and interest thereon, and from which such bonds and interest shall be paid.

The library fund, in which shall be kept all monies raised by taxation or otherwise, required for the support or benefit of the Free Public Library of the city, and which shall be subject to the order of the proper officers of said library for the payment of the expenses thereof.

The park fund, in which shall be kept all moneys raised by taxation or otherwise for the maintenance and improvements of the parks and park ways, and for the use of the park board, and which shall be subject to the order of the Park Board for Park purposes.

And such other special funds as may hereafter be established by any statute of the State or by city ordinance.

FUNDS TO BE KEPT SEPARATE.

SEC. 11. The said several funds mentioned in the last preceding section shall be kept separate and distinct, and the City Treasurer shall keep separate and distinct accounts of receipts therein and disbursements therefrom. Each of said funds shall be devoted only to the particular purpose or purposes for which it is created, and the City Treasurer is expressly prohibited from taking any disbursements from either of said funds, and from permitting the same to be to any extent depleted for any other than such particular purpose or purposes, any attempted appropriation by the City Council or any order to the contrary notwithstanding. The City Treasurer shall pay no order, or part of an order, drawn on either of said funds unless the fund so drawn upon contains money or security sufficient to cover the amount of such order, or such part thereof, and in case he shall make payment on any order drawn on either of said funds, any payment in excess of the balance existing to the credit of such fund at the time of such payment, the city shall not be liable or accountable to him for the excess so paid; but it shall be his duty, as soon as any one of said funds is exhausted to immediately inform the City Council of such fact. The City Treasurer shall not take or permit any transfer of any money from either of

said funds to another, except in cases mentioned and provided for in the preceding and succeeding sections.

MONIES NOT TO BE TRANSFERRED.

SEC. 12. The City Council shall make no appropriation from or shall the Mayor or the City Recorder sign any order upon any one of said funds in the city treasury for any purpose for which said fund cannot legally and appropriately be used, nor shall the City Council authorize or attempt to authorize, or the Mayor or the City Recorder, sign any order for any transfer of money, or its equivalent from any one of said funds to another; provided, however, that when necessary to preserve the credit of the city the City Council may, by a written resolution, duly adopted, direct a transfer of the requisite amount from the general fund to the city bond fund, and may, in like manner, direct a return of such amount to the general fund as soon as the same can be spared from the city bond fund without unduly depleting the same; but in every order drawn to effect the transfer so authorized by resolution of the City Council by virtue of the above proviso, such resolution and the date of its adoption shall be mentioned and referred to, and the City Recorder shall transmit to the City Treasurer with such order, a duly certified copy of such resolution. And except that money may be by the City Council transferred from the general fund to the water works and lighting fund, as provided in Section ten (10) hereof.

APPORTIONMENT OF FUNDS.

SEC. 13. Whenever the City Treasurer shall receive from the County Treasurer, or from any other source, officer or person, any money or its equivalent belonging to said city, he shall apportion and credit the same to the proper fund or funds, and shall, without delay, transmit to the City Recorder a duplicate of his receipt and the apportionment thereof.

SEPARATE ACCOUNTS OF ESTIMATES AND APPROPRIATIONS.

SEC. 14. It shall be the duty of the City Recorder to keep an accurate and separate account of the estimates made, and of the appropriations made from time to time for each department and purpose, in such form that he may be enabled thereby to inform the City Council at any time how much of the sum estimated for any department or purpose remains unexpended.

And the City Recorder shall keep, with the aid of duplicate receipts and statements of payments made on city bonds to be furnished to him by the City Treasurer general accounts of the receipts and disbursements from the general fund, the city bond fund, and all other funds in the city treasury, except the library and park fund, and other funds not subject to the control of the City Council, which account shall be in such form that comparison may readily be made between them and the accounts kept by the City Treasurer, and that the accounts kept by the City Recorder and the City Treasurer, respectively, may be easily checked by each other.

POWER OF COUNCIL TO BORROW MONEY.

SEC. 15. The City Council shall have power and authority to borrow money, issue bonds, and levy taxes for the purpose of carrying out any of the provisions of this Charter, exceeding the amount authorized by other sections hereof. Provided, that the same be authorized by a majority of the qualified voters, present and voting, at any general or special election held for that purpose, notice of which is given as at all other elections. Whenever it shall be desired to submit to a vote the question of issuing of any bond or bonds authorized by this section, the same may be done in such form and manner as the City Council, by resolution, may prescribe. No bond or bonds shall be issued by the City Council for any purpose unless so authorized.

BONDS—HOW ISSUED.

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

NO LIMITATION—WHEN.

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

ANNUAL STATEMENT OF RECEIPTS AND EXPENDITURES—PUBLICATION.

Sec. 18. The City Council, on the first day of March annually, shall make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what amount received, to whom paid, and on what account expended, together with an accurate statement of the finances of the city at the end of the fiscal year, including all debts and liabilities of every description, and the assets and the other means to discharge the same; and shall, within twenty days thereafter, cause the same to be published once in the official newspaper of the city. The City Council may direct the City Recorder to prepare statements for publication at such other times as it may deem necessary or proper.

SYSTEM OF ACCOUNTS.

Sec. 19. The City Council shall regulate and control the method and manner of keeping books and accounts of the city. Provided that the general system of keeping the accounts shall be that all monies due and payable to or to be received by said city shall be paid to and collected by the treasurer thereof, and the City Recorder shall not have authority to receive or collect any money for said city, but shall keep accounts of all money, income and dues received by or due to said city, including water and light, rents, fines and licenses, and all other incomes of said city, and all expenditures of said city as a check upon the treasurer and collecting and disbursing officers of said city. And to enable him so to do all the officers and heads of departments of said city, and such employes thereof as the City Council or other city officers may direct, shall at least once a month, report to the City Recorder all receipts and income from their office or department, and all unpaid or earned dues thereof, and all the disbursements thereof and any and all debts incurred or contracted by such office or department.

The municipal court of said city shall report to the City Recorder monthly all fines and forfeitures collected for the city, and pay the same over to the treasurer. The City Recorder shall, monthly, or at such times as the Council may direct, make out statements for water rent, light, and any

other fees or dues coming to the city, and place such statements in the hands of the treasurer for collection, and notify the persons against whom such charges are made, to pay the same to the treasurer as the Council may direct. Water rent and light charges may be collected monthly or otherwise, as the Council may direct. All licenses, privileges, permits, franchises, and documents for which a fee is charged shall be presented to the treasurer and the fee paid, and be marked "Paid" by the treasurer before they take effect.

CHAPTER VI.

FIRE DEPARTMENT.

POWER TO ESTABLISH FIRE LIMITS.

SECTION 1. The City Council, for the purpose of guarding against calamities by fire, shall have the power by ordinance, to prescribe the limits within which wooden buildings or buildings of other material, the material or construction of which shall be regarded as not fire proof, or as dangerous to surrounding property, shall not be erected, enlarged, placed or repaired, and to direct and prescribe that any and all buildings within such limits shall be built and constructed in such manner and of such materials as may be, by ordinance, prescribed. Any building hereafter erected, enlarged, rebuilt, placed or repaired, in violation of the provisions of any ordinance passed pursuant to this Charter, is hereby declared, and shall be deemed a common nuisance, and City Council, in addition to other penalties, may provide for the abatement of such nuisance.

POWER TO PREVENT FIRES.

Sec. 2. The said City Council shall have the power, by resolution duly passed and approved, to order any building, structure or materials therefor, erected or in the process of erection, of which the construction or materials shall be deemed dangerous to surrounding property, and any building, structure or material erected or repaired, or in the process of erection or repair, contrary to the provisions of any ordinance passed under the provisions of this Chapter, to be taken down or removed beyond the fire limits of said City. Upon the passage of such resolution, the City Council shall prescribe a notice to be given and served upon the owner, occupant or agent in charge thereof, or person erecting or

PENALTY FOR REFUSING TO OBEY ORDERS AT FIRE.

SEC. 6. Whenever any person shall refuse to obey any lawful order of any officer, fire warden, or councilor, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct any Constable, Police Officer, Watchman or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall, upon conviction before a City Justice, be punished by a fine of not exceeding Fifty (50) Dollars and costs of prosecution, or be imprisoned not exceeding sixty (60) days; provided, that the Officers of said City shall be exempt from the provisions of this section.

FIRE MARSHALS AND FIRE WARDENS.

SEC. 7. The City Council shall have power to appoint a Fire Marshal of said City and one Fire Warden of each ward to see that the ordinances of the City relating to precaution against dangers from fires are not violated, and who shall have power, and are hereby authorized, to enter any dwelling house between seven (7) o'clock in the morning and six (6) o'clock in the evening, and to examine all chimneys, stoves, furnaces, pipes and other parts of such buildings and see that the ordinances of the City respecting the same are enforced. The City Council may require the Fire Marshal to examine particularly into the cause of every fire which shall happen within the City, and make report thereof as the City Council may require.

PENALTIES.

SEC. 8. The City Council may, by ordinance, prescribe penalties for the violation of any of the provisions of this chapter, or of any ordinance made or enacted to carry out the provisions in this chapter, not exceeding One Hundred (\$100) dollars, or imprisonment for a period not exceeding ninety (90) days, which penalties may be imposed by any City Justice or Municipal Judge upon the complaint of any citizen.

CHAPTER VII.

FRANCHISES.

POWER TO GRANT.

SECTION 1. The City Council of said City shall have, and hereby is granted, subject to the provisions and limitations herein stated, the power to grant and provide for regulating and controlling the exercise of any person, company or corporation of any public franchise or privilege in any of the streets or public places in said City, whether said franchises or privileges have been granted by said City or by or under the State of Minnesota or any other authority, but no perpetual franchise or privilege shall ever be granted, nor shall any exclusive franchise or privilege be granted to any person, company or corporation at any time for any term whatever; provided, that every franchise or privilege granted under the provisions hereof, shall, where no term is expressed in such grant, expire within twenty-five (25) years; and provided further, that no franchise or privilege of any kind shall ever be granted for a longer term than twenty-five years; provided, however, that if an application for a longer term than twenty-five years is submitted to the council the question of granting such franchise or privilege shall be submitted to a vote of the people, and it shall thereupon become the duty of the City Recorder to call an election therefor in the manner provided for calling special elections, and the same shall be conducted in the manner of other special elections, provided for in this Charter; except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case of a majority of the legal voters voting thereon at a general or special election vote in favor of such application, the same shall be declared granted, and it shall thereupon become the duty of the Council to grant the same accordingly.

POWER NOT TO BE GRANTED AT FIRST MEETING.

SEC. 2. No public franchise or privilege shall be granted to any person, company or corporation at the first meeting at which the application for the same is made, nor until the same shall have laid over at least one regular meeting after the formal application of such franchise or privilege shall have been presented, nor unless such application is

granted by a vote of at least four-fifths of all the members of the Council, and in case the granting of such franchise or privilege is vetoed by the Mayor, in the exercise of the veto power vested in him, the same shall not be passed over such veto unless all the councilmen vote in favor of the same upon the vote to pass the same over such veto; provided, however, that in case any person, company or corporation shall make application for a franchise or privilege under the provisions of this act in competition with or in respect to any public utility then existing or for which a franchise or privilege has been granted to any other person, company or corporation, and is then in force, the same may be granted to such competing person, company or corporation by a majority vote of all the members of the Council; and provided further, that if such application shall fail to receive a majority vote, then and in that case such applicant shall, upon filing with the City Recorder an agreement to pay all costs of an election, and a bond in sufficient amount, with good and sufficient sureties, to be approved by said City Recorder, conditioned to pay all costs of such election as soon as the same are ascertained, be entitled to have the question of granting such franchise or privilege submitted to a vote of the people; and it shall be the duty of the City Recorder to call an election therefor in the manner provided for calling special elections, and the same shall be conducted in the manner of other special elections provided for in this Charter; except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case such question is submitted at a general election, then such applicant shall not be required to pay the expenses of such election.

LICENSE FEE.

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

Whenever in any one year the gross earnings of any such person, company or corporation, holding such franchise or privilege amounts

to twenty-five thousand (25,000) dollars, or less, one-half ($\frac{1}{2}$) of one (1) per cent on the entire gross earnings. Whenever in any one year such gross earnings amount to twenty-five thousand (25,000) dollars and do not exceed fifty thousand (50,000) dollars, one (1) per cent of the entire gross earnings. Whenever in any one year such gross earnings amount to fifty thousand (50,000) dollars, and do not exceed one hundred thousand (100,000) dollars, one and one-half ($1\frac{1}{2}$) per cent of the entire gross earnings; and

Whenever in any one year such gross earnings amount to one hundred thousand (100,000) dollars, or more, two (2) per cent on the entire gross earnings; provided, however, that if at any time such franchises and privileges are assessed and taxed as property under the General Laws of this State now existing or hereafter adopted, then and in that case the person obtaining or holding such franchise or privilege shall not be required to pay the license fees herein provided for upon the gross earnings aforesaid, in any amount, so long as the said franchises or privileges are otherwise so taxed. Said gross earnings license fees shall not be taken or considered in lieu of any tax or taxes to which the property of such person, company or corporation, other than such franchise privilege would otherwise be subject or liable.

HOW COLLECTED.

SEC. 4. Such license fee shall become payable by virtue of the provision of this chapter and according to the provisions hereof, without reference to any of the terms, provisions or stipulations embraced in such franchise or privilege, or the charter of such person, company or corporation obtaining the same, and shall be collected and paid in the manner and under such regulations as the City Council may, by ordinance or resolution, prescribe, but failure on the part of the City Council to make or prescribe such regulations shall not relieve any such person, company or corporation from the payment of such annual license fees. Every person, company or corporation doing business in said city under any franchise or privilege granted by said City under the provisions of this Charter, shall, during the first week in January, in every year, make and file with the City Recorder of said City an accurate and sworn statement and report of the gross earnings of such persons, company or corporation for the year immediately preceding said date;

and failure to file such report at said time shall be sufficient grounds to forfeit such franchise or privilege.

REFUSAL TO PAY FORFEITURE.

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

TO BE BASED ON EARNINGS IN CITY LIMITS.

SEC. 6. In case any franchise or privilege is granted to any person, company or corporation for the doing or conducting of any business carried on partly within and partly without the limits of said City, such gross earning, license fees to be collected from and paid by the holder of such franchise or privilege shall be based upon the earnings of the business transacted or conducted wholly within the limits of said city.

RIGHT TO PURCHASE—RESERVED.

SEC. 7. Said City shall have the right, and the same is hereby expressly reserved to said City, to purchase the property of any person, company or corporation operating and doing business in said City under a franchise or privilege granted by said City at the end of fifteen (15) years from the granting of such franchise or privilege, and at the end of each succeeding term and period of five years thereafter, by paying to the owner thereof the reasonable value of the property employed in and connected with such business, and without paying or making any allowance for the franchise or privilege. Such value, unless the same is agreed upon between the City and the owner, shall be ascertained and determined by condemnation proceedings conducted in the manner prescribed in this Charter for acquiring private property for public use.

RIGHTS TO REGULATE RATES AND CHARGES.

SEC. 9. The Council of said City shall have and possess full power and authority at all times to regulate the rates and charges of every

public service and utility concern in said City operating under any franchise or privilege granted by said City, and to require the same to be made and kept on a fair, reasonable and just basis at all times; and the right to so regulate shall be reserved to the City in all franchises granted, and to that end may, and shall have and possess full power and authority to make and enact all needful ordinances, rules and regulations that may be requisite and necessary to give full force to the provisions thereof.

RIGHT TO REGULATE USE BY COMPETING LINES.

SEC. 10. The Council of said City shall have the right and power at all times to regulate and provide for the use of any and all line or lines, and track or tracks, of street railway in said City by any competing line or lines, and make all needful and reasonable rules and regulations therefor.

CHARTER TO BE PART OF FRANCHISE.

SEC. 11. The acceptance of a franchise or privilege from said City by any person, company or corporation, shall be an acceptance of all of the provisions of this Charter, whether the same are specifically referred to or not, and all of the provisions hereof shall constitute and be a part of such franchise or privilege without any express reference being made hereto.

LIMITATIONS AND RESTRICTIONS.

SEC. 12. In granting any franchise or privilege the Council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and best interests of the public may require.

TERM "FRANCHISE" DEFINED.

SEC. 13. The term "franchise" or "privilege" wherever the same is used or employed in this Charter shall mean special privileges conferred by the City upon an individual, company or corporation, which do not belong to citizens of the country generally of common right.

CHAPTER VIII.

STREETS, SIDEWALKS, BRIDGES, AND PUBLIC GROUNDS.

SECTION 1. The City Council shall have the care, supervision and control of all public streets, alleys, highways, bridges, public squares and public grounds, within the limits of said City. And it shall be the duty of the said Council to keep in repair and open such streets, alleys and highways in said City as have heretofore or shall hereafter be opened and graded, and from time to time to open, grade and improve such additional streets, alleys and highways in said City, as in the judgment of said Council may be necessary and beneficial for public use.

SEC. 2. The city council shall have power to establish by resolution, under the direction of a competent surveyor the grade of all streets, alleys and highways in said City. And when any such grade is established, the surveyor employed shall make an accurate profile map thereof, and the City Council shall file said profile map with the resolutions of establishing the grade in the Office of the City Recorder. Provided that all grades of streets and alleys heretofore established by the Common Council of the Village of Sleepy Eye Lake for any street or alleys already graded and improved with reference to such grade are hereby adopted, and shall not be changed unless by a vote of four-fifths of all the members of the City Council, and subject to the liability of the City for any damage to adjacent property occasioned by any such change. All grades of streets and alleys hereafter established by the City of Sleepy Eye when such grade is once duly established, shall not be changed, except by a vote of four-fifths of all the members of the Council, and subject to the liabilities of the City for any damage to adjacent property occasioned by such change of grade.

SEC. 3. The City Council of said City may by a vote of four-fifths of all the members of the Council resolve to lay out or open any new streets, alleys or public grounds, or to straighten, widen, or extend any street, alley or public ground that now exists or hereafter may exist; and when such vote is entered and approved, and it shall make it necessary to take, destroy or damage private property they shall proceed as directed in Chapter Eleven (11) of this Charter.

SEC. 4. The City Council shall have power to cause any street, or

streets, alleys, public grounds, or any part thereof to be cleaned and kept clean.

SEC. 5. The City Council of said City shall have the sole and exclusive power to vacate or discontinue streets, alleys and public grounds within said City. No such vacation or discontinuance shall be granted by the City Council except upon the petition of one or more residents and freeholders of said City, which petition shall be accompanied by a plat of the public street, alley or grounds proposed to be vacated. The City Council shall thereupon, if they deem it expedient to proceed, file said petition and plat with the City Recorder, who shall give notice by publication in the official paper of the City for two weeks at least once a week, to the effect that such petition has been filed, and stating briefly the contents of such petition, and that said petition will be heard and considered by the City Council, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication.

The City Council at the same time and place so appointed shall meet and consider such petition, and hear all evidence offered by any person interested, and consider and assess the damages, if any, resulting to any person from such vacation. And if the Council decide to grant such vacation they shall make an order describing therein the street, alley or public ground vacated, and declare the same to be vacated, and in said order shall state whether or not any damage will result from such vacation, and if so, the amount thereof, and to whom payable, and order the same to be paid to the party or parties so found to be entitled thereto, out of the City Treasury. Such order shall then be filed in the Office of the City Recorder and shall be published in the same manner as City ordinances are published.

If no appeal is taken from said order the City Recorder shall after the expiration of ten (10) days from the last publication of said order make out a certified copy thereof and cause the same to be recorded in the office of the register of deeds of Brown county. In case of an appeal such order shall not be so recorded until the entry of the final judgment on the appeal and then only in case such vacation is sustained by such judgment.

SEC. 6. Any person feeling aggrieved by any such vacation, or by

any such assessment of damages shall have the right to appeal to the District Court of Brown County from such order of vacation at any time within ten (10) days from the last publication of said order. Such appeal shall be taken by filing with the City Recorder a written notice of appeal and a bond in the sum of not less than one hundred (100) dollars, with one or more sureties to be approved by the City Recorder, conditioned that the appellant shall pay all costs and disbursements that may be adjudged against him upon such appeal. It shall be the duty of the City Recorder as soon as such appeal is taken to transmit to said Court a transcript of all of the record of all proceedings had upon such vacation and a copy of the notice of appeal, all duly certified by him. Thereupon the Clerk of said District Court shall enter such appeal for trial on the calendar of the next term of said District Court commencing next after the expiration of ten (10) days from the filing of such transcript. Such appeal shall be tried as ordinary cases by the Court and jury. And no notice of trial shall be necessary, and no pleadings shall be necessary.

SEC. 7. No attempted vacation of any street, alley, or public ground ordered by the City Council of said City shall be adjudged invalid by any reason of any defect or error in the proceedings relating to such vacation unless the action in which the validity of such proceedings shall be called in question be commenced within two (2) years after the making of the order vacating the same.

SEC. 8. The City Council shall have the power and authority by a vote of four-fifths of all the members of said Council, to grant the right of way upon, over and through any public street, highway, alley or public ground of said City to any public service corporation upon such terms and subject to such limitations as the Council may prescribe; and to revoke and forfeit such grant for any violation by the grantee of any of the conditions of such grant.

SEC. 9. Whenever the City Council shall deem it necessary to build any new sidewalks, either where no sidewalk has been previously built, or to replace any old sidewalk which has become rotten, unsafe or otherwise objectionable, or to repair any sidewalk, they shall adopt an order or resolution therefor, which order may be substantially in the following form:

"Whereas, the City Council of the City of Sleepy Eye, in Brown County, Minnesota, deem it necessary to build (or repair) a sidewalk on the side of street in said City adjoining lot (lots or parcels) in block (or tract) in said City, formerly the Village of Sleepy Eye Lake in Brown County, Minnesota. Therefore the owner, (or owners) of said lot (lots or parcels) is (are) hereby notified that said City will build (or repair) said sidewalk and assess the cost and expense thereof to said adjoining lot (lots or tracts). Said sidewalks to be feet wide and to be built of and built in the following manner Adopted by the City Council this day of

Approved,

.....
Mayor.

Attest.

.....
City Recorder.

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

Thereupon the City Council shall let the work of building or repairing said sidewalk by contract to the lowest responsible bidder. In case the construction or repairs so ordered amounts to less than One Hundred (100) Dollars, the City Council may let the same contract as aforesaid, or else direct the Street Commissioner of said City to have the sidewalk built or repaired. As soon as the contract for such work is let or in case said work is done by the Street Commissioner, then as soon as the work is done the City Council shall fix a time and place when and where they will meet to assess the costs of such building or repair to the lots and parcels adjoining the same, and shall cause notice of such meeting and assessment to be made out by the City Recorder. Such notice shall be served upon the owners of the lots or lands to be assessed at least ten (10) days before such meeting in the same manner as a summons in the District Court in this State, but may be served by any Police Officer of said City, or by a private person. If any owner to be served is not a

resident of the City of Sleepy Eye, or is unknown such notice shall be served upon such non resident or unknown owner by publication thereof in the official paper of said City for two consecutive weeks, at least once a week, prior to said meeting. After the time and place so fixed, the City Council shall meet and consider the said assessment and hear all evidence offered in relation thereto by all parties interested and shall proceed to assess the cost and expense of building or repairing said sidewalk, according to frontage thereon upon the lots and land adjoining such sidewalk; provided that no lot or tract shall be assessed for any greater sum than the amount necessary to build or repair that portion of such sidewalk which adjoins such lot or parcel, and the City council shall make out an assessment therefor, which assessment may be substantially in the following form:

"The City Council of the City of Sleepy Eye, does hereby levy and assess upon and against the several lots and tracts of land below described, the respective sums of money set opposite each lot or parcel of land. This assessment is made to defray the cost and expense of building (or repairing) a sidewalk adjoining said lots and parcels of land pursuant to the order and resolution of the City Council passed day of The amount assessed against each lot or parcel being the amount necessary to build (or repair) such sidewalk along and fronting upon the same lot or parcel."

Name of Owner, if Known.	Description.	Lot.	Block	Amount.	
				Dols.	Cts.

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

Sec. 9. Whenever the City Council shall determine to pave, repave, macadamize or grade any street or alley, or to construct or rebuild any gutter or curbing on any street or alley in said city, or to repair

any thereof, they shall adopt an order or resolution therefor, which may be substantially in the following form:

"Whereas the City Council of the City of Sleepy Eye in Brown County, Minnesota, deem it necessary to pave (or repave or macadamize or grade or to build or to rebuild a gutter or curb or repair any thereof, as the case may be) on..... Street (or alley) (or on.... side or both sides of Street) (or alley as the case may be) from.....to..... in said City, adjoining Lot (lots or parcels).....in Block (or tract).....in said City of Sleepy Eye, formerly the Village of Sleepy Eye Lake in Brown County, Minnesota.

Therefore the owner (or owners) of said lot (lots or parcels) is (or are) hereby notified that said City will build, make and construct such pavement (macadamizing, grading, gutters, curbing or repairs, as the case may be) and assess the cost and expense thereof to the said lot (lots or parcels) adjoining the same."

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

Approved,

.....
Mayor.

Attest.

.....
City Recorder.

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

Thereupon the City Council shall let the contract for the making of such improvements to the lowest responsible bidder. Or in case the construction or repairs so ordered amounts to less than One Hundred (100) Dollars, the City Council may let the same by contract, as aforesaid, or direct the Street Commissioner of said City to have said improvement made. As soon as the contract for such improvement is let, or in case the work is done by the Street Commissioner, then as soon as the work is done, the City Council shall fix a time and place when and where they will meet to assess the costs and expenses of such construction or repairs upon the lots and parcels adjoining the same, and shall cause notice of such meeting and assessment to be made out by the

City Recorder. Such notice shall be served upon the owner or owners of the lots or lands to be assessed, at least ten days before such meeting in the same manner as a summons in the District Court in this State, but same may be served by any Police Officer of said City, or by a private person. If any owner to be served is not a resident of the City of Sleepy Eye, or is unknown, such notice shall be served upon such non-resident or unknown owner by publication thereof in the official paper of said City for two consecutive weeks at least once a week prior to such meeting.

At the time and place so fixed, the City Council shall meet and consider such assessment, and hear all evidence offered in relation thereto by all parties interested, and shall proceed to assess the cost and expense of making such improvement or repair according to the frontage thereon upon the lots and lands specially benefited thereby and adjoining the same. And said Council shall make out an assessment thereon, which assessment may be substantially in the following form:

"The City Council of the City of Sleepy Eye, does hereby levy and assess upon and against the several lots and tracts of land below described the respective sums of money set opposite each lot or parcel of land.

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

Name of Owner	Description.	Amount.	
		Dollars.	Cents.

In making such assessment the City Council shall not assess upon any lot or parcel any greater part of the cost and expense of making

said improvement than the cost and expense of making that part of such improvement adjoining said lot or parcel and lying between the lot or parcel line thereof and the center of the street or alley so improved. The cost and expense of making such improvement or repair adjoining any public ground or City property shall be borne by the City at large.

SEC. 10. In every case the assessment of the cost and expense of so paving, repairing, macadamizing, or grading any street or alley, or building or rebuilding any curbing or gutter or any street or alley, or repairing any thereof, upon the property adjoining shall be optional with the City council and said City Council may make any of the aforesaid improvements or repairs, without making any assessment therefor, and in such case the cost and expense thereof shall be borne by the City at large and paid out of the general fund of the City and small repairs shall be so made at the expense of the City at large.

STREET SPRINKLING.

SEC. 11. Whenever the owners or the occupants of a majority of the amount of frontage of lots and lands fronting on any continuous portion of any street in this City not less than one full block, through or across which the water pipes of the City water works are or may be laid, shall petition the City Council to provide for sprinkling such portion of such street, the City Council may make a contract for sprinkling such portion of such street for any time not exceeding five years, to the lowest bidder therefor upon such terms and conditions and for such portion of each year as shall be deemed advisable.

Water for such sprinkling shall be furnished from the City water works free of charge. The supply of such water shall be deemed the city's proportion of the expenses of such sprinkling for the street crossings and all parts of such street fronting on land exempt from assessment. The whole cost for sprinkling such portion of the street shall be levied and assessed upon the lots and land fronting upon that part of the street so sprinkled, and which are subject to assessment, according to the frontage thereon, such levy to be made annually. Assessments for sprinkling streets may be in the following form, or in any other form which the City Council may adopt: "The City Council of the City of Sleepy Eye doth hereby assess and levy upon and against the several

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

Name of Owner, if Known.	Description.	Lot.	Block.	Amount.	
				Dols.	Cts.

Done at a meeting of the City Council this day of A. D.,

Approved,
..... Mayor.

Attest:
.....
City Recorder.

DAMAGES.

SEC. 12. No action shall be maintained against the City of Sleepy Eye on account of any injuries or damages to persons or property received because of any defects existing in the condition of any highway, bridge, culvert, street, alley, sidewalk or thoroughfare in said City, unless such street or highway upon which said injury happens is actually opened, used, and traveled by the public as a street or highway, and not unless such action shall be commenced within one year from the happening of the injury complained of, nor unless a notice shall have been first made in writing and served upon the proper officers of said City as required by the General Laws of this State.

SEC. 13. In the prosecution of such actions against the City for personal injuries growing out of defective or poorly constructed side-

walks it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said City had actual notice and knowledge of such defect or want of repair at the time such injury happened.

CHAPTER IX.

WATER WORKS, LIGHT AND SEWERS.

SECTION. 1. The water works and system of water works, machinery and apparatus and all property rights and privileges connected therewith of the water works and water supply and system of the Village of Sleepy Eye Lake, in Brown County, Minnesota, is hereby adopted and appropriated as the water works system and water works for the City of Sleepy Eye.

SEC. 2. The City Council of the City of Sleepy Eye shall have the exclusive control and management of said water works, and may employ such agents and servants as may be necessary to run and operate said water works and fix their compensation, and may provide and furnish water for private and public use, and fix the rates to be charged to all users of water from such works, and may compel all users of water to use proper water meters and regulate the placing thereof. No person shall connect with any water main or use any water from such water works without being granted permission so to do by the City Council. And all connections with and tapping of water mains shall be made only under the supervision and control of the City Council and subject to such rules and regulations as the Council may determine.

SEC. 3. The City Council shall have power to extend, enlarge, rebuild and repair the water works of said City; and shall have power to purchase and condemn and appropriate private property for that purpose whenever necessary and in case of such condemnation shall proceed as prescribed in Chapter Eleven (11) of this Charter.

SEC. 4. The City Council may, by ordinance or resolution establish rules and regulations for water works and water privileges of said City, and provide penalties for the violation thereof.

SEC. 5. All income from said water works shall be collected and

paid into the City Treasury under such rules and regulations as the City Council may prescribe.

LIGHTS.

SEC. 6. The electric light plant, lighting system, and machinery and apparatus and all property rights and privileges connected therewith of Village of Sleepy Eye Lake is hereby adopted and appropriated as a lighting plant and lighting system of the City of Sleepy Eye.

SEC. 7. The City Council of the City of Sleepy Eye shall have sole control, management and regulation of the lighting plant and lighting system of said City. Said City Council shall have power to repair, alter, modify, enlarge, extend and rebuild such light plant and lighting system from time to time. They may furnish therefrom light for public and private use. They shall have power to employ such agents and servants as may be necessary to operate and run said light plant and lighting system, and to fix their compensation.

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

SEC. 8. The City shall have power to acquire by purchase or condemnation, land and easements in land for the building, extension, enlargement and repair of said lighting plant and system. And whenever such condemnation shall be necessary it shall proceed as pointed out in chapter Eleven (11) of this Charter.

SEC. 9. The City Council may, by ordinance or resolution, establish rules and regulations for the lighting plant and lighting in said City and prescribe penalties for violation of any ordinance or resolution, regu-

lating the use and operation of its said lighting plant and lighting system or its property rights therein.

SEWERS.

SEC. 10. The City Council shall have power to establish and build sewers, drains and a sewerage system for said City, and to extend and repair the same as follows: Whenever a petition signed by a majority of the owners of the property to be benefited thereby for the locating and building or repair of a sewer, drain and sewerage system, or either of them is presented to said Council or whenever said Council, on its own motion, by a vote of four-fifths of the members of said Council may so determine, the City Council may by resolution so passed determine to establish and build a sewerage system, sewers and drains, or to repair and extend the same, or either of them, and to levy assessments upon the property adjudged to have received special benefits therefrom to the extent of such special benefits to pay in part or all the costs and expenses of establishing, building, extending or repairing such sewerage system, sewers and drains or either of them.

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

SEC. 11. For the purpose of building, constructing and repairing such sewers, drains and sewerage system, the City shall have power to acquire by purchase, or condemnation, land and easements in land in Brown County, Minnesota, within or without the limits of said City of Sleepy Eye, and shall proceed as directed in Chapter Eleven (11) of this Charter. No work shall be done or liability incurred by the City for building or constructing sewers, drains or a sewerage system until the necessary land and easements have been acquired, in case the taking or purchase of land or easements in land shall be necessary for the construction thereof.

SEC. 12. After having acquired all necessary lands and easements for such building, construction or repair, the City Council shall have plans and specifications for the work prepared and shall then proceed to let the contract for the building and construction or repair of such sewers, drains and sewerage system, or either of them to the lowest

responsible bidder therefor. Provided, that slight repairs, not exceeding One Hundred (100) Dollars in amount, may be directed to be made by the Street Commissioner or under his direction at the expense of the City.

SEC. 13. Thereupon the City Council shall appoint three disinterested residents and freeholders of said City to view the premises and examine all property that will be benefited thereby and to assess the benefits that will result to all real property from the contemplated building and construction. Two of such commissioners shall constitute a quorum and be competent to do any act required of them. The commissioners shall be sworn by an officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality and to make due return of their action to the City Council. Vacancies in said commissioners shall be filled in the same manner as their appointment.

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

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

Upon the filing of such assessment the City Council shall fix the time

and place when and where it will meet to consider, review and act upon such assessment and shall cause a notice of such meeting to be made out and signed by the City Recorder, which notice may be substantially in the following form:

"To the owners of property named below, and to those whose names are unknown as shown below.

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

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

Such notice shall be served upon all persons named therein and who reside in said City of Sleepy Eye, in the same manner as a summons in the District Court, at least ten days before such meeting, but may be served by any police officer of said City, or any private person. Such notice shall be served upon all persons whose names are unknown, and upon all persons who are not residents of said City, by publishing the same for two consecutive weeks, once in each week, in the official paper of said City prior to such meeting. At the time and place so fixed the City Council shall meet and consider such assessment and hear all evidence offered by parties interested, and correct any errors therein, and may modify and change the same if shown by the evidence presented.

to be unjust or unequal, and the same Council may send such assessment back to the commissioners for reconsideration, or may disprove the whole thereof and appoint new commissioners to make a new assessment, or may abandon the improvement. If the Council after such consideration and correction shall approve said assessment as reviewed and corrected by them they shall so do by motion and the assessment as so approved shall stand as the assessment for such improvement. And the City Council shall then make out an assessment roll in accordance therewith, which may be substantially in the following form: "The City Council of the City of Sleepy Eye does hereby levy and assess upon and against the several lots and tracts of land below described the respective sums of money set opposite each lot or parcel of land. This assessment is made to defray the costs and expenses of building and constructing (or repairing) a sewer, (drain and sewerage system) on street in said City and thence extending to....., and is for special benefits resulting to each lot or parcel.

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

CHAPTER X.

GENERAL PROVISIONS CONCERNING SPECIAL ASSESSMENTS.

SECTION 1. All special assessments levied under this Charter shall be due and payable thirty days after the making thereof, and may be paid to the City Treasurer at any time within thirty days after the making thereof by the City Council without interest.

SEC. 2. All special assessments shall be recorded in the minutes of the City Council when made, and shall by the City Recorder be also recorded in an assessment book kept by him for that purpose, and a duplicate thereof shall be made and delivered to the City Treasurer.

When any assessment is paid to the City Treasurer he shall notify the City Recorder thereof, and the City Recorder shall mark the same paid on his book.

SEC. 3. Assessments not paid within thirty days from the making thereof shall draw interest thereafter at the rate of seven (7) per cent per annum, which interest shall be added to and collected with such assessment as part thereof whenever thereafter paid.

SEC. 4. If any special assessment theretofore made to defray in part or in whole the costs and expenses of any local improvement shall be either in whole or in part 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 it cannot be enforced, or if the City Council should have omitted to make said assessment at the time of making such improvement, the City Council may make or cause to be made a new assessment of benefits in the same manner as the original assessment was or should have been made, at any time within four years from the time of completion of the improvement for which the assessment is made.

After the new assessment shall be completed the City Recorder shall note thereon against any lot or parcel of land upon which the former assessment for the same improvement has been paid, the word "paid on former assessment," which shall cancel the assessment on that lot or parcel.

SEC. 5. Any special assessment may, together with the interest thereon, be paid to the City Treasurer at any time before return thereof

to the County Auditor, and when so paid to the City Treasurer such assessment so paid shall be cancelled.

On or before October first of each year, the City Recorder shall make out a certified copy of all assessment rolls made by the City Council and not theretofore returned to the County Auditor, and deliver the same to the County Auditor of Brown County, and shall show and indicate on such assessment rolls, such assessments as are unpaid. And the County Auditor shall enter all such unpaid assessments on his tax list and extend such assessments in the proper columns against the property assessed, and such assessments and the interest thereon shall be collected and the payment thereof enforced in the same manner as State and County taxes are collected, and such assessments and interest thereon, when collected, shall be paid by the County Treasurer to the Treasurer of said City.

SEC. 6. 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 has been adopted by the City Council. And the assessment roll, and the record thereof, kept by the City Recorder, shall be competent and sufficient evidence that the assessment was duly levied and the assessment duly made and adopted, and that all other proceedings antecedent to the adoption of said assessment roll or duly had, taken and performed, as required by this Chapter. And no failure of the City Recorder 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 thing of him required, shall in any way invalidate such assessment; and no variance from the directions herein contained as to form or manner of any of the proceedings, shall be held material unless it clearly appears that the party objecting was materially injured thereby.

SEC. 7. No special assessment shall be questioned or held to be invalid because the amount of each special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which the assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the funds of the City; and if there shall happen to be any surplus from any such

special assessment, the same shall be carried to the credit of the same fund from which a deficiency would have been supplied or be otherwise disposed of as to the City Council shall seem most just toward the person upon whom such special assessment has been levied; and upon any assessment rolls, or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

SEC. 8. All improvement work, when the expense thereof exceeds in any given case the sum of One Hundred (100) dollars, shall be let by contract to the lowest responsible bidder.

Improvements of a less cost may be so let. The City Council shall cause such plans and specifications or description of improvement and work to be well done, as may be necessary for the information of bidders, to be prepared and placed on file for inspection in the City Recorder's Office. The City Council shall cause such public notice and advertisements for bids to be given in each case, as may be deemed best. And may require bidders to accompany their bids with reasonable bonds or deposits to insure good faith. All persons awarded any contract for improvement work may be required to give to the City sufficient bonds for the carrying out of such contract.

SEC. 9. The City Council may proceed with any improvement without waiting for the collection of the assessments therefor. The money collected on any assessment for any improvement shall not be used for any other or different purposes until the whole cost and expense of said improvement shall have been paid.

SEC. 10. The balance of the cost and expense of any improvements over and above the assessments therefor shall be paid by the City at large. And when any improvement is made where no provision is made herein for assessing the benefits therefrom upon property, or where none are so assessed, then the whole cost and expense of such improvement shall be borne by the City at large.

SEC. 11. The City Council shall have the right at any time during the pendency of any proceeding for any improvement, or at any time within

thirty days after the final order of the Court on any appeal from such proceedings to abandon such improvements and proceedings whenever it shall deem it for the interest of the City so to do.

SEC. 12. The action of the City Council in adopting any assessment for any local improvement shall be final and conclusive upon the questions of the local character of such improvement, and upon the amount necessary to be raised by such taxation for that purpose and upon what property would be benefited thereby and upon the apportionment of such benefits and tax upon the property so benefited except in cases of fraud and mistake.

CHAPTER XI.

EMINENT DOMAIN AND CONDEMNATIONS.

SECTION 1. Whenever it shall be necessary for the said City of Sleepy Eye to take, damage, or destroy private property for public use for any purpose, where the same is authorized by this Charter it shall proceed as follows: The City Council may by purchase from the owner, or by agreement with the person or party whose property will be damaged or destroyed agree upon and pay for the property or the damage thereto, or destruction thereof, and take the proper conveyance, release or contract to acquire the land, easement, or right necessary for the city. If the City Council cannot agree with the person or party so affected, then said City Council may proceed to acquire such real property, or the easement therein, or the right to damage or destroy such property by condemnation thereof as hereafter provided.

SEC. 2. Whenever the City Council shall have ordered any local improvements as in other parts of this Charter provided, which improvement will require the taking, destruction of, or damage to any private real property, or whenever the City Council by a vote of four-fifths of the members thereof shall order any public improvement, building or public work authorized by this Charter, which shall necessitate the taking, destruction of or damage to private property they shall proceed as follows: After the adoption of said order, or in case said order is by other provisions of this Charter required to be published, then after the expiration of the time of publication so fixed, the said

Council shall by order appoint three commissioners who shall be disinterested freeholders and voters of said city, to view the property affected and to assess the damages therefor.

Said commissioners, before entering upon their duties shall be sworn by an officer authorized to administer oaths, to discharge their duties in the matter impartially and with fidelity and to make due return of their action and doings to the City Council.

SEC. 3. Said commissioners may, if they deem it necessary, employ a competent surveyor, or, if the city has in its employ a City Surveyor then require such City Surveyor to make an accurate survey and plat and description of all property to be taken, damaged, or destroyed. And if such surveying plat is ordered by them they shall cause the same to be filed in the office of the City Recorder at least ten days before their meeting hereinafter provided for, for the information of any one interested. They shall thereupon cause a notice to be published in the official paper of said city for two consecutive weeks, at least once in each week, stating in such notice the general nature of the work to be done, and giving a description of all property to be taken, damaged and destroyed, and fixing a time and place when and where they will meet to assess the damages for such taking, destruction or damage of property.

SEC. 4. At the time and place fixed in said notice the commissioners shall meet and may proceed to view the premises affected, and shall hear all evidence presented by parties interested, and may adjourn from day to day until they have completed their assessment. They shall, after viewing the premises and hearing the evidence, determine, assess and award the damages to be paid to the owner or owners of each lot and parcel of land to be taken, damaged or affected, taking into consideration the value thereof and the special benefits, if any, which may occur to such owner or owners from the improvement.

SEC. 5. If the land and any building thereon belong to different persons, or if the land be subject to lease or mortgage or other lien, or if there be any estate therein less than an estate in fee, the commissioners may apportion the damage to the different owners or interests.

SEC. 6. The commissioners shall then make and file with the City Recorder a report of their actions, embracing a schedule of the damages assessed and awarded, describing the different lots or tracts upon which

the awards are made, and naming the owner of each lot or tract if known to them, and if unknown shall so state, and the amount of the damages awarded for the taking or damage to each lot or tract.

SEC. 7. Upon the filing of such report the City Council shall fix a time and place when and where it will meet to consider, review and act upon such report, and shall cause notice of such meeting to be made out and signed by the City Recorder, which notice may be substantially in the following form: "To the owners of property named below, and to those whose names are unknown as shown below. Take notice that the commissioners heretofore appointed to assess and award the damages for the taking, destruction or damage to property by reason of..... (Here insert generally the object of the taking)..... have filed report of their assessment and award in the office of the City Recorder, and that by such report your damage for taking or damage of your property below described are assessed and awarded at the sum below shown. And that the City Council of the City of Sleepy Eye, will meet on the..... day of....., at..... o'clock,M., at the, to consider and act on such report, and will hear all evidence presented by parties interested.

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

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

At the time and place so fixed the City Council shall meet and consider such report and hear all evidence presented by parties interested

and correct any error therein, and may modify and change any award therein, or the whole thereof, if shown by the evidence presented to be unjust or erroneous. And said City Council may send said report back to the commissioners for reconsideration or reject the whole thereof and appoint new commissioners to make a new award, or may abandon the proceeding. If the Council, after such consideration, shall approve the report and award as corrected and revised by them, they shall do so by motion and the awards of damages as so approved shall then be recorded by the City Recorder in a book kept by him for that purpose. Provided that the consideration and approval of said report may be laid over to a subsequent meeting of the Council. When so approved, the assessment and award of damages shall stand as the final award in such matter.

SEC. 8. The damages awarded shall be paid out of the general fund of the city, and shall be paid to or set apart in the treasury for the parties entitled thereto within six months after the approval thereof by the Council. And the property so taken or damaged shall not be appropriated by the city until the award therefor has been so paid or set apart. In case of conflicting claims to such awards the amounts awarded may be deposited with the district court of the County in the same manner as monies are paid into court until the parties entitled thereto shall substantiate their claims.

SEC. 9. In case of improvement for which such property or easement is taken, damaged or destroyed is one for which the City Council is authorized by this Charter to and has determined to assess benefits upon property to pay in whole or in part the cost and expenses of such improvement, then and in that case the commissioners in this Chapter provided for shall not take into consideration any benefit that may result to the property taken or damaged by reason of the making of such improvement, but shall award the damages thereto the same as if no benefit was derived. And the benefits in such case shall be assessed by the Council or commissioners appointed for that purpose independently as on other property for the same improvement, as provided in this Charter.

SEC. 10. When an award has been approved by the City Council, said Council shall make a final order in the matter laying out or establishing the improvement for which the property is taken or formally appropriating the property to the use of the city for the purpose for which it is

taken. Such order shall contain an accurate description of the land or easement, or right in land so taken, and shall be recorded in the minutes of the City Council and the City Recorder shall make a certified copy thereof and cause the same to be recorded in the office of the Register of Deeds of Brown County. And same shall be entitled to record in said Register's office and be notice to all persons the same as a deed of real estate duly recorded.

SEC. 11. The action of the City Council in approving any award and assessment in any such condemnation proceeding shall be final and conclusive as to the necessity and propriety of taking or damaging the property thereby affected, for the purpose for which it is taken.

SEC. 12. No omission or informality or irregularity in proceedings in or preliminary to the approval of any award of damages in such proceeding shall affect the validity of the same. And the award of damages and record thereof in the City Recorder's office shall be competent and sufficient evidence that the award and all proceedings prior to the confirmation thereof were regular and duly made and taken. And no failure of the City Recorder to record such award or failure to do any other act required of him, shall, in any way, invalidate such assessment. And no variance from the directions herein contained as to form or manner of proceeding shall be held material unless it clearly appears that the party objecting was materially injured thereby.

SEC. 13. No assessments for special benefits, nor any condemnation proceeding under this Charter, where the assessment has been actually made by the City Council, or the award in condemnation proceedings approved by the City Council, shall be judged invalid by reason of any defect or error in the proceedings unless the action or proceeding in which the validity of such proceedings shall be called in question, be commenced within two years after the making of the assessment or confirmation of the award.

SEC. 14. If any owner of property to be taken, damaged or destroyed by condemnation proceedings by said city shall be a minor or insane, the judge of the district court of the County, upon application of the Mayor of the city, or of the minor or of any friend of such minor, or insane person, may appoint a guardian for such minor or insane person, upon whom the notices herein provided for may be served.

SEC. 15. In any case where it shall be necessary to take, damage or destroy private property for public use by said City of Sleepy Eye, for the purpose of any public improvement, the cost and expense of which improvement is assessed upon property fronting thereon or benefited thereby, pursuant to this Charter, then and in that case the damages awarded and expenses for the taking, damage or destruction of such property by condemnation proceedings, or the cost of such property if acquired by purchase or contract, shall be a part of the cost and expense of making such improvement and may be assessed upon property fronting thereon or benefited thereby as a part of the cost and expense of such improvement.

CHAPTER XII.

APPEALS.

SECTION 1. In addition to the appeals provided for in other parts of this Charter, any person or party feeling aggrieved may appeal to the district court for the County of Brown in the following cases:

1. From a special assessment against his property for the building or repair of any sidewalk.
2. From a special assessment against his property for the paving, repaving, macadamizing, or grading of any street or alley, or the building of any gutters or curbing on any street or alley or the repair of any thereof.
3. From a special assessment against his property for the building or repair of any drain or sewer.
4. From an award of damages for the taking, destruction or damage of his property in any condemnation proceeding.

SEC. 2. Such appeal shall be taken, in case of an assessment against any property within ten days from the making of the assessment by the City Council. And in case of an award in condemnation proceedings, within ten days from the approval of the award by the City Council, by filing with the City Recorder of said city a written notice of appeal specifying the assessment or award appealed from, and the date of the making of the assessment or confirmation of the award, and by filing with the City Recorder a bond to the city of not less than One Hundred

(\$100) Dollars, with one or more sureties, to be approved by the City Recorder, conditioned to pay all costs and disbursements that may be adjudged against the appellant upon such appeal.

SEC. 3. It shall be the duty of the City Recorder as soon as such appeal is taken to transmit to said court a transcript of all the records and proceedings in relation to such assessment and award, and a copy of the notice of appeal, all duly certified by him. Thereupon the clerk of said court shall enter such appeal on the calendar of said court for trial at the next term of said district court, commencing next after the expiration of ten days from the filing of such transcript. Such appeal shall be tried as ordinary cases are tried by the court and jury, and no notice of trial shall be necessary. The Court may order pleadings on the appeal to be made up and filed on or before the second day of the term. Otherwise no pleadings shall be necessary.

SEC. 4. If no such appeal is taken the assessment or award and condemnation as the case may be, shall be final and conclusive for all purposes and upon all parties affected thereby.

CHAPTER XIII.

BOARD OF PARK COMMISSIONERS.

SECTION 1. The Mayor of the City of Sleepy Eye shall appoint five persons, who may be either men or women, each of whom shall be a citizen of the City of Sleepy Eye, and in the case of men, each shall also be a free holder, a board of park commissioners of the City of Sleepy Eye, for the purpose specified in this Chapter, and having the powers, and subject to the restrictions hereinafter contained. One of the said commissioners shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and annually thereafter the Mayor shall appoint one commissioner qualified as above for the term of five years, to fill the place of the one whose term expires, and each commissioner shall continue to act until his successor is appointed and qualified. Upon filing a written acceptance of their appointment, and an oath of office in the office of the City Recorder, said commissioners shall meet and organize by the designation of one of their number as president, and one of their number as vice president, and shall also appoint a secretary.

Upon effecting such organization the said commissioners and their successors shall constitute and be designated "The Board of Park Commissioners of the City of Sleepy Eye."

The said Board shall make rules to govern its proceedings and meet from time to time and adjourn its meetings as it may by rule or vote determine.

It shall make and publish from time to time rules and regulations for the government of its agents, servants and employes, and for the government and regulation of all parks and park ways in the City of Sleepy Eye.

A majority of the members of the Board shall constitute a quorum, and it shall require an affirmative vote of at least three members of the Board to pass any order or resolution.

All vacancies in the office of park commissioner shall be filled by appointment by the Mayor.

The said commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses in-

curring in performing their official duties as may be audited and allowed by the board and approved by the Mayor. The Board shall have power to employ and dismiss such attorneys, surveyors, agents and employes as may be necessary, and to fix their compensation, which shall be payable from the fund hereinafter established for the purposes of this act upon an order of the Board. No commissioner shall be interested in any contract made by the Board, or in any lands to be acquired except that if any commissioner shall be interested in any lands which may be designated or appropriated for the uses of this act, he shall be entitled to receive compensation for his interest therein, but he shall not act officially in respect to any matter in which he is pecuniarily interested.

DUTIES.

SEC. 2. The Board of Park Commissioners herein appointed and their successors, shall have power, and it shall be its duty to devise and adopt a system of public parks and park ways within the limits and for the use of the City of Sleepy Eye, to designate the lands and grounds to be used and appropriated for such purposes, to cause the same to be surveyed, platted, and the plat thereof to be filed and recorded in the office of the City Recorder, and also in the office of the Register of Deeds of Brown County; and upon the City of Sleepy Eye obtaining title or the right of possession of the same, or any part thereof, in such manner as is provided by this Charter to take possession of, hold, govern, administer, and to lay out and improve the same, according to such plan as the said board may adopt for such purposes.

CONTROL AND MANAGEMENT OF PARK.

SEC. 3. The board shall have the exclusive control and management of all lands and real properties which may be acquired, set apart, or dedicated for the use of the people of the city as public parks or pleasure grounds. The board shall have authority to purchase all articles and material for and have all work and labor performed upon said parks and pleasure grounds and to that end may appoint, remove, discharge or suspend superintendents, laborers and all other persons employed upon or about said parks and pleasure grounds.

The board shall have authority to direct and regulate the planting, trimming, pruning and care of shade and ornament trees and shrubbery, the planting of trees along the streets, the varieties, sizes, and respective

distance from each other in any and all of the public parks, park ways and streets of the city, and to cause the removal of unnecessary or objectionable trees and shrubbery from such parks and streets.

ESTIMATES AND APPROPRIATIONS.

SEC. 4. On or before the first Monday in July in each year the said Board of Park Commissioners shall prepare and furnish to the City Council an estimate in writing of the amount of expenditures, specifying in detail the object thereof required by said board during the year; provided, that the amount of such estimate shall not in any one year exceed the sum of Two Hundred (\$200) Dollars. It shall thereupon become the duty of the City Council to cause the said estimate to be inserted in and made a part of the annual budget to be transmitted to the Mayor of said city, who may, within five (5) days after such delivery to him veto any item in said estimate, in whole or in part, or may approve the whole thereof. It shall then be signed by the Mayor and City Recorder, and the amount named therein shall be appropriated to the park fund.

The City Council may appropriate to the park fund such further sum or sums during any year as they may consider it necessary and proper.

The money collected from taxes, together with all other monies provided, appropriated, or received for the purposes of this act, shall be placed by the City Treasurer to the credit of the Board of Park Commissioners, and shall be drawn from the city treasury by warrants signed by the president and secretary of the board and in no other way, and shall constitute a fund to be known and designated as the park fund.

SEC. 5. The Board of Park Commissioners shall not expend or incur in any one year to exceed in the aggregate the sum appropriated to the park fund for that year under provision of this Chapter.

SEC. 6. The Board of Park Commissioners shall have authority to expend money out of the park fund upon the boulevards of the city when the same has been designated as such by the City Council for the purpose of improving and beautifying the same, but shall not otherwise have or exercise any control over the same.

DISTRICT COURT MAY REMOVE.

SEC. 7. The said commissioners, or either or any of them, may be removed from office by the district court of said County after trial and

conviction, upon the petition with sworn charges presented by not less than ten reputable freeholders of said city if it shall be made to appear that the said commissioner or commissioners have been guilty of a misdemeanor or malfeasance in office.

ATTENDANCE OF MEETINGS—VACANCIES—HOW DECLARED.

SEC. 8. The office of any commissioner under this act who shall not attend the meetings of the board for three successive months after having been duly notified of said meetings without reasons satisfactory to the board, or without leave of absence from said board, may be by said board declared, and thereupon shall become vacant.

JURISDICTION OVER PARKS.

SEC. 9. The jurisdiction of the Board of Park Commissioners shall be confined to parks and public grounds already acquired and established by the City Council of said city, or which shall hereafter be acquired by the city, and subject to Section Six (6) hereof, and the supervision of streets as mentioned in Section Three (3).

MAY ADOPT RULES.

SEC. 10. The power and jurisdiction of the Board of Park Commissioners shall not extend to the police control within the park or park ways except that the said board shall have authority to adopt any rules affecting the quiet, orderly and suitable use and enjoyment of said grounds by the people of the City of Sleepy Eye, and the police control over said grounds shall be and remain where it is, or may be vested by the Charter of said city.

CHAPTER XIV.

THE PUBLIC LIBRARY.

SECTION 1. Whereas pursuant to law the Common Council of the Village of Sleepy Eye Lake did, by resolution, accept and agree to maintain the public library given to the Village of Sleepy Eye Lake, by Mr. Frank H. Dyckman, and known as the Dyckman Free Library, and the Mayor of said city, did, pursuant to said act, duly appoint a board of nine directors, successors to whom will be from time to time duly appointed, which board of directors, will have the charge and management of said library.

Now, therefore, the Dyckman Free Library, established as aforesaid, is hereby confirmed and established in accordance with law in such cases made and provided, and it is hereby made the duty of the City Council to maintain said Dyckman Free Library and Reading Room, and said City Council shall annually levy a tax upon all the assessable property in the City of Sleepy Eye of not less than Five Hundred (\$500) Dollars, and not exceeding one and one-half (1½) mills on the Dollar for the maintenance of said public library; and it is hereby made the duty of the Mayor of said city annually before the first day of May to appoint three directors for a term and in the manner provided by law.

SEC. 2. Said board of directors of said library shall have control of the expenditures of all monies collected by taxation or otherwise, and placed to the credit of the library fund, but no money shall be paid of such fund except upon warrant of said board accompanied by properly authenticated vouchers.

All warrants for the payment of money out of said fund shall be authorized and allowed by said board, by a majority vote of all its members taken by yeas and nays, and entered upon the record of its proceedings, and shall be signed by the president or vice president and by the secretary; such warrants shall, before they are paid, be examined and countersigned by the City Recorder, and thereupon and not otherwise paid by the City Treasurer.

SEC. 3. The said board of directors shall have power in their discretion to admit to the benefit of such library persons not residing within the corporate limits of the city and they shall execute a contract in writing in the form of a bond to the city to be approved by the board

of directors, conditioned to make good all damage to or loss of books issued to them with sufficient sureties and covenanting that the person so receiving the benefits of the library shall at all times conform to all the laws, rules and regulations governing the said library, and such non-resident patrons shall pay for such privileges such sums and at such times as may be by the directors prescribed, into the city treasury for the use of said library.

SEC. 4. The said board of directors shall make an annual report in the month of March to the City Council, and at other times whenever required by said City Council, showing the conditions of its trust, the various sums of money received by it during the past year, and how such moneys have been expended, for what purpose, the number of books and periodicals on hand, and the number acquired by purchase, gift, or otherwise, during the year, the number lost or missing, the number of persons benefited by or using its facilities, the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as it may deem of general interest.

SEC. 5. The City Council shall have power to pass ordinances imposing penalties for the punishment of persons doing any injury to any property under the control and supervision of said library board of directors of said library. The said board of directors shall have the privilege of using the city water and city lights free of charge for the use of the building and grounds of the said library and the main may be extended to the ground of said library for the purpose of the same.

CHAPTER XV.
MUNICIPAL COURT.

SECTION 1. There is hereby established in the said City of Sleepy Eye a municipal court for the transaction of such business as may lawfully come before it.

SEC. 2. Chapter Two Hundred and Twenty-nine (229) of the General Laws of Minnesota for the year Eighteen Hundred and Ninety-Five (1895,) and all amendments thereof heretofore or hereafter made shall apply to said municipal court, and the judges and special judges thereof, except as herein otherwise provided.

SEC. 3. The judges and special judges of said municipal court shall be elected for the terms and in the manner provided in Chapter Two (2) of this Charter.

SEC. 4. This Chapter shall not take effect nor be in force until the City Council of said city shall accept the provisions of said Chapter Two Hundred and Twenty-nine (229), General Laws of Minnesota for the year Eighteen Hundred and Ninety-Five (1895) as therein provided.

CHAPTER XVI.

HEALTH DEPARTMENT.

SECTION 1. The general laws of this State relating to health and boards of health shall apply in all respects to the City of Sleepy Eye except as herein otherwise provided.

SEC. 2. It shall be the duty of the Health Officer to give the city a thorough sanitary inspection, including sewerage, at least once a month during the months of May, June, July, August, September, October and November, of each year, and make prompt report thereof to the Mayor. And unless he so does, and until he so does he shall not receive any salary for any month during which he is in default.

SEC. 3. The Health Officer shall give a bond in the sum of Five Hundred (\$500.00) Dollars as other city officials, conditioned that he will faithfully perform his duties as Health Officer including such sanitary inspections and reports.

SEC. 4. The Police Officers of said city shall, when so requested by the Health Officer, serve all notices, orders and other papers issued by

the Board of Health or Health Officers, necessary to be served, and shall receive such fees therefor as are allowed by law for similar services in other cases.

SEC. 5. Expenses of the Board of Health for removing any nuisance, source of filth or cause of sickness from private property, which are not paid by the owners or occupants of such property, after having been duly notified to remove such nuisance, source of filth or cause of sickness at their own expense shall be audited by the City Council and paid out of the city treasury. If such owners or occupants neglect for twenty days thereafter to pay the same such expenses shall be assessed against such property in the same manner as provided in this Charter for the assessment and collection of sidewalk taxes, provided that nothing in this section shall be construed to prevent or interfere in any way with the recovery of any penalty or forfeiture allowed by law if the City Council elect to proceed against such owners or occupants under the general laws of this State.

CHAPTER XVII.

MISCELLANEOUS.

SECTION 1. Any special power in this Charter conferred upon the City Council of said City of Sleepy Eye, in other than Chapter Four (4) thereof shall not be construed so as to limit or take away any power so conferred upon said City Council by said Chapter Four (4) of this Charter.

SEC. 2. In every case where the City Council advertises or asks for bids for the construction of any improvement they shall reserve the right to reject any and all bids.

SEC. 3. Any person to build his own sidewalk in front of or adjoining his property shall first apply to the City Council for permission therefor. If the City Council grant such permission they shall pass a resolution to that effect and prescribe therein the material to be used and the width of such sidewalk. And the street commissioner shall locate said walk and the grade thereof.

SEC. 4. All actions brought to recover any penalty or forfeiture under this Charter, or the ordinances, by-laws, police or health regulations, made in pursuance hereof, shall be brought in the name of the City of Sleepy Eye.

SEC. 5. In all prosecutions for violations of this Charter, or the ordinances, by-laws or regulations established thereunder, the first process should be by warrant on complaint being made. Provided, that no warrant shall be necessary for the arrest of any person while in the act of violating any law of the State of Minnesota, or any such Charter provisions, ordinance, by-law or regulation, but the person or persons so arrested may be proceeded against, tried and convicted and punished, or discharged, in the same manner as if the arrest had been made under a warrant.

SEC. 6. All fines, penalties and forfeitures imposed and collected by any court, or officer for the violation of any provision of this Charter, or of any ordinance, by-law or regulation of said city shall be paid to the City Treasurer.

In all cases when imprisonment is imposed as the penalty for the violation of any such Charter provisions, ordinance, by-law or regulation,

the offender may be committed to the city prison or work house, if any there be, or if there is none, then to the common jail of the County of Brown.

SEC. 7. The city shall not be liable for the board or jail fees of any one who may be committed to the county jail of Brown County, in any case where the offence for which such person is committed, is one punishable under any State law.

SEC. 8. All ordinances, by-laws, rules and regulations heretofore made and established by the Village of Sleepy Eye Lake and now in force, shall be and remain in force as ordinances, by-laws, rules and regulations of the City of Sleepy Eye, until they shall be altered, modified or repealed, but not longer than one year from and after the adoption and taking effect of this Charter.

SEC. 9. This Charter shall not effect any action or proceeding pending at the time of its adoption or going into effect.

SEC. 10. When any suit or action shall be commenced against said city, all process, summons or notice thereof shall be served upon the Mayor, or in his absence upon the President of the Council, and a copy thereof filed in the office of the City Clerk.

SEC. 11. Provided that from the time of the going into effect of this Charter until the first election held under this Charter, the officers of the Village of Sleepy Eye Lake, who are officers of said Village at the time this Charter takes effect, shall remain as such officers of the City of Sleepy Eye and under this Charter, and hold their offices under this Charter and govern said City of Sleepy Eye, until the first election of officers under this Charter.

WHEREAS, The district court of the County of Brown, in the State of Minnesota, did on the 27th day of May, 1903, upon petition therefor as provided by law, appoint a board of fifteen freeholders to frame a charter for the Village of Sleepy Eye Lake, as a city, which board consisted of the following persons, viz: Geo. W. Somerville, A. C. Von Hagen, C. D. Griffith, Hans Mo, I. M. Olsen, E. P. Bertrand, J. W. B. Wellcome, Sr., L. G. Davis, T. G. Webber, Henry H. Offerman, M. Kiefer, Peter Geschwind, A. R. McRae, L. A. Glatigny, Michael M. Radl. And each and all the members of said board of freeholders accepted said appointment and entered upon their duties.

Now, therefore, said board of freeholders so appointed hereby sign, submit and present to the President of the Common Council of the Village of Sleepy Eye Lake, as the chief magistrate of said Village, the annexed and foregoing draft of said charter, as the proposed charter of the proposed City of Sleepy Eye. And we do hereby certify that the annexed and foregoing is the proposed charter of said proposed City of Sleepy Eye, so framed and prepared to be voted upon, according to law.

GEO. W. SOMERVILLE.
A. C. VON HAGEN.
C. D. GRIFFITH.
PETER GESCHWIND.
L. A. GLATIGNY.
H. H. OFFERMAN.
M. M. RADL.

M. KIEFER.
L. G. DAVIS.
E. P. BERTRAND.
I. M. OLSEN.
HANS MO.
J. W. B. WELLCOME, SR.

STATE OF MINNESOTA, }
COUNTY OF BROWN, }ss.
Village of Sleepy Eye Lake, }

I hereby certify that the within proposed charter for the City of Sleepy Eye was presented to and returned to me and filed with me, as chief magistrate of said Village of Sleepy Eye Lake, this 27th day of November, A. D. 1903.

C. D. GRIFFITH,
President of Village Council.

STATE OF MINNESOTA, }
 }ss.
County of Brown. }

I, C. D. Griffith, the duly elected, qualified and acting president of the Village Council of the Village of Sleepy Eye Lake, in said Brown County, Minnesota, and being the chief magistrate of said Village, do hereby certify that the foregoing and attached paper writing, entitled "The Charter of the City of Sleepy Eye" was duly prepared and proposed as the charter for the City of Sleepy Eye, formerly the Village of Sleepy Eye Lake, by a board of fifteen free holders of said Village duly appointed by the judge of the district court of the Ninth Judicial District in and for Brown County, Minnesota, under and pursuant to Section thirty-six of Article four of the constitution of the State of Minnesota, and of chapter Three Hundred and Fifty-one of the general laws of the State of Minnesota for the year 1891, and chapter Three Hundred and Seventy-nine of the general laws of the State of Minnesota for the year 1901, and the acts amendatory thereof. That such board of free-holders was duly appointed on the 27th day of May, 1903, and consisted of the following named persons, viz: Geo. W. Somerville, C. D. Griffith, Hans Mo, I. M. Olsen, L. G. Davis, E. P. Bertrand, J. W. B. Wellcome, Sr., Henry Offerman, Michael Kiefer, Michael Radl, L. A. Glatigny, T. G. Webber, Alex McRae, A. C. Von Hagen, and Peter Gesewind, all of whom were duly qualified.

That thereafter and on the 27th day of November, 1903, the said board of free-holders duly returned to and filed with me as chief magistrate of said Village the foregoing charter. That thereupon such charter was duly proposed and submitted to the qualified voters of said village for ratification and adoption. That a special election for such purpose was duly called and held in and for said Village on the 22nd day of December, 1903. That at such election there were 344 ballots cast by qualified voters. That of the ballots so cast 208 ballots were cast in favor of the adoption and ratification of the foregoing charter, and 129 ballots were cast against the adoption and ratification thereof. That all ballots cast were duly canvassed and counted and the result of such election publicly declared and said charter declared duly adopted and ratified.

And I, C. D. Griffith, as the chief magistrate of said Village of Sleepy Eye Lake, in said County and State, do hereby certify and declare that the foregoing charter annexed hereto, was in all things duly prepared and proposed and filed with the chief magistrate of said Village of Sleepy Eye Lake. That it was duly submitted to the qualified voters of said Village for ratification and adoption. That it was duly ratified and adopted by a vote of more than four-sevenths of the qualified voters of said Village voting at the election duly held for that purpose on the 22nd day of December, 1903. And that the foregoing paper writing entitled as aforesaid correctly and fully sets forth the said charter and the whole thereof.

WITNESS MY HAND AND THE SEAL OF SAID VILLAGE,
THIS 21st DAY of JANUARY, A. D. 1904.

C. D. GRIFFITH,
President of Village Council,
Village of Sleepy Eye Lake.

[Seal of the Village of Sleepy Eye Lake.]
No. 30,199.

OFFICE OF REGISTER OF DEEDS, County of Brown, Minn.

I hereby certify that the within Instrument was filed in this office for record on the 22nd day of January, A. D. 1904, at 8:45 o'clock A. M. and was duly recorded in Book Two (2) of Incorp. Records on page 77 to 169.

W. C. MILLER,
Register of Deeds.

By.....Deputy.

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