

STATE OF MINNESOTA,)
County of Waseca.) ss.
City of Waseca.)

I, William J. Wobschall, Mayor of the City of Waseca, in the County of Waseca and State of Minnesota, and, as such Chief Magistrate of said City of Waseca, do hereby certify that the charter hereto attached and hereby expressly made a part of this certificate is the charter returned and filed with the Chief Magistrate of said City of Waseca by the board of fifteen (15) freeholders duly appointed as a Commission to frame said charter, pursuant to Chapter two hundred thirty-eight (238) of the General Laws of the State of Minnesota for the year 1903, and is the charter submitted to the voters of said City of Waseca for ratification at the special election in said City of Waseca on the tenth day of May, A. D. 1904, and that said charter was duly ratified and adopted by the voters of said City of Waseca on said tenth day of May, A. D. 1904, at said special election by the following vote;

in favor of the adoption and ratification of said charter, 239 votes;
against the adoption and ratification of said charter, 137 votes.

That the votes cast at the said special election were duly canvassed by the common council of said City of Waseca and said charter declared duly ratified and adopted by said common council, and said charter was thereupon and by said vote duly ratified and adopted and the undersigned hereby makes this certificate setting forth said charter and ratification thereof pursuant to and in conformity with the provision of Section eight (8) of Chapter two hundred thirty-eight (238) of the General Laws of the State of Minnesota for the year 1903.

WITNESS my hand and the corporate seal of said City of Waseca this 28th day of May, A. D. 1904, at the City of Waseca, Minnesota.

William J. Wobschall

Mayor of the City of Waseca and
Chief Magistrate of said City
of Waseca, Minnesota.

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THE PROPOSED CHARTER

of the

CITY OF TASEGA

State of Minnesota.

Published by authority of the Common Council of
said City.

Drafted and submitted to the electors of said City,
pursuant to the laws of Minnesota, as they
exist, A. D. 1924.

CHAPTER 1.

CITY AND LAND BOUNDARIES.

Section 1. All that part of the County of Taseca in the
state of Minnesota within the limits and boundaries, as in the next
section described, shall be a city and the inhabitants thereof shall
be and form a municipal corporation under the name and style of the
"CITY OF TASEGA". The said corporation shall have the power generally
possessed by municipal corporations at common law and in addition
thereto shall possess the powers hereinafter specifically granted. It
shall, under its corporate name aforesaid, be capable of contracting
and being contracted with, of suing and being sued and of pleading
and being impleaded in all courts of law or equity; and it shall have a
corporate seal which it may change or alter at pleasure and may take,
hold, purchase, lease and sell and convey such real, personal and
mixed estate as the purposes of said corporation may require or the
existence of said corporation may render convenient, within or without
the limits of the city, and the same shall be free from taxation.

CITY BOUNDARIES.

Sec. 2. The following described territory shall constitute the City of Waseca in the State of Minnesota.

The south one-half ($S\frac{1}{2}$) of sections seven and eight (7 and 8) and the north one-half ($N\frac{1}{2}$), and the north one-half of the south-west quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of section seventeen (17) and the north-east quarter ($NE\frac{1}{4}$) and the east one-half ($E\frac{1}{2}$) of the north west quarter ($NW\frac{1}{4}$), and the north east quarter ($NE\frac{1}{4}$) of the south east quarter ($SE\frac{1}{4}$) of section eighteen (18) all in township one hundred and seven (107), north range twenty-two (22) west.

WARD BOUNDARIES.

Sec. 3. The said city shall be divided into three wards, to be called the First, Second and Third wards and be described and bounded as follows:

FIRST WARD.- All that part of said city lying north of a line described as follows, to-wit: Commencing at the southwest corner of section seven of township one hundred and seven north, of range twenty-two west; thence east on the south line of said section to the main track of the Minneapolis and St. Louis railway; thence south along the main track of said railway to the center of Oak street in Frowbridge's addition; thence east along the center of Oak street through Frowbridge's addition and the original plat ~~and the original plat~~ of the Village (now City) of Waseca to Second street of said original plat; thence north along the center line of Second street of said original

Lake avenue; thence east along the center line of Lake avenue in the original plat and the first and Lakeside additions to the east side limit of said city shall constitute the First ward.

SECOND WARD.- All that part of the city lying east of the center line of second street and south of the first ward and north of the line described as follows: Commencing at the intersection of Oak and Second streets of the original plat of the Village (now city) of

thence east along the center line of Oak Street to First addition to the village (now city) of Cassia; thence south along the center line of Sixth Street to main track of the Vinona and Saint Peter railroad; thence east along the main track of said railroad to the eastern boundary of said city shall constitute the Second ward.

THIRD WARD. - All the remainder of the territory within the limits of said city shall constitute the Third ward.

CHAPTER II.

CITY OFFICERS-ELECTIVE AND APPOINTIVE.

Section 1. The elective officers of said city shall be a mayor, a judge of the municipal court, seven aldermen, a city attorney, a city treasurer, a city assessor, a city clerk, a constable and such other officers as may be elective under the provisions of this charter, each of whom shall be a qualified elector of said city and be chosen by the electors thereof as provided in this charter.

The appointive officers of this city shall be a chief of police, a night policeman and such other police officers as may be provided for by the common council, all of whom shall be appointed by the mayor without the confirmation by the council; and also a street commissioner, a city engineer, members of "The Water and Light Board", members of all other boards or commissions as provided for in this charter, and such other officers as may be provided for by ordinance or resolution of the common council, in accordance with the provisions of this charter, all of whom shall be appointed or named by the mayor, subject to approval by a majority vote of the common council, to be entered of record.

Sec. 2. The common council of said city shall consist of seven aldermen, each of whom shall hold his ~~term~~ of office for a term of two years and until his successor is elected and qualified. Said aldermen shall be elected as follows: One at large to be elected by the electors of said city, and two resident citizens of each ward to be chosen by the electors of their respective wards.

TERM OF OFFICE.

Sec. 3. The mayor, city attorney, city clerk, city treasurer, city engineer, assessor, street commissioner, the chief of police and night policeman shall hold their respective offices for the term of one year and until their successors are elected or appointed and qualified; the aldermen, judge of the municipal court, and the constable shall hold their respective offices for the term of two years and until their successors are elected or appointed and qualified; the members of the water, electric light, gas, heat and power commission, and members of all other boards or commissions provided for in this charter, shall hold their respective offices for such length of time as provided for in this charter, and such other officers as may be provided for by ordinance or resolution in accordance with the provisions of this charter shall hold their respective offices for such length of time as shall be provided for in such ordinance or resolution, provided, that every person elected to or appointed to any office, except the mayor and police officers, may be removed from said office for cause as provided for in chapter IV, section 13, of this charter.

The term of all elective officers shall commence on the second Tuesday of April.

CHAPTER III.

ELECTIONS.

Section 1. There shall be an annual city election for elective offices held on the first Tuesday of April of each year, at such place in each ward as the common council may designate, and if, in any ward, there shall not be a suitable place for holding such election, the common council may designate a place in an adjoining ward, but the same place shall not be designated for more than one ward. The polls shall be kept open from nine in the forenoon until five ^{o'clock} in the afternoon, and notice shall be given of the time and places of holding such elections, in said city as is or may be required by the general laws of the State of Minnesota; and should there be any failure to hold such election, the common council shall immediately order a special

election.

ELECTIONS NOW CONDUCTED.

Sec.2. Such city elections shall be held and conducted in the manner provided for holding elections by the general laws of the State of Minnesota, and all laws of the State of Minnesota, relating to general elections, shall apply to and govern elections in said city, so far as the same can be made applicable, and said elections shall be conducted pursuant to the requirements of said laws; provided, however, that no person shall be qualified to act as judge of an election at which he is a candidate for any office.

VOTES NOW CANVASSED.

Sec.3. When the city election shall be closed, the votes for each person voted for shall be counted, the judges shall make sealed returns thereof on the day of election to the city clerk, stating in such returns the number of votes for each and every office, and the common council shall meet and canvass said returns and declare the result within two days thereafter, and the clerk shall forthwith notify the officers elected of their election.

SPECIAL ELECTIONS, NOW ORDERED AND CONDUCTED.

BONDS ETC.

Sec.4. Special elections may be ordered by resolution of the common council, and shall be called and conducted and returns made and the votes canvassed in the same manner as provided in the last three sections. Provided, that the common council of said city shall, at any time, upon the written petition of thirty or more legal voters and freeholders of said city, order that a special election be held in said city, whereat the proposal to issue any bonds mentioned in this charter may be submitted to the legal voters of said city; provided further, that any special election called for the purpose of submitting the proposal to issue bonds or for any other purpose provided for in this charter, shall be conducted by the common council of the city of Mankato or a majority thereof who shall be judges of such election, and notice of such election shall be given by the city clerk by posting

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such notice in three public places in said city, at least ten days before such election, and by publication of such notice in the official paper of said city, at least ten days before such election. Such notice shall state the fact that such election has been ordered, the object thereof, the polling place for holding such election and the time when such election will be held; and the common council shall also determine the manner of voting and conducting and canvassing the ballots cast at such election, and for such election the whole city shall constitute one election district, and no other requirements, than as in this section and by the said common council designated, shall be necessary to constitute a valid election for such purposes, and a majority vote of all the votes cast at such election shall be sufficient to authorize the issuing of any bonds.

ALL ELECTIONS TO BE BY BALLOT- A TIE VOTE NOT DECIDED.

Sec. 6. All elections shall be by ballot, and each ballot shall contain the name of each person voted for, with a proper designation of the office, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they shall direct.

LEGAL VOTERS.

Sec. 6. To be entitled to vote at city elections, all persons at possess all the qualifications as to age, residence in state and precinct, naturalization, etc., as are required by the laws of the State of Minnesota entitling them to vote at general elections for state and county officers.

EACH WARD AN ELECTION DISTRICT.

Sec. 7. Each ward in said city shall constitute ^{an} election district for all general elections, and the mode of conducting, canvassing and returning the results of such election shall be in the manner provided by the general laws of the State of Minnesota for such elections, and the

Judges of election for each election districts shall perform such duties both in conducting the elections and in the registration of persons entitled to vote, as are required by the general laws of the State of Minnesota applicable to general elections.

VACANCY IN OFFICE- HOW FILLED.

Sec. 8. Any officer who shall neglect for one week after his election to qualify as such officer, or who shall remove from the city, or ward, if an alderman, shall be deemed to have vacated his office, and any vacancy in the office of mayor shall be filled by special election, and any vacancy in any other elective office, except the office of judge of the municipal court, may be filled by the common council, and the person so elected by the common council, shall hold his office until the next general city election, and the person then elected to fill the vacancy shall hold his office for the unexpired term.

CHAPTER IV.

CITY OFFICERS; THEIR POWERS AND DUTIES.

MAYOR- POWERS AND DUTIES.

Section 1. The mayor shall be chief executive officer of the city. He shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and enforced within the limits of said city, and that all executive officers and employees of said city faithfully discharge their respective duties, and may, for a period not exceeding thirty days, suspend any executive officer, excepting the treasurer, during which suspension, such suspended officer shall be entitled to no compensation unless the common council shall decide that such suspension was not warranted. In case of such suspension the mayor shall immediately report the same with the reasons therefor, to the common council by means of a written communication filed with the city clerk, and shall immediately call a meeting of the common council to consider the same; and may, pending action in the matter by the council temporarily devolve the duties of the suspended officer upon some other person who shall receive the same compensation as that of the officer

be suspended.

He shall be the head of the police department, and by virtue of his said office, shall appoint a chief of police and such additional police officers as may be provided for by the common council. In case of riot, large public gatherings, or disturbances of the peace, he may provide or appoint as many temporary or special police or watchmen as he may deem necessary, and any police officer appointed by the mayor/^{as} afore-said may be discharged by him. But such temporary or special appointments shall not continue for more than one week without the consent of the common council. He shall have power to remove any officer of said force and shall have, subject to the ordinances and regulations of said city and the laws of the state, general supervision of all other executive departments of the city government, and all the executive ^{city} officers, and all the employees of the city, except employees of the various boards, and see that they discharge their respective duties properly. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and all resolutions for the appropriation of money shall, before they take effect, be presented to the mayor for his approval, and if he approves the same he shall indorse his approval upon and sign the same, and such as he shall not approve he shall return to the common council with his objections thereto, by depositing the same with the city clerk to be presented to the common council at the next stated meeting thereof; and upon the return of any ordinance or resolution without the approval of the mayor to the common council, the vote by which the same was passed, if it shall be reconsidered, and if, after a reconsideration, it shall be passed by a vote of six-sevenths of all the members of said council it shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be recorded by the city clerk. Any ordinance or resolution not returned by the mayor within five days (Sunday excepted) after the same shall have been presented to him, shall have the same effect as if approved

and signed by the mayor. He shall countersign all orders and warrants legally authorized and drawn upon the city treasurer for the payment of money. He shall also, at the request of any person, firm, society or organization, if he deem it necessary, appoint policemen or watchmen, who shall serve, without expense to the city and who shall have police powers to preserve the peace and protect property within such limits, and at such places as may be designated in such appointments; but such limited policemen or watchmen shall not exercise any authority or wear any badge of office outside ^{of} the limits of such appointments. The mayor may when he deems it necessary, ~~The mayor may when he deems it necessary,~~ from time to time, make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as may be deemed necessary or expedient, not inconsistent with the provisions of this charter.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this charter, or by the city ordinances or regulations duly passed and adopted in pursuance thereof or by the general laws of this state.

It shall be the duty of the mayor to sign all contracts for and on behalf of the city whenever thereto directed by the common council.

The mayor shall have power to revoke any and all licenses issued by and upon the authority of the common council, or otherwise; provided, in case of the revocation of licenses for the sale of intoxicating liquors, the licensee may appeal from such revocation to the common council, who may, after reviewing the matter, reinstate such license by a vote of five aldermen.

ACTING MAYOR.

In case of the vacancy of the office of mayor or in the case of the absence of the mayor from the city, or by reason of his inability from sickness or other cause to perform the duties of his office, the president of the council, or if he is also absent or incapacitated from acting, then such member of said council, as the common council may by vote designate,

shall, during such absence or disability, exercise the powers and perform the duties of the mayor, and while so acting shall be styled "acting mayor", and his acts, in that capacity, shall have the same force and validity as if performed by the mayor.

CITY CLERK.

Sec.2. The city clerk shall keep his office at the place of meeting of the common council or such other place as the common council shall direct; he shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; he shall draw and countersign all orders on the treasurer authorized by the common council, and keep a full and accurate account thereof; he shall have the power to administer oaths and take acknowledgements of deeds and other papers; he shall report the financial condition of the city whenever required by the common council and shall keep a list of all outstanding bonds.

He shall report annually to the common council at such times as directed an estimate of the expenses of the city and the revenue necessary to be raised for the current year, and shall countersign all contracts made in behalf of the city. He shall keep regular books of account, in which he shall enter all indebtedness of the city and which shall at all times show the precise financial condition of the city.

He shall receive and file chattel mortgages and all chattel mortgages executed by residents of, or upon property within, the city shall be filed with him.

He shall perform such other duties as may be required by this charter or the common council, and shall receive such reasonable compensation as the common council shall determine.

SEPARATE ACCOUNTS OF ESTIMATES AND

APPROPRIATIONS.

Sec.3. It shall be the duty of the city clerk to keep an accurate

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and separate account of the estimated use 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 common council at any time how much of the sum estimated for any department or purpose remains unexpended. And the city clerk 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 funds not subject to the control of the common council, which accounts 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 clerk and the city treasurer, respectively, may ^{be} easily be checked by each other.

DEPUTY CLERK.

Sec. 4. In case of the absence or disability of the city clerk, the common council, whenever it is deemed necessary, shall have the power to appoint a deputy clerk during such absence or disability, and said deputy clerk shall have the same powers and be subject to the same duties and liabilities as the city clerk and shall be paid for his services at the same rate as, and out of the salary of the city clerk.

CITY ATTORNEY.

Sec. 5. The attorney shall perform all professional services incident to his office and when required shall furnish opinions in writing upon any subject submitted to him by the common council or mayor, and shall receive such compensation as shall be determined by the common council.

CITY TREASURER.

Sec. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and pay out the same only upon orders signed by the mayor and countersigned by the city clerk, and shall keep accurate and detailed accounts of all moneys received and paid out.

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 the city, he shall apportion and credit the same to the proper funds, and shall, without delay, transmit to the city clerk a duplicate of his receipt thereof.

He shall make duplicate receipts from books provided for such purposes by the city for all moneys received by him, one of which he shall file with the clerk and furnish one to the party paying the same. He shall exhibit to the common council, at least fifteen days before the annual city election or sooner if required by them, a full and accurate copy of his accounts, which shall be filed with the city clerk, and a copy thereof shall be published at least ten days before the annual city election, in the official paper.

He shall receive such compensation as the common council shall determine.

ASSESSOR.

Sec. 7. The assessor shall have and possess all authority, rights and powers, and be governed by the general laws of the state of Minnesota, relating to assessors generally, and upon the completion of the assessment roll, he shall return the same to the common council who may alter, revise and equalize the same as it may deem just and proper; and said assessment so revised and equalized shall be final, subject only to the revision of the state board of equalization. He shall attend all meetings of the board of review and give such board all required information relative to his assessments. He shall receive such compensation as is by law provided for the payment of township assessors, and such further compensation as the common council may provide.

CONSTABLE.

Sec. 8. The constable shall have all the powers, perform all the duties, be subject to the same liabilities and receive the same fees, as a constable elected under the general laws of the state of

Minnesota; provided, that no person elected to the office of constable shall be appointed as a police officer of the city.

ENGINEER.

Sec. 9. The city engineer shall be a person skilled in the science of surveying and civil engineering. He shall possess the same powers in making surveys and plats within the limits of said city and in certifying to the same as are by law vested in the county surveyors in this state, and the same force and validity shall be ascribed to official surveys and plats ~~made~~ by him made in said city and duly certified as to official surveys and plats of such county surveyors.

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

Said engineer shall perform such other duties and exercise such other powers as are elsewhere specified in this charter or as may from time to time be required or conferred by the common council or by ordinances of said city. Provided, that the county surveyor of Tazewell County or any other competent person may be appointed as city

engineer of the city of Lebanon.

POLICE OFFICERS, THEIR POWERS AND DUTIES.

Sec. 10. It shall be the duty of the police officers of said city to see that all ordinances of the city are observed and kept. They shall have power, and it shall be their duty, to arrest, either with or without a warrant, any person who shall violate the provisions of any ordinance of the city or the criminal laws of the state. They shall have the same powers as a constable under the statutes or common law of this state. They shall make complaint in the proper court against any person who shall violate any of the ordinances of the city or commit any crime within the limits of said city. They shall have authority to serve and execute any writ, process, venire, or order issued by the municipal court of said city. It shall be their duty to preserve the peace and *good* order of the city, and they shall arrest any and all persons guilty of any breach of the peace or good order of the city. They shall perform such other duties, not inconsistent with or which shall not interfere with the duties herein prescribed, as the mayor may direct from time to time.

STREET COMMISSIONER-HIS POWERS AND DUTIES.

Sec. 11. The street commissioner shall, under the direction of the common council, superintend all work and improvements on the streets, bridges and public grounds of said city, and carry into effect all orders and ordinances of the common council in relation to work ^{and improvements} on the roads, streets, sidewalks, alleys, bridges, and public grounds, and it shall be his duty to see that the same, when graded and opened for travel, are kept clear from obstruction and in such repair as to be safe and passable and, under the direction of the common council or the park board see that all trees along and over sidewalks shall be trimmed, and see that all earnings are so kept as not to obstruct or interfere with public travel along the sidewalk, and shall perform such other services as are required of him by the common council, 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 twenty-five dollars shall be made, except by direction of the common council; while the street commissioner shall be under the full ^{direction and} control of the common council, he shall nevertheless be held personally accountable for the faithful discharge of his duties as herein provided or by the common council directed.

The street commissioner shall not be interested in any contract for work done ^{upon} on the streets, nor be allowed compensation for the use of any teams owned by him, or in which he has any interest. He shall, at each regular meeting of the common council, make and file with the city clerk a detailed written report, showing the amount and character of work done by his department since the date of his last report, and showing by whom said work was done and the sum due to each person therefor; and shall also report in detail any defects which he may have discovered in any street, sidewalk, crossing, bridge or culvert in said city, together with his recommendations as to the best means for repairing thereof, which said report shall be by the city clerk presented to the council at said meeting, but until such report is filed as above provided no salary shall be allowed or paid to the street commissioner.

He shall receive such compensation for his services as the common council shall fix by resolution.

SUCCESSORS IN OFFICE.

Sec. 12. If any person having been an officer of said city shall wilfully refuse for more than ten days after notification and request to deliver to his successor in office all property, effects or records in his possession belonging to said city or the office he may have held, he shall be punished by a fine not exceeding one-hundred dollars upon conviction thereof.

REMOVAL OF OFFICERS.

Sec. 13. Every person appointed to any office by the common council or mayor of said city, except police officers, or elected to any

office by the people, except mayor, may be removed from said office by a vote of five-sevenths of all the members of the common council, but no officer shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor unless he shall have a reasonable opportunity to be heard in his defense. The common council shall fix a time for the hearing of such charges of which not less than ten days notice shall be given to said accused officer, and said common council shall have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case, and if said officer neglects to appear and answer the charges against him, the common council may declare the office vacant.

OATHS AND BONDS.

Sec.14. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same, certified by the officer administering the same, with the city clerk of said city, and the city treasurer, city clerk, chief of police, street commissioner city engineer, and such other officers as the common council may direct, shall, before entering upon the duties of their respective offices, be required to execute such bonds (not otherwise provided for in this charter), to the city of Baseca, as the common council thereof may direct and approve for the faithful performance of the duties of such offices, and such bonds may be increased or diminished at the pleasure of the council, and if any officer fails to give the required bond the common council shall declare the office vacant and proceed to fill the vacancy as herein provided.

CHAPTER V.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec.1. The aldermen from the different wards and from the city at large shall constitute the common council of the city of Baseca, and a majority thereof shall constitute a quorum to transact business, but a smaller number may adjourn from time to time and compel the attendance of absent members. And said aldermen together with a duly

authorized physician to be elected by them in council assembled, shall constitute the board of health of said city and as such board of health shall have and so serve all the powers conferred by the laws of the state of Minnesota and shall perform all the duties imposed by said laws governing the board of health.

The style of all ordinances shall be: "The common council of the city of Anson do ordain!" No ordinance shall be passed unless voted for by a majority of all the members elected, and the vote entered upon the journal.

MEETINGS.

Sec. 2. The common council shall hold regular or stated meetings at such times and places as they may direct. The first regular meeting after the annual election shall be held on the second Tuesday of April in each year. The mayor or any four members of the common council may call special meetings by written notice to each of the members, to be delivered personally or left at their usual place of abode.

MEMBERSHIP AND REMOVAL.

Sec. 3. The common council shall be judges of the election and qualification of its members, subject to the provision of section 3 of chapter III of this charter, and in such cases have the power to send for persons and papers.

It shall elect a president for the term of one year, determine the rules of its own proceedings, censure its members for disorderly conduct and with the concurrence of five-sevenths of all the council elected, expel members for cause after due notice given and an opportunity extended to the accused to be heard by council 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 common council, without excuse, unless absent from the city by any of its members for six regular, consecutive meetings shall be deemed good cause for removal.

RECORD OF PROCEEDINGS.

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

CONTROL OF FINANCE AND PROPERTY-POWER TO
ISSUE ORDINANCES.

Sec. 5. The common council shall have the management and control of the finances and all property of the city, subject to the provisions of this charter, 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 regulation 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 it shall deem expedient; it shall have ^{the} ^{established} power to maintain a city prison, work house and watchhouse, 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 or convicted thereof; the common council shall have the exclusive right to exercise all the legislative powers granted by this charter 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 it; and all such ordinances, rules, or regulations are hereby declared to be and to have the force of law; provided they be not repugnant to the constitution ^{of} ~~of the~~ laws of the United States or this state, and for this purpose it shall have power and authority by ordinance, resolution or regulation:

First: To regulate and license exhibitions of common shows

and shows of all kinds, circuses, the exhibition of fireworks, concerts and theatrical performances, also to license and regulate auctioneers, hawkers, peddlers, transient and temporary merchants, public halls and other buildings and enclosures used for places of public resort and amusement, billiard tables, pool or pigeon, nine or ten pin alleys, bowling tables, bowling saloons, taverns and saloons, and all persons vending, dealing in, and disposing of spirituous, vinous, malt or fermented liquors, and provide such restrictions and prohibitions thereof as to the common council seem proper, provided that all licenses for dealing in spirituous, vinous, malt, or fermented liquors shall terminate on the first day of July of each year, and shall be at least five hundred dollars and as much higher as the common council shall direct; and the common council shall have the exclusive right to so license any person.

LOCAL OPTION CLAUSE.

Provided, that the qualified voters of said city may decide for themselves whether license shall be granted to any person for the sale of such liquors; and the city clerk is hereby required, on the petition of ten or more legal voters of said city, at any time not less than fifteen days before any annual city election to give notice that the question of license will be submitted at said election. Notice thereof shall be given by the city clerk at the time and in the manner that such notice of said election is given, and said question of license shall be determined by ballots containing the words "in favor of license" or "against license" as the case may be. The vote shall be canvassed and returned as in by law provided for canvassing the returns of such city election, and if such returns show that a majority of the votes cast at such election shall be "against license" then the common council shall not grant any license for the sale of such liquors in said city during the ensuing year. In case the legal voters of said city determine as provided in the last section, that no license for the sale of such liquors shall be granted, any person who shall thereafter

sell, barter, or dispose of any such liquors within said city during the ensuing year shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

Second: To restrain and prohibit all description of gambling and fraudulent devices and practices and all playing of cards and 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 purposes of gambling and to provide punishments therefor.

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

Fourth: To compel the keeper or occupant of any cellar, tailor or miller shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome and noxious 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 stock yards, slaughterhouses and the slaughtering of animals within said city or within one mile of the limits of said city, direct the management and location of slaughterhouses 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, substance, or material within said city, and to cause and compel the keeping, storing, and dealing in and conveying of all combustible, explosive, and dangerous substances or materials within said city in such a manner and in such place and places as it may deem expedient to direct.

Sixth: To prevent the encumbering of streets, sidewalks, alleys

lanes, or other public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, stumps, or any other material or substance whatever.

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

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

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

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

Eleventh: To 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 or fire crackers, and to prevent the exhibition of any fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof; and to prevent the sale dangerous ~~explosives~~ explosives in said city.

Thirteenth: To regulate the size and weight of bread and to provide for the measure 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, and provisions, and to appoint inspectors, measurers, weighers, and gaugers if deemed expedient, and to prescribe and regulate their duties and compensation.

Fourteenth: To regulate the place and manner of weighing and selling hay, straw, and other substances of feed and the measuring, weighing, and selling of fire wood, coal, and other fuel and to appoint suitable persons to superintend and conduct the same; to provide for a standard of weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

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

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

Seventeenth: To direct and regulate or to prohibit in any part of the city the planting, preservation, removal, injury or destruction of trees in the streets, roads, highways, and public grounds of the city, and to provide for the trimming of trees along the sidewalks thereof, and provide for the punishment of any violation of the ordinances

relating thereto.

Eighteenth: To provide for, prescribe, and regulate, 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, ~~and~~ alleys and public grounds.

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

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

Twenty-first: To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, 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 leaving within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound meat, flesh, fish, ~~and~~ 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 owner.

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 fees or compensation.

Twenty-fourth: To regulate and license hacks, drays, carts, omnibusses, 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 provide, upon petition of ^a ~~the~~ majority of lot owners, for the watering and sprinkling of any of the streets or highways of said city at the expense of the lot owners whose lots or parcels of land front upon any such street or highway so watered and sprinkled and who are benefitted thereby, and to levy a special tax or assessment to pay the cost of the same, according to the benefits conferred thereby, without regard to the cash value of the several lots so benefitted; the expense of said work in the first instance to be paid out of the street or highway fund of said city in accordance with the terms of the contract for doing the work of watering and sprinkling; and said common council shall assess the cost and expense of such watering and sprinkling; when determined upon, to the several owners and upon the several lots or parcels of land fronting upon such street or highway to be benefitted thereby. Upon the adoption of an order, or resolution by said common council making such special assessments and levy of taxes upon the persons and parcels of lots or land therein described, the same shall be filed with the city clerk, and said clerk, within ten days thereafter, shall file with the city treasurer a certified copy of said order, and said treasurer shall cause a copy of the same to be published at least once in the official newspaper of said city, notifying and requiring the respective persons therein named to pay the tax not opposite ^{the respective} lots therein described, to him, the treasurer, at his office within thirty days from and after the publication of such notice. To all taxes not paid to said treasurer within said thirty days, a penalty of eight per centum shall be added by the city clerk upon the return of the same to him by said treasurer. The said city treasurer, within ten days after the expiration of the time named for the payment of such taxes,

shall return to the city clerk said certified copy of order or resolution levying such taxes, upon which he shall have marked "paid" opposite all such taxes received by him and his certificate attached thereto to the effect that all taxes therein levied and not marked "paid" are unpaid and delinquent. And thereupon said unpaid taxes shall be deemed delinquent, and said city clerk shall add thereto the said penalty of eight per centum and shall, within ten days after the return of such order or resolution by said treasurer, certify such unpaid taxes, together with the eight per cent penalty, to the county auditor of Cass County for extension against the persons and property so assessed in the same manner as is provided for assessment and collection of taxes for repairing and building sidewalks; and when such assessments shall have been collected by the county treasurer, the amount thereof shall be paid over to the city treasurer and credited by him to the street and highway fund of said city for the purpose of reimbursing that fund.

Twenty-sixth: To control and regulate the flowage of waters of Loon Lake, Clear Lake, and all bodies of water within said city, and the waste thereof, to regulate the height or stage of water and navigations therein and the public use thereof, to improve, dredge, deepen, and beautify the ^{shore} shores of said lakes, to prevent the dumping of manure or other substances into said lakes, and to prevent the pollution of the waters thereof, or the shores thereof.

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 stages, amusements, 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 observance 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 cars or other conveyances thereon 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 persons be taken back to the place from whence they may have been brought by the person or persons bringing or having them in said city.

Thirty-first: To provide for, create, and establish the police of said city and to designate their salaries and compensation not otherwise provided for; to prescribe the number of police officers, and to provide for watchmen, designate their number and designate their salaries and compensation; which compensation shall be adequate and reasonable.

Thirty-second: To regulate or prohibit the carrying or wearing by any person of concealed, dangerous, or deadly weapons.

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

Thirty-fourth: To regulate the opening of hatches and to compel proper guards about the same.

Thirty-fifth: To regulate the movement and speed of railroad locomotives or cars within said city, to require the maintenance of flagmen, or the construction or maintenance of gates or other devices at the crossings of railroad tracks over such streets or highways as the common council may deem necessary for public safety, to prevent any railroad company from unnecessarily obstructing the streets or crossings in said city at any time and in no event exceeding ten minutes, accidents excepted, and any conductor, engineer, or other person in charge of any railroad train, locomotive or 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 more than one-hundred dollars and costs or be imprisoned until said fine ~~is paid~~ and costs are paid, not exceeding ninety days in the discretion of the court.

Thirty-sixth: To compel railroad crossings to grade their crossings of the streets and 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 accommodations of the public, and to build and maintain bridges, culverts, drains, and sewers, or pave, gravel or otherwise improve said streets as directed by the common council, and prevent flying switches across streets and to properly light street crossings and depot grounds and platforms 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 common council of said city, and to require railroad companies to provide lights at crossings where their tracks cross the streets of said city.

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

Thirty-eight: The common council shall have the power to expend moneys on the roads and highways beyond the city limits, whenever they deem it proper and direct the street commissioner, or such other person as they may designate, when and where and in what particular manner to expend the same.

Thirty-ninth: To levy and collect taxes, provide suitable buildings or offices for all necessary purposes of the city, appropriate moneys and provide for the expenses of the city government.

Fortieth: To alter, open, widen, extend, grade, repair, pave, macadamize, gravel, build bridges or otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also to regulate the width, grade, material, construction and surface line of sidewalks, to prescribe different widths in different localities and to prevent damages thereto and to prescribe the width of driveways and boulevards within said city.

Forty-first: To establish and record with the city clerk 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-second: 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.

Forty-third: To contract with any person, persons or corporation for the temporary lighting of such streets, parts of streets, public buildings and places as the common council shall deem proper for the convenience and safety of the inhabitants of said city in the streets, alleys, highways or public grounds of said city, when public safety demands it.

Forty-fourth: The common council may grant permission to any person, persons or corporation to lay gas, heating pipes or other pipes in any and all alleys, streets, 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 watermains, sewers, or lateral branches thereof, whether heretofore constructed or to be constructed, or with the proper drainage of the city.

Forty-fifth: To prescribe limits in which wood, lumber, laths, shingles, hay, straw, and other combustible material can be piled ~~in~~

or stored or lumber yards established or maintained.

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 of all swill, offal, garbage, ashes, barnyard litter, or manure, yard cleaning, dead animals, foul or unhealthy stuff and obnoxious weeds throughout the city, with authority to assess, levy upon, or compel the payment of the expenses of such removal upon the property, owners or occupants 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 require that the owners of buildings or other structures which may have been damaged by fire or otherwise, or which by reason of delapidation, defects in construction or from any other cause may have, or shall become dangerous to life and property or liable to cause accidents or that shall have become unsightly, take the same or any part thereof down or remove the same, and in case of refusal or neglect of said ~~owner~~ owner to take ~~the same~~ down or remove the same when ordered by the officer designated by the common 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 buildings or structure stand.

Forty-ninth: To regulate 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 steam boiler, gasoline engine and tanks and acetylene, gas or gasoline lighting apparatus, except permission therefor is first granted by the common council, specifying the location and prescribing the regulations for its use.

Fiftieth: To require the city clerk to make a monthly report or statement of the receipts and disbursements of said city to the common

council, and to require such report or statement to be made and submitted before his salary for the preceding month shall be paid, and to withhold said city clerk's salary until such report or statement is made and submitted.

Fifty-first: To impose punishments for the breach of any ordinance of the city to the extent of a fine not exceeding one-hundred dollars or imprisonment in the city prison or county jail not exceeding ninety days, and may provide that the offender, during such imprisonment or any part thereof shall be fed on bread and water at the discretion of the trial court.

The common council may also provide by ordinance that any one convicted of any offence before the municipal court, subjecting such offender to imprisonment under the ordinances of said city, may be sentenced to and kept at hard labor in any workhouse established for that purpose, OR in case of a male offender, may be sentenced to and kept at hard labor in such workhouse or upon the public improvements or work of said city or upon any pile of rock or stone owned by said city or in crushing or breaking the same or all of them, and may also provide by ordinance that any one convicted of an offence before said municipal court and committed upon nonpayment of fine and costs imposed, may be kept at hard labor, in any workhouse of said city aforesaid, or in case of a male offender may be kept at hard labor either in such work house or upon the public improvements or upon any pile of rock or stone owned by said city or in crushing or breaking the same, or works of said city or all of them, until such person shall work out the amount of such fine and costs at such rate of compensation as said common council may prescribe, and for a time not exceeding said commitment; the common council shall have full power to establish by ordinance all needful rules and regulations for the secure custody of such persons thus employed and to prevent escape and secure proper discipline, and shall have power to purchase, establish, construct

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or lease a proper work house in said city or within one mile of the limits thereof for the purposes aforesaid, and under such regulations as the common council may prescribe, provided, that said common council is hereby authorized to use the county jail of Lascas county as a work-house of said city, as provided for in this charter, upon payment by the city to the county of such sum per day or week for the board of such prisoners and care thereof as may be agreed upon by and between the said common council and the board of county commissioners of said county, the prisoners of the city to be in the custody of the sheriff of Lascas county when they shall not be under the control of the police force of said city, and, provided further, that the judge of the municipal court of said city shall have power for vagrancy to commit any person convicted thereof to the city prison, workhouse or county jail and to order any such male person to work on the public improvements or at any work of said city for a term not exceeding ninety days.

Fifty-second: The common council may, by ordinance, confer upon the mayor power and authority to grant and revoke any license in the name of the city, and to do any act which the common council is authorized to do in the premises, except that power shall not be granted to the mayor to grant license for the sale of intoxicating liquors.

ABATEMENT OF NUISANCES.

Sec. 6. The power conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in courts for the abatement of nuisances.

ORDINANCES, PASSENGER, AND PUBLICATION.

Sec. 7. All ordinances and resolutions of the common council shall be passed by an affirmative vote of the majority of all the members elected to the common council by "ayes" and "noes", which shall be entered on the journal approved by the mayor, and published once in the official paper of the city before they shall take effect. No ordinance shall pass at the same meeting at which it shall have been presented or proposed, and shall only be passed at a regular meeting.

Sec. 8. All ordinances and resolutions, after the same are approved and published, shall be recorded by the clerk in a separate book provided for that purpose and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit or 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 said common council and approved by the mayor may be proved 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. 9. All books or pamphlets published or which may be published purporting on their title page to be published by the authority, order or direction of the common council, and purporting to contain the charter and ordinances of said city, rules, orders, regulations or resolutions of said common 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 clerk that any printed ^{of paper} slip to which such certificate may be attached contains or is a true copy of any ordinance, resolution, proceeding of the council or other paper, the original of which is presumably in the possession of said city clerk, 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 common council or other paper and of the legal passage, adoption, approval and publication thereof.

POWER TO ISSUE BONDS, ORDERS AND CERTIFICATES OF INDEBTEDNESS.

Sec. 10. The common council shall have power and authority to issue bonds, orders, or certificates of indebtedness of said city in an amount not exceeding ten per cent of the assessed valuation of the taxable

property of said city, according to the last preceding assessment, whenever thereunto duly authorized by a majority vote of the electors of said city, cast at any general election or special election held for that purpose. Said bonds, orders, or certificates may bear a rate of interest not exceeding six per centum per annum, and shall not be sold nor negotiated by said city at less than their face value. No bonds, orders, or certificates of indebtedness bearing interest, except for property assessment as provided for in section 7 of chapter 8, and as provided for in sec. 12 of chapter five, of this charter, shall ever be issued by the officials of this city except when thereunto duly authorized by a resolution of the common council adopted by a majority vote of the electors of said city, polled at any general or special election whereof the question has been duly submitted to the legal voters of said city; provided however, that certificates of indebtedness or bonds issued by said city prior to the adoption of this charter:

(a) For the purpose of constructing and putting in operation waterworks for the use of said city and the private use of the inhabitants thereof:

(b) For constructing and putting in operation a system of electric lighting for said city and for the private use of the inhabitants thereof:

(c) For the purpose of acquiring any real or other property needed in connection with any such plant or plants:

(d) Bonds or securities in any sinking fund maintained by said city shall not be counted as a part of the outstanding bonded indebtedness of said city for the purpose of determining its authority to issue further bonds, orders, or certificates under the limits herein^{tion} prescribed.

Sec. 11. The common council shall have never an authority to issue bonds or certificates of indebtedness bearing interest not to exceed six per centum per annum for the purpose of paying the lawful floating indebtedness of said city existing prior to the adoption of the

charter and not already funded into bonds, without a vote of the electors of said city; provided, that the total outstanding of the indebtedness of said city, except as provided in paragraphs (a), (b), (c), and (d), in Sec. 10 of this chapter, and except ^{as} provided in Sec. 5 of chapter 11, and in Sec. 12 of chapter 3 of this charter, shall never, at any time exceed, in the aggregate, ten per cent of the taxable property valuation of said city according to the last preceding assessment rolls; and any and all bonds, orders, warrants, or certificates that may be issued by the officials of said city, after ~~said~~ said limit of ten per cent shall have been issued and shall remain unpaid at the time, shall be absolutely void as against said city, its citizens, and their property.

TEMPORARY LOANS.

Sec. 12. The common council may, during any fiscal year, by vote of five-sevenths of all the members elected, the "yeas" and "nays" being taken and entered upon the journal, issue city warrants or other evidence of indebtedness of said city bearing interest at a rate not exceeding six per cent per annum, and for a time not exceeding one year in such amount, and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such year, provided, that the amount of such city warrants or other evidence of indebtedness shall not, at any time, exceed two-thirds of such taxes and revenues, and provided further, that the proceeds of such city warrants or other evidence of indebtedness shall be applied to the same purpose as the taxes and revenues in anticipation thereof they may have been issued, provided, further that when the taxes are collected, a sufficient amount shall be immediately set aside and used to pay the temporary loans and interest thereon, provided, that such city warrants or other evidence of indebtedness shall not be deemed to be any part of the city indebtedness in estimating the indebtedness which the city is authorized to incur by law.

Sec. 13. 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 clerk, and shall, upon the face, express the object for which they are given and shall not be negotiated for less than par value.

RECESSION.

Sec. 14. If, in any case, any of the powers granted to the common council to be exercised by ordinances named in sect. on five of this chapter, or other provisions of this charter cannot be well exercised by the passage of ordinances, then and in that case the said common council may exercise any of said powers by means of the passage of resolutions.

POLICE JURISDICTION.

Sec. 15. The jurisdiction of the board of health, court and police of said city shall extend over all bodies of water, water courses, cess pools, or stagnant pools or ponds and other dangerous and unhealthy substance or objects embraced within and to include the territory of the city of Tucson, and one mile from the corporation limits of said city in every direction.

Sec. 16. The jurisdiction of the court of said city, of the board of health and the powers of the mayor and police of said city of Tucson shall extend over and include all the territory, mentioned in the preceding section of this chapter, for the purpose of enforcing the police regulations and ordinances of said city in relation thereto, and the said board of health and the said courts, mayor and police shall have power and authority to enforce the ordinances, rules and regulations over and within said territory in like manner and to the same extent as possessed within the limits of said city of Tucson, provided, that this power and authority shall not be construed as abridging or interfering with the general powers and authority of the Supervisors of the towns of Coolville and St. Mary in other respects not in this chapter enumerated.

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Sec. 17. The common council may cause to be established from time to time, under the direction of the city engineer of said city, the grade of the streets, sidewalks and alleys in said city and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk, and shall have power to cause all sidewalks to conform to the grade as established and if the owners or occupants of lots, fronting on the same shall not, after notice, and within such time as it may direct cause the same to conform to such established grade, shall order the same to be done by the street commissioner at the expense of the lots fronting on the same.

ANNUAL STATEMENT OF RECEIPTS AND
EXPENDITURES, PUBLICATION.

Sec. 18. The common council on the first Monday of March, annually, shall make a full and accurate statement of the receipts and expenditures of the preceeding year, which statement shall contain a full and correct description of each item, from whom and on what account 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 common council may direct the city clerk to prepare statements for publication at such other times as it may deem necessary and proper.

Sec. 19. No officer elected or appointed under the provisions of this charter shall be a party to or interested in any contract in which the city is interested while holding such office, and any contract made in violation hereof shall be void.

And any such officer of said city who shall violate or aid in violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not exceeding one hundred dollars and costs of prosecution, and in default of payment thereof be imprisoned in the county jail for a term not exceeding ninety days or until such fine and costs are paid.

RECONSIDERATION BY COUNCIL.

Sec. 20. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting unless there be present six aldermen.

NO FINE REMITTED EXCEPT BY VOTE OF
COMMON COUNCIL.

Sec. 21. No fine or judgment recovered by the city shall be remitted or discharged except by vote of the common council and with the approval of the mayor.

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Sec. 24. In the ordinance creating such park board, the common council may confer upon it all the powers which said common council itself might exercise in the premises, and may define its jurisdiction, powers

and duties and confer upon it the right to sue and be sued, to plead and be impleaded in all courts, regarding all matters pertaining to its public duties. And said park board, when so created, shall have and possess full power to make all useful rules and regulations for the control and management of all parks, parkways, boulevards and other public grounds, of said city, and to enforce the same by fines and penalties, and such rules and regulations so made shall have the force of law and be of the same effect as ordinances passed by the common council, and said park board shall have the power to maintain and defend actions with the same effect as a municipal corporation, and the common council, may by ordinance, make such rules and regulations as it may deem necessary for the control and government of all the parks of said city and prescribe fines and penalties for any violation of such ordinances.

CHAPTER VI.

TAXES AND FINANCE.

Sec.1. The fiscal year of the city of Anson shall end on the last day of February in each year.

PROPERTY SUBJECT TO TAXATION.

Sec.2. All real, ^{the} personal, and other property within the city except such as may be exempt by 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 same manner provided for by the general laws of this state, except as hereinafter expressly provided; ~~for~~ 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 common council on or before the first day of October in each year. All taxes shall be levied in specific amounts and based upon an estimate of the city expenses for the ensuing year.

ESTIMATES TO BE FURNISHED.

Sec.4. On or before the first Monday in August, in each year,

the several heads of departments, offices, boards, committees of the common council, and commissions shall furnish to the common council, by filing the same with the city clerk, an estimate in writing of the amount of expenditures, specifying in detail the amount thereof required in their respective departments, offices, boards, committees, and commissions during the year.

ESTIMATE FOR THE YEAR.

Sec. 5. At the first regular meeting in September, in each year, the city clerk shall prepare and transmit to the common council an estimate of the probable expenditures of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amounts needed for salaries and the costs of all the departments of the municipal government in detail, and showing specifically the amount 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 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.

CITY COUNCIL BUDGET.

Sec. 6. The common council shall, on or before the fifteenth day of September, in each year, and by a 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 show the aggregate sum and the items thereof allowed to each department, office, board, committee or commission, as the common council may determine, and shall be recorded upon the minutes at length.

BUDGET TO BE SUBMITTED TO THE MAYOR.

Sec. 7. The budget, shall, when completed by the council, be delivered to the mayor who may, within five days after such delivery to him, veto any item in said budget, in whole or in part, and it shall

require the vote of at least five-sevenths of the council to overcome such veto. After the final estimate is made in accordance therewith, it shall be signed by the mayor and city clerk, 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 clerk.

LIMIT TO TAX LEVY.

Sec. 8. The common council shall annually levy taxes as hereinbefore provided, not to exceed three mills, on the dollar of the assessed valuation of the taxable property of the city for current expenses.

TRANSMISSION TO COUNTY AUDITOR-TOWN.

Sec. 9. The city clerk shall transmit to the county auditor of Cassia county, on or before the tenth day of October, in each year, a statement of all taxes levied by the common council, as by this charter provided, and also all special assessments levied upon any of the lots, blocks, or other 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, and other taxes are collected, and the county treasurer shall pay such collected taxes to the city treasurer at such times and in such manner as provided by the general laws of this state.

FUNDS.

Sec. 10. The moneys and securities in the city treasury shall be divided into the following named funds, to-wit:

The general fund, into which shall be paid and in which shall be kept, in addition to such moneys as may be raised therefor by taxation, all receipts by the city from license fees, fines, and costs, sales of city property and all moneys received from any source, except such as may be expressly destined for special funds, 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 portion of the general tax as shall have been determined by the common council in compiling the budget and all moneys received from special

assessments for street and sidewalk improvements together with such moneys as shall be received from the highway tax levy as specified in section 15 of this chapter. No moneys shall be transferred into said fund from the general fund:

The electric light and waterworks fund, into which shall be paid all moneys received for electric light and water rents. No moneys shall be taken from said fund except for purposes connected with the electric light and waterworks:

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

The common council of said city in addition to ^{the} other taxes in this charter provided for shall have power and may annually levy and include in the general tax of said city, before the principal or any part thereof of any outstanding bonded indebtedness or any interest bearing debt of said city becomes due, a sufficient amount to pay such principal or to create a sinking fund to pay the same or any part thereof.

And such other special funds as may hereafter be established by city ordinance; provided that any surplus in the hands of the water and light fund, may be transferred to the general fund upon the unanimous consent and recommendation of the water and electric light board.

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 making 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 common council or any order to the contrary notwithstanding. The city treasurer shall pay no order or part of any order drawn on either of said funds unless the fund so drawn upon contains money 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, for 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 common council of the fact.

The city treasurer shall not make or permit any transfer of any money from either of said funds to another, except in the cases mentioned and provided for in the succeeding section.

MONEY NOT TO BE TRANSFERRED.

Sec. 12. The common council shall make no appropriation from nor shall the mayor or the city clerk 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 common council authorize or attempt to authorize, or the mayor or the clerk 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 common council may, by 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 a transfer so authorized by resolution of the common council, by virtue of the above proviso, such resolution and the date of its adoption shall be mentioned and referred to, and the city clerk shall transmit to the city treasurer with each order a duly certified copy of such resolution, and in like manner, and not otherwise, transfer may be made from the general fund to the electric light and water-works fund.

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 the city, he shall appropriate and credit

the same to the proper fund or funds and shall, without delay, transmit to the city clerk a duplicate of his receipt therefor.

SEPARATE ACCOUNTS OF ESTIMATES AND APPROPRIATIONS.

Sec. 14. It shall be the duty of the city clerk 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 common council at any time how much of the sum estimated for any department or purpose remains unexpended. And the city clerk shall keep, with the aid of duplicate ~~receipts~~ 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 funds not subject to the control of the common council; which accounts 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 clerk and the city treasurer, respectively, may be easily checked by each other.

HIGHWAY TAXES.

Sec. 15. The common council, in addition to other powers herein conferred, shall have power to assess and levy highway taxes upon all real estate and personal property in the city liable to taxation to any amount it may deem necessary not exceeding five mills on each dollar as valued on the assessment roll of the current year, and said taxes shall be levied and transmitted to the county auditor at the same time and in the same manner as other city taxes are levied and transmitted.

Sec. 16. Every male inhabitant being over twenty-one years and under fifty years of age, excepting paupers, idiots, lunatics, and such others as are excepted by law, shall be assessed not less than one dollar and fifty cents nor more than four dollars poll tax each year for highway purposes. The common council shall cause a list to be made out containing the names of all persons assessed for poll tax, and the amount thereof shall be placed in a separate column opposite the name

of the person. The list so prepared shall be signed by the mayor and attested by the ^{city} clerk and shall be deposited with the city clerk and be filed in his office.

Sec. 17. The city clerk shall make a certified copy of such poll tax list and shall deliver the same to the street commissioner, who shall proceed to collect the same, and shall pay the same over to the city treasurer (except when said tax is paid in labor) and shall take a receipt from the city treasurer for any amount so paid which shall specify that the same was for poll taxes, with a statement of the amount so paid. The street commissioner shall give each person paying any polltax to him a receipt therefor.

Sec. 18. The said tax list may be corrected by the common council or the street commissioner, and names omitted therefrom and names of new inhabitants shall be added thereto, and they shall be rated and taxed in the same proportion as others are rated and taxed by the common council on such list.

Sec. 19. The street commissioner shall deliver to the city clerk on or before the first day of December in each year, said list furnished him by the said clerk with a certificate thereon that all taxes in said list, opposite which the word "paid" is not written, are due and unpaid, according to the best of his knowledge and belief. If the street commissioner ^{refuse} ~~neglect~~ or ^{suspect} ~~refuse~~ to furnish such list with a certificate provided in this section, he shall be deemed guilty of an offence and shall be punished for such offence by a fine not less than five dollars nor more than one hundred dollars, to be recovered by the city in a civil action against said street commissioner and his bondsmen, and used for highway purposes. The city clerk shall receive the list so returned by the street commissioner and shall put the same on file in his office.

The common council shall be governed in the levy and collection of the poll tax by the provisions of title one of chapter 13 of the general statutes of the state for the year, 1894 and amendments thereto,

and the provisions of said title are hereby adopted for the purpose of levying and collecting said taxes, and all the provisions thereof for the levying, working out and collecting such poll taxes, including the arrest and punishment of persons refusing to work the same or commute therefor, shall apply within the city.

BOARD OF REVIEW.

Sec. 25. The common council shall meet at the rooms occupied by the common council of said city on the fourth Monday of June in each year, or at such time as the board of review are required to meet as provided by the general laws of this state, for the purpose of reviewing and equalizing the assessment of property in said city and for the purpose of examining the assessment roll returned to said common council by the assessor of said city; and when so sitting as a board of equalization and review shall possess all powers, perform like duties as township boards of equalization ~~under~~ under the general statutes of this state and it shall immediately proceed to examine, ascertain, and see that all taxable property in said city has been properly placed upon the list and assessment roll 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 and assessment roll 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. It shall have power and it shall be its duty to revise, alter, and equalize the assessment on the roll of the assessor as it deems just and proper, and the said assessment so revised and equalized shall be final, subject only to the revision of the state board of equalization. It shall be the duty of the assessor and city clerk to be present at the meetings of said board of review, and the said clerk shall act as clerk of said board, and the assessor shall present ^{before the} ~~to the~~ board all the facts relating to the assessment. Such common council, sitting as a board of equalization

and review, shall possess and be vested with all the powers which are or may be vested in such boards of review under the general laws of the state; and in addition thereto shall have and possess all the powers herein and hereby granted to and vested in such board and may require any person who may be required to list his property or whose property is listed for taxation to appear before said board and submit to an examination under oath touching any property owned by him or under his control subject to be listed for taxation, and it may examine before it any person whom it may suppose to have knowledge of the amount or value of the personal property of any person, and for that purpose any member of said common council sitting as a board of review is hereby authorized to administer oaths to all persons who, by the provisions of this charter or any law of the state of Minnesota, are required to submit to an examination before said board.

Sec. 21. The city attorney may attend the sessions of said board and, whenever requested by said board, shall so attend the sessions of said board as its legal adviser and shall also represent and defend the interests of the city; and whenever it shall appear to him that any parcel or kind of property in the city is assessed at less than its proper valuation, he shall, in behalf of the city, apply to the said board to have such valuation rectified; and, upon all applications for abatement, he shall appear and represent the city; and any person feeling himself aggrieved by any assessment may appear before the board personally or by counsel and present his grievances, and the board shall review such assessment; and, if it finds the complaint well founded, shall so correct such assessment as shall appear to it just.

Sec. 22. Such board of review may sit from day to day or adjourn from time to time as it shall deem proper until it shall have revised and equalized said assessments. Whenever it appears upon a hearing or otherwise that any property is listed or assessed at less than its true value, said board shall immediately proceed to correct such undervaluation; and whenever it appears to the satisfaction of the board that

property which ought to be listed has been omitted by the assessor or otherwise, the board shall immediately proceed to list and place such property upon the tax roll with the true valuation thereof. A majority of said common council sitting as a board of review is authorized to act at any meeting of said board. Said board shall not be restricted by any limitation in respect to reducing aggregate sums of real and personal property as returned by the assessor. The assessment of the property of any person shall not be raised by the said board, or property omitted listed or placed upon the assessment rolls until such person shall have been duly notified in writing of the intent of the board so to do. Any person, company, or corporation shall not be entitled to any deduction from any assessment so revised, altered, equalized, or passed upon by said board of review nor any deduction from or abatement of any tax extended thereon, unless notice of such application shall be given to the city attorney of said city by such applicant for abatement ten days prior to the presentation of such application for abatement.

Sec. 23. The city attorney may and it shall be his duty, if the interests of the city so require, to appear in behalf of said city in the matter of such application for abatement and shall take such steps therein and in relation thereto as the proper protection of the interests of the city may require.

Sec. 24. Each member of said city council, serving upon said board of review, shall be entitled to receive from said city, in payment for such services, two dollars per day for each day actually spent as a member of said board; provided, that no alderman shall receive pay for more than five days in any one year as such member.

CHAPTER VII.

STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

Sec. 1. The common council may order sidewalks to be constructed in front of and along any one or more lots or parcels of land in said city, at the expense of such lot or parcel of land, upon the petition of not less than six legal voters and householders residing within one-half mile of some portion of the sidewalk petitioned for; which petition shall

be in writing and describe the lots or parcels of land to be affected thereby. Whenever any such petition shall be received by the common council, the common council shall fix and enter upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten days nor more than thirty days from the date of the reception of such petition, and shall give notice to all persons owning or claiming an interest in or lien upon such lot or parcel of land, and to all persons interested in the ordering of such sidewalk of the reception of such petition and of the time and place when and where such petition will be acted upon, by publishing a notice thereof in the official paper of the city two successive times, the last of which publication shall be at least ten days before the day of hearing; and in such notice the several lots or parcels of land shall be described with reasonable certainty. Upon such notice being given the common council shall have jurisdiction to order such sidewalk constructed at the expense of each lot or parcel of land upon which such sidewalk is ordered, and to enforce the construction thereof as hereinafter provided. The common council shall meet at the time and place so fixed and shall hear all reasons for or against the ordering of the construction of such sidewalk, and may adjourn from time to time; and after such hearing, if the common council determine that the public convenience will be promoted by the building of such sidewalk, and that the expense is not disproportionate to the benefits conferred, the common council shall order such sidewalk to be constructed at the expense of each lot or parcel of land upon which it is to be constructed, and in such order shall determine the material of which it shall be constructed, its width and any other necessary specification for the building of the same, and also the time within which such sidewalk may be constructed by the owner of the lot or parcel of land affected thereby, which time shall not be less than thirty days. Such order shall be published once in the official paper of the city at least ten days before the time expires within which such sidewalk may be constructed by the lot owner. If such sidewalk is ordered,

or any portion of the same, be not constructed by the owner within the time specified in such order, the common council shall cause the same to be built by and under the direction of the street commissioner. The street commissioner shall keep an accurate account of the cost of building the same and over each lot or parcel of land and shall forthwith report the same to the common council. After receiving such report the common council shall assess the cost of such sidewalk over each lot upon each lot separately, and may assess the cost of publication of the notice and order hereinbefore mentioned, in equal amounts upon each lot separately and the amount so assessed shall thereupon become a lien upon such lot or parcel of land; and at or before the time required by law for reporting to the county auditor of "assess county the taxes levied for that year, the city clerk shall certify the amount of such special assessment and the lots and parcels of land affected thereby to said county auditor, and thereupon it shall be the duty of said county auditor, to extend such special assessment against such lot or parcel of land in the next annual tax duplicate, and the same shall be collected and paid over in the same manner as other taxes on real property; provided, however, that in all cases the common council may order that a portion of the cost of said sidewalk over any one or more parcels of land shall be paid from the city treasury, out of the street improvement fund, and whenever the common council of said city shall deem it necessary that any sidewalk in said city shall be constructed or reconstructed and for the construction or reconstruction of which no petition has been received, it shall have power by resolution to direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed, and such resolution shall be published once in the official paper of the city and notice thereof shall be served by the street commissioner on the owners of the lots or parcels of land along which such sidewalk is to be built, in the same way and manner as provided in the next section hereof for the giving of notice when sidewalks become out of repair; and when the owner or owners of any such lots

shall not be residents of the city, notice shall be given by publication as is provided in the next section to construct the same, and unless such owners shall each along his respective land construct and fully complete such sidewalks within two weeks after service of notice of such resolution as aforesaid, the street commissioner shall at once proceed to lay said sidewalk, and after said sidewalk shall have been laid by the street commissioner the city council shall forthwith proceed to assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such costs shall be returned and such assessments shall be collected in the same way and in all things as is provided for the collection of special assessments under the provisions of this section.

REPAIR OF SIDEWALKS-SPECIAL ASSESSMENTS, ETC.

Sec. 2. Any sidewalk heretofore or hereafter constructed and suffered by the landowner to remain in front of or along ^{lot or} any parcel of land in said city, that shall become out of repair and be deemed dangerous by the common council, whether such sidewalk shall have been constructed under the order of the common council or not, the common council shall cause the street commissioner to notify the owner or occupant of such lot or parcel of land to repair the same, in such manner as the common council may direct, within one day from the date of giving such notice; such notice shall be in writing and ^{be} served by copy upon the owner or occupant; and if the lot or parcel of land be unoccupied and the owner be not a resident of the city, then such notice shall be given by publishing the same one time in the official paper of the city. The owner or occupant of such lot or parcel of land, may, within one day petition the common council for a re-hearing upon such order by filing a petition therefor with the city clerk. If such repairs are not made and if no petition for rehearing has been filed, the common council shall, after the times herein limited, order such repairs to be made by the street commissioner, and a special assessment of such cost shall be made by the common council, and such special assessment shall

be certified by the city clerk to the county auditor, and extended by the county auditor on the tax duplicates, and the amount collected and paid over as provided in the preceding section for a new sidewalk.

Sec.3. It is and shall be the duty of every proprietor of lands or city lots, within said city, where a sidewalk has been built or ordered built, to keep and maintain every such sidewalk in good repair; and if any such proprietor shall refuse or neglect, after personal notification, in writing to repair any defect in any such walk on his premises, within five days after such notification, he shall be deemed guilty of an offence, *and upon conviction thereof shall pay a fine for each offence* not exceeding twenty-five dollars and the costs of prosecution.

The common council shall have power and it shall be its duty, to cause to be made at least once every thirty days a careful inspection of all sidewalks in said city, and require that a written report of said inspection of such sidewalk, be made by the person so inspecting the same and filed with the city clerk of said city to be presented to the common council at the next meeting following the filing thereof, and it shall be the duty of the officer so inspecting said sidewalks to report fully the condition of any such sidewalk found defective with the place and nature of the defects therein and may add thereto such recommendations as he deems proper as to the nature and extent of the repairs to be made thereon. Said written report to be sworn to by the officer making the same.

POWER OF COUNCIL OVER STREETS, ETC.

Sec.4. The common council of said city shall have the care, supervision and control of all highways, bridges, streets, and alleys and public grounds within the limits of the city, and shall have power to build and keep in repair bridges and the approaches to the same, open, vacate and alter highways, streets, lanes and alleys, and widen and ~~xx~~ straighten the same; and may provide for the cleaning of the streets and alleys of the city by contract or otherwise on such terms as may be deemed advisable.

LIMIT FOR INJURY.

Sec.5. Before said city shall be liable to any person for

damages for or on account of any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, or public place of any kind in said city, or by reason of any alleged negligence of any officer, agent, servant, or employee of said city, the person so alleged to be injured or some one in his behalf shall give to the common council, within thirty days after the alleged injury, notice thereof and shall present his claim to compensation to such common council in writing stating the time when, the place where, and the circumstances under which such alleged loss or injury occurred, and the amount of compensation and the nature of the relief demanded from the city, and said common council shall have ten days time within which to decide upon the course it will pursue with relation to such claim; and no action shall be maintained until the expiration of such time on account of such claim, nor unless the same shall be commenced within one year after the happening of such alleged injury or loss.

Sec. 6. In the prosecution of said action ^{against said city} for personal injuries growing out of defective or poorly constructed sidewalks, it shall be necessary, in order to maintain an action, for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than thirty days immediately prior to the time of the alleged injury, or that the city had actual notice or knowledge of such defects or want of repair for the period of ten days immediately prior to the time when such injury occurred.

Sec. 7. And said city shall be absolutely exempt from liability to any person for damages or injuries suffered or sustained by reason of defective streets or sidewalks within said city unless actual notice in writing of such defects in said streets or sidewalks shall have been filed with the city clerk within at least ten days before the occurrence of such injury or damage: in the absence of such notice the city shall not be liable for any injury or damage on account of such defects, and in all cases such notice shall describe with particularity the place and nature of the defects of which complaint is made.

CH. XXII.

ARTICLE XXII.

Sec. 1. In addition to the rights and powers granted by this charter to the common council of said city, which rights and powers shall not be abridged by anything in this chapter contained, the common council shall have power and is hereby authorized to levy assessments for local improvements upon the property fronting such improvements, or upon the property to be benefitted by such improvements, or both, without regard to the cash valuation thereof. Such assessments may be made for the cost of filling, grading, levelling, paving, macadamizing, or otherwise improving or repairing any street or alley, and in constructing, laying or relaying or repairing any gutters, sewers, or drains of said city.

Sec. 2. Whenever the common council shall deem it necessary and expedient to make any of the improvements mentioned in section one of this chapter, it may, on its own motion, and shall, if a majority of the owners of property abutting on such improvements shall petition therefor, cause plans and specifications for such work or improvement to be made and filed in the office of the city clerk and shall, when such plans and specifications are so filed, give notice, signed by the mayor and city clerk, of the time and place when and where the common council will meet and hear reasons for and against such improvements, which notice shall be published at least once in the official paper of the city and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvements and the several tracts of land to be affected thereby.

Sec. 3. At the time and place named in such notice, or any subsequent time to which the hearing on such motion may be adjourned, the parties interested may be heard in reference to the making of such proposed improvement, its nature, character, and extent, and the council may decide by resolution or otherwise, not to undertake such improvement, or may order the same in whole or in part to be made, and may cause the same in whole or in part to be made by the street commissioner, or may cause the same to be done under a contract, to be let to the lowest

responsible bidder; provided, that, if such improvement is ordered made without a petition as hereinbefore provided, it shall not be ordered unless five-sevenths of the council vote in favor of the same; but, if done on a petition, a majority of the council may decide and such vote shall be by "yeas" and "nays" duly recorded in the minutes and records of such common council.

Sec. 4. If the work of making the improvement in question is carried on by the street commissioner, at any time after the work is completed, or, if done by contract then at any time after the contract has been entered into, the common council shall give notice of a time and place, not less than twenty days after the date of said notice, when and where it will meet and levy assessments upon the property fronting upon such improvements, or the property to be benefitted by such improvements or both, for the cost of making such improvements, and for hearing all persons interested or whose property may be affected; notice of said hearing shall be given by the publication thereof in the official paper of the city at least once and the last publication shall be at least ten days before such meeting.

Sec. 5. At the time and place named in such notice or at any subsequent time and place to which such hearing may be postponed, the common council shall meet and hear all evidence offered by any party interested, and for that purpose the presiding officer is authorized to administer oaths to witnesses. After such hearing the common council shall by resolution or otherwise levy upon each place or parcel of property fronting upon such improvement, or upon the property to be benefitted by such improvement, without regard to the cash valuation thereof, the just proportion of the cost of making such improvement, which in the judgment of said common council should be levied against such property, and a full and complete record of such levy shall be made and kept by the city clerk in a book kept for that purpose; which record shall contain a description of the property assessed and charged with the construction of such improvement and the amount levied against each lot or parcel of property with the name of the owner thereof.

Should the aggregate amount so determined and assessed be less than the total cost of such improvement, the deficiency shall be paid out of the city revenues of said city available for that purpose not to exceed twenty-five per cent of the total cost of such improvement; provided, however, that nothing in this section or chapter contained shall prohibit or prevent said common council whenever thereunto duly authorized by a majority vote of the electors of said city, as provided in section 10 and 11, of chapter 5, of this charter, from issuing bonds, orders, or certificates of indebtedness and appropriating the funds arising therefrom to the making and carrying on of any of the improvements mentioned in this chapter, in such proportion ^{to} of the total cost thereof as may be determined upon by said common council; and that proportion of the total cost of any such improvement borne by said city, for which bonds, orders, or certificates of indebtedness shall have been issued by said common council, shall constitute and be a portion of said city's indebtedness in estimating the total indebtedness which said city is authorized to incur by law.

Sec. 6. A certified copy of such assessment shall be delivered forthwith by the city clerk to the city treasurer, and the same shall be his warrant for the collection of such assessments, and such treasurer shall forthwith cause a notice to be published at least once in the official paper, which notice shall refer to such assessments ~~and state that~~ ~~such assessments so made for such improvements~~ and state that such assessments so made for such improvements are due and payable to him and giving the date when the warrant thereof came into his hands for collection. If any such assessments are not paid within thirty days of the publication of such notice, a penalty of ten per cent shall be added thereto, unless otherwise ordered by the city council.

Sec. 7. If any such assessment be not duly paid to said city treasurer within the thirty-day period aforesaid, (or if there be not in the treasury of the city, at the end of the thirty-day period, money to pay that portion of the cost of such improvement which may be in excess of the aggregate of the assessments so levied, not exceeding twenty-five per cent of the total cost of such improvement, as provided

in section 5 of this chapter, whether the same have or have not been collected, the common council shall issue or cause to be issued the orders of said city upon the city treasurer thereof for the payment of which the full faith and credit of such city is hereby pledged in the aggregate amount of the unpaid balance of the cost of such improvement, which orders shall be in such amounts and payable at such times as the common council shall determine, and shall bear interest at the rate not exceeding six per cent per annum and all such orders may be negotiated and sold by said city for not less than par or face value. A record of all such orders shall be made and kept by the city clerk.

Sec. 8. The common council shall annually, at the time of levying such taxes for city purposes and until all of said orders shall be paid, levy a tax sufficient to meet the orders which shall fall due in the year next following such levy, or shall apportion from the other revenues of the city, applicable thereto, an amount sufficient for such purposes and shall also annually on or before the first day of October in each year, until the whole of said assessments have been collected as herein provided, cause a statement of all or any amount of the aforesaid assessments remaining unpaid against such tract of land assessed with penalty and six per cent annual interest on the whole of the assessment unpaid, from the date of the levy thereof to the date of the maturity of such orders next falling due added thereto, to be transmitted with the city taxes for that year to the county auditor and the said auditor, shall extend the same against the several tracts assessed with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof and the same shall be enforced with and in like manner as city, county and state taxes are collected and payment thereof enforced.

Sec. 9. Proof of all publications required to be made, under the provisions of this title, shall be made by the affidavit of the foreman, editor or publisher of such paper showing the time of publishing the same and such affidavit shall be attached to the notice published and shall be filed in the office of the city clerk, and publication of

such notices in the manner herein provided shall be deemed sufficient service thereof upon the person whose property may be affected by the proposed improvement and sufficient notice to them thereof, and shall be sufficient notice to give the common council jurisdiction to make such improvements and levy such assessments therefor.

No omission, informality or irregularity, in or preliminary to the making of any special assessment for any of said improvements, shall effect the validity of such assessments, unless objections specifying the grounds thereof shall have been made in writing and duly filed with the city clerk on or before the date of said assessment.

No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to the provisions of this charter after orders have been issued covering such special assessments and such orders shall be conclusive proof that all proceedings on which they are based are legal, regular and valid.

Sec.10. All the assessments made for the improvements hereinbefore provided for, which improvements have been paid for by issuance and sale of city orders as hereinbefore provided, together with all the penalties and accrued interest thereon, shall constitute a special fund, and when collected and paid into the city treasury, shall become a special fund for the purpose of, and shall be used only for paying the principal and interest upon such city orders so issued.

Sec.11. If a special assessment made under the provisions of this charter or heretofore made by the city under the provisions of any general law of this state, to defray the expense of a local improvement, shall be in whole or in part annulled, vacated or set aside by the judgment of any court, or if the common council shall be satisfied that any such assessment is irregular or defective and that the same cannot be enforced or collected, or if the common council have omitted to make such assessment when it, might or should have been done, the common council shall anew or again make an assessment on such lots or parcels of land on which such have been or ought to have been levied and levy the same thereon in the same manner and upon like notice as provided in

section four and five of this chapter, and such assessments shall be collected in the manner provided for the collection of special assessments herein. And such reassessments may be made as often as may be necessary to collect the expense of making local improvements out of the property liable or which should be held liable therefor.

CHAPTER IX.

FIRE DEPARTMENT.

Section 1. The common council, for the purpose of guarding against fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, or wooden sidewalks, shall not hereafter be erected or constructed, placed or replaced, and direct that ~~any~~ all or any such buildings and sidewalks, within the limits prescribed, shall hereafter be built and constructed in such manner and of such material as in the judgment of the council shall not be dangerous to surrounding property and to prohibit the repairing or rebuilding of wooden buildings, within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage; and shall have power to prescribe in what manner and out of what material chimneys shall be constructed and to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or replaced in secure condition when considered dangerous; also to compel owners of buildings to have scuttles in roofs or stores and ladders to the same and to compel the owners of buildings three or more stories in height to maintain ladders or fire escapes and to regulate the construction, number, and location thereof; to regulate the location and construction of smoke houses and to prohibit them where they shall be deemed dangerous to other buildings and to make any other provisions to guard against fire or to prevent the spreading of fire which the common council may deem proper.

The common council shall have power by resolution to order any

building, structure, or material therefor, hereafter erected or in process of erection, of which the construction or material may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of said city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building; and, in case the same is not removed in pursuance of such notice given, to order the same taken down and removed by the police or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section or any ordinance made or enacted to carry out the provisions thereof, not exceeding one-hundred dollars which may be imposed by any court of said city upon the complaint of any citizen.

Sec.2. The common council shall have power to prohibit the deposit of ashes or any inflammable, combustible, or explosive material in unsafe places and the throwing of ashes or any such combustible or inflammable material into the streets or alleys; to regulate the carrying on of manufactures dangerous in causing fire and the storage of burning oils, gunpowder, dynamite, and other explosive or inflammable materials; to authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the protection of property exposed to danger thereat, and generally to establish such regulations for the extinguishment of fires as the common council may deem expedient.

Sec.3. The common council shall have power to form fire engine, hook and ladder, and hose companies and to provide for their proper support and the regulation of the same; and to order such companies to be disbanded, their public meetings to be prohibited and the apparatus given up.

Every member of such company which may be authorized to be formed shall be exempt from highway work or poll tax, from services on juries and military duty during the continuance of such membership.

Sec.4. The Mayor by and with the consent of the common council,

shall have power to appoint the chief of the fire department and also one fire warden in each ward and to authorize such wardens to enter any place for the purpose of inspection.

Sec. 5. Whenever any person shall refuse to obey any lawful order of the chief of the fire department or the foreman of any company of the same, fire warden, mayor, or alderman at any fire, it shall be lawful for those officers giving such orders or direct orally any constable, police officer, or any citizen to arrest such person and to confine him temporarily in any safe place until such fire be extinguished; and in the same manner such officers or any of them may arrest or direct ^{at such fire who shall be intoxicated or disorderly and any person} the arrest and confinement of any person, who shall refuse to obey any such lawful order, or shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to be punished therefor by a fine of not more than one hundred dollars or by imprisonment not exceeding ninety days.

CHAPTER II.

ARTICLE II.

Sec. 1. The common council of said city of "osaca is hereby granted and shall have full power and authority by ordinance, rules and regulations, to grant rights, privileges, and franchises, and to provide for taxing, regulating, controlling, and supervising the exercise, management and construction thereof, and also of all other franchises and privileges heretofore granted by said city, or which may have been heretofore or may hereafter be granted by or under the laws of the state of Minnesota, or any other authority; but no perpetual right, privilege, or franchise shall ever be granted under this charter, nor shall any exclusive right, privilege, or franchise be granted at any time to any person, company, firm, or corporation, and every right, privilege, or franchise granted under the provisions of this charter shall expire within twenty-five years of the date of the grant.

Sec. 2. No public franchise or privilege shall be granted nor shall any extension, amendment, or change of any existing franchise or

privilege be made or granted to any person, company, or corporation, except as herein provided. Whenever any person, company, or corporation shall desire to obtain any public franchise or privilege, or any amendment, extension, or change thereof, or any amendment, extension, or change of any existing franchise or privilege, said person, company, or corporation shall first make formal application in writing to the common council therefor and upon the presentation and filing of such application for a franchise or privilege, or any amendment or extension of any existing franchise or privilege, the same may be granted to such person, company, or corporation; provided said application shall, before being finally passed upon by the common council, be duly submitted to a vote of the electors of said city; and upon the filing of such application, it shall become the duty of the city clerk, upon the order of the common council in its discretion, to call an election in such form as the common council may designate and in the manner provided for in this charter for calling special elections; and said election shall be conducted in the manner so provided for, except that such application or question may be submitted at any regular city or general election which may occur within a reasonable time after the filing of such application and in case a majority of the legal voters, voting thereon at such election, decide in favor of such application, the same may be granted by a majority vote of all the members of said common council, but not otherwise.

LICENSE FEE.

Sec. 2. All public franchises or privileges granted to any person, company, or corporation, in any of the streets or public places of said city, shall be subject to and conditional upon the payment of an annual license fee to the city of Kansas, 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 rate, to-wit:

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

twenty five thousand dollars or less, one half of one percent on the gross earnings:

Whenever in any one year such gross earnings amount to twenty five thousand dollars but do not exceed fifty thousand dollars, one percent on the entire gross earnings.

Whenever in any one year such gross earnings amount to fifty thousand dollars but do not exceed one hundred thousand dollars, one and one half per cent on the entire gross earnings.

Whenever in any one year such gross earnings amount to one hundred thousand dollars or more, two per cent on the entire gross earnings; provided, however, that, if at any time such franchises or privileges shall be assessed and taxed for local purposes as property under the general laws of this state existing or hereafter enacted, then, and in that case, the person obtaining or holding such franchise or privilege shall not be required to pay the license fee herein provided for upon the gross earnings aforesaid in any amount so long as said franchises or privileges are otherwise so taxed. said gross earnings or license fees shall not be taken or considered in lieu of any tax or taxes to which the property of such person, company or corporation, other than such franchise or privilege, could otherwise be subject or liable.

ARTICLE 10.

Sec. 4. The license fee shall become payable by virtue of the provisions of this chapter and according to the provisions hereof without reference to any of the terms, provisions, or stipulations embraced in such franchise or privilege or the charter of such person, company, or corporation obtaining the same, and shall be collected and paid in the manner and under such regulations as the common council may by ordinance or resolution prescribe; but failure on the part of the common council to make or prescribe such regulations shall not relieve any person, company, or corporation for the payment of said annual license fees.

Every person, company, or corporation doing business in said city under any franchise or privilege granted by said city and under the provisions of this charter, shall, during the first week in January in each and every

year, make and file with the city clerk of said city, an accurate and sworn statement and report of the gross earnings of such person, company, or corporation for the year immediately preceding the said date; and failure to file such report at said time shall be sufficient ground to forfeit such franchise or privilege.

REFUSAL TO PAY-CONFESSION.

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 common council shall forfeit the franchise or privilege granted, and shall not be entitled to have the same reinstated by the mere payment of such fees, but must, in order to again obtain such franchise or privilege, make a new application therefor in the same manner, and subject to the same provisions as if no franchise or privilege, had previously been granted.

TO BE BASED ON NET 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 earnings license fee shall be collected from and paid by the holder of such franchise or privilege and shall be based upon the earnings of the business transacted or conducted wholly within the limits of said city and pro rata upon the business conducted partly within and partly without the city, in proportion to the whole work or service performed in each instance.

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 expiration of any existing franchise or privilege and at the end of ten years from the granting of any such franchise or privilege under the provisions of this charter, 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 said 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 purposes.

RIGHT TO REGULATE RATES AND CHARGES.

Sec. 8. The common council of said city shall have and possess full power and authority at all times to regulate the rates and charges of every public service and utility concern in said city operating under any franchise or privilege granted by said city, and to require the same to be made and kept on a fair, reasonable, and just basis, at all times, and to that end may and shall have and possess full power and authority to make and enact all needful ordinances, rules, and regulations, that may be requisite and necessary to give full force to the provisions hereof, and to that end shall have full power to examine into all affairs of said person, company, or corporation and examine all persons under oath relating to the public business thereof.

RIGHT TO REGULATE USE OF CONNECTING LINES.

Sec. 9. The common council of said city shall have the right and power, at all times, to regulate and provide for the connecting use of any and all line or lines and track or tracks, of street railway in said city by any connecting line or lines, and make all needful and reasonable rules and regulations therefor and also at all times to regulate, provide for, and compel the connecting use of any and all telephone lines, by any and all telephone companies or proprietors having offices or property or doing business within said city.

CHARTER TO BE PART OF FRANCHISE.

Sec. 10. The acceptance or use of a franchise or privilege from said city or within said city by any person, company, or corporation shall be an acceptance of all the provisions of this chapter, whether the same are specifically referred to or not, and all the provisions hereof shall constitute and be a part of such franchise, use, or privilege in said city without any express reference being made thereto.

LIMITATIONS AND RESTRICTIONS.

Sec. 11. In the granting of any franchise or privilege the common council shall impose such limitations and restrictions not herein specifically mentioned, as the nature of the business and the best interests of the public require.

THE TERM FRANCHISE OR PRIVILEGE.

Sec. 12. The term "franchise" or "privilege", whenever the same is used or employed in this chapter, shall mean special privileges conferred by the city or state upon an individual, company, or corporation doing business within the city which do not belong to citizens of the country generally of common right.

CHAPTER XI.

WATER, SEWERAGE, GAS, LIGHT, AND POWER DEPARTMENT.

BOARD OF COMMISSIONERS.

Section 1. There is hereby created and established a Board of water, electric, gas, heat, and power commissioners to be and designated on the water and light board, which shall have the control and management of the waterworks system and the electric light plant of the city of Mason. Said board shall consist of three persons, each of whom shall be a citizen, qualified voter, and free holder of said city, who shall be appointed by the mayor of said city, by and with the consent of the common council, as follows, and who shall serve without compensation; one of said commissioners shall be appointed for one year; one for two years; one for three years; and annually thereafter the mayor shall appoint one commissioner qualified as above for the term of three 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. Provided, that no member of the common council of said city, at the time of said appointment, shall be eligible to said office; nor shall any member of said commission hold any other office in said city during his term of office.

All vacancies by resignation or otherwise shall be filled by the mayor, by and with the consent of the common council.

The said water and light board shall elect annually a president,

and a secretary from among their members and may make by laws and regulations for their government not inconsistent with the provisions of this chapter.

A majority of said board shall constitute a quorum, and all contracts, engagements, acts, and doings of said board, within the scope of their duty and authority shall be as obligatory and in law as binding as if done by the common council of said city. Each member of said board shall, before entering upon the ~~affirming~~ discharge of his official duties, make and subscribe an oath of office and give a surety bond in the sum of one thousand ^{dollars} to the city of Asosa, to be approved and paid for by the common council, conditional, that he will faithfully and honestly discharge the duties of his office or appointment, and the said board may require from the persons employed by them official bonds for the faithful discharge of their duties, which bond shall be subject to the approval of the common council.

The salary and compensation of all employees of said board shall be such as may be fixed from time to time by said commissioners.

POWERS.

Sec. 2. Said board of water, electric, gas, heat, and power commissioners may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in the name of the board, have a common seal and alter the same at pleasure. They may employ all proper engineers, surveyors, clerks, or other agents or assistants necessary for accomplishing the purposes contemplated by this chapter and may enter upon any land or water for the purpose of making surveys for alterations or extensions of the same. They may prosecute any action in the name of said board against any person or persons for money due for the use of water, electricity, gas, heat and power; for the breach of any contract, express or implied, touching the execution or management of the waterworks, electric and gas plant or any other system of lighting, power, or heating; or touching the distribution of water, heat, electricity, or gas; and also for any injury, trespass, or nuisance done, caused or procured to be done or caused to the water

courses and pipes, public electric wires, lines, conduits, machinery, gas pipes, gas mains, or any other apparatus belonging to or connected with any part of the waterworks and electric light and power plant and gas plant, for any improper use or waste of water, heat, gas, or electricity.

Sec. 3. That said water and light board may, from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of Ascan, extend said water-works or make new lines of works; and as it shall from time to time extend its said water-works or make new lines or works; it may draw water from any lake by means of pipes, drains, conduits, aqueducts, or other means of conducting water so as to connect such lakes with its water-works; and may, also, for the purpose of furnishing electricity for lighting the streets of the city and for commercial lighting and power, extend its electric poles, lines and wires, and purchase such new or additional machinery as it may deem necessary for the purpose of furnishing electricity for uses in said city for lighting, heat, and power purposes; and may also for the purpose of furnishing gas for lighting or heating for the streets or commercial use, build and construct a gas plant, lay and extend pipes and mains for conducting gas, and purchase such machinery, pipes, and other material as may be necessary for such construction, extension, and operation; and may, also, for heating purposes, in connection with the water-works and electric light plant construct pipe line for conducting hot water or steam to various parts of the city, and to that end may purchase pipe, machinery, and appliances necessary for such construction, extension, and operation, and in general do any other act necessary for such construction, extension, and operation, and in general do any other act necessary or convenient for accomplishing the purposes contemplated by this chapter. And to enable said board to carry into effect the powers and purposes of this section, the common council of said city may, upon the request of said water and light board, levy annually a tax, not to exceed three mills on the dollar of the assessed valuation of the taxable property of said city; said tax to be known as the "water works and electric light extension fund" and to be used exclusively for the extension of water mains and electric

light lines until all the inhabitants of said city may be supplied with water and lights, so far as practicable, and said tax, when so levied, may be anticipated as provided for in Sec. 12 of chapter 5 of this charter.

RE-SURVEY-RELOCATION.

Sec. 4. Said board is hereby authorized to re-survey the line of its work heretofore or hereafter to be located and to re-locate said line or any portion thereof the same as said line had not heretofore been located. It may join its proceedings for such re-survey and re-location with any proceeding for extending its said works; provided, that if said board shall, in the proceedings heretofore or hereafter to be had for locating its said line, have paid unto said city treasurer the amount awarded to any person by the courts in said proceedings, the amount so paid shall be deemed a payment to such person upon the amount which may be awarded in the proceedings hereby authorized.

CONVICTING PROPERTY FOR OLD LINES, ETC.

Sec. 5. The board is hereby authorized, whenever it shall be deemed necessary, to condemn take, and acquire private property in the manner prescribed in this charter for: condemning and acquiring possession of private property for public use for water supply or additions thereto, for the construction of additional buildings, the extension of its pole lines, the stretching of its wires, the placing of conduits, or laying of gas, hot water, or steam pipes; and to take or cross any private property with such poles, wires, conduits, pipes, or other like; and said board shall have full power and authority so to take and use such private property.

VIOLATIONS.

Sec. 6. Any person who shall wilfully and without authority from said board break, remove or damage any drain, conduit, air vent, air-box cover, main pipe, or culvert; fill or partially fill up any excavation; break down or force open any door of said works; or break down, injure, destroy or remove any electric light pole, wire, conduit, lamp, electric machinery or appliance, gas pipes, fittings, or machinery; to injure, destroy, or remove anything connected with the water, electric, gas, heat,

and power plant constructed and maintained for the purposes specified in this chapter, shall, on conviction thereof, be punished by fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days.

Sec. 7. Any person who shall, without authority from said board, lay any main or service pipe, and take water, hot or cold, therefrom, or open or shut any service cock or fire hydrant, or remove or unscrew wholly or partially the cap from any fire hydrant, or enter or form any connection with, or turn water into any tunnel, excavated or used by said board for the purpose of laying its pipes; or who, being authorized by said board to take water from any main or service pipe into any specified building, or upon any specified premises, or to be used for any specified purpose, shall permit any other person to use the same for any other than such specified purpose, or to take the same out of such building; and such other persons so using and taking such water; and one who, without lawful authority, shall dig or excavate within six feet of any main, water, or gas pipe, hydrant or blow off of said works; and any person who shall, without authority of said board, erect any poles and place thereon any electric wires for the purpose of tapping any electric wires or mains, extending from said water, electric, gas, heat and power plant, or who shall in any manner or in any place tap the electric wires or gas mains without the consent and authority of the board and use electricity or gas therefrom, or who, not being a duly appointed fireman of the city of Osceola, shall cut or disconnect any electric wire or wires, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for a term not exceeding ninety days.

Sec. 8. If any person or persons shall maliciously or wilfully divert the water or any portion thereof from said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing water, hot or cold, or shall divert the electric current or any part thereof, or shall destroy or injure the electric wires or

conduits or other property used in the distribution of electricity, or shall tap the gas pipes and divert the gas or any thereof, such person or persons, and their aiders, accessories or abettors shall forfeit to the said board, to be recovered in a civil action, treble the amount of damages (besides costs of suit) which shall appear on the trial to have been sustained; and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding ninety days.

RIGHT TO USE STREETS AND HIGHWAYS.

Sec. 9. The said board, in behalf of the city of Yreka, and all persons acting under their authority shall have the right to use the ground or soil under any road, railroad, or highway, street, lane, alley, court, or public park, for the purpose of constructing, enlarging, improving or repairing the works contemplated by this chapter, on condition that they shall cause the surface of such road, railroad, street, lane, alley, court, or public park to be restored to its original state and all damages thereto to be repaired.

POWER TO REGULATE DISTRIBUTION.

Sec. 10. The said board shall regulate the distribution and use of the water, electricity, gas, heat, and power in all places and for all purposes where the same shall be required for either public or private use, and fix the prices and rates therefor; provided, however, that in case of fire hydrants for the extinguishment of fires, and the public fountains and watering places, the said board shall fix and locate the same as the common council of said city may direct; and said board is hereby authorized and required to restrain and prevent any and all wastage of water, and to that end may, when in its judgment necessary, turn off the water or take such other action as in its judgment may be proper.

DAMAGE TO SUSTAINED BY CITY.

Sec. 11. In case of damage to the waterpipes or works, electric poles, wires, or machinery, or gas pipe appliances, caused by the change of grade or operation of any department of the city, such damage shall be

paid out of the general fund of said city.

COMMISSION IN ADVANCE.

Sec. 12. Said board shall have full power and authority to require payment in advance for the use of water, electricity, gas, heat, and power in or upon any building, place, or premises, and to require meters to be used for measuring all water and electricity; and in case prompt payment of the same shall not be made, it may shut off the water, electricity, gas, heat, or power from such building, place, or premises without regard to the purpose for which it is used, and shall not be compelled to supply said building, place, or premises with water, electricity, gas, heat ^{or} power, until such arrears, with interest thereon, together with such penalties, costs, and expenses of turning the water, electricity, gas, heat or power off and on, as may be fixed by the board, shall be fully paid.

DETAILED STATEMENT-ASSESSMENT.

Sec. 13. Said board shall make and file with the common council of said city, on or before the first day of September in each and every year, a detailed statement, duly certified to by the president and secretary of said board under its seal, of the taxes received and placed to its credit during the preceding year, of all water, electric, gas, heat and power rents received, and likewise of all disbursements made by said ~~board~~ by said board in the operation and management of said water, electric, gas, heat and power plants; and shall at the same time transmit to the council an estimate of the amount necessary to be levied to the ensuing year for the maintenance and support of such plants, after taking into account the amount of money it is estimated will be received from the rentals of all plants. This sum so estimated to be required by said board or such portion thereof as shall be deemed necessary by the common council, not exceeding two mills on the dollar of the valuation of the property of said city, shall be added to and made a part of the general tax levy, and when such tax is levied, all sums arising therefrom shall be credited to the account of the board of water, electric, gas, heat and power commissioners, and shall be subject to the order of said board and to its order

only, and which sum, so raised by general taxation, shall pay for the hydrant rentals, for fire purposes, for all public drinking fountains and fountains in parks, for all electric or gas lights required to be used on the streets of said city, and in the offices and city buildings thereof; and the board shall also at the same time report to the common council in detail the amount of unpaid water, electric, gas, heat, and power rentals. The board shall, also, on or before the first day of March, of each year, make a report to the common council of the condition of the works under its charge, with a general summary of receipts and disbursements.

POWER TO MAKE AND ENFORCE BY-LAWS, ETC.

Sec. 14. Said board is hereby invested with full power to make and enforce such by-laws, regulations, and rules as may be necessary to carry into effect the object and intent of this chapter, and to enforce any and all resolutions, regulations, and ordinances which are now in force relating to the waterworks and electric plants, all of which resolutions and ordinances shall be deemed and considered as adopted by the board and to be in full force and effect until they shall have been repealed, altered, or amended; the board shall cause all by-laws, regulations, and ordinances to be entered and recorded in a book to be kept for that purpose, and to be signed by the president and secretary, which, when so entered, recorded and signed, shall be evidence in any court of justice; provided, that all resolutions, regulations, and ordinances, heretofore passed by the common council of said city relating to the water works and electric plant, shall be sufficiently recorded in said records by referring to the number and date of passage and approval of such regulations, resolution, or ordinance.

OFFICERS.

Sec. 15. The treasurer of the city of Casaca is hereby declared to be ex-officio the treasurer of said board, and said board shall have the power and it is hereby made its duty, through such suitable system as it shall adopt to collect, receive and pay into the treasury promptly all moneys due on account of said water, electric, gas, heat, and power

plants, except proceeds from the sale of bonds, and to keep a set of books which shall contain a full and complete statement of the conditions and operation of said works and plants of all moneys received and paid out by order of said board, and of all debts due and owing said board, for any cause whatever, together with an accurate account of all expenses of said board. The said secretary may appoint an assistant, for whose acts he shall be responsible, who shall be authorized to act only in the absence or disability of said secretary. The board may appoint a secretary pro tem to perform the duties of said secretary. It is made the duty of the treasurer of said board to receive all moneys which may be paid into the treasury on account of said board from any source whatever, and all moneys so received shall be retained by said treasurer and credited to the account of the board and paid out only upon the orders of said board signed by its president and secretary except such moneys as may be received from the sale of bonds, which shall be credited to the general account of the city and paid out upon the order of the mayor and the city clerk; and said treasurer shall keep a detailed and exact account thereof in such manner as to show at all times the exact financial condition of said board. The books of said board shall be open to the examination of any person or persons appointed for that purpose or to any member or committee of the common council or other persons interested in the affairs of the city.

CONTRACTS.

SEC. 16. All contracts for material or repairs, construction, or which shall involve the expenditure of the sum of three hundred dollars shall be in writing and in duplicate, one of which shall be filed with the city clerk and the other of the secretary of the board, provided, that in the event of any extraordinary and sudden injury, whereby great damage might ensue by reason of any delay, the said board may cause the damage or break to be repaired without a written contract and in such manner as the commissioners may deem for the best interest of the city.

WATER, ELECTRIC, GAS, LIGHT, AND POWER RATES.

Sec. 17. The said board shall establish such water, electric, gas, heat and power rates as will at all times insure to the city a proper income, sufficient, if possible, to pay the interest and provide a fund to pay the principal of all bonds to be issued or hereafter issued in connection therewith, as well as to pay all the expenses and costs of maintaining and keeping in repair said works; provided, however, that such rates shall not be exorbitant or unreasonable or so as to prevent the proper and extended use thereof; provided, also, that the present established rates shall continue until modified, changed, or discontinued by act of the board; and it is hereby declared to be a misdemeanor, punishable by a fine not exceeding fifty dollars for said board knowingly to omit to charge any person the amount properly due from him for water, electricity, gas, heat or power, or to neglect or refuse to collect the same.

EXCLUSIVE USE OF RIGHTS OF WAY AND EASEMENTS.

Sec. 18. In all cases where rights of way and easements have been or may be hereafter acquired, either by purchase or condemnation, for the laying of any conduit, supply pipe, electric poles, wires, or mains, or gas mains, or other appliances or works for supplying water, electricity, gas, heat, and power, as contemplated in this chapter, such rights of way and easements shall be paramount, and the said city of Asoca, the county of Asoca or other county or municipal body or corporation, or other corporation or person, shall not enter thereon, use, nor occupy the same for any purpose other than said purpose for which said right of way or easement was or may be acquired as afore said, except with the consent in writing of said board, and upon such terms and in such manner as may be agreed upon the board is hereby authorized to make and enter into any agreement in that behalf which it may deem necessary and expedient.

ACTIONS AGAINST THE BOARD.

Sec. 19. Any and all causes of action, either at law or in equity,

or which may hereafter arrive by reason of any act or ~~unlawful~~ omission by or on the part of said board or any of its servants, agents or employees, shall be brought and maintained by such claimant or claimants against said board, anything in the statutes of the state of Minnesota to the contrary notwithstanding; and any and all judgments recovered against said board, shall be paid out of any moneys in the hands of the city treasurer belonging to the credit of said board, the same as other indebtedness is paid.

PRESUMPT CLAIM-LIMITATIONS OF TIME.

Sec. 20. Before any action shall be maintained in any court of this state having jurisdiction thereof against said board of commissioners for any cause whatever, the subject matter thereof, together with a statement thereof showing the amount claimed, the ground of such claim and the parties claimant, must be presented and submitted to said board in writing for its investigation and approval within thirty days after said cause of action accrues. If, upon and after investigation ~~of~~ by said board, the same shall by it be rejected, an action, if brought thereon, must be commenced within six months thereafter or forever be barred.

LAYING OF WATER MAINS-LIMITATIONS.

Sec. 21. No water mains shall be laid by the board of commissioners until a sufficient number of residents along the line upon which it is proposed to lay such mains shall have subscribed to an agreement to take the water into their premises and to pay therefor at the rate established by the board, so that the income therefrom shall produce an income of at least six percent per annum of the cost of such construction, provided that upon streets where every property owner shall contract to take water, the board may, in its discretion, lay water mains.

COMMON COUNCIL MAY REMOVE.

Sec. 22. Said board or any member thereof may be removed from office by the common council of said city, if it shall appear upon a petition of ten or more freeholders of said city, that said board or any member thereof has been guilty of malfeasance in office; provided, that, upon the filing of such charges, the city clerk shall immediately

notify such member or members of the board of that fact and serve upon him or them a copy of such charges, and he or they shall also be notified of the time and place where the council will meet to consider such charges. This notice shall be given at least ten days before the meeting, and at such meeting said member or members shall have a right to be present and produce evidence and be heard in his or their own behalf.

CHAPTER XII.

CONDEMNATION PROCEEDINGS.

Section 1. Whenever the common council shall desire or intend to erect or construct any well, pump, watermain, water or heating pipes reservoirs, engine house or other water works, or any electric light plant, or any electric light line, poles or wires, or to cross any private property with such poles, wires, conduits, pipes, or otherwise or to lay out and open, charge, widen or extend any street, lane or alley, public grounds, square or other place, or establish, lay out or open any public park, or to acquire land or an easement therein for the above mentioned, or for any other ^{public} purpose, and it shall be necessary to take private property, it shall cause an accurate survey and plat thereof to be made and filed with the city clerk and it may purchase or take by donation such grounds as may be needed for any public purposes by agreement with the owners, and take from them conveyances thereof to the city or any board of said city for such use or purpose in fee; but otherwise it shall by resolution declare its purpose to condemn and take the same, and therein describe by metes and bounds or by courses and distances, the location of the proposed improvement, and describe each lot or parcel of land to be affected or taken, giving the name of the owner thereof if known and if unknown to so state, and therein fix a time and place when and where it will apply to the municipal court of said city for a jury to condemn said property and appraise the damage to the same by reason of such taking, and the city clerk shall thereupon make and sign a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested that the common council will, at the time and place named, apply to said municipal court for the selection of a jury to condemn such property and

appraise the damage. Such notice shall be served upon each and every person named therein as owner, encumbrancer or otherwise interested therein, at least ten days previous to the time designated in such notice for the selection of such jury; such service shall be made in the manner provided by the statute of this state for the service of summons in actions in the district court, including the manner of service on corporations, non-residents, minors, insane persons, idiots and lunatics, and proof of such service shall be made in the same manner as proof of service of summons in actions in the district court, as provided by the statute.

If it appears by affidavit of the city clerk or city attorney that any of such owners are not residents of the state, service of such notice may be made by the publication thereof in the official paper of the city for three successive weeks, the last publication of which shall not be less than ten days previous to the time fixed for selecting such jury. The court may adjourn the proceedings in such matter from time to time, and may order and require a new or further notice to be given to any party whose interest may be affected.

METHOD OF SELECTING A JURY.

Sec. 2. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey and by proof of service of the notice as provided in the last section shall be filed with the court, who shall thereupon make a list of eighteen competent jurors, not interested, but residents of the city shall not be disqualified. He shall hear and decide any challenges for cause or favor made against any one, and if sustained shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the city council by its representatives on one side, and owners of land or their agents present, or if none be present or they disagree, a disinterested person appointed by the magistrate on the other shall challenge six names, one at a time alternately, the common council beginning. To the six jurors remaining such magistrate shall issue a venire requiring them at any hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be

sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. such venire shall be served by any constable or police officer at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family. The juror summoned shall appear at the time and place named; and if any be excused by the magistrate or fail to attend he shall direct other disinterested persons to be forthwith summoned in their stead; until six be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary they shall determine the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SECTION OF THE JURY-VERDICT TO CONTAIN WHAT.

Sec. 2. Under the direction of such magistrate, the jury shall view the lands to be taken, and shall then sit before ^{him} ~~him~~ to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same power as a court in session with a jury and, if there be necessity, adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purpose, describing such as they find necessary to be taken, and if any be found necessary to be taken, then a verdict or appraisalment for damages, specifying therein the damages of each owner and separately the value of the land taken from each and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom and special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury may render a verdict or appraisalment of damages and shall sign the same. Any technical error in such verdict may be corrected immediately, with the assent of the jury, and they shall be thereupon discharged and their verdict filed by the court. In case, the jury shall fail to find a verdict another jury shall be selected, summoned, sworn and proceed in the same

manner.

SAME-RIGHT OF APPEAL-RETURN UPON APPEAL-CC-25.

Sec. 4. Either the city or any person whose property is affected thereby may appeal on questions of law and fact to the district court of Tazewell county from the decision of such jury by serving on the opposite party and filing with said municipal court ~~in~~ a notice of such appeal specifying the grounds thereof, and any party except the city so appealing shall file an appeal bond in said said court with sufficient sureties in any amount to be approved by the court conditioned to pay all costs which may be awarded against him on such appeal. Upon such appeal being taken, the court shall transmit ^{to the district court} within ten days such notice of appeal and bond and all other papers and the evidence taken in the proceedings. Upon filing such transcript in the district court the appeal shall be considered an action in such court and so be entered, the land owner as plaintiff the city as defendant. Such appeal shall bring before said district court the question of law and fact involved in the proceedings appealed from. If the appellant fails to recover judgment, costs shall be awarded against him; otherwise costs shall be taxed against the respondent; judgment shall be entered in the district court and the clerk of said court shall transmit a certified copy thereof to the municipal court.

If the jury in such cases decide it necessary to take or condemn any such lands, property, or any easement or interest therein for the use or improvements mentioned in section one, and no ~~appeal~~ appeal is taken, or in case an appeal is taken, judgment has been entered thereon by the district court confirming the same, the common council may, by ordinance or resolution, enact that any improvement mentioned in section one be made as therein directed; but the city shall ~~not~~ not enter upon any such lands until the owner be paid in full the amount of damages awarded him or unless such amount be set apart for him in the hands of the city treasurer, and an order therefor lawfully executed and deposited with the clerk to permanently remain subject to his order, and upon receiving payment for the amount of damages awarded by the party he shall ~~satisfy~~ satisfy any judgment entered in his favor therefor. At any time before causing any such lands to be actually taken or put to public use before

the rendition of a judgment in the district court for damages, the common council may discontinue all proceedings theretofore taken, and the common council shall in such event, be liable for the costs only. All the costs of every such proceedings shall be paid by the city, except when it recovers costs in the district court upon appeal.

Sec. 5. The water and light board may request or petition the council in writing to condemn any property which such board deems necessary for its use; and upon such request or petition, the common council shall proceed as heretofore provided for the condemnation of such property for the use of said water and light board. Such request or petition shall state the purpose for which such condemnation is required and a description of the work or improvement contemplated by said board.

CHAPTER XIII.

MUNICIPAL COURT.

Sec. 1. The common council of city shall, on or before thirty days from the adoption of this charter, adopt the resolution expressly accepting the provisions of chapter 229 of the general laws of the state of Minnesota for the year 1895 and subsequent amendments thereto, and the judge of the municipal court of this city, elected April 6, 1904, shall be the municipal judge of the city, under this charter for two years and until his successor is elected and qualified; and thereafter the judge and the special judge of said municipal court shall be elected biennially, at the annual city election, and shall hold their respective offices for a term two years as provided in this charter/ And said chapter 229 and amendments thereto are hereby adopted as a portion of this charter, except that the term of office of the judge and of the special judge and of said court shall be two years instead of the terms of office as provided for in said chapter 229 and amendments thereto.

CHAPTER XIV.

MISCELLANEOUS.

COMPILATION AND PUBLICATION OF CHARTER, ORDINANCE AND RESOLUTIONS.

Sec. 1. The common council may from time to time, provide for

the compilation and publication by said city of the city charter, ordinance and such resolutions as they may designate, and for the distribution and sale of copies of such compilation, in its discretion and may also provide for the exchange of such compilation, for similar publications of other cities; but all such compilations shall be made under the supervision and control of the city attorney of said city.

ONE COMMISSIONER DISTRICT.

Sec. 2. The city shall constitute one commissioner district for the county of Wassaca, and the county commissioner so elected shall hold his office under the same terms, conditions and duties as the other members of the board of county commissioners of said county; but in all respects, not otherwise provided in this charter, the territory and inhabitants of said city shall be and remain a part of the county of Wassaca, and be subject to the same rights and liabilities as if this charter had not been adopted.

CITY PRINTING -HOW LET.

Sec. 3. The common council, at its first meeting after each ^{city} annual/election, shall advertise for proposal to do the city printing and advertising by giving such notice as it may determine upon to all the publishers of newspapers in said city authorized in said city to do legal advertising the bids received shall be publically opened and read at such time and place as the common council shall have directed in the aforesaid notice, and the publisher or publishers of any such legal newspaper of said city, offering to do such printing and advertising for the lowest sum in his or their said newspaper, shall be declared to be the city printer for the ensuing year; and all ordinances, resolutions, notices, reports and other proceedings, required or ordered to be printed or published by it, shall be printed or published by said city printer as by law required, provided, that if no bid is received to do such printing and advertising at rates as low or lower than the rates established by state law for legal advertising, then the common council may make such other provisions for the city printing and advertising as it may deem *proper.*

The common council may require said city printer to give a bond.

not exceeding \$250.00, conditioned for the faithful and correct performance of the work assigned to him.

~~CEMETERY-COUNCIL MAY APPROPRIATE MONEY BY RESOLUTION-OTHER~~
APPROPRIATIONS.

Sec. 4. The common council may annually appropriate such sum as they see fit not exceeding the amount appropriated that year by the town of Woodville, for the improvement and care of the cemetery of said town, and any of the directors of said cemetery may reside in said city. Provided, that such appropriation and all appropriations of money by the common council requiring the expenditure of money for ~~the~~ other than current expenses the purchases of all ordinary and necessary supplies, the making of ~~an~~ immediately necessary repairs upon the streets, sidewalks, sewers, public buildings or other public property, shall be made by resolution passed by said common council, and which resolution ~~shall~~ ~~take~~ before it shall take effect shall be approved by the mayor as provided in section one of chapter IV of this charter if passed over his veto as therein provided.

TOWN OF WOODVILLE-TOWN MEETINGS AND ELECTIONS.

Sec. 5. All that portion of township one hundred and seven, range twenty-two of Waseca county and not embraced within the limits of said city, shall be and remain the town of Woodville and the inhabitants of said city shall not be qualified voters in said town, and said town shall have no power or authority over said city provided, that any resident ~~an~~ and voter of said city may hold any town office to which he may be elected by said town, and in such case may hold his office in said city and the town supervisors ~~in said~~ ^{may} hold their meetings in said city and the town meetings and annual elections of said town may be held in said city.

PAYMENT OF WOODVILLE RAILROAD BONDS.

Sec. 6. The auditor of said county shall annually, at the time when other taxes are extended, extend upon all taxable property of said city and town Woodville, a tax sufficient to pay the interest or principal of any bonds heretofore issued by said town of Woodville which may fall

due in the then current year; and it shall be the duty of the town clerk of said town and the city clerk of said city, on or before the first day of October, of each and every year, to conjointly certify to the auditor of said county of Cassia the amount of any such principal or interest to so become due, and the amount of tax so raised shall be paid by the treasurer of said county to the treasurer of said town, and shall not be applied by said town for any other purpose than for which it was levied, and any officer of said town who shall authorize any part of said sum to be diverted, or shall in any way assist in diverting said sum, or any part of said sum, from the purpose for which it was levied, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and the said town shall be liable to the said city for any misappropriation of such fund, and any surplus of such fund shall be paid pro rata to said city on the demand of the mayor.

ALL ORDINANCES CONTINUED IN FORCE.

Sec. 7. All ordinances and regulations heretofore made by the common council of the city of Cassia, not inconsistent with the provisions of this charter, shall be and remain in full force until altered, modified or repealed by the common council of said city after this charter shall have been adopted.

PUBLIC ACT.

Sec. 8. This charter is a public act, and, with the ordinances and bylaws passed by virtue thereof, need not be pleaded or proven in any court in this state.

VALIDITY OF ORDINANCES.

Sec. 9. All ordinances and resolutions heretofore made and published by the common council of the city of Cassia and not inconsistent with the provisions of this charter, shall remain in force except as altered, modified or repealed, and except as may be hereafter modified or repealed by the common council; and all books or pamphlets published, or that may hereafter be published purporting upon their title page to be published by the authority of said common council and purporting to contain the ordinances of said city, standing rules of said common

council, or either, are hereby declared to be competent prima facie evidence of the contents of such ordinances, standing rules and orders, or of any resolution or other matters purporting to be the act of said common council which may be found printed thereon, and of due adoption, approval and publication thereof, notwithstanding the supercedure or repeal by this charter of the act incorporating the city of Asosa, and acts amendatory thereof. It is not intended that any rights vested shall be lost hereby but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence and rights of every kind inchoate or perfected, the provisions of such acts as are hereby suspended or repealed, and of all ordinances passed by the common council of said city shall be deemed to continue in force.

PROSECUTIONS-HOW INSTITUTED.

Sec. 10. In all prosecutions of violations of this charter the first process shall be by warrant on complaint being made; provided, that no warrant shall be necessary for the arrest of any person or persons while in the act of violating any law of the state of Minnesota or any ordinance ^{or regulation} of the city; but a person so arrested may be proceeded ~~ag~~ against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs issued by the municipal court for the violation of any ordinance or resolution of said city, may be directed to the chief of police or any police officer of said city, or as generally directed under the laws of this state but may be served by any person authorized to serve process in this county.

* ACTIONS TO BE IN THE NAME OF THE CITY.

Sec. 11. All actions brought to recover any penalty or forfeitures under the ordinances, resolutions, police or health regulations made in pursuance thereto, and all actions in behalf of said city, shall be brought in the name of the city of Asosa.

PROCESS-HOW SERVED AGAINST THE CITY.

Sec. 12. When any suit or action shall be commenced against said city, all and every process and notice whatever affecting said city,

shall be served upon the mayor, or in case of his absence from the city, upon the president of the common council and a copy thereof shall be filed in the office of the city clerk; provided, that when the issues have been joined in any action or proceeding all further notices or papers proper to be served in such matter shall be served upon the city attorney who shall file a report thereof with the city clerk.

RIGHT OF CITIZENS TO PROSECUTE OR DEFEND SUITS.

Sec. 13. In any action pending in which the city of Waseca is a party, either plaintiff or defendant, any citizen or tax payer, or any number of citizens and tax payers, after it has been shown and determined that such citizen or citizens, tax payer or tax payers have an interest in the subject matter of the action, may intervene, and appear and defend or prosecute the same in the name of said city in the manner hereinafter provided. Such citizen or citizens and tax pay^{er} or tax payers, so intending to intervene, shall make application to the district court of said Waseca county in such cause for leave to intervene and defend or prosecute such action, setting forth in said petition the facts showing their interest in said cause. Notice of a hearing upon such application shall be given and served upon the city attorney at least ten days before the hearing thereof. Such application shall be determined in such manner as the district court may direct and the city may resist such application. The decision upon such application by said ~~max~~ district court shall be final as to the right of such applicant to intervene. If the right of intervention shall be granted by said court, such applicant or applicants may appear and prosecute or defend said cause in the name of said city, and all acts in that behalf which the said city might or could do; provided, that such interveners shall be required to file in such cause such bond as may be directed by said court indemnifying the city of Waseca against any costs which may be awarded against it in the action subsequent to the date of intervention; and provided, that such intervention shall not be construed to prevent the city of Waseca from ~~prosecuting~~ prosecuting or defending the action in its own behalf. And any citizen, citizens, tax payer, or tax payers may bring ^{and prosecute} any action in the name of

and in behalf of the city of Vasaca against whomsoever such cause may exist and in any court, and may obtain in said action any and all relief in behalf of said city which the city might or could obtain if the city prosecuted such action. Such citizen, citizens, tax payer or tax payers, shall before commencing said action obtain leave of the court in which said action is commenced in the same manner as hereinbefore provided in case of any intervention, and shall file in said cause, a bond, of an amount to be fixed and approved by the court, indemnifying the city against any judgment which may be obtained against it in said action. If any judgment shall be obtained in favor of said city in such action so brought, said person so bringing such action shall be reimbursed for his reasonable costs and expenses in the prosecution thereof; provided, that nothing herein shall be construed to prevent the city from bringing or prosecuting said action in its own behalf, or from appearing in and prosecuting any action so brought and the city may appear and prosecute therein without obtaining leave of the court.

SCHOOL DISTRICT, BOARD OF EDUCATION-ITS POWERS AND DUTIES.

Sec. 14. The city shall constitute one school district under the general laws of the state relating to independent school districts, and the government and management of said school district shall be as provided by such laws. The board of education of such district shall among other things, have full power to prescribe courses of study and the text books to be used therein; and the treasurer of Vasaca county shall immediately, after every apportionment, pay over, on demand of ^{the treasurer} said district, all funds belonging to said district; provided, that the annual school meeting shall be held on the first Tuesday in August, in each year, and at such time and place as the board of education may direct; provided, that such elections shall be conducted by the board of education; shall be held from seven o'clock till nine o'clock in the afternoon; shall be by ballot; and the clerk of said board of education shall record the names of each voter as his or her vote is deposited.

SCHOOL/ELECTION-HOW CONDUCTED.

Any member of such board of education may, upon ~~challenge~~ ^{challenge} of any person offering to vote, administer to such person the oath required by section twenty-six of chapter 4 of the general laws of the state of Minnesota for the year one thousand eight hundred eighty seven ^{and} examine such person as to his or her qualification as a voter; and any person so sworn who shall make answer falsely, shall be guilty of perjury.

Sec. 15. Until their successors are duly elected or appointed and qualified under and pursuant to the provisions of this charter, the persons holding the city offices at the time this charter shall go into effect shall hold their respective offices. for the terms of which they were elected or appointed and shall be subject to all the provisions, duties, and responsibilities, as in this charter required.

Within thirty days after this charter shall go into effect, the common council shall by ballot, select a competent qualified elector of said city as alderman-at-large who shall be under and subject to all the provisions, duties, and responsibilities, as in this charter required, and who shall hold such office of alderman-at-large until the next annual city election, when an alderman-at-large, shall be elected, as provided for in this charter.

Within thirty days after this charter shall go into effect the mayor shall, by and with the consent of a majority of the board of seven aldermen, appoint the members of the water and light board as provided for in this charter.

CHARTER TO BE PUBLIC LAW.

Sec. 16. This charter is hereby declared to be public law and may be read in evidence in all courts in this state, and need not be pleaded or proven.

CERTIFICATE OF COMMISSION.

The forgoing is a draft of the proposed charter of the city of Waseca, Minnesota, made, framed and adopted by the commission appointed by the judge of the district court of the fifth judicial district of the state of Minnesota, under and pursuant to section thirty six, article IV

of the constitution of the state of Minnesota, as amended by that certain amendment proposed by the legislature of the state of Minnesota in an act of said legislature known as chapter 250 of the general laws of Minnesota for 1897 and duly adopted at the general election of said state in the year 1898, and chapter 251 of the general laws of the state of Minnesota for the year ~~1898~~ one thousand eight hundred and ninety-nine, and as amended and provided by chapter 220 of the session laws of said state, A. D. 1903; and said draft of said proposed charter of the city of Mason, is hereby returned to the Honorable Chas. J. Smith, mayor of the city of Mason, to be submitted according to law, signed by the undersigned majority of said commission.

Dated this sixth day of April A. D. 1904/

James E. Child, President

F. B. Andrews, Secretary

F. McGovern

Chas Lenthold

F. Mahler

Lafayette Bliss

John Moenen

D. McLaughlin

Lewis A. Larson

D. S. Cummings

Chas. A. Smith

F. A. Stuartwood

A. Glyer

89.

State of Minnesota } ss

County of Osceola

I, Chas. A. Smith, mayor of the city of Osceola in said county do hereby certify that the within and foregoing proposed charter was duly filed with me and in my office this 7th day of April, A. D. 1904.

Chas. A. Smith,

Mayor of the city of Osceola.

#2364