

STATE OF MINNESOTA, )  
County of St. Louis. ) ss  
City of Virginia )

I, Andrew Hawkinson, Mayor of the City of Virginia, St. Louis County, Minnesota, do hereby certify that the foregoing proposed charter was, on this 20th day of February, 1909, returned to me, as Mayor of the City of Virginia, by the Charter Commission, duly appointed under authority of Section 36, of Article IV of the Constitution of the State of Minnesota, and Revised Laws, 1905 of Minnesota, as amended, to be submitted to the voters of the City of Virginia, according to law.

Witness my hand this 20th day of February,  
A. D. 1909.

A. Hawkinson  
Mayor, City of Virginia.

Attest:

W. A. Leonard  
City Clerk.

2376

Council Chamber,

Virginia, Minn., April 20, 1909.

Resolution No. 62, 1909.

Resolution calling for a special election to vote on the new charter.

By Alderman Boylan.

Resolved, by the city council of the city of Virginia, That whereas the charter commission has delivered a draft of the proposed Home Rule Charter to the honorable mayor and city council; and

Whereas, said charter commission has recommended that said proposed charter be submitted to the vote of the people in and for the city of Virginia, at a special election to be held in the city of Virginia.

Be it resolved, by the city council, that a special election be held in the city of Virginia on Tuesday, the 1st day of June, 1909, to vote on the proposed Home Rule Charter for the city of Virginia: and

Resolved further, that the city clerk be and hereby is instructed to cause notices of said special election to be published once in each of the following newspapers, to-wit: The Virginian and the Virginia Enterprise, newspapers published in the city of Virginia, and also to post notices of said election in three public places in each ward in the city of Virginia, which said notices shall state the purpose and object for which, and the place in which said election will be held.

Moved by Alderman Elmquist, supported by Alderman Mattson, that above resolution be adopted.

Ayes: Alderman Elmquist, Boylan, McNeil, Mattson, Mr. President--5.

Nayes: None.

Adopted April 20, 1909.

A. C. OSBORN.  
President of the City Council.

Approved April 27th, 1909.

A. HAWKINSON.  
Mayor.

Attest:

ALBERT E. BICKFORD.  
City Clerk.

Presented to the mayor April 27, 1909.

Returned by the mayor April 27, 1909.

(Seal)

Council Chamber,

Virginia, Minn. April 20, 1909

Resolution No. 63, 1909.

Resolution appointing judges and designating polling places of special election on the Home Rule Charter in the city of Virginia on the 1st day of June, 1909.

By Alderman Mattson.

Resolved, by the city council of the city of Virginia, That the places of holding election and the judges for the same which shall be for the special election on the Home Rule Charter in said city on the 1st day of June, 1909, are and the same shall be as follows:

JUDGES OF ELECTION AND PLACES OF ELECTION:

First Ward.

Judges-- J. H. Fleming, Henning Erickson, Fred Engel.

Polling Place--Fire Hall No. 1.

Second Ward.

Judges--John Ketola, S. Milavetz, E. E. Burley.

Polling Place--Finnish Temperance hall.

Third Ward.

Judges-- W. E. Hamnaford, D. E. Cuppernull, P. O. Hanson.

Polling Place-- City clerk's office.

Fourth Ward.

Judges--W. R. Byrne, Andy Olson, David Jackson.

Polling Place--Northern Hotel.

Resolved further, that the city clerk be and is hereby instructed and directed to make arrangements and do all things that are necessary for the holding of the special election on the Home Rule Charter, which comes under his supervision and charge, and to guide himself according to the general election laws of the state of Minnesota in such cases made and provided.

Moved by Alderman McNeil, supported by Alderman Boylan, that above resolution be adopted.

Ayes--Alderman Elmquist, Boylan, McBeil, Mattson, Mr.

President--5.

Nayes-- None.

Adopted April 20, 1909.

A. C. OSBORN,  
President of the City Council

Approved April 27, 1909.

A. HAWKINSON,  
Mayor.

Attest:

ALBERT E. BICKFORD,  
City Clerk.

Presented to the mayor April 27, 1909.

Returned by the mayor April 27, 1909.

(Seal)

NOTICE OF  
SPECIAL ELECTION.  
VIRGINIA, MINNESOTA.

Notice is hereby given to the voters of the city of Virginia, St. Louis County, Minnesota, that a special election will be held in the city of Virginia on Tuesday, June 1st, 1909, for the purpose of voting on the "Proposed Home Rule Charter" for the city of Virginia, St. Louis County, Minnesota.

ELECTION PRECINCTS.

The voting precincts of each of the four wards of the said city will be opened from seven (7) o'clock A. M. to six (6) o'clock P. M. on the said election day and the polling places are as follows.

First ward---Fire Hall No. One (1).

Second ward---Finnish Temperance Hall.

Third ward---City Clerk's office, City Hall.

Fourth ward--Northern Hotel.

FORM OF BALLOT.

The form of the ballot at said election shall be as follows, to-wit: "Shall the proposed Home Rule Charter be adopted?"

YES \_\_\_\_\_

NO \_\_\_\_\_

City Clerk's Office, Virginia, Minnesota, May 4th, 1909.

ALBERT E. BICKFORD,  
City Clerk.

(Corporate Seal)



Council Chamber.  
City of Virginia, Minn. June 1, 1909.

Resolution No. 101, 1909.

Resolution certifying results of special election on the adoption of the proposed Home Rule Charter held June 1, 1909.  
By Alderman Smith.

Resolved, By the City Council of the City of Virginia, That said council having this day examined and canvassed the registers and returns of the special election on the adoption of the "Proposed Home Rule Charter" for the city of Virginia, as filed with the city clerk, which election was held in the city of Virginia, St. Louis county, Minnesota, on Tuesday, June 1, 1909, do hereby certify to the results of said election to be as follows:

Total number of votes cast to be 393, as follows: "Yes" 255; "No" 138.

Resolved further, That the proposed Home Rule Charter was adopted by four-sevenths (4/7) of those lawfully voting.

Moved by Alderman Boylan, supported by Alderman McNeil, that above resolution be adopted.

Ayes:--Alderman Boylan, Elmquist, Smith, McNeil, Mattson, Mr. President--6.  
Nayes-- None.

Adopted June 1, 1909.

A. G. OSBORN.  
President of the City Council.

Approved June 8, 1909.

A. HAWKINSON.  
Mayor.

Attest:

ALBERT E. BICKFORD.  
City Clerk.

Presented to the mayor June 8, 1909.

Returned by the mayor June 8, 1909.

(Seal)

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS ) SS.  
CITY OF VIRGINIA. )

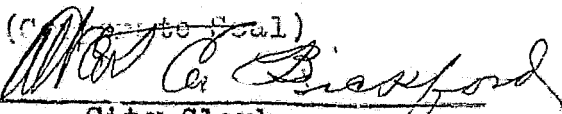
I, Andrew Hawkinson, Mayor of the City of Virginia, St. Louis County, Minnesota, do hereby certify that the annexed and foregoing proposed charter of the City of Virginia, on the 20th day of February, A.D. 1909, was returned to me as Mayor of the City of Virginia, by the Charter Commission duly appointed by the Judges of the District Court for the Eleventh Judicial District, and State of Minnesota, under authority of Section 36, Article IV, of the Constitution of the State of Minnesota and the Revised Laws of Minnesota for 1905, and Amendments thereof: and said proposed charter was, as by law provided, duly submitted to the qualified voters of the said City of Virginia at the next election thereof which was a special election held on Tuesday, June 1st, 1909, and was duly ratified by four-sevenths of the qualified voters voting thereat.

And I further certify that the foregoing and annexed presentation of the charter by the Charter Commission, as well as the foregoing order of the Court appointing said Charter Commission and the said charter, are, each and every, respectively, true and correct copies of the original draft of the same deposited and on file in the office of the City Clerk of the said City of Virginia.

IN TESTIMONY WHEREOF, I have signed this certificate and caused <sup>it</sup> to be authenticated by the corporate seal of the City of Virginia, in duplicate this ~~15~~ 15<sup>th</sup> day of June, A. D. 1909.

  
Mayor of the City of Virginia.

Attest. By

(Corporate Seal)  
  
City Clerk

PROPOSED  
**CHARTER**  
OF THE  
**CITY OF VIRGINIA**  
**MINNESOTA**

---

AS PREPARED BY  
THE CHARTER COMMISSION

---

APRIL  
1909

PROPOSED  
**CHARTER**  
OF THE  
**CITY OF VIRGINIA**  
MINNESOTA

---

AS PREPARED BY  
THE CHARTER COMMISSION

---

APRIL  
1909

# CHARTER OF THE CITY OF VIRGINIA

## CHAPTER 1.

### NAME, POWERS AND BOUNDARIES.

SECTION 1. NAME AND POWERS. All that territory of the county of St. Louis and State of Minnesota contained within the limits and boundaries hereinafter described, and all the people now inhabiting, and all those who shall hereafter inhabit the said territory shall be a city and shall form a municipal corporation by the name of the "City of Virginia," and by that name shall sue and be sued, complain and defend in any court, make and use a common seal and alter at its pleasure, and take, hold, purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting or being contracted with, and in addition to the powers hereinbefore enumerated, shall also possess the powers hereinafter specifically granted; and in addition thereto, shall have such powers possessed by Municipal corporations at common law as are not in conflict therewith or with the Revised Laws of Minnesota, 1905, the amendments thereto and the authorities thereof, and shall have perpetual succession.

SECTION 2. BOUNDARIES. The territory aforesaid constituting the City of Virginia, and the said limits and boundaries thereof shall be as follows: The West half of Section Five (5), the West half of Section Eight (8), and all of Sections Six (6), Seven (7), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21) all in township Fifty-eight (58) North of Range Seventeen (17) West of the Fourth Principal Meridian.

SECTION 3. WARDS. The City of Virginia shall be and hereby is divided into six wards to be called the first, second, third, fourth, fifth and sixth wards, respectively, limited and bounded as follows:

The First Ward shall comprise all that part of the City lying north of the center line of Chestnut Street and west of the center line of Wyoming Avenue, said center lines each being extended to the City Limits.

The Second Ward of the City shall comprise all that part of said City lying north of the center line of Chestnut Street and east of the center line of Wyoming Avenue, each said center lines being extended to the City Limits.

The Third Ward of the City shall comprise all that part of said City bounded by the center line of Chestnut Street on the north, the City Limits on the east, the center line of Hemlock Street on the south, and the center line of Wyoming Avenue on the west.

The Fourth Ward of the City shall comprise that portion of said City, bounded by the center line of Chestnut Street on the north, the center line of Wyoming Avenue on the east, the center line of Hemlock Street on the south and the center line of Central Avenue on the west.

The Fifth Ward of the City shall comprise that portion of said City bounded by the City Limits on the west, the center line of Central Avenue on the east, the center line of Chestnut Street extended to the City Limits, on the north, and the center line of Hemlock Street extended to the City Limits, on the south.

The Sixth Ward of the City shall comprise all that portion of said City lying south of the center line of Hemlock Street, said center line being extended east and west to the City Limits.

Provided, that after the organization of said City under this charter, the Council may from time to time by vote of two-thirds of the members-elect thereof, by resolution or ordinance make such re-division of the City into wards as may be required by the public interest, but no ward shall be created that shall contain fewer than one hundred twenty-five legal voters; provided, further, that when for two successive elections the number of votes cast in a ward shall exceed three hundred, then said council shall divide such ward, or make such re-division of said city into wards, that each ward will contain not more than three hundred voters, provided that in any such re-division it shall be the duty of the council to provide for an equal population, as near as may be, in each ward.

SECTION 4. ADDITIONAL TERRITORY. Any additional territory which may be annexed to the City shall be immediately, by the City Council, attached to the ward or wards adjacent so as to best suit the convenience of the inhabitants of such annexed territory.

SECTION 5. DETACHING TERRITORY. Any territory now or hereafter included in the City of Virginia, may become detached therefrom upon the question of such detachment being submitted to a vote of the whole of such City at any general City election, and if two-thirds of those lawfully voting upon such question shall vote in favor of detachment, it shall be considered adopted. The City council shall submit the same to a vote of the people after a petition shall have been filed with the City Clerk, signed by a majority of the legal voters residing in such territory, or upon the order of the City Council without such petition, and the same shall be submitted and voted upon throughout the whole city and the returns of the votes canvassed in the same manner as other votes at a city election are canvassed hereunder.

SECTION 6. SUCCESSION. When this charter takes effect the City of Virginia shall be vested with all rights, franchises and immunities formerly vested in said City of Virginia, except as herein otherwise specially provided, and all ordinances, resolutions and by-laws in force at the time of the adoption of this charter and not in conflict with its provisions shall continue in force until duly altered or repealed; all property and property rights and interest, of every kind and nature, formerly vested in City of Virginia, shall, when this charter takes effect, be and become vested in and be possessed by the City of Virginia, under this charter.

## CHAPTER 2. CITY ELECTIONS.

SECTION 7. DATE OF ELECTION. The first city election under this charter shall be held on the first Tuesday after the first Monday of February, 1910, and the regular city election shall be held on the first Tuesday after the first Monday of February of each even-numbered year thereafter.

SECTION 8. BALLOTS. At each election of city officers under this charter there shall be a ballot known as the "official Virginia ballot," which shall be printed and distributed as hereinafter provided.

SECTION 9. CONTENTS OF BALLOTS. At least fifteen days before the regular city election, any person eligible, and desirous of having his name placed upon such official ballot as a candidate for any office, shall file his affidavit with the City Clerk stating his residence, that he is a qualified voter of the city, the office for which he



desires to be candidate, and shall pay to the City Clerk a filing fee of five dollars. Immediately after the last day for filing, and at least ten days before such election, the City Clerk shall have printed a sufficient number of ballots, varied as may be necessary for the several wards. On such ballots shall appear the names of no persons except those who have duly filed and paid the fee as herein provided for. Each ballot shall be not less than four or more than six inches wide and shall be printed on white paper, headed by the words "Official Virginia Ballot." The names of candidates shall be grouped for each official position. Whenever two or more persons are candidates for the same office, the names of all candidates for such office shall be so alternated on the ballots used in each election district that they shall appear thereon substantially an equal number of times at the top, at the bottom, and each intermediate place, if any, of the list or group in which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and the blocks of ballots to be so made up as to carry out the intent hereof. No name of a political party or organization shall be printed after the name of any candidate or at any other place on said ballot.

SECTION 10. BALLOTS, NAMES, HOW PRINTED. The name of each candidate and the office to be filled shall be printed at right angles with the length of the ballot, in plain Roman type not larger than long Primer or smaller than Brevier; the name of each candidate in capital letters preceded on the same line by the title of the office in capitals and small letters. At the right of and on a line with such names, near the margin, there shall be a space so enclosed by rule work as to make a square-three-eighths of an inch in size in which the voter may designate his choice by the mark (X). Above and below each name shall be printed across the ballot a light line, except that above and below each office a heavier line shall be so printed. At right angles with such lines and at the right of the small squares shall be printed opposite each office the words "vote for one," or "vote for two," or more, according to the number to be elected.

SECTION 11. NUMBER OF BALLOTS. At least 100 of said ballots shall be provided by the City Clerk for each polling place for every 75 voters there registered at the preceding election. If for any known reason a greater number may be needed, sufficient additional ballots shall be furnished.

SECTION 12. DISTRIBUTION. The election officers at each polling place shall hand to each voter, before he enters the voting

both, one of said official ballots. The ballots hereinbefore mentioned shall be in addition to any ballots that may be otherwise provided for by State Law.

SECTION 13. OFFENSE, PENALTY. Any person who shall prepare, print, distribute or use for or at, or which shall be used for or at, any election of city officers, any paper or ballot similar to said ballots in color and wording, or arrangement or style of type, shall be subject to a fine of not less than twenty-five (\$25.00) or more than ninety-five dollars (\$95.00), or imprisonment in the city or county jail for not more than eighty-five (85) days, the penalty to be imposed on the conviction of offender in the municipal court in the City of Virginia. It shall be the duty of the City Attorney and the Judge of the municipal court of the city of Virginia to act promptly in all proceedings instituted under this section and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

SECTION 14. WHAT SHALL CONSTITUTE AN ELECTION. The returns shall be made to the clerk and within one week after any election under this charter, the council shall meet and canvass the returns thereof and declare the result, as appears from such returns, and the clerk shall forthwith give notice, in writing, to the officers elected to their respective elections. A plurality of votes for elective officers shall constitute an election, when two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the council, at such time and place and in such manner as it may direct.

SECTION 15. ELECTION LAWS. All general laws of the state of Minnesota relating to elections, and all preliminaries thereto, shall, as far as applicable, apply to and govern all elections under this charter, whether general or special, and are hereby adopted as a part of this charter the same as if herein specifically re-enacted, except as herein otherwise expressly provided and by this charter modified; Provided, that the "Primary Election Law" for nominating candidates for city offices, shall not apply to this city.

SECTION 16. SPECIAL ELECTIONS. Special elections for any purpose shall be held and conducted by the officers appointed in accordance with the preceding sections in the same manner, and the returns thereof shall be made in the same form and manner as general and biennial elections, and within such time as may be prescribed by resolution.

## CHAPTER 3.

## OFFICERS—GENERAL PROVISIONS.

SECTION 17. EFFECT OF CHARTER. From and after the time this charter shall go into effect the various officers of the City of Virginia, whether then in office or subsequently elected or appointed, shall be vested with such powers and functions, and with such powers and functions only, as are specified and granted in this charter as to their respective offices.

SECTION 18. REPORTS. Every elective and appointive officer (exempt members of the council) and all boards provided for in this charter shall annually, on or before the 31st day of March, make and transmit to the council full and detailed reports, properly verified by affidavits, of the business of such office or department for the current fiscal year, together with a true and full inventory of all money, property and other effects of the city in the possession of such office or board or under his or its control. Such officers and boards shall likewise make to the council similar reports and exhibit all their books of account, papers and other records kept by them whenever requested by the council so to do.

Every elective and appointive officer and board and member thereof provided for by this charter shall, at the expiration of his term of office in whatsoever way terminated, turn over to the city or his successor in office all books, papers, files, records, money and other property and things whatsoever pertaining to his office which may be in his possession or under his control.

SECTION 19. OATH OF OFFICE. Every person elected or appointed to any office under this charter, shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the city clerk.

SECTION 20. NEW OFFICE. Within thirty days after this charter shall go into effect, the mayor, subject to the approval of the council shall fill all new or vacant appointive boards, commissions, or offices herein provided for, and the persons so chosen shall qualify and hold office at once; provided, that all one-year terms, and the first year of the terms of all other appointive officers existing under this charter, shall be construed as ending on the last day of April next after the first regular election under this charter.

SECTION 21. TERMS OF OFFICE. The regular terms of all appointive officers, members of all boards and commissions, shall be construed as ending on the last day of April of the proper year.

The regular terms of all elective officers shall be construed as ending on the last day of March of the proper year.

All officers, whether elective or appointive, shall continue in office until their respective successors are chosen and have qualified.

SECTION 22. SALARIES. In all cases where the salaries of officers are fixed by the council they shall be fixed by resolutions at the regular meetings in April of each even-numbered year for the succeeding two years, except as in this charter specifically provided otherwise.

SECTION 23. VACANCIES, HOW FILLED. When a vacancy shall occur in an appointive office, board or commission, such vacancy shall be filled in the same manner as the original appointment, but for the unexpired term only. When a vacancy shall occur in the office of any officer elected by the people such vacancy shall be filled by appointment by the city council for the unexpired term; provided that a vacancy in the office of a judge of the municipal court shall be filled as provided by law.

SECTION 24. RESIGNATION. Any person having entered upon the duties of his office may resign the same by and with the consent of the city council or proper board.

SECTION 25. SALARIES NOT CHANGED. The salaries of the officers of the city shall not be increased or diminished during the term for which any such officer shall have been elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service; except as herein specifically provided otherwise.

All officers appointed or elected under the former charter of the city, who by the terms of this charter continue to act as officers after this charter goes into effect, shall receive the compensation herein provided for such office.

SECTION 26. GIFTS. No officer or member of any board or employe of the city shall directly or indirectly, in or about the performance of his office or position, ask to receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

SECTION 27. BONDS. The council may require bonds from any officer or employe of the city in those cases where a bond is not required by the terms of this charter, and may fix the amount of the bond so required by it, and make any regulations it may deem proper in regard to the sureties thereon.



SECTION 28. CORPORATE SURETIES. The sureties on all bonds required of officers and employes and others by the terms of this charter may be surety corporations, authorized under the general laws of the state to do surety bond business and to give such bond; but such bond must be approved by the council, or proper board.

SECTION 29. SURETY BONDS REQUIRED. Every bond given under, or required by any provision of this charter, or any ordinance or regulation made under authority of this charter, which bond is for the sum of Five Hundred (\$500.00) dollars, or more, shall be a surety bond, executed by one or more surety corporations, authorized under the general laws of this State to do a surety bond business, and to give such bond; any other general or specific provision of this charter to the contrary notwithstanding.

SECTION 30. REMOVALS. Any elective or appointive officer provided by this charter may be removed from his office by the affirmative vote of two-thirds of all the members of the council; but no such officer shall be so removed except for cause, nor unless he has first been furnished with a copy of the charges against him and has had reasonable opportunity to be heard in person or by counsel in his own defense. The council shall have the power to fix the time and place of trial of such officer (who shall be given at least ten days notice thereof), to arrange the mode of trial, to compel the attendance of witnesses and the production of papers, to administer oaths, and to hear the proofs and arguments. If such officer shall neglect after due notice, to make answer to such charge, the same shall be cause for removal without further notice. When any such hearing is ended the council shall forthwith proceed without debate to vote viva voce, on roll call, upon a motion declaring such officer removed. Among such causes shall be continued absence by aldermen from meeting of council, or by any member of a board from the meetings of such board, or neglect of duties by any officer.

SECTION 31. REDIVISION INTO WARDS. Whenever the wards or districts of the city are by the the council apportioned anew, such apportionment shall take effect at the next ensuing city election, and all officers and members of the city council previously elected, and whose successors would not be otherwise elected at such election, shall hold their respective offices for the unexpired portion of their terms as representing the wards or districts within which they reside. And in case any such ward or district shall prove to have more than its proportion of resident hold-over officers or members of the city council, then such hold-over officers or members shall be appointed to, and

represent some ward or district created in whole or in part of that in which they were elected, which apportionment of officers shall be made by the city council at the time of the apportionment of the wards and districts.

#### CHAPTER 4.

#### OFFICERS--THEIR POWERS AND DUTIES.

SECTION 32. ELECTIVE OFFICERS. The elective officers of the city shall be a mayor, treasurer, one alderman from each ward, three aldermen at large, a municipal judge and a special municipal judge.

SECTION 33. TERMS OF OFFICE. The mayor and treasurer shall each be elected for a term of two years. Each alderman shall be elected for four years; provided that at the first election under this charter three aldermen-at-large shall be elected for two years and one alderman from each ward for four years. The municipal judge and special municipal judge, shall be elected for a term of four years. The term of each elective officer shall commence on the first day of April next after his election and he shall hold office until his successor is elected and has qualified. The terms of elective officers of the city in office at the time this charter takes effect shall be construed as continuing until their respective successors have been chosen at the first regular city election hereunder and shall have qualified. The office of any additional aldermen created by this charter shall be deemed vacant and be filled according to section twenty-three of this charter, but only until the first regular election by this charter provided for.

SECTION 34. APPOINTIVE OFFICERS. At its first regular meeting in April in each even-numbered year, or as soon thereafter as may be, the city council shall by resolution appoint a clerk, board of health, attorney, engineer, and assessor, each for a term of two years. During the month of April of each year the mayor, subject to the approval of the council, shall appoint a member or members of the police and fire commission, library board, park board and water and light board, as hereinafter provided. The regular terms of all appointive officers and members of boards and commissions, shall be construed as ending on the last day of April of the proper year, but they shall continue in office until their respective successors are chosen and have qualified.

SECTION 35. PENALTY FOR FAILURE TO OBSERVE DUTIES IMPOSED. Any officer or employe of the city who shall offend against any of the provisions of this charter or thing required to be done by him, or by wrongfully doing the same or who shall willfully violate any of the provisions of this charter, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, or by gross and culpable neglect allow the same to be lost to the city, shall be guilty of a misdemeanor and shall be punished therefor as misdemeanors are punished by the criminal laws of the state, and shall, as a consequence thereof, forfeit his office and be forever disqualified from holding any office of trust or profit under the city government, and shall be liable to the city for any amount lost, or damage suffered by reason of such wrongful act or violation of law.

SECTION 36. SALARIES. The mayor shall receive a salary of three hundred (\$300.00) dollars per year payable in monthly installments. Each alderman shall receive a salary of fifty dollars per year for committee work payable at the end of the year, and in addition thereto each alderman shall receive two dollars for each council meeting at which he is actually present, payable at the end of each month. The city council shall have power to fix the compensation of any and all city officers and employes, except as in this charter otherwise specified.

SECTION 37. RESIDENCE. Any elective or appointive officer, changing his residence from the city, or any alderman from the ward for which he was elected or appointed, and any such officer who shall refuse or, without cause, neglect to enter upon the discharge of the duties of his office, for ten days after the beginning of the term for which he was elected or appointed to fill, and ten days after being notified by the clerk of his election or appointment, shall be deemed to have vacated and abandoned such office.

#### MAYOR.

SECTION 38. DUTIES OF MAYOR. The mayor shall take care that the laws of the State, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city. He shall see that all other officers of the city discharge their respective duties, and to that end may institute and maintain an action of mandamus or other appropriate action against any delinquent officer of the city. He shall from time to time give the city council such infor-

mation and may recommend such measures as he shall deem advantageous to the city.

SECTION 39. SHALL SIGN BONDS, OBLIGATIONS AND CONTRACTS. The mayor shall sign all bonds and obligations of the city and all warrants drawn on the city treasurer, and shall sign all contracts entered into by the city, except as otherwise provided in this charter, or by law.

SECTION 40. PROCESS AND NOTICES. The mayor shall, upon service of notice or process upon him in an action or proceeding against the city, forthwith inform the city attorney and city council thereof, and proper board.

SECTION 41. EXECUTIVE CONTINGENT FUND. The mayor shall have authority to expend from the mayor's contingent fund such moneys as he may deem necessary in case of emergency to secure information and evidence of crime and arrest convicts and to relieve distress in the event of public calamity in this state.

SECTION 42. ANNUAL REPORT. The mayor shall make to the city council at the close of each fiscal year, an annual written report of the general condition of affairs of the city.

SECTION 43. ACTING MAYOR. During the absence of the mayor from the city, or in case of his death or disability for any reason to discharge the duties of his office, the president of the city council, or in his absence or in case of his disability, the vice-president of the city council, shall for the time being exercise all the powers and discharge all the duties of the mayor. The president or vice-president so performing the duties of the mayor shall be styled the "acting mayor," and his acts while so acting as mayor shall have the same force and validity as if performed by the mayor.

#### CITY CLERK.

SECTION 44. DUTIES. The clerk shall keep the corporate seal of the city, and all papers and records thereof, except as herein otherwise provided; shall attend all meetings of the council and other boards or commissions of which he may be the clerk and keep a record of all proceedings thereof, and be the purchasing agent of the council and such boards and commissions. He shall draw and sign all orders on the treasurer as directed by the council, except as in this charter specifically provided otherwise, and he shall keep a full and accurate account of the orders so drawn by him, in books provided for that purpose; and said books shall show to whom and for what purpose the same are drawn. He shall attest the signature of the mayor to all

contracts, and affix the seal of the city thereto, and deliver the same to the proper officer or party. He shall keep regular books of account, which shall at all times show the precise financial condition of the city, a record of all bonds, orders, warrants or other evidences of indebtedness which have been redeemed, and the amount of each outstanding.

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

He shall be entitled to receive from the obligators upon all such bonds, or the person representing the same for record, such compensation as is allowed for similar services to the register of deeds of this county. He shall file in his office all chattel mortgages, contracts and other instruments by which personal property is transferred or encumbered which are presented to him for filing, and which are permitted to be filed by the laws of this state, referring to chattel mortgages, and shall receive as compensation therefor, such fees as are allowed by the general law.

**SECTION 45. OFFICIAL POWERS.** The clerk shall have the supervisions of all printing and publications ordered by the council, and he shall cause to be published in the official paper the minutes of all proceedings of the council, as soon after each meeting as practi-

**SEC. 46.—POWERS.**—The clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall have power, when authorized by the city council, to appoint a deputy city clerk, who shall hold office during the pleasure of the city clerk, and shall have authority, under the direction of the city clerk, to perform all the duties of the city clerk. The city clerk may, when authorized by the city council, select such other assistants as may be necessary in his office, the salary of such assistant city clerk and all such assistants to be paid by the city, the amount of compensation to be fixed and determined by the city council.

~~any~~ corporations authorized by state laws to give such bond and for the amount of money likely to come into his hands during any fiscal year. The bond shall be conditioned for the safe keeping of all moneys of the city that may come into his possession, and for the faithful performance of his duty; shall be approved by the city council, recorded in the office of the Register of Deeds, filed and recorded in the office of the city clerk, and the record of such bond, as well as the original, shall be evidence of the contents and execution thereof.

**SECTION 49. DUTIES.** The treasurer shall receive and safely keep all moneys belonging or accruing to the city and all departments thereof, including license money and fines, and shall keep accurate and detailed account thereof, and he shall be entitled to, and shall demand and receive of the treasurer of this county, at times specified by law, all moneys due the city for taxes and assessments, including interest and penalties thereon, on account of all levies or assessments made by the city or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness, or other securities, held by the city or in the sinking fund of the said city. Upon the receipt of any money by him he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the city, to the order of the treasurer, in such depositories as shall have been designated by the council therefor.

**SECTION 50. CITY DEPOSITORIES.** Any bank, banking house or trust company, having its principal place of business in the state of Minnesota may be designated by the council by resolution, after advertising in the official paper for proposals and receiving proposals,

cont  
the  
whi  
city  
deb  
sta:

off  
pu  
mi  
an  
m  
sh

possession and when so ever  
the city, they will be received in evidence in any and all courts, the same as if the originals thereof were produced by said clerk in such court, and he shall be entitled to collect and receive for such services such fees as are allowed to the clerk of the district court of this county for similar services. He shall record at length in a book provided by the city for that purpose, all official and other bonds running to the city of Virginia, excepting only the bonds of the clerk and treasurer, which shall be recorded in the office of the register of deeds of this County, and all bonds shall be filed and preserved by the clerk. He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws of this state or by the council. All fees received by him shall be turned into the city treasury each month.

He shall be entitled to receive from the obligators upon all such bonds, or the person representing the same for record, such compensation as is allowed for similar services to the register of deeds of this county. He shall file in his office all chattel mortgages, contracts and other instruments by which personal property is transferred or encumbered which are presented to him for filing, and which are permitted to be filed by the laws of this state, referring to chattel mortgages, and shall receive as compensation therefor, such fees as are allowed by the general law.

**SECTION 45. OFFICIAL POWERS.** The clerk shall have the supervisions of all printing and publications ordered by the council, and he shall cause to be published in the official paper the minutes of all proceedings of the council, as soon after each meeting as practi-

cable, and also cause to be published in said paper all ordinances as soon as practicable after their final passage.

~~**SECTION 46. POWERS.** The clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.~~

**SECTION 47. BOND OF CLERK.** Before entering upon the duties of his office the clerk shall give a bond, with sufficient surety, in such sum as the council may direct, conditioned for the faithful performance of the duties of his office.

#### DUTIES OF TREASURER.

**SECTION 48. BOND AND MANAGEMENT OF FINANCES.** The city treasurer shall give a surety bond to be executed by one or more surety corporations authorized by state laws to give such bond and for the amount of money likely to come into his hands during any fiscal year. The bond shall be conditioned for the safe keeping of all moneys of the city that may come into his possession, and for the faithful performance of his duty; shall be approved by the city council, recorded in the office of the Register of Deeds, filed and recorded in the office of the city clerk, and the record of such bond, as well as the original, shall be evidence of the contents and execution thereof.

**SECTION 49. DUTIES.** The treasurer shall receive and safely keep all moneys belonging or accruing to the city and all departments thereof, including license money and fines, and shall keep accurate and detailed account thereof, and he shall be entitled to, and shall demand and receive of the treasurer of this county, at times specified by law, all moneys due the city for taxes and assessments, including interest and penalties thereon, on account of all levies or assessments made by the city or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness, or other securities, held by the city or in the sinking fund of the said city. Upon the receipt of any money by him he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the city, to the order of the treasurer, in such depositories as shall have been designated by the council therefor.

**SECTION 50. CITY DEPOSITORIES.** Any bank, banking house or trust company, having its principal place of business in the state of Minnesota may be designated by the council by resolution, after advertising in the official paper for proposals and receiving proposals,

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

Before any such bank, banking house or trust company shall be designated as such depository it shall deposit with such treasurer a bond, payable to the city, and executed by some reputable surety company, which bond shall be approved by the council, and shall be in such amount as said council shall direct, and in at least the amount of funds to be deposited in said depository; said bond to be conditioned for the safe-keeping and payment of such funds and interest thereon; and whenever required to do so by the council such depository shall furnish a new bond and other sureties, to be likewise approved.

**SECTION 51. WHAT DEPOSITORY.** Whenever any portion of the funds of the city shall be deposited by the treasurer in such depository the sureties on his official bond shall, to such extent, be exempt from all liability thereon, by reason of the loss of such deposited funds while so deposited, through the failure or bankruptcy or any other act or default of such depository.

**SECTION 52. WHEN TO PAY OUT MONEY.** The treasurer shall pay no money out of the treasury except in the following cases: Upon an order or warrant, properly drawn and countersigned, which has been first duly authorized by the council or proper board, and which shall specify the purpose for which it is drawn, and the fund out of which and the person to whom it is payable; and upon the payment and receipt by him of any such order or warrant the treasurer shall cancel and file the same, and it shall not again be issued, and he shall keep separate the orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the city clerk with his report hereinafter referred to. In case said warrants were issued for the payment of the bonds of said city, or interest coupons thereon, then such bonds or coupons shall be cancelled by the treasurer, and returned by him with such warrants to the clerk.

**SECTION 53. MONTHLY STATEMENT.** The treasurer shall, monthly, make a statement to the council of the amount by him received and disbursed on account of each fund, and a statement of

the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the city's funds, and where placed and deposited.

He shall, whenever notified so to do by the council, withdraw all funds from any depository so designated, as hereinbefore provided, and notify the council thereof, and shall deposit no more therein until authorized so to do by the council.

**SECTION 54. MISUSE OF CITY MONEY.** No funds of the city shall be loaned by the treasurer to any city officer or any other person, or otherwise disposed of, except in accordance with the law. Any violations of any of the provisions of this section shall, unless otherwise punishable by the criminal laws of the state, be punished by a fine in a sum not exceeding one thousand dollars, or by imprisonment in the county jail of this county not exceeding one year. The treasurer is prohibited from paying any warrant which, upon its face, shows that it is drawn in violation of this charter or the laws of the state, and in case of any such payment the treasurer and the sureties upon his bond shall be liable to the city for double the amount of such warrant.

### CITY ATTORNEY.

**SECTION 55. QUALIFICATIONS.** No person shall be appointed to the office of attorney unless he be, at the time of his appointment, a counsellor of the supreme court of this state of two years standing.

He shall be the legal adviser of the city, and of all the boards and departments thereof; shall perform all services incident to that office, and appear in and conduct all civil suits, prosecutions and proceedings in which the city or any board or department thereof shall be directly or indirectly interested, except as in this charter specifically provided otherwise, and when necessary shall take charge of and conduct prosecutions for the violation of all ordinances or resolutions of the city or any board or department thereof, and for the violation of any of the provisions of this charter, and such other duties as may be required of him.

**SECTION 56. OPINIONS.** He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council or any committee thereof, or by the mayor or any board of the city, in respect to their official duties or municipal affairs. He shall personally attend all meetings of the council; and when requested so to do, the meetings of said committees and boards. He shall keep a



registry of files of all actions, suits and proceedings under his charge in which the city is interested, and retain true copies of all briefs used in cases wherein he appears for the city, and copies of all official communications and opinions given by him to any officer, department or board. He shall deliver all property of whatever description or under his control, belonging to the city or to the office, to his successor or office, who shall give duplicate receipts therefor, one of which he shall file with the clerk. He shall prepare all warrants and bonds, and other instruments of writing, in which the city or any department thereof shall be concerned.

**SECTION 58. SUITS AGAINST EMPLOYEES.** He shall, when directed so to do by the council, appear and conduct the defense in any action, prosecution or proceeding against any officer or employee of the city, or any board or department thereof, or against any out going by such officer, board or department while engaged in the performance of official duties.

**SECTION 59. INABILITY TO ACT.** In case of sickness or inability of the attorney to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

**SECTION 60. ASSISTANTS.** The city council may determine the number and fix the salaries of such assistants and clerical forces as may be necessary in the department of the city attorney, and all such assistants and clerical force shall be appointed by the city attorney. He shall designate one of such assistants as the first assistant city attorney. Such first assistant attorney shall have, in the absence or disability of the city attorney, the same powers and duties as are prescribed herein of the city attorney, and the city council may provide for such temporary assistants to the city attorney as may be necessary.

**SECTION 61. APPEALS. APPEAL BONDS.** The city attorney, unless otherwise ordered by the city council, shall have the right to decide whether or not, in any case in which the city is a party in any court, to take an appeal from any final judgment or determination of the court, and in case of any such appeal, or in case of suing out any writ of error, certiorari, mandamus, attachment or any writ from any court, the city shall not be obliged to give any bonds, either for costs, supersedeas or any other purpose whatever. The city attorney shall notify the city council of the result of all actions to which the city is a party, or in which it is interested.

### ASSESSOR---EQUALIZATION.

**SECTION 61. APPOINTMENT.** The city council at its first meeting in April of each even-numbered year, shall, by resolution appoint a city assessor whose term of office shall be for two years, who must be a free-holder of the city for the past two years and a resident and elector thereof.

**SECTION 62. DEPUTY ASSESSORS AND CLERKS.** The city assessor shall, each year, appoint such number of deputies as may be required to enable him to properly perform the duties of his office, who shall serve during the time of the making of the list of property for taxation, but only so long as their services may be needed. The city assessor shall discharge such deputies from time to time as he can spare, and the city council may order said deputies, or any of them, to be discharged at any time. The city assessor shall present to the city council at the second regular meeting thereof in April in each year the names of such persons as he shall desire to have for deputies, designating in each case the time when the appointees shall, with the approval of the city council, commence to serve as such deputies, which time shall be long enough before May 1st so that each may, before that day, be assigned to his portion of the work and be properly prepared and instructed to do the same. The city assessor may also employ such clerks as may be necessary, their number to be reduced or increased as occasion may require or the city council may direct, and all deputy assessors shall qualify in accordance with and perform all the duties required by the general laws of the State respecting the listing of property for taxation.

**SECTION 63. COMPENSATION.** The assessor and assistants shall receive such compensation as may be fixed annually by the council, such compensation not to exceed, in the aggregate, five hundred dollars in any one year. Each member of the board of equalization shall receive as compensation for his service the sum of three dollars (\$3.00) per day for the actual time necessarily employed.

**SECTION 64. BOARD OF EQUALIZATION.** The board of equalization shall consist of the president and four members of the city council, to be chosen by it. Such board shall meet at the city council chamber on the fourth Monday of June in each year, and the members shall be sworn according to law as such board of equalization, and at such time and from day to day thereafter as they may adjourn to such board shall proceed to amend, revise and equalize the assessments made by the assessor.

SECTION 65. POWERS OF BOARD. Such board shall be vested with all the powers which are or may be vested in county boards of equalization, so far as applicable, but shall not be restricted as to reducing the aggregate sum of real or personal property as returned by the assessor. When such equalization is completed the same shall be certified to the county auditor by the board of equalization.

SECTION 66. GRIEVANCES. Any person deeming himself aggrieved by any assessment may appear before such board personally or by counsel and present his grievance for consideration and the said board shall have power to compel the attendance of witnesses and the production of papers and to examine any person as to any taxable property in said city.

### ENGINEER---STREET COMMISSIONER.

SECTION 67. CITY ENGINEER. The city engineer shall be a civil engineer of at least three years practical experience as such, whose compensation shall be fixed by the city council every three months for the ensuing three months.

SECTION 68. DUTIES OF CITY ENGINEER. The city engineer shall have supervision and general charge of all work done on any street, highway, or alley in the city, and shall have control and supervision of the construction, maintenance and repair of pavements, sewers, streets, sidewalks and maintaining, repairing, cleaning, sweeping and sprinkling of all streets, alleys, and other public places within the city, and the grading of all streets and alleys, whether in original construction or otherwise, and all work shall be done by the street commissioner under the supervision of the engineer except as in this charter specifically provided otherwise. It shall be his duty to superintend the location and installation of all hydrants, water mains and water pipes, sewers, electric light, telephone and telegraph poles within the city, to inspect all railroad crossings and see that the general laws and ordinances of the city, relating thereto, are properly enforced.

SECTION 69. SURVEYS. The city engineer shall make such surveys, profiles, plans and estimates as the council may direct, and all such shall be filed and carefully preserved in the office of the city clerk and be public records of the city.

SECTION 70. ENGINEER'S FEES. The engineer, upon the request of any interested person, shall locate and stake any lines or grades, and charge therefor such fees as may be provided for by the city council, which fees shall be by him paid into the city treasury at the end of each month.

SECTION 71. DUTIES—STREET COMMISSIONER. The street commissioner shall receive such compensation as the council may determine and shall work under the direction of the city engineer. The street committee of the council shall decide any dispute that may arise between the city engineer and the street commissioner as to their respective powers and duties. The council shall have power to discharge such commissioner at will without cause, at any time and employ another if deemed expedient.

SECTION 72. BONDS. Before entering upon the discharge of the duties of their respective offices, the city engineer and street commissioner shall each furnish a bond to the city with sufficient sureties and in such sums as the council may direct.

### CHAPTER 5.

#### POWERS AND DUTIES OF CITY COUNCIL.

SECTION 73. LEGISLATIVE POWER. The legislative power and authority of the city shall be vested in a city council, composed of the aldermen of the city as herein provided.

SECTION 74. ORGANIZATION. The city council shall biennially, on the first Tuesday in April next succeeding the regular municipal election, organize, and at the time of its organization, proceed to elect from its own number a President and Vice President for the ensuing two years, and such other officers as may be necessary for the transaction of its business. Such election shall be by ballot, and the affirmative vote of a majority of all the members-elect shall be necessary to elect.

SECTION 75. DUTIES OF PRESIDENT. The President, and in case of the absence of the President, the Vice President, shall preside over the meetings of the city council, and shall sign all resolutions and ordinances passed by the city council, and during the absence of the Mayor from the city, or his inability for any reason to discharge the duties of his office, shall have and exercise all the powers and duties of mayor, under the style of "acting mayor." The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

SECTION 76. RULES AND SPECIAL MEETINGS. The city council shall prescribe rules for its own guidance and the time for its regular meetings, and provide for the calling of special meetings.

No business shall be transacted at a special meeting unless the same shall have been specified in the call therefor.

**SECTION 77. QUORUM.** A majority of all the members-elect shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a majority may compel the attendance of absent members.

**SECTION 78. CANVASSING VOTES.** The city council shall have power to, and it shall, canvass the returns of votes cast at all city elections and declare the results thereof.

**SECTION 79. ORDINANCES AND RESOLUTIONS.** Every legislative act of the city council shall be by ordinance or resolution. The style of all ordinances shall be: "The city council of the city of Virginia do ordain as follows." No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

**SECTION 80. INTRODUCTION OF ORDINANCES.** No ordinance shall be introduced except at a regular meeting, at which meeting each member of the council shall receive an exact copy of the ordinance as introduced and at which meeting such ordinance shall have its first reading. Its second reading shall be had at subsequent regular or adjourned regular meetings occurring not less than one (1) week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading and be passed only at a regular or adjourned regular meeting occurring at least one (1) week subsequent to the time at which the second reading was had.

**SECTION 81. PASSAGE OF ORDINANCES AND RESOLUTIONS.** Every ordinance, and resolution, except as in this charter otherwise provided, shall be passed by a majority vote of the members-elect of the city council, taken by yeas and nays, which shall be entered upon its journal. It shall then forthwith, before it takes effect, be presented to the mayor for his approval as herein provided. Every ordinance, and resolution shall be published once in the official newspaper of the city before it takes effect. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting unless at such a meeting there are present as large a number of its members as were present when said vote was taken.

The proof of such publication of ordinances and resolutions by the affidavit of the foreman of or one of the publishers of such newspaper, with a printed copy of the ordinance or resolution annexed

thereto, or any other competent proof of such publication, shall be prima facie evidence of the legal passage, enactment, publication and promulgation of such ordinance or resolution, in any court in this state.

All ordinances shall be recorded and indexed by the city clerk, in books to be provided for that purpose.

In the publication of resolutions that may be included in the publication of the proceedings of the council, such resolutions shall be printed with the dates of their approval without appending in such publication the signatures to such resolution.

In all notices, prosecutions and proceedings of every kind before the municipal court in this city, such court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinance in such court.

**SECTION 82. FORM OF ACTION. CONTRACT. WARRANTS, VETO.** In all actions under Section 93 of this Charter, (except as to sidewalks) and in all other cases where specifically required, the council shall act by ordinance only. In all other matters the council may act by resolution in writing only. Where action is not specifically required to be by ordinance or resolution, the council may act by mere motion to be entered upon the minutes; provided, however, that every appropriation to the amount of one hundred (\$100.00) dollars or more to be paid to any one person, firm or corporation exclusive of salaries and compensation of officers and employes of said city, and bond interest and other fixed charges, or sums heretofore authorized or contracted to be paid, which sums, including the pay-roll of the city officers or employes whose salaries or compensation have been fixed by law or resolution, may be passed and warrants ordered hereunder, by motion as provided in section one hundred forty-one of this charter) and the letting of any job of work, or the authorizing of any contract or purchase involving an expenditure from the city treasury of one hundred (\$100.00) dollars or more, and any provision for the sale of any real estate of the city, or of any of its personal property of the value of one hundred (\$100.00) dollars or more, and every determination to make any improvement the expense whereof is to be assessed upon abutting property or property found to be benefited, or to take private property or property found to be benefited, or to take private property for public use, and every determination to issue bonds of the city or in any way to contract indebtedness exceeding one hundred (\$100.00) dollars (except as herein otherwise provided), shall be by ordinance or resolution in writing.



Every ordinance whatever, and every resolution in writing such as is mentioned in the proviso of this section, which may be passed by the council, shall be signed by the President of the council and attested by the Clerk; and on the next day after the passage thereof the same shall be transmitted, by the clerk, to the mayor for his approval. No ordinance or resolution shall be signed by the mayor within four (4) days after it is presented to him. If he approved the same he shall append his signature with the date of his approval thereto, and return the same to the city clerk within ten days, Sundays excepted, from the date of its transmission to him; and if he declines to approve the same he shall, within said period of ten days, return the same to the city clerk with a statement of his objections thereto, to be presented to the council at its next meeting thereafter. Upon the return of an ordinance or resolution to the council without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor and if upon such vote, which shall be taken by a call of the ayes and nays, two-thirds of all the members of the council shall vote in favor of such ordinance or resolution the same shall be declared enacted and shall have the same force and effect as if approved by the mayor; provided, however, that in all cases where the original action of the council requires a two-thirds (2-3) vote, the veto of the mayor shall be effectual unless overruled by a four-fifths (4-5) vote of all the members-elect of such council; and in all cases where the original action of the council requires more than a two-thirds vote, the veto of the mayor shall be effectual unless overruled by unanimous vote of all the members-elect of such council. If any ordinance or resolution so submitted to the mayor shall not be returned by him to the clerk on the tenth (10) day, Sundays excepted, after the presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk on demand.

**SECTION 83. TWO-THIRDS VOTE REQUIRED.** Every ordinance, and resolution appropriating money or creating any liability (or for the issuance of certificates of indebtedness in anticipation of tax or assessment levies), awarding or approving any contract for the payment of money, except as provided in section one hundred forty-one of this charter, ordering any condemnation of private property, or the making of any local improvements, shall require a two-thirds (2-3) vote of all the members of the city council.

**SECTION 84. ISSUANCE OF BONDS.** Any ordinance or resolution authorizing the issuance of any bonds of the city shall require the affirmative vote of two-thirds (2-3) of all the members of the city

council. Provided further, that the amount of all such bonds, except as hereinafter provided, shall be controlled by the limitations herein made on the power to issue bonds, and the city council shall not in any manner, either with or without the vote of the people, authorize the issuance of any bonds or create any indebtedness of the city in excess of the said limit herein prescribed, except as hereinafter provided.

**SECTION 85. SPECIAL OR PRIVATE ORDINANCE.** Whenever a special or private ordinance is enacted, the city council shall require a bond from the beneficiary thereof to protect the city against any claim or damages resulting from the grant of right or privileges under such ordinance, the amount of such bond and the conditions thereof to be fixed and determined by the city council, and further security may be required at any time, and the terms of the grant shall so provide.

**SECTION 86. ALDERMEN NOT TO SOLICIT APPOINTMENT.** No member of the city council shall demand, request or solicit any board, officer or employe, connected with the city, to engage or appoint any person to a position in said city, except that aldermen in open council meeting may make such request or solicitation, and upon proof of the violation of this provision the office of such member shall become and be declared vacant by the city council.

**SECTION 87. WITNESSES BEFORE CITY COUNCIL.** The city council and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committee, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigation, to be signed by its president, or the chairman of such committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas and other processes.

**SECTION 88. PUNISHMENT FOR REFUSAL TO TESTIFY.** If any witness shall refuse to testify to the facts, within his knowledge, or to produce any books or papers in his possession, or under his control, the city council shall have the power to fine or commit him for contempt.

**SECTION 89. WITNESSES NOT TO BE EXCUSED.** No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such proceeding or inquiry before the city council or any committee thereof, or before any officer of the city having power to conduct the investigation; but such testi-

mony shall not be used against him in any criminal prosecution except for perjury.

**SECTION 90. CITY COUNCIL TO CONTROL FINANCES—LIMIT ON BOND ISSUES.** The city council shall control the finances of the city, and shall have power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes to issue bonds therefor, as hereinbefore provided; to issue bonds in place of, or to supply means for paying maturing bonds or to consolidate or fund same.

Provided, that the total indebtedness of the city, except as hereinafter provided, shall not thereby be made to exceed ten (10) per cent of the total value of the taxable property of the city according to the last preceding assessment for the purpose of taxation.

Provided, however, that the certificates of indebtedness or bonds issued for the creation and maintenance of the permanent improvement revolving fund shall not be considered as a part of the bonded indebtedness of the city, for the purposes of this section.

Provided, further, that the certificates of indebtedness issued for the purpose of anticipating the collection of general taxes for the year in which they may be issued, shall not be considered as a portion of the bonded indebtedness of the city for the purposes of this section.

Provided, further, that the certificates of indebtedness or bonds issued for the purpose of purchasing, constructing, regulating, maintaining, extending, enlarging or improving water and light plants, or either of such plants, owned, maintained and operated by the city, or for the purpose of acquiring any real or other property needed in connection with such plant or plants, or any refundment of such certificates or bonds, shall not be considered as a portion of the indebtedness of the city for the purposes of this section.

Provided, further, that the city council may set aside annually such portion of the gross income from any water and light works, or either, of the city as they shall determine, to create a sinking fund for the payment of any water and light bonds, or either, as they become due.

**SECTION 91. POWER TO LEVY TAXES AND MAKE ASSESSMENTS.** It shall have the power to fix the rate of, subject to the restrictions in this Charter contained, and levy and collect general and special taxes for municipal purposes on real and personal property in the city, and to levy assessments for local improvements, and to prescribe the procedure in making improvements and assess-

ments therefor, in so far as the same is not fixed and prescribed by the terms of this Charter.

**SECTION 92. CONDEMNATION.** It shall have power to acquire, by condemnation, dedication or otherwise, lands for and to lay out, open, widen and extend streets, alleys, avenues, sewers, bridge approaches, and public grounds, and to establish the grade and width of such streets, alleys and avenues, and to change the same; and to acquire by condemnation or otherwise easements for slopes, cuts and fills; by condemnation or otherwise to extend or widen any street, alley or highway over or across or to construct any sewer under or through any railroad track, right of way or land of any railroad or other corporation, and to acquire, by condemnation or otherwise, the right to take, use or divert water from any lake, stream or water course for water supply of said city.

**SECTION 93. IMPROVEMENT OF STREETS.** It shall have power to extend, widen, straighten, grade, drain, pave, repave, macadamize or otherwise improve any street, alley or public ground, and to lay or order laid sidewalks, curb and gutter thereon, also to establish a building line for any residence, avenue or street, and to prevent the erection of buildings in front of such line.

**SECTION 94. MAINTAINING AND ALTERING WATER COURSES AND LAKES.** It shall have the power to build and maintain bridges and viaducts, to deepen, widen, dock and cover, wall, alter or change the channel of any water course within the city, and by condemnation or otherwise, to acquire the lands and rights necessary therefor, and may remove any obstructions or unsightly structures from any pond or water course in the city and to prevent the dumping of any garbage therein.

**SECTION 95. APPROVAL OF PLATS.** It shall have the sole power to accept and approve plats of additions within or adjoining the city, and to prescribe the width and location of streets and alleys required in such plats of property. The council shall, by ordinance, provide what, if any, and how much improvement shall be required to be made by the owners of unplatted property before a plat thereof shall be accepted and approved by the council.

**SECTION 96. LIGHT, WATER AND TRANSPORTATION PLANTS.** It shall have power to provide for the lighting of streets, avenues and public grounds and buildings, and to purchase, acquire or establish gas, electric and other lighting plants and to furnish gas, heat, power and electricity to persons within or without the city limits on such terms as it may provide; to purchase, procure or establish water

works and to provide water for the use and convenience of the inhabitants of the city, or others, and to prescribe and fix the charges for the same and the manner in which the same shall be paid; and to provide for systems of public transportation within the city and to regulate the operation thereof. It shall also have the power to make contracts with individuals, firms or corporations for the use of water for protection against fire and other purposes. It shall also have the power to contract with individuals, firms or corporations for the use of electric or gas light for street lighting and other purposes. Such contracts for water and electricity and gas to be made for such time as the city council may deem for the best interests of the city, not to exceed ten (10) years for water and not to exceed five (5) years for gas or electricity for street lighting and other public purposes.

SECTION 97. POWER TO MAINTAIN BUILDINGS. It shall have power by a two-thirds (2-3) vote of all the members thereof, to erect, provide for, improve and repair a city hall, fire halls, police stations, armories, jail, workhouse, poorhouse, hospitals, public cemeteries, libraries, markets, and market houses, public pounds, pest houses, quarantine hospitals, dumping places, dumping stations, sewer stations and other appurtenances, accessories, apparatus and equipments in connection therewith as may be necessary for the transaction of the business of the city, either within or without its limits, for its government, or the operation of its departments; and to acquire by purchase, gift or condemnation lands for sites for said buildings or to be used in connection therewith; and to acquire by purchase, condemnation or otherwise, any real property for municipal purposes, and by resolution passed by a two-thirds (2-3) vote of all its members, to sell or authorize the sale of any of the same.

SECTION 98. DEPOSITING FUNDS AND AUDITING ACCOUNTS. It shall designate the depositories of the funds of the city treasurer, and by resolution approve all bonds given for the safe-keeping thereof, and it shall examine and audit the accounts of all city officers.

SECTION 99. SPECIFIC POWERS. The city council, except as in this Charter otherwise provided, shall have the general management and control of the finances and all property of the city, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and public health, comfort and safety, for the suppression of vice and intemperance and the prevention of crime.

It shall have power and authority to declare and impose penalties and punishments for violation of ordinances and resolutions, and to enforce the same against any person who may violate the same; and all such ordinances and resolutions, not inconsistent with the constitution and laws of this state, nor of the United States, are hereby declared to have full force of law. For these purposes the city council shall have specific authority, by ordinance;

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

Second. To regulate and prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage, or any other offensive matter or obstructions in or upon any street, avenue, alley, public ground, place or public stream or waters.

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

Fourth. To regulate the making and maintaining of openings and excavations in streets, alleys, public grounds, and public places for the laying of gas and water mains and pipes, construction of sub-ways and conduits, and for other purposes; and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures, conduits and electric conductors, of every kind, underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and, if it is deemed necessary, to prohibit the construction and maintaining of coal holes, man holes and hatch-ways and other openings in the sidewalks, streets and alleys and the coverings and guards thereof.

Fifth. To regulate and provide for the removal or destruction throughout the city or in such districts or on such streets and avenues and in such manner as the council may direct, of any and all swill, offal, garbage, ashes, street sweepings, barnyard litter, manure, rubbish, and the contents of privy vaults, cess pools and sinks, decaying animals matter and dead animals, or any other foul or unhealthy material, and to provide for the removal, to a point beyond the city limits, of any and all such matter or things; and the city council is hereby authorized and empowered to make and enter into contracts with persons or corporations for such removal of such material and

substances or any of them, upon such terms and conditions as it may deem best and for any time not to exceed two years.

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

Seventh. To regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric light poles, horse troughs, racks and other obstructions, the posting and distributing of hand bills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys and public grounds, and regulate and prevent the encumbering of the same with vehicles, boxes, lumber or any other things; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city.

Eighth. To regulate and prohibit the exhibition or carrying of banners; painting, posting, distributing or placing of placards, advertisements, hand bills or other articles upon telegraph, telephone or electric light poles, or in or upon the streets, alleys, sidewalks and public places, also to regulate and control or prohibit the placing of poles therefor or the suspending electric light or other wires along or across any of the streets or other public places of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed or placed in such manner as it may designate beneath the streets and side walks of the city, and to compel the proper insulation of all electric light wires and other wires in use within the city.

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

Tenth. To regulate and prohibit traffic and sale upon the streets, sidewalks and public places.

Eleventh. To regulate the speed of horses and other animals, bicycles, cars, locomotives, automobiles and other vehicles within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets, alleys or public places, also 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, alleys, and public grounds.

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

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

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

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

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

Seventeenth. To prevent and regulate or prohibit the locating, construction and laying of street railway tracks in, under or over any streets, alleys or public places; provided that it shall grant all public franchises and rights over, under or upon public streets and high ways of the city only to such parties as will contribute to the city the greatest amount of money for and give the best service in the exercise of the same.

Eighteenth. To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over their tracks and to fence their respective railroads, or any portion of the same, and to construct cattle guards on the streets and public roads, and keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance it shall be liable for all damages to the owner of any cattle, horses or domestic animals which he may sustain by reason of injuries thereto while on the tracks of such railroad company, in like manner, and extent as under the general laws of the state relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent

jurisdiction. Also to regulate or prohibit the whistling of locomotives, and the discharge of steam, cinders, sparks and dense smoke therefrom, and to designate the kind of coal any yard or switch engine may consume while operating within the limits of the city.

Nineteenth. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railroad trains, cars or engines, and to provide protection against injury to persons and property in the use of such railroad, and to prevent, prohibit, control and regulate the landing and conveyance of paupers and persons in destitute condition into said city, not having a legal settlement or residence therein, by any railroad train, or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons conveying or leaving them in said city.

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

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

Twenty-second. To compel the owner of low ground where water is liable to collect or become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or removal of such substance specified in subdivision 21, or expense of filling or draining any such low ground, a lien upon the property from which such substances are removed or destroyed, or in which said low ground is filled or drained, and to make a special assessment for the

same upon such property, to be collected as other special assessments are collected.

Twenty-third. To fix the amount, terms and manner of issuing licenses not inconsistent with the law and subject to the provisions of this Charter; provided, that no license shall be issued for a longer term than one year.

Twenty-fourth. To license and regulate or prohibit conductors of gifts, fire, auction or bankrupt sales, itinerant merchants and transient venders of merchandise, and tax the proceeds of their sales, and to license and regulate runners, agents and solicitors for stages, cars, vessels, public houses or other things or persons.

Twenty-fifth. To license and regulate or prohibit and to suppress billiard, pool, pigeon hole tables, pin alleys, bowling alleys, shooting galleries, taverns and victualing houses.

Twenty-sixth. To license and regulate the exhibition of common show men and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, skating rinks and all places of amusement and museums for entrance into which money is charged.

Twenty-seventh. To license and regulate auctioneers, second-hand dealers and junk dealers and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof. To define, license and regulate pawnbrokers and intelligence and employment offices and agents, and to compel such pawnbrokers, intelligence and employment agents and the persons conducting such intelligence and employment offices to give bond with such sureties as the said common council may provide in a sum not to exceed five thousand dollars, conditioned for the payment of any and all damages which any person may sustain by reason of the improper or wrongful acts or omissions of such pawnbrokers or intelligence or employment agents in such capacity or by reason of any false information given by such agent and any person injured by any of such improper or wrongful acts or omissions or false information may sustain an action on such bond against such pawnbroker or agent and said sureties in any court having jurisdiction thereof.

Twenty-eighth. To license and regulate news boys, boot blacks, fortune tellers, clairvoyants, astrologists, and massage doctors.

Twenty-ninth. To license and regulate or prohibit hack men, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe standing places or stations within the streets or



near railway stations where the same may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other place than the places so prescribed.

Thirtieth. To license and regulate all peddlers, book agents, canvassers, street hawkers, venders and public cryers doing business in the city.

Thirty-first. To tax, license and regulate distillers, breweries and pawn brokers.

Thirty-second. To license and regulate the sale of intoxicating liquors, and the city council may designate within the territory in the city more particularly devoted to trade and manufacture than to residences, certain definite limits to be known as the patrol limits, wherein intoxicating liquors may be sold, and no such limit shall comprise any territory devoted more especially to residence than to trade and manufacture, and no license shall be granted to any person to keep or maintain a saloon or place where such liquor may be sold outside of such limits (except to regularly licensed druggists to sell for medicinal, chemical or mechanical purposes, not to be used or drank upon the premises), and where such limits now exist or are, or shall be hereafter established by law or ordinance, the same shall not be enlarged or added to except as follows: Upon a petition signed by four-fifths (4-5) of the owners of real property within the territory sought to be included within such limit being presented to the city council, by a four-fifths (4-5) vote of all its members, the city council may include such territory within such limits; provided that in no case shall a license be granted by the city council of such city to any person or persons to vend, deal in or dispose of any such liquors within a distance of three hundred feet of any public school located within such limits.

Thirty-third. To license and regulate butchers' stall and shops, and stands for the sale of game, poultry, meat, fish and perishable provisions, and to provide for the inspection of all animals, poultry and meats to be slaughtered, butchered or offered for sale in the city of Virginia and to prevent the sale or offering for sale of any diseased or unwholesome meats, poultry or fish in said city.

Thirty-fourth. To license and regulate plumbers and to regulate sewer and water connections of all kinds and the laying of branch sewer and waterpipes.

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

Thirty-sixth. To regulate and license the keeping of dogs, and to prevent the same running at large, and to authorize the destruction thereof in a summary manner.

Thirty-seventh. To regulate and prevent the storage of gun powder, dry pitch, rosin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitro-glycerine, or any product thereof, and other combustible or explosive materials within the city, and the use thereof, and of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, sky rockets, and other fireworks; to prohibit the discharge of firearms, fire crackers, rockets or other similar projectiles within the limits to be defined by the city council, and to designate limits within which no exhibition or display of fireworks shall be made.

Thirty-eighth. To provide for the licensing of house movers and to prescribe the time and manner of moving buildings in the public streets of the city.

Thirty-ninth. To prevent and suppress riots, bouts, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions or sports.

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

Forty-first. To prohibit and suppress bawdy and disorderly houses and houses of ill fame and assignation within the limits of the city, and to provide for the arrest and punishment of the keepers, inmates, and patrons thereof, and persons who visit the same for lewd or immoral purposes.

Forty-second. To restrain and prohibit lotteries, and to prohibit all descriptions of gambling and playing cards, dice, hazard, roulette, slot machines and other games of chance; the use of the blackboards, lists and tickets for the purpose of gambling; all pool rooms and betting rooms; and the selling of pools and making of books on horse races or other contests real or fictitious; to suppress and prohibit all mechanisms and devices used for gambling or betting; to

prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling, or other unlawful purposes aforesaid.

Forty-third. To prevent the running at large and regulating the penning, herding and treatment of horses, mules, sheep, cattle, swine and poultry and other animals, and authorize the impounding and sale of such animals or poultry when found running at large contrary to ordinance, and to fix the limits within which no swine shall be kept, also to prevent and prohibit all persons from riding or driving any ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to such sidewalks, ground or property.

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

Forty-fifth. To establish and regulate the location of markets and market houses and to provide for the use thereof.

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

Forty-seventh. To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour meal, milk, fruits and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome, and to regulate or prevent the bringing into the city and having or keeping of such unsound or unwholesome product.

Forty-eighth. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime.

Forty-ninth. To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the keeping and use by venders of proper weights and measures duly tested and sealed.

Fiftieth. To prescribe the limits within which wooden buildings shall not be erected or placed, nor repaired without permission; and to direct that all and any buildings within such fire limits, when damaged by fire, decay or otherwise to the extent of fifty (50) per cent of the value shall be torn down and removed, and to prescribe the manner of ascertaining such damages; and to provide for

requiring the owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down, to prevent accident, and in case of refusal or neglect of said owners to so take the same down when ordered by the officers designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made a special assessment on the land on which said buildings stand, and collected as other special assessments.

Fifty-first. To prohibit and prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks or chimneys within the city limits and to provide for their summary abatement; and to regulate the construction of all buildings, chimneys and stacks within the fire limits of said city and by such regulations to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls and area walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size, material and construction of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, and all other parts of the structure, and to apportion and adjust such regulations to the size and height of the buildings to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings within said limits not conforming to the prescribed regulations; to provide for the appointment of an inspector or inspectors of buildings within said limits, and to require all persons intending to erect buildings therein first to submit to such inspector or inspectors the plans and specifications thereof, and to obtain from him or them a permit for the erection thereof; and to authorize such inspector or inspectors to enter, examine and inspect any building in process of construction within said limits, and to direct the suspension of work on any such building, the construction or material whereof does not conform to the prescribed regulations. Provided, however, that neither said council nor any inspector of said city shall have the power to control or regulate the construction of any building erected by the United States or the State of Minnesota.

Fifty-second. To require the owner or lessee of any building or structure now or hereafter built in the city, to place thereon such fire escapes and appliances for protection against or for the extinguishment of fires as it may direct, and to require such owner or lessee to do any act necessary or advisable to lessen the danger to human life in case of fire, or accident, also to regulate lodging, tenement and

apartment houses, hotels and restaurants and to prevent the overcrowding of the same and to require the same to be put and kept in proper sanitary condition.

Fifty-third. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens and boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactures, dangerous in causing or permitting fires. To prevent the depositing of ashes, or accumulation of shavings, rubbish or other combustible material in unsafe places. And to cause all such buildings and enclosures as may be in a dangerous state to be placed in a safe condition, and to make provisions to guard against fire and to prevent the spreading of fires.

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

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

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

Fifty-seventh. To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies, having been buried in a vault or tomb or other place for the purpose of burial, may be removed, and to regulate and control the location of cemeteries and crematories, and to vacate and cause the removal of bodies interred in any cemetery not existing according to law.

Fifty-Eighth. To direct the location and regulate the management and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandlers, storehouses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, within the limits of the city, or within a distance of one mile without the limits thereof.

Fifty-ninth. To direct the location and regulate the use and construction of breweries, dispensaries, stables, livery stables, blacksmith shops and foundries within the city limits.

Sixtieth. To declare what is a nuisance and to prohibit any offensive or unwholesome business or establishment within the city or within one mile of the limits of the city.

Sixty-first. To compel the owner of any grocery, cellar, or soap and tallow chandlery, pig sty, privy, or other unwholesome or noxious house or place, to cleanse, abate or remove the same, and to regulate and prescribe the location thereof.

Sixty-second. To regulate or prohibit the keeping of any lumber yard, and the places of piling timber, wood, and other combustible material within the fire limits of said city and to require any person maintaining any lumber, shingles or lath piles or mill wood yards in the city to remove the same when they become dangerous to any building or buildings or other property near the same.

Sixty-third. To establish and enforce rules for the use and regulations of all buildings maintained by the city.

Sixty-fourth. To prevent and regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons on the streets or sidewalks, or to frighten horses, and to regulate the use of bicycles and other vehicles on the sidewalks and streets.

Sixty-fifth. 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 to prevent the introduction of contagious, infectious or other diseases in the city, and to make quarantine laws, and to enforce the same within the city, and to regulate, prevent and control the landing of persons, baggage, merchandise or property from cars, boats or other conveyances, whereon are infectious or contagious diseases or disorders, and to make such disposition of such person or property as to preserve the health of the city, and to prevent infected cars, boats or other conveyances from coming within or near the limits of the city, and to regulate hospitals and pest houses within the city.

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

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

Sixty-eighth. To establish offices for inspectors, weighers, gaugers, scalers, electricians, market masters, wharf masters, quarantine masters and such other officers as may be necessary to carry into effect the inspection laws of the city and the powers herein granted;



and to regulate the duties of said officers and to authorize and direct said officers to enforce and carry into effect the provisions of any ordinance passed hereunder.

Sixty-ninth. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition; and to protect birds and harmless wild animals, and to inspect and regulate dairies and dairy products, and to regulate persons engaged in selling milk within the city.

Seventieth. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kind of business not hereinbefore expressly referred to and provided for, as in the opinion of the city council may require regulation, and, in general, to adopt all such measures and to establish all such regulations, in cases where no express provision is hereinbefore made, as the city council shall from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice and the enhancement of public welfare in said city.

Seventy-first. To license, regulate and control the employment or occupation of minors on the public streets and other places.

Seventy-second. To compel the owners or keepers of vacant property within the city limits, to keep the same clear of any brush, timber, or other material or substance, liable to receive or communicate fire to adjoining property, and in case the owner or owners of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the city council, either personally or by one publication in the official newspaper of the city, the city council shall have the authority to have the same done at the expense of the owner or owners, and in case such owner or owners shall refuse to pay such expense, shall have the right to assess the same against said property, and to make, enforce and collect such assessments as other assessments for local improvements for benefits are made, enforced and collected.

Seventy-third. To provide for the levy and collection of poll tax within the city.

SECTION 100. OTHER POWERS. The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this charter, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (\$100.00) dollars, or to be confined and kept at hard la-

bor in the work house of the city, or upon the public works, or to be confined in any place of confinement maintained by the city, or in case there is no such place, then to be confined in the county jail of this county, not to exceed the term of three months, and may provide that such imprisonment may be cumulative or for an indefinite term, not to exceed three months subject to suspension or termination by reason of or during good behavior of the person so imprisoned.

SECTION 101. REVOCATION OF LICENSE. The city council shall have power to revoke any license granted by it.

SECTION 102. GRANTING OF FRANCHISES, ETC. No perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of the city and adopted by a majority voting at such election on the question, nor in such case for a longer period than twenty-five years.

SECTION 103. PROTECTION OF STREETS. It shall have the power to punish any person wilfully damaging any sidewalk, pavement or appurtenance to the water works or sewerage system, or to any other property in or upon the public works of the city, and shall have power to punish interference with or the withholding any property of the city by any officer thereof, or any party, and to require any officer, member or employee of any department to produce the books and accounts thereof at any time for inspection and examination, and at the expiration of the time for which elected, appointed or employed, to turn over the same and all property in his possession to the proper custodian thereof or to his successor in office, and to require reports at any time from any person of the condition or operation of the business under his management.

SECTION 104. APPOINTMENT BY BALLOT. The appointment of any officer by the city council shall require the affirmative vote of a majority of all its members, taken by ballot, or by roll call and recorded by the clerk.

SECTION 105. LETTING OF CONTRACTS. It shall have power to let contracts for the erection, improvement and repair of any of the public works or buildings of the city, and for the performance of any work required to be done, and material to be furnished in carrying into execution its powers and the operations of its departments, except as in the charter specifically provided otherwise.

Provided, however, that the city council may authorize the doing of the same by the employees of the city under the direction of

the department in charge of such work or building when cost thereof shall not exceed three hundred (\$300.00) dollars.

And provided, that where proposals have been received for the doing of any public work, if the lowest of such proposals is higher than the estimate of the cost of such work, the city council may, if it deem it for the best interests of the city so to do, by a two-thirds vote of all its members elect, direct such work to be done by day's labor.

SECTION 106. ADVERTISEMENTS. It shall let no contract for the performance of work or the furnishing of material or supplies or property (except for the purchase of necessary real property) or lighting service involving the expenditure of more than one hundred (\$100.00) dollars by the city, nor authorize the purchase, or sale of any property of a greater value than one hundred (\$100.00) dollars, nor grant any public franchise, nor authorize the sale or negotiation of any bond or evidence of indebtedness issued by the city, nor designate any depository for the public money of the city, except upon advertisements for proposals thereof as provided by law.

SECTION 107. CONTRACT TO LOWEST BIDDERS. It shall let all such contracts to the lowest responsible bidder who will enter into the contract and give security for the performance thereof, and shall let no contracts to any party in default to the city in the performance or by reason of any other contract. It shall sell all property, bonds and other evidences of indebtedness only to the highest bidder for cash therefor, and shall not sell or negotiate any such bond or evidence of indebtedness below its par value, the same being its face value and accrued interest. It shall designate as city depositories only such duly incorporated banks or trust companies in this state as shall furnish the bonds required by law, and shall be satisfactory to the city council.

SECTION 108. BONDS OF CONTRACTORS. It shall require of every party entering into a contract with the city or any of its departments or accepting any license, immunity, privilege or franchise from or under the city pursuant to any power or authority herein vested, a bond to be approved by the city council for the full and faithful performance of such contracts or the just and lawful exercise of the powers and privileges conferred, which bond shall be sufficient in amount to indemnify the city against any loss or damage that may be sustained by a breach of contract, or any wrong committed in the exercise of such power or privilege.

SECTION 109. ADVERTISING FOR PROPOSALS. Every advertisement for proposals shall be made by publication in the offi-

cial newspaper of the city, at least twice, of a notice containing a general description of the contract to be let or the property to be purchased or sold, or bond or other indebtedness to be negotiated, or funds to be deposited, or franchise to be granted, and shall invite sealed proposals therefor, which proposals shall be filed with the city clerk at such time as shall be designated in said advertisement, not less than one (1) week, after the last publication. All proposals shall be opened and read by the city clerk in the presence of the city council before any of the same are acted on or accepted.

SECTION 110. DESIGNATION OF OFFICIAL PAPERS. The city council shall annually, at its second regular meeting in January or as soon thereafter as practicable, designate some newspaper printed in the English language, which is, and shall have been printed, published and of general circulation in the city, for one (1) year prior to its designation as the official paper of the city, and shall let the contract for publishing the ordinances and other public notices required by law to such newspapers, as other contracts are required to be let. The council shall also at such meeting name two (2) or more legal newspapers published in said city, if there be two or more legal newspapers published therein, in which the proceedings of said council shall be published at a total cost of not to exceed one legal rate and each such newspaper so publishing such proceedings shall receive an equal and proportionate part of the total amount allowed by the council, but in no event shall any one newspaper receive more than one half the legal rate for publishing such council proceeding. The compensation paid for printing shall never exceed the amount allowed by law for legal advertising. Whenever in the city, no newspaper is published, any paper printed in the English language and published in this county may be designated as the official paper.

Provided, that, if each and all proposals shall fix a price in excess of the maximum as herein provided, or if no proposal shall be received, or no newspapers shall accept the publication of council proceedings on said terms, then, in either event, the city council may adopt such other methods for publication of ordinances, proceedings and other matters as it may determine, the compensation, in no event, to exceed the amount herein provided.

SECTION 111. POWER TO ENTER PRIVATE PROPERTY. It may authorize the entry into any lands or tenements for the purpose of carrying into effect its inspection laws and may enter upon any land to lay any branch sewer or water main, or drain any marsh,

or make any changes or erections in, upon, or about any water course.

**SECTION 112. AUTHORITY TO REPAIR ROADS AND BRIDGES.** The city council of this city, by a two-thirds vote of all the members-elect, shall have the power to build, repair, and maintain roads and bridges beyond the city limits into other towns and counties, whenever they deem it proper, and fix the amount and manner in which the appropriations for such purposes shall be expended.

**SECTION 113. VACATION OF STREETS.** The city council shall have the sole and exclusive power to vacate and discontinue public grounds, streets, alleys, or highways, other than parks and parkways, within the city, and also all county, territorial and state roads, whether actually traveled and used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of a majority of the owners, which petitioners must own a majority of the property frontage, and also a majority of the land and improvements thereon based upon actual value, upon the portion of the line of such public ground, street, alley or highway proposed to be vacated which petition provided for in this section shall state the facts and reasons for such vacation and be accompanied by a plat of such public grounds, street, alley or highway, county, territorial or state road proposed to be vacated and shall be verified by the oath of one (1) of the petitioners. A corporation, whether domestic or foreign, may, when interested, join in and verify such petition by any officer thereof. The city council, if it deem it expedient that the matter be proceeded with, shall order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council at a certain time and place therein specified, not less than ten (10) days from the expiration of said publication. The city council at the time and place appointed, shall investigate and consider such matter, and shall hear the testimony and evidence on the part of the parties interested, and thereupon, after hearing the same, may, by resolution passed by a three-fourths ( $\frac{3}{4}$ ) vote of all the members-elect, declare such public grounds, streets, alley or highway, county, territorial or state road vacated, which resolution, shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution and of said plat, duly certified by the city clerk, shall, before the same shall

take effect, be filed for record and duly recorded in the office of the register of deeds of this county.

**SECTION 114. VACATION TO TAKE EFFECT WHEN.** No vacation shall take effect until the value of the premises so vacated shall have been deposited in the treasury of the city, which value shall be fixed by a resolution of the city council by a three-fourths ( $\frac{3}{4}$ ) vote of all the members-elect, and in no case shall be less than the proportionate average value of the abutting property.

Provided, in case the city council shall have approved a plat embracing the premises proposed to be vacated, which plat dedicates to the public use, land equivalent in area and value to the premises sought to be vacated, then the city council may, by a three-fourth ( $\frac{3}{4}$ ) vote of all its members, accept said plat and pass said resolution of vacation, and after said plat and resolution have been recorded in said register of deeds office said vacation shall be valid without the payment of any money into said city treasury.

Provided, further, however, that vacations and discontinuances of such county, territorial or state road may be granted upon a petition of a majority of the owners of property through which the same or portions thereof sought to be vacated exist, when such owners shall have platted the same and shall have provided in lieu of such road sufficient streets in the opinion of the city council, of which fact the approval and acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

**SECTION 115. PROHIBITING RELIEF FROM ASSESSMENT, ETC.** The city council shall not have the power to relieve any citizen from the payment of any lawful tax, assessment, judgment, fine or license, bond or security, nor to exempt him from any burden imposed upon him by law or ordinance or to ordain the payment of any demand not authorized and audited according to law. The city council shall not have power to ordain or authorize any compromise of any disputed demand arising under contracts, or any allowance therefor or therein, except as provided in the contract therefor. The city council shall not have authority nor power to authorize or ordain the payment of any damages or claim for alleged injuries to persons or property except by resolution, adopted by a vote of two-thirds (2-3) of all the members elect.

**SECTION 116. COMPILATION OF LAWS AND ORDINANCES.** The city council may from time to time provide for the compilation and publication, in book or pamphlet form, of this charter, the ordinances and regulations of the city, rules of the city

council, police rules, regulations adopted by the board of health, and such resolutions of the city council as it may designate; and may provide for the distribution by sale or otherwise of copies of such compilation and publication; and such books or pamphlets so issued, purporting on the title page to have been published by authority of the city council and to contain the ordinances of the city or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state; and in absence of evidence to the contrary, all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed, promulgated or adopted. Copies, duly certified by the city clerk of this city, of this charter, ordinances, or rules, regulations or resolutions in writing or other papers in his official custody, or any records kept by him in his official capacity, shall also be received as prima facie evidence of their contents in all courts of this state. When this charter has been so published a copy thereof shall be kept for public inspection in at least six public places in the city, which shall include the public library, fire hall, and each public school. The District Court of this county, the Municipal Court of the City of Virginia, and all Justice Courts of this County, shall take judicial notice of this charter and all ordinances duly passed by the city council.

SECTION 117. CARE OF STREETS. The city council shall have and maintain an active care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, as in this charter provided, and all other public improvements and public property within the limits of the city, and shall cause all streets which have been opened and graded under the authority of the city or with its assent, to be kept open and in repair and free from nuisances.

SECTION 118. NOT LIABLE FOR INJURIES CAUSED BY RAILWAY CARS. The city shall be exempt from all liability or damage caused by railroads either to person or property, when said railroad engines or cars are passing along, across, under, over or upon any street, lane, alley or other public way within the limits of the city.

## CHAPTER 6.

## INITIATIVE, REFERENDUM AND RECALL.

SECTION 119. THE INITIATIVE. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in numbers to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding municipal election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section (120 of this Charter); and if the ordinance shall be passed by the council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special elec-

tion at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least seven per cent, but less than fifteen per cent, of the entire vote cast for all candidates for Mayor at the last preceding municipal election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next regular municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance.) If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; provided that there shall not be held under this section of the charter, more than one special election in any period of six months.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding regular city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take place of

the printing and mailing of the ordinance or proposition, and of the sample ballot at first above provided.

SECTION 120. THE REFERENDUM. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided); shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding regular municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented by the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in Section 119 of this charter, to the vote of the electors of the city, either at the next regular municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 119, of this charter, except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

SECTION 121. THE RECALL. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement of the grounds for which the removal is



sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

## CHAPTER 7. FINANCE.

SECTION 122. FISCAL YEAR, FUNDS. The fiscal year of the city shall begin on April 1st, and end on March 31st, of each year.

There shall be maintained in the treasury the following funds; a general fund, a permanent improvement fund, a permanent improvement revolving fund, a library fund, a park fund, an interest fund, a sinking fund, a water and light fund, and such other funds as the council by resolution or ordinance may direct.

SECTION 123. PROPERTY SUBJECT TO TAXATION. All property in the city of Virginia, taxable under the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law and this charter.

The city council, by a majority vote of the authorized membership thereof, may levy an annual tax upon taxable property in said city for the support of such funds and purposes.

SECTION 124. GENERAL FUND. There shall be maintained in the city treasury a fund to be designated as the "general fund," into which shall be paid all moneys not specifically designated as belonging to any particular fund, and from which there may be drawn to be credited to any such fund, or for such other purposes as may be designated by law or authorized by the city council.

SECTION 125. PERMANENT IMPROVEMENT FUND. There shall be created, when not already existing and maintained in the city treasury, a fund to be designated as the "Permanent improvement fund," into which shall be paid all the moneys received from the sale of any property or permanent improvements of the city not otherwise provided, and such amounts from time to time as may be realized from the sale of any bonds or certificates of indebtedness issued on account of such fund, and all amounts collected on special assessments advanced in first instance out of such fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax levy to be made by the city council of an amount necessary. And out of such fund shall be paid the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements which shall not be otherwise provided for out of other funds, and also the cost of all local improvements, unless the city council maintains a

permanent improvement revolving fund; and the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this Charter provided.

SECTION 126. PERMANENT IMPROVEMENT REVOLVING FUND. There shall be created, if necessary, and maintained in the city treasury, if the city council shall so direct by ordinance, a fund to be designated as the "permanent improvement revolving fund," into which shall be paid all amounts realized from the sale of certificates of indebtedness issued on account of such fund, and the principal sum of all special assessments and benefits assessed and levied on account of any local improvements, as well as all taxes levied on account of such fund, and there shall be paid out of such fund that portion of all local improvements for which special assessments are levied, and such amount of excess assessments as may in any instance be refunded, and for no other purpose whatever. And the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this charter provided. And the city council may from time to time by ordinance by a three-fourths ( $\frac{3}{4}$ ) vote, issue, negotiate and sell certificates of indebtedness for the creating or maintaining of such fund, and such certificates shall not be sold for less than par and accrued interest, and shall bear interest at a rate not to exceed six per cent per annum, and shall be made payable from said fund and at such times as the city council may determine; provided, however, that the amount of certificates so issued shall not exceed at any one time one (1) per cent of the total value of taxable property of such city, according to the last preceding assessment for purpose of taxation.

SECTION 127. LIBRARY FUND. There shall be maintained in the city treasury of this city a fund to be designated as the "library fund," which shall be under the control of a library board herein provided for and subject to be paid out upon its order, and into such fund shall be paid all amounts received from the sale of any property under the control of such board, and appropriations thereto, and all taxes, interest and penalties accruing thereto, by reason of the levy of any taxes for such fund, and the proceeds of all gifts made to said library board, and out of such fund shall be paid the expenses of such board and all salaries, and the cost of the acquisition, maintenance and operation of the system of public libraries of the city, and of the property under the control of such board.

SECTION 128. PARK FUND. There shall be maintained in the city treasury, by an annual levy of not less than one-third of a

mill, a fund to be designated as the "park fund," which shall be under the control of the park board herein provided for and subject to be paid out upon its order, and into such fund shall be paid all amounts received from the sale of any property under the control of such board, and appropriations thereto, and all taxes, interest and penalties accruing thereto by reason of the levy of any taxes for such board, and the proceeds and all gifts made to said park board, and out of such fund shall be paid the expenses of such board and all salaries and the costs of acquisition, maintenance and operation of the system of public parks of said city, and of the property under the control of such board.

SECTION 129. POLICE AND FIRE FUND. There shall be maintained in the city treasury, a fund to be designated as the "police and fire fund," which shall be under the control of the police and fire commission herein provided for, and subject to be paid out upon its order; and into such fund shall be paid all amounts received from the sale of any property under the control of such commission and appropriations thereto, and all taxes and interest and penalties accruing thereto, by reason of the levy of any taxes for such commission, and the proceeds of any gifts made to said commission, and out of such fund shall be paid the expense of such commission and all salaries and the costs of the acquisition, maintenance and operation of the police and fire departments of the city, and of the property under the control of such commission.

SECTION 130. INTEREST FUND. There shall be maintained in the city treasury a fund to be designated as the "interest fund," which shall be maintained by an annual levy upon all the taxable property of the city of an amount which, in addition to any balance remaining in said fund, shall be sufficient to pay the interest to become due during the next fiscal year, upon all the bonds or debts of the city.

SECTION 131. WATER AND LIGHT FUND. There shall be created, if the city shall hereafter desire to construct, acquire, operate, maintain or extend a water, heat, power and light plant, or either, a "water and light fund" into which shall be paid all money derived from the sale of any property acquired for or used in connection with the water, heat, power and light plants of the city or either of them, and the proceeds of all taxes and special assessments levied on account of or in connection with such water, heat, power and light plants, or either of them; also such amounts as may from time to time be realized from the sale of bonds issued on account of said water,

heat, power or light plants, or either of them, and also moneys received from the operation of said plants or either of them, including water, heat, power and light rates, rentals and penalties.

The city treasurer shall keep a separate account of the proceeds of the sale of bonds issued by the city for the construction, extension or purchase of water, heat, power and light plants, or either, and if practical, shall keep a separate account for each plant.

There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance, and repair of said water, heat, power and light plants, or either of them, and the interest upon all bonds which may be liens upon such plants or either of them. Should there be any accumulation of moneys in this fund beyond the needs thereof, the city council, upon the written request of the Water and Light Commission, may, by resolution, direct such accumulation or any part thereof, to be paid and transferred to the sinking fund or general fund of the city.

SECTION 132. SINKING FUND. In order to provide for the certain payment of the bonds of the city, the city council shall provide and maintain a "sinking fund." It shall provide by ordinance for the care, investment and security of such fund, but shall have no authority to abolish the same until all bonds of the city are fully paid, and it shall not divert such fund, or any revenue or increase thereof for any purposes unless and until all bonds of the city are fully paid.

SECTION 133. SINKING FUND, HOW MAINTAINED. Such fund shall be maintained by annual tax levy of not less than one-tenth (1-10) of one per cent, and of not to exceed two-tenths (2-10) of one per cent of the assessed valuation of all the taxable property in the city, which levy shall be made by the city council at the time of levying taxes for other purposes. There shall also be placed in such fund any and all amounts of taxes collected to pay interest on the bonds of the city in excess of the amount of such interest, if any there be. There may also be placed in said fund all moneys not otherwise appropriated.

SECTION 134. WATER AND LIGHT SINKING FUND. The city council may, with the approval of the water and light commission, set aside annually such portion of the gross income from any water, heat, power and light works, or either as may be owned, maintained or operated by the city, as they shall determine, to create a sinking fund for the payment of any water and light bonds, or either, as they may become due.

SECTION 135. SINKING FUND COMMISSIONERS. The mayor, clerk and treasurer shall constitute a board of sinking fund commissioners, and the city council shall define such of their duties as are not herein enumerated. Such commissioners shall have charge of such sinking fund, and by and with the consent of the city council may invest the same in the bonds and certificates of the city and such other bonds as are permitted for the investment of the permanent school fund of the state of Minnesota, and in the bonds of any city in the state of Minnesota, and any such county and school bonds in the state of Minnesota, as may be approved by the city council, and not otherwise.

In case of investment in the bonds or certificates of the city for whose benefit the said sinking fund is established, such bonds or certificates shall not be cancelled before the maturity thereof, but shall be held by said commissioners, and the interest thereon paid over and applied to the increase of such sinking fund.

Whenever the principal of any bonds or certificates of the city shall become due, such commissioners shall, by and with the consent of the city council, dispose of such of the bonds or certificates belonging to such funds as, with the money on hand belonging to the same, shall be necessary to pay such bonds or certificates.

Whenever the amount of such sinking fund, shall, with the interest or revenue thereof computed to the time of the maturity of the bonds of the city, be sufficient to pay all of said bonds at the maturity thereof, the levy of the one (1) mill above provided for shall be omitted, but in case, by reason of decrease of interest or depreciation of investment or other cause, such fund shall become insufficient, said levy shall be resumed.

In case the sinking fund commissioners, or other city officers shall violate or neglect to perform any of the provisions of this Section, any tax-payer of the city or any owner of any of its bonds shall have the right to maintain, in any court of competent jurisdiction, any proper action to enforce compliance therewith. The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds of the city is hereby declared to be part of the contract with the holder of any bonds or certificates of indebtedness of the city that may hereafter be issued, and shall be kept inviolate.

Whenever such sinking fund shall be insufficient to pay all the bonds of the city that may at any time become due, or when it shall by the city council be deemed advisable and for the interest of the



city to take up any outstanding bonds of the city not due, which may be offered for sale by the holders thereof, the city council may issue the bonds of the city, to run not to exceed thirty (30) years on such terms as to place of payment and rate of interest as may be deemed advisable, to such an amount as may be necessary, to meet such deficiency, or to take up and refund such bonds not due; provided, that the refunded bonds shall in no case draw a higher rate of interest than the bonds so taken up.

SECTION 136. CONFERENCE COMMITTEE. There shall be a conference committee of the city, which shall consist of the president of the city council, the president of each elective or appointive board or commission, and the head of each other department of the city. Such committee shall meet on or before the first day of September of each year and shall report to the board of tax levy an estimate of the amount of the expenses of each department for the next ensuing fiscal year, and the amount required in each of the funds for which a levy may be made during the next fiscal year. Five days before the meeting of such committee, each member thereof shall file with the city clerk a written estimate of the needs of his department for the next ensuing fiscal year.

SECTION 137. BOARD OF TAX LEVY. There shall be a board of tax levy in and for the city of Virginia which shall consist of the mayor, clerk and president of the city council. Said board of tax levy shall meet at the council chamber in the city hall of said city on the second Monday in September in each year and may adjourn from time to time as may be made necessary by the duties hereby required, but not later than the first day of October. A majority vote of said board shall decide all questions coming before said board. The said board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the city council of said city is authorized to levy taxes for such year, and it shall be the duty of the said board to reduce the maximum rate of taxation for the various purposes to the lowest practical limit. The city clerk shall on or before the first day of October in each year, certify and transmit to the city council the maximum rate of taxation for the various purposes for which said council is authorized to levy taxes, as fixed and determined by said board of tax levy, and no taxes shall be levied for said year by said council in excess of the maximum rate so fixed and determined by said board.

SECTION 138. REPORT OF ESTIMATES. The city clerk shall, at the time of the certifying of the report of the board of tax

levy, as above provided, report to the city council an estimate of the current expenses of the city for the fiscal year commencing on the first day of April next ensuing, together with a statement of the amount of all revenues received by the city for the then current year.

SECTION 139. ANNUAL TAX LEVY. The city council shall on or before the 10th day of October of each year, upon the coming in of the said reports of the board of tax levy and the city clerk, levy an annual tax upon all property in such city, taxable under the laws of this state, for the purpose of defraying and paying all the expenses, obligations and liabilities existing or authorized by this charter, and the said levy so made, as aforesaid, shall be reported by the city clerk forthwith to the county auditor of this county and shall be entered upon the tax duplicate of such county and collected annually in like manner as county and state taxes are collected.

SECTION 140. LIMIT OF DEBT OR LIABILITY. Neither the city council of the city nor any officer or officers of said city shall, except as in this charter provided, have authority to issue any bonds or create any debt or any liability against said city in excess of the amount of revenue actually levied and applicable to the payment of such liability.

SECTION 141. MONEY, HOW PAID OUT. CITY ORDERS. All moneys belonging to the city, except as otherwise provided in this charter, shall be under the control of the city council, and shall be paid out only upon the order of the Mayor, countersigned by the clerk, duly authorized by virtue of a resolution of the city council, by an affirmative vote of a majority of the whole number of the city council.

Provided, that all sums of money due or to become due upon monthly pay-rolls, or as salaries for compensation of city officers and employes regularly elected or appointed and receiving a fixed salary or compensation, and all sums due or to become due for interest on bonds and other fixed charges, may be allowed and ordered paid on mere motion duly carried by an affirmative vote of a majority of all members present.

Every order drawn upon the treasurer shall designate the specific purpose for which it is drawn, and the fund upon which drawn, and shall be payable only out of such fund belonging to the city as is named in the resolution providing for its payment, if same is authorized by resolution. Each order shall be payable to the order of the person in whose favor it is drawn and it may be transferred by endorsement.

**SECTION 142. TAXPAYER'S AND CLAIMANT'S APPEAL.** No order shall be issued or signed for the payment of any claim allowed in whole or in part by the council, or any board or commission thereof, until five days after the allowance thereof, within which time any five taxpayers of the city may appeal from such allowance to the District Court of this county. To effect such appeal, they shall pay to the clerk a fee of fifty cents, and serve upon him a notice setting forth the fact of the appeal, the claim referred to, and the amount and date of its allowance, and thereafter no order shall issue until the appeal is determined. The clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court, the original affidavit and claim, with a certified copy of the minutes of all council proceedings relating thereto. Upon proof being filed with said clerk of the service of said notice, the court shall have jurisdiction of said claim, and of the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board.

Provided, that whenever the city council of this city, shall refuse to pay the claim of any person against the city for anything except the salary or wages of an employe or officer thereof, such person may appeal from such decision of the city council to the District Court of this county, by causing a written notice of such appeal to be filed in the office of the clerk of said court, after having served such notice on the city clerk of said city; such service and filing to be made within fifteen days after the city council has rejected or refused to pay such claim, and like proceedings shall be had therein as are herein provided for in the case of appeals from the allowance of a bill by the said city council, except that in this instance the person aggrieved and not the taxpayers mentioned in this section, shall take the initial steps and cause said notice of appeal to be served upon the city clerk. No order shall be paid by the city treasurer until after the same shall have been entered on the records of the city clerk.

**SECTION 143. TAX SETTLEMENTS.** The county treasurer shall pay over all taxes collected for the city, together with all interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city in the several settlements of the funds to be so paid over as provided by general law. Said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by banks, with whom funds of said county are deposited, as they accrue upon funds arising from said taxes and assessments therefor which have been made by said city, so

deposited with such county funds or parts thereof. Whenever, previous to any settlements provided for by law, there shall be a lack of money in any of the regular city funds, and there shall be funds in the county treasury which shall have been collected on account of such fund or funds, the county treasurer shall, upon the application of the city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes and assessments, and such advances shall be accounted for and adjusted at the next regular settlement, and the city treasurer shall also forthwith after such settlement adjust and apportion all moneys so advanced among the several funds of the city.

**SECTION 144. MAYOR'S CONTINGENT FUND.** The city council shall have power to appropriate by resolution, passed by a two-thirds (2-3) vote of all the members of such council, such amount for the mayor's contingent fund as it may deem proper to advance the interest of the city; provided, however, that the sum so appropriated shall not exceed \$500.00 in any one year, and that none of such funds shall be used for any charitable or religious purpose, nor for the use of any person, company or corporation outside of the state of Minnesota.

## CHAPTER 8.

### WATER AND LIGHT DEPARTMENT.

**SECTION 145. PURPOSE.** The city may acquire or establish water, gas, heat, power and light plants, or either of them, and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water, heat, power and light for all municipal purposes, and may supply the same to the inhabitants of the city, and to such others as it may deem expedient.

**SECTION 146. COMMISSIONERS.** The control, management and operation of all such water, heat, power and light plants shall be committed to a board to be known as the "Water and Light Commission," which shall be created only after, by ordinance or resolution duly passed, the city shall have decided to acquire, establish or operate such plants or either of them.

**SECTION 147. ELIGIBILITY—APPOINTMENT—SALARIES.** Said board shall consist of three members, all of whom shall be residents and citizens of the city and at least two of them shall be freeholders and residents of the city for five years prior to the time of their appointment. They shall be appointed by the council, as

follows: One member for two (2) years, one for four (4) years and one for six (6) years, and biennially thereafter one member shall be appointed for a term of six (6) years by the mayor at the time and in the manner that other officers are appointed; provided, however, that no such appointment shall be made by the mayor except when approved by the council by a vote of two-thirds of all the members-elect thereof, and said commissioners, before entering upon the duties of their office, shall qualify. The secretary of said board shall give a bond in such sum as council shall prescribe.

**SECTION 148. ORGANIZATION. POWERS.** Said board shall organize by electing one of its number president and another secretary, and such secretary shall be the clerk and bookkeeper of the water and light department, and shall receive, for his services such compensation as said board and the council may direct. Said board may employ a superintendent, a collector, (who may be one of its number) and other necessary help as will enable it to properly perform its duties under this charter, and may discharge said employes at will. Said board shall prescribe the duties of all such employes and shall fix their compensation. Said board and its employes may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the city against any person for the use of water, heat, power or light or for injury to any of the property or works entrusted to its care.

Said board shall require from the persons employed by it, bonds for the faithful performance of their duties. The amount of such bonds shall be fixed by the board, provided that the collector shall give a bond in such sum as the council may direct, which bond shall be in at least the sum of five hundred dollars (\$500.00.)

**SECTION 149. BY-LAWS. RULES.** Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for water, heat, power and light furnished by it, so that the water and light fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and extension of the water, heat, power and light system of the city and to pay the interest on all bonds of the city, designated under this charter, which have been is-

sued on account of the acquisition or construction of the water, heat, power and light plants, or either of them.

**SECTION 150. DISTRIBUTION. PRICE.** Said board shall regulate the distribution and use of water, heat, power and light in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided that, in case of hydrants for extinguishing fires, and fountains and water troughs, and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct. The city shall pay, out of the general fund, at the price and rate fixed by the board, for all water, heat, power and light supplied to the city for public purposes.

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

**SECTION 151. PAYMENT IN ADVANCE REQUIRED.** The board shall have full power and authority to require the payment in advance for the use of water furnished by it in or upon any building, place or premises, and in case prompt payment for the same shall not be made, then it shall shut off such water; and in case prompt payment of heat, power or light bills shall not be made, as required by the board, then such heat, power or lights shall be shut off, and said board shall not again supply said building, place or premises with water, heat, power or light until all arrears, with interest thereon, together with the costs and expenses of turning said water, heat, power or light off and on, shall have been paid. Provided that if the owner of said building, place or premises shall in writing notify the board that he will not be responsible for water, heat, power or light thereafter furnished, the board shall forthwith shut off such water, heat, power and light supply, and not again supply said building, place or premises with water, heat, power and light or either of them until such owner withdraws his said notice.

**SECTION 152. LIABILITY OF OWNER OF PROPERTY.** The owner of any private property which has upon it pipes connected with the city water works to convey water thereto, or pipes connected with the city heating plant to convey heat thereto, or wires and fixtures connected with the city heat, power or lighting plant to convey heat, power or light thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for rents or rates for all water from said works, all heat from said heating plant, and all lights

and power from said light and power plants used upon such premises, and such rents or rates may be recovered in an action against such owner, lessee or occupant, or against any one or more of them.

SECTION 153. SUPPLIES. All supplies for the water, heat, power and light plants, or either of them, shall be purchased as follows: An itemized list of such supplies shall be made by said board and delivered to the city clerk, who shall register the same, and submit it with his report thereon to the council, and if approved by the council, said bill of supplies shall be purchased under the provisions of sections 105, 106, 107, 108 and 109 of this charter, by the clerk under the direction of the council; provided that the council may authorize the purchase of supplies for amounts up to the sum of two hundred dollars (\$200.00), in open market without inviting proposals therefor; provided, further, that the council, by a two-thirds vote, may authorize the water and light commissioners to contract for services or supplies, not to exceed fifty dollars in any month, which may be absolutely necessary for the operation of the water and light plant; but in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the board shall make its requisition for supplies to the clerk, who, by and with the consent of the mayor, shall purchase supplies on account of the city without an order from the council therefor, and said board shall cause the damage or break to be repaired in such manner as it may deem best for the interests of the city; provided, further, that if any requisition of said board for any such supplies shall be refused by the council for any reason, said board may at once make application to the district court of this county for an appropriate writ to compel the council to furnish such supplies, and the court shall, forthwith, hear and determine said matter, upon eight (8) days notice to the city by service upon the mayor and clerk. And during the pendency of such proceeding, said court may order said board to contract for and purchase such supplies as the court may deem necessary and proper, and all such supplies, so purchased by the board under order of the court, shall be paid for by the city by order of the council as other supplies are paid for.

SECTION 154. DUTIES OF COLLECTOR AND SECRETARY. It shall be the duty of the collector, under the direction of the board, to collect and pay forthwith into the treasury all moneys due on account of the operation of the water, heat, power and light plants, and all the money which may come into his hands belonging to the city. In case any water, heat, power or light rate of any tenant

of premises shall not be paid for ten days after the same fall due, said collector shall give the owner of such premises notice in writing of such default, and that the city will hold him liable for such bill contracted by such tenants. Such notice shall be served as follows: If the owner is a resident of the city, then in the manner provided by law for the service of a summons in the district court; if a non-resident having an agent in the city, then upon the agent; if a non-resident, without a resident agent, then by publishing said notice in the issue of the official paper next following the expiration of said ten days. The secretary shall keep a set of books in his office, which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the board and paid over to the treasurer, and all payments made for account of the water, heat, power and light plants and all moneys due and owing to the board for any cause whatever, together with an accurate account of all the expenses of the board. At the beginning of every month the secretary shall present to the council, upon carefully prepared vouchers, all the bills for labor and material previously obtained or purchased by the board as herein provided, which, after being examined and certified by the board, shall be presented to the council at its next meeting for allowance and payment.

SECTION 155. EXTENSION AND SERVICE. Extension of the water pipes of the city and of electric light lines shall not be made except when ordered by said board and approved by the council.

#### PENALTIES.

SECTION 156. FOR INJURIES TO WORKS. Any person who shall wilfully and without authority from said board, break, remove, or in any manner damage any of the pipes, gates, boxes, hydrants, machinery, hose, wires, poles, transformers, or other property of any description belonging to or in any manner connected with said water, heat, power and light plants or either of them, or permit any other person to use such water, heat, power or light without authority of said board, shall on conviction thereof, be punished by imprisonment in the common jail of this county for not exceeding three (3) months or by a fine not exceeding one hundred (\$100.00) dollars, at the discretion of the court.

SECTION 157. TAMPERING. Any person who shall, without authority from the board, tap or tamper with any main or surface pipe, or take water or heat therefrom, or open or shut any surface cock or fire hydrant, or unscrew wholly or partially the tap from

any such hydrant, or turn water into any tunnel or ditch excavated or used by the board for the purpose of laying the pipes or mains, or who, being authorized by the board to take water or heat from any pipe for any specified purpose, shall, without authority from said board, use such water or heat for other than such specified purpose, or permit any other person to use any such water or heat shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail of this county for not exceeding three (3) months.

SECTION 158. INTERFERENCE WITH WATER. If any person shall maliciously or wilfully divert the water, or any portion thereof, from said works or plant, or shall corrupt or render the same impure, or shall interfere with, destroy or injure any pipe, conduit, machinery, or other property, used or required for procuring or distributing water, shall forfeit to the city, to be recovered in a civil action, treble the amount of damages occasioned by him, besides costs, and all such acts are hereby declared to be misdemeanors, and may be punished as provided for in section 157 of this charter.

SECTION 159. OMISSIONS FROM WATER RATES. It is hereby declared to be punishable by a fine of not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail of this county for not exceeding three (3) months or by fine and imprisonment in the discretion of the court, for any member of said board to wilfully neglect or refuse to collect the water or light rates or rentals, or the cost of labor or supplies furnished by said board to any person or corporation, or to discriminate in favor of or against any individual in regard thereto.

SECTION 160. CITY MAY ACQUIRE. The city, when authorized so to do by a two-thirds (2-3) majority of the votes cast upon the question, may acquire and thereafter operate any street railway, telephone, water works, gas works, electric light, heating or power works, in or partly within the city, upon paying to the corporation or person owning the franchise the value of such property to be ascertained in the manner provided in this charter for acquiring property under the "Right of Eminent Domain." Such vote shall be taken at a special election called for that purpose. The consideration for such works or property shall first be applied to the payment of any encumbrances thereon and the remainder, if any, shall be paid to the owner of said franchise.

## CHAPTER 9.

## POLICE AND FIRE COMMISSION.

SECTION 161. ORGANIZATION. The administration, management and control of the police and fire departments shall be vested in a board known as the Police and Fire Commission of the City of Virginia, which shall consist of five members appointed by the mayor, subject to the approval of the council, and who shall serve without compensation. No member of said commission shall hold any other office under the government of the city during his term of office as such commissioner. The term of office of each commissioner shall be five years, and until his successor is appointed and has qualified; provided that the first board of commissioners shall be appointed for one, two, three, four, and five years, respectively, as the mayor shall designate when making such appointments.

SECTION 162. MEETINGS. The commission shall hold its regular monthly meeting at the city hall on the first Monday of each month. The president may, in his discretion, and the clerk shall, upon written request of two members, call a special meeting of said commission.

SECTION 163. OFFICERS. At its first regular meeting of each calendar year the commission shall elect from its members a president and vice-president. The city clerk shall be ex-officio clerk of the commission and shall keep its records without extra compensation. The mayor shall be ex-officio member of such commission, and it shall be his duty to attend its meetings and take part in discussions but have no vote.

SECTION 164. APPOINTMENTS. TERMS. All members and employes of the police and fire departments shall be appointed by and hold office during the pleasure of said commission, and shall receive such compensation as shall be fixed by the commission.

SECTION 165. MONEY—HOW PAID. Such commission shall have control of the police and fire fund, which shall be paid out by the treasurer only upon an order specifying the payee, amount and purpose thereof, and signed by the president and secretary. No such order shall be issued except when authorized by a resolution adopted by the affirmative vote of a majority of all the members of said commission, which resolution and vote shall be entered in full upon the records of the commission and be open to public inspection at all reasonable times.



SECTION 166. REPORTS. The police and fire commission shall file with the city clerk annual and quarterly reports of its receipts and expenditures, which reports shall be published in, and as a part of the council proceedings of the council meeting next after the filing of such report.

SECTION 167. PURCHASES. It shall be the duty of the police and fire commission to purchase all apparatus and supplies necessary for the proper maintenance of the police and fire departments of the city, provided, that no purchase shall be made except after advertisement for bids under the same regulations as are in this charter provided for purchases made by the city council; provided, further, that it shall be the duty of the council, in its discretion, to provide necessary real estate and buildings for the police and fire departments, upon the recommendation of the commission.

#### POLICE DEPARTMENT.

SECTION 168. ORGANIZATION. There shall be maintained in the city a police department of which the police and fire commission shall have control and supervision, and shall consist of a Chief of Police and such other officers of police, patrolmen and employes as may from time to time be authorized by the commission.

SECTION 169. ELIGIBILITY. No person shall be eligible to appointment as Chief of Police or other officer of police, or patrolman, who is not a citizen of the United States and able to read and write the English language, and all officers, patrolmen and chief of police shall have been for at least one (1) year residents of the city before they are eligible to such appointments.

SECTION 170. EXTRA POLICE. On occasions of large public gatherings or in case of riot, unlawful assemblages or disturbances requiring additional police force the commission may appoint such number of special or temporary police officers at a compensation not exceeding three (\$3.00) dollars a day, as it may deem necessary.

SECTION 171. RULES—BY WHOM MADE. The commission and chief of police are authorized and required to make all needful rules and regulations not inconsistent with this charter, the laws of the state, or the ordinances of the city, for the government and control of the police department, and with a view of making said department and all the officers and agents appointed under it, efficient, vigilant, prompt and useful to the city. All rules and regulations made in pursuance hereof shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk, and shall be

binding upon all persons connected with this department. A book containing this chapter, and such provisions of this charter, ordinances and regulations relating to the police department as may be adopted, shall be printed in legible type and securely bound. The chief of police shall deliver one of said books to each member of the department, who shall always have the same in his possession.

SECTION 172. GRATUITIES AND REWARDS PROHIBITED. Any member of the police department who shall accept from any person while in his custody, or after he shall have been discharged, or from any of his friends, or any other person, any gratuity or reward, or any description of intoxicating drink, or who shall receive from any person, without the written permission of the commission, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained in the discharge of his duties, shall be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed one hundred (\$100.00) dollars or imprisonment not to exceed ninety (90) days.

SECTION 173. POLICE OFFICERS TO BE CONSERVATORS OF THE PEACE. The chief of police, members of the commission, the captains of police, the sheriff of the county, and all police officers shall be conservators of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits, and for such purpose may require the assistance of all bystanders, and if need be, of all citizens; and in suppressing any riotous and disorderly behavior or proceedings, the supreme authority to command or direct shall reside in the senior or superior officer present, in the order in this section above named.

SECTION 174. PENALTY FOR REFUSING TO ASSIST IN PRESERVING THE PEACE. If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto requested as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty (\$50.00) dollars or imprisonment of not more than thirty (30) days.

SECTION 175. PENALTY FOR FALSELY ASSUMING TO ACT AS POLICE OFFICER. If any person shall, without lawful authority, assume to act as a police officer of the city, or falsely pretend to be authorized so to act, or wear a badge of a police officer within the city, he shall be liable to a fine not exceeding one hundred (\$100.00) dollars or to imprisonment for a term not exceeding ninety (90) days.

SECTION 176. PENALTY FOR FAILING TO ASSIST IN OR OBSTRUCTION OF ARREST. If any person shall willfully refuse or neglect to assist the chief of police or any policeman in making a lawful arrest, when requested by such chief or policeman so to do, or shall willfully resist, impede or obstruct such chief of police or policeman in making or attempting to make a lawful arrest, or in the performance of any other official duty, such person so offending shall be liable to a fine not exceeding one hundred (\$100.00) dollars or to imprisonment for a term not exceeding three months.

SECTION 177. COMPENSATION TO BE FIXED BY COMMISSION. Except as otherwise herein provided, the compensation of the chief of police, the officers, patrolmen, detectives and other employes of the police department shall be fixed for the ensuing year by the commission by resolution passed on the first Monday of January of each year, or as soon thereafter as may be.

Provided, that on the date of the organization of the commission first appointed under this charter, the compensation of all officers referred to in this section shall be as theretofore fixed by the council.

#### FIRE DEPARTMENT.

SECTION 178. CHIEF OF THE FIRE DEPARTMENT. There shall be a fire department in the city of Virginia of which the commission shall have control and supervision. The head of said department shall be known as the "Chief of the Fire Department."

SECTION 179. ASSISTANTS AND EMPLOYEES. The Chief of the fire department shall appoint, and at his pleasure may remove, a First Assistant Chief of the Fire Department, who shall act as chief in case of his absence from the city or inability to act; and shall appoint, subject to the approval of the Police and Fire Commission and at his pleasure may discharge or suspend, such other subordinates or employes as may be necessary for the purpose of said department; whose aggregate salaries, together with other expenses of said department, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

SECTION 180. POWERS AND DUTIES OF THE CHIEF. The chief of the fire department, under the direction of the commission, shall have the general superintendency of the fire department, and the custody of all engines and engine houses, hooks, ladders, hose and horses and other property used for the purposes of said department. He shall see that the same are kept in order, and that all rules and regulations and all ordinances and provisions of this charter,

relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire, and shall have control and direction in case of fire, of all persons, organizations or associations engaged in preserving such property.

SECTION 181. RULES AND REGULATIONS. The commission and chief of the fire department are authorized and required to make all needful rules and regulations, not inconsistent with the laws of the state, the provisions of this charter, or the ordinances of the city, for the government and control of the fire department, and for the prevention and extinguishment of fires. All rules and regulations made in pursuance thereof shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk, and shall be binding upon all persons connected with said department.

SECTION 182. AUTHORITY OF FIRES. The city council may, by ordinance, provide for the removal and keeping away of any and all persons from fires, and may confer powers for that purpose upon the commission, the chief and assistant chief and other officers of the fire department and the police officers of the city. The commission shall have authority, under such provisions as the city council may enact, to send apparatus of the department, with complete force of employes, to the relief of any other community, or for the preservation of property endangered by fire, outside the limits of the city.

SECTION 183. FIRE ALARM AND OTHER PROPERTY. The commission may provide for the establishment and maintenance of an efficient fire alarm telegraph and telephone system for the purposes of the fire department; and may provide for the purchase of such apparatus as may be necessary. The commission shall also provide for the sale, or disposal, of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the city treasurer.

SECTION 184. DESTRUCTION OF BUILDINGS. Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the mayor and the chief of the fire department to order and direct the destruction, and removal of, and to destroy, pull down and remove such building or any other building in the vicinity, or any part thereof, that they may deem hazardous or likely to communicate fire; and no action shall be maintained against any person, or the city, therefor, or on account thereof.

SECTION 185. PENALTIES. If any person shall, at a fire, refuse to obey the orders of the chief of the fire department, or other

officer vested with authority at such fire, such person shall be guilty of a misdemeanor, and shall be punished as prescribed by the ordinances of the city, or, in case the offense is not punishable under the ordinances of the city, then as such misdemeanors are punished under the laws of the state.

## CHAPTER 10.

### BOARD OF HEALTH.

SECTION 186. APPOINTMENT—QUALIFICATIONS. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the state of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled "Health Officer."

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

SECTION 187. GENERAL POWERS, DUTIES. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and power and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said state governing such local boards shall, so far as applicable, apply and be in force in this city.

SECTION 188. SPECIAL POWERS AND DUTIES. The members of said department, in addition to the powers and duties mentioned in the preceding section shall have the following and additional powers:

To enforce the laws of the state and the ordinances of the city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have, and be vested with, all the powers of police officers of the city.

SECTION 189. PROFESSIONAL ADVICE. The health officer shall give to the mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same and adopt measures to arrest its progress.

SECTION 190. TO MAKE A CIRCUIT OF OBSERVATION. It shall be the duty of the health officer to make a circuit of observation of every part of the city and environs, from time to time, and in all cases wherein he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the city council, accompanied by his written opinion of the necessity of extraordinary or particular action.

SECTION 191. SITES—QUARANTINE STATIONS. The health officer, by and with the approval of the city council, may select such sites, places and boundaries for quarantine stations and purposes, as may be necessary.

SECTION 192. RIGHTS TO ENTER BUILDINGS. For the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

SECTION 193. NOTICES TO ABATE NUISANCES. To serve notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon any person who shall have caused such nuisance, requiring him to abate the same within a reasonable time, and such notice may be given or served by any officer who may be directed to give the same.

SECTION 194. BOOKS FOR RECORDS. It shall be the duty of the health officer to provide, at the expense of the city, the necessary books for keeping a record of all transactions of the health department, including the proper registration of births and deaths, and such other statistical information necessary for such official work of said department.

SECTION 195. VISIT AND EXAMINE THE SICK. It shall be the further duty of the health officer to visit and examine or cause to be visited and examined, all sick persons who shall be reported to him as suffering from any infectious or contagious disease, and to cause such person to be removed to the hospital or such other place as he may think proper, and cause him to be provided with suitable nurses and attendants at his own expense,

if he is able to pay for the same, but if not, then at the expense of the city.

**SECTION 196. PROVIDE EQUIPMENT AND MEDICINE.**

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

**SECTION 197. FURNISH MEDICINE, ETC., TO INDIGENT SICK.** He shall, when directed by the Poor Committee of the city council or the board of health, attend any indigent sick person in the city, and furnish, at city expense, medicine for such person.

**SECTION 198. PENALTIES.** Any person who, without a permit from the health officer, shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of any infectious or contagious disease within twenty-four hours after death when ordered by such health officer so to do, or who shall refuse or neglect to abate any nuisance for the existence of which, as owner, occupant or agent, of the place upon or within which such nuisance exists, he is responsible, after having received a notice from the health officer so to do; or who shall neglect to report the occurrence or existence of any birth, death or case of contagious or infectious disease as provided for in this charter, the ordinances of the city or the laws of the state; or who shall import or bring into the limits of the city knowingly, any person or animal sick of contagious or infectious disease, or who shall remove or cause to be removed, without permission from the health officer, any placard, announcing any contagious or infectious disease, attached to any house or building, or enclosure, by said health officer or his subordinates, or who shall disobey or willfully avoid quarantine regulations imposed by the health officer, or who shall interfere with the health officer or his subordinates in the exercise of his or their duty; or who shall violate any of the provisions of this charter or the laws of the state, or the ordinances of the city relating to the public health shall, upon conviction, be deemed guilty of a misdemeanor, and punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors under the criminal laws of the state.

**SECTION 199. ASSISTANTS.** The board of health, with the approval of the council, shall appoint such helpers and assistants for the health officer as may be deemed necessary.

**SECTION 200. COMPENSATION.** The health officer, and such helpers and assistants as may be employed from time to time, shall receive such compensation as may be fixed by the council.

**CHAPTER 11.**

**PARKS.**

**SECTION 201. MEMBERSHIP.** There shall be a park commission, consisting of five members, who shall be residents and freeholders of the city and shall serve without compensation. They shall be appointed by the mayor, subject to the approval of the council, and shall hold office for a term of five years and until their respective successors are appointed, and have qualified; provided that the present park commissioners shall hold office until the first day of May after the expiration of the respective terms for which they were appointed and until their successors have qualified; and their successors shall be so classified that the term of office of one commissioner shall expire on the first of May of each and every year.

**SECTION 202. VACANCIES.** Vacancies in said commission shall be filled by appointment by the mayor, subject to the approval of the council, made only for the unexpired term or terms. The resignation of a member shall not take effect until his successor shall have been appointed and have qualified.

**SECTION 203. MEETINGS AND OFFICERS.** The park commission shall meet on the second Monday of each month at the city hall and at such other times as they may fix. The said commission shall, at its regular meeting in December in each year, elect from its members a president and a vice-president. It shall also appoint a Secretary and employ such other agents, landscape gardeners, attorneys, engineers, superintendents, and employes as it shall deem necessary, whose compensation shall be paid out of the park fund.

**SECTION 204. DUTIES OF PRESIDENT.** The president shall be the presiding officer and shall sign all contracts and all orders for the payment of money and perform such other duties as usually pertain to such office.

**SECTION 205. DUTIES OF SECRETARY.** The secretary shall keep the seal and all records of the commission. He shall sign all contracts and affix the seal thereto.

SECTION 206. DUTIES OF OFFICERS. REPORTS. In the absence or disability of the president the vice-president may act in his stead. The city treasurer shall be ex-officio treasurer of said commission. He shall keep separate all moneys received into the park fund and shall pay them out only on orders countersigned by both the secretary and the president of the park commission; but in the absence or disability of the president the vice-president may act.

The park commission shall make, and file with the city clerk, quarterly and annual reports of all moneys received and expended, which reports shall be published in and as a part of the minutes of the council meeting next after the filing of such reports. The park commission shall make such other reports as it deems necessary or as the council directs.

SECTION 207. CONTRACTS. Such commission shall have a common seal and shall be capable of entering into, performing and enforcing, on behalf of the city, contracts relating to matters within the jurisdiction of the commission and such acts and contracts shall be as binding in law as if done by the city council. All such contracts shall be signed by the president, and secretary of the commission and have affixed thereto its official seal.

SECTION 208. RULES—QUORUM. Said commission may adopt rules governing its meetings and proceedings, and the duties of its officers and employes.

A majority of the members of the said commission shall constitute a quorum; but a less number thereof may adjourn a meeting from time to time.

SECTION 209. INTEREST IN CONTRACTS. No commissioner, officer or other employe of said commission shall be interested in any contract made under authority of said commission, except that if any commissioner shall be the owner of or interested in any lands which may be designated and appropriated under the provisions of this charter, or be entitled to receive compensation therefor, as herein provided, he shall not act officially in respect to any matter in which he shall be pecuniarily interested.

SECTION 210. REMOVALS. The office of any commissioner, who shall fail to attend any three consecutive monthly meetings of the commission without reason satisfactory to the commission, or without leave of absence from it, may, by said commission, be declared, and thereupon become, vacant.

SECTION 211. POWERS. Said commission shall have the exclusive management and control of the park fund and of all lands

which have been or may be acquired for parks or parkways, and such lands shall not be alienated or diverted for other uses but shall remain forever parks and parkways, for the use and enjoyment of the inhabitants of the city, subject to the regulation and control of said commission.

Such commission shall, only by resolution entered in full on its records, direct all expenditures from the park fund for the acquisition, maintenance and improvement of the parks and parkways and shall have power to provide, either directly or by lease of privileges, such conveniences, accommodations and entertainments, as said commission may deem proper for the use, enjoyment or recreation of visitors to said parks.

SECTION 212. POWERS. The park commission may, from time to time, on behalf of the city, acquire by gift, devise, purchase or condemnation any lands within or without the corporate limits of the city for park or parkway purposes, and upon obtaining title thereto said commission may assume the possession and supervision thereof, and may call upon the city engineer for the purpose of laying out and improving the parks and parkways of said city. Said commission may sue and be sued in its own name and may prosecute any action for breach of contract involving any matter pertaining to parks or injury to same, and may receive and disburse the donations of money or other property for the use of said city for purposes connected with parks and parkways.

SECTION 213. STREETS. The common council shall have power to set apart any street or avenue, or any section thereof, as a parkway, and to place the same under the supervision of the board of park commissioners for such specific and limited purposes of improvement and ornamentation as may be named in the resolution or ordinance of the common council.

SECTION 214. PARK SYSTEM. Said park commission, and its successors, shall have exclusive power, and it shall be its duty, to devise and adopt a system of public parks and parkways within the limits of the city of Virginia, and to take under its control all public parks now existing within said city.

SECTION 215. EMINENT DOMAIN. When the park commission shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land, or any interest therein, shall be acquired for the use of said city for any public park, parkway, public ground or boulevard within or without the limits of said city, and shall so determine by resolution adopted by the affirmative vote of



four-fifths of all members of said commission, and entered in full upon the records of the commission, it shall cause such land to be surveyed and two plats thereof to be made, one of which plats shall be attached to a copy of said resolution, certified by the secretary, and thereafter filed with the city clerk. If said property or any part thereof is not acquired by satisfactory agreement between the commission and the owner thereof, said commission may thereupon appoint appraisers and condemn such land, or part thereof, or interest therein, in the same manner as land for a street may be condemned under this charter, the park commission to have the powers and duties in such proceedings as are vested in the city council, as to condemnation for streets, and may exercise such power by resolutions adopted by a majority vote, taken by ayes and nays and entered in full on the records of the commission: provided, that if a plat of such property has been approved by the commission and filed with the city clerk, no new plat shall be necessary.

SECTION 216. RULES. Said commission shall have power to adopt proper rules and regulations for the use and enjoyment of any and all property under its control and it shall be the duty of the police of said city to enforce the said regulations.

SECTION 217. ENFORCE RULES. Said commission shall have power and it shall be their duty to enforce such laws of the state, such ordinances of the city, and such rules as they may make, for the proper performance of their duties.

## CHAPTER 12.

### LIBRARY BOARD.

SECTION 218. POWER TO MAINTAIN LIBRARIES. The city council shall have power and authority to establish and maintain within the city, libraries, reading rooms, galleries of art and museums for the use and benefit of the inhabitants thereof, and for such purpose may levy a tax not to exceed two mills on the dollar annually on the assessed valuation of all the taxable property in the city, such tax to be levied and collected in like manner as other general taxes of the city.

SECTION 219. LIBRARY BOARD, APPOINTMENTS, ETC. There shall be maintained in the city a library board which shall consist of nine directors who shall hold office for the term of three years from and after the first day of May of the year in which they shall

have been appointed and until their successors are elected or appointed and duly qualified; provided, that the directors of the library board heretofore existing in the city of Virginia and who shall be such directors at the time of the adoption of this Charter, shall continue to serve as such directors as follows: The term of office of the three directors whose term would have expired on the third Saturday of July, 1909, shall expire on the first day of May, 1909; the term of office of the three directors whose term would have expired on the third Saturday of July, 1910, shall expire on the first day of May, 1910; the term of office of the three directors whose term would have expired on the third Saturday of July, 1911, shall expire on the first day of May, 1911.

Annually during the month of April, and after the first Monday thereof, the mayor, by and with the advice and consent of the city council, shall appoint three directors as members of the library board to serve for the period of three years from and after the first day of May next succeeding their appointment. Said directors shall be chosen from the citizens of the city at large, without reference to sex or political opinions but with reference to their fitness for said office, and not more than one member of the city council shall at any time be a member of said library board.

SECTION 220. REMOVALS, VACANCIES, COMPENSATION. The mayor, by and with the consent of the council, may remove any director for misconduct or neglect of duty, and vacancies in the board of directors occasioned by removals, resignations, death or otherwise, shall be reported to the mayor and be filled in like manner as original appointments, but appointments to fill vacancies shall be for the unexpired term. No director shall receive any compensation as such.

SECTION 221. ORGANIZATION OF BOARD. On the first Wednesday in May of each year the members of said library board shall meet and organize by the election, from their own number, of a president, a vice-president, a secretary, and such other officers as the board may deem necessary, whose duties shall be such as usually devolve upon like officers; provided, that with the concurrence of two-thirds of all the members of said board the secretary selected need not be a member of said board.

SECTION 222. MANAGE AND CONTROL FUNDS. The library board shall be a department of the city government and shall have the exclusive management and control of the expenditure of all moneys collected and received on account of the library fund from

taxation or otherwise. No moneys shall be paid out of such fund except upon the warrant or orders of said board.

**SECTION 223. CUSTODY OF LIBRARY BUILDING AND PROPERTY.** Such board shall also have exclusive control and supervision of the construction of any library building as well as the control, care and custody of all grounds, rooms or buildings held, leased, constructed or set apart for such purpose, and the books, papers and other personal property there placed and kept; shall have the power to lease and provide appropriate rooms for the use of said library; shall have the power to appoint a suitable librarian and necessary assistants and fix their compensation. Said board shall have power, when authorized by the city council, to purchase grounds and erect thereon a suitable building for the use of said library.

**SECTION 224. ORDERS FOR THE PAYMENT OF MONEY.** All orders for the payment of money for this department shall be authorized and allowed by said board by resolution by a majority vote of all its members, taken by yeas and nays, and entered upon the record of its proceedings, and shall be signed by the president and attested by the secretary, and thereupon such orders shall be paid by the city treasurer. Such orders shall be made payable to the order of the payee therein named and shall not be paid without his endorsement.

**SECTION 225. REPORT.** Said board shall make, on or before the 15th day of January in each year, an annual report to the city council stating the condition of their trust at the close of the day on the 31st day of December next preceding; the various sums of money received from the library fund and other sources, and how much moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of persons attending; the number of books loaned out and the general character and kind of such books, and such other statistics, information and suggestions as they may deem of general interest, and shall send one copy of such report to the Minnesota State Public Library Commission, and shall make a quarterly report to the city council of receipts and disbursements.

**SECTION 226. LIBRARIES AND READING ROOMS, FREE.** Every library and reading room, or either of them, established under this charter, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board

may exclude from the use of said library and reading rooms, or either of them, any and all persons who shall willfully violate such rules.

**SECTION 227. ORDINANCES, AND RULES.** The city council shall have the power to pass ordinances imposing penalties for the punishment of persons committing injury upon such library or other property.

The board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law.

**SECTION 228. DONATIONS AND BEQUESTS.** Any persons desiring to make donations or bequests of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money, property or real estate so donated, in the city, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the city shall be held and considered to be a special trustee, such trust to be managed and administered through and by the library board as a department thereof.

**SECTION 229. TRANSFER OF LIBRARIES NOW EXISTING.** Any library already existing or hereafter established in the city, may be transferred by any society or association, or individual owning the same, to such city, on such terms, not inconsistent with this charter, as may be agreed upon with said board; and of such property the city shall be held and considered to be a special trustee; such trust to be managed and administered through and by the library board as a department thereof, provided also, that the city may establish one or more reading rooms, in different parts of the city, in pursuance of the provisions of this chapter.

**SECTION 230. ASSOCIATION WITH INDEPENDENT SOCIETIES.** Said library board may enter into association with any independent society or organization owning libraries or museums or existing for purposes kindred to those contemplated in this charter, upon such terms and conditions as shall best promote the object for which said board is created.

**SECTION 231. PROPERTY NOW BELONGING TO LIBRARY BOARD.** Any and all property, whether real or personal, including all uncollected taxes, the title to which is vested in the existing library board of the city at the time this charter becomes fully operative upon the city, shall then forthwith become and be vested in the city, as the corporate successor of such board, with the same rights and subject to the same obligations and burdens, to be managed

and cared for, however, by the library board created by this charter. And in all cases where such previously existing library board shall at that time be charged with any special trust, the city shall be and is hereby substituted and appointed special trustee for such person in place thereof, such trust, however, to be managed and executed by and through the library board hereby created as an administrative department of the city. And all rights and obligations existing at that time against said former library board shall be enforceable against the city.

### CHAPTER 13. MUNICIPAL COURT.

**SECTION 232. GOVERNMENT.** The municipal court of the city of Virginia shall be governed by sections 113 to 140 inclusive of the Revised Laws of 1905, and such amendments thereto as have already been or may hereafter be enacted.

**SECTION 233. CLERK, REPORTER.** There shall be a clerk of court and also a court reporter, each of whom shall be appointed by the municipal judge, and each of whom shall receive such compensation as may be fixed by the council, provided that the clerk may also be the reporter, and, when so provided by resolution of the council, the offices of clerk and reporter shall be held by the same person.

**SECTION 234. JUDGES.** There shall be two judges of the municipal court; one of whom shall be known as the Municipal Judge, and one who shall be known as the Special Municipal Judge, each of whom may exercise all the powers thereof as hereinafter provided.

The special judge shall act only in case of a press of business requiring attendance of two judges at one time in said court, at the request of the municipal judge; or in case of the absence or sickness of the municipal judge, at the request of the Mayor, or the acting mayor of said city, the said special judge shall act as judge of said court, and when the special judge shall act as judge of court, the said special judge and the municipal judge may each have and exercise the powers of said court and may sit in the trial and examination of cases at the same time.

This section shall not incapacitate said special judge from acting as attorney in any case in said court, but when such special judge is acting as judge of said court he shall not, in any case, except to adjourn the same,

**SECTION 235. BONDS.** Before performing any duties as such each judge shall give a bond to the city in at least the sum of \$1,000.00, to be approved by the city council, conditioned for the faithful discharge of his official duties and for the payment as required by law or order of court of all moneys coming into his hands. Every clerk and deputy shall give a bond to the city in at least the sum of \$1,000.00 to be approved by the city council conditioned for the faithful discharge of his official duties and for the payment as required by law or the order of court of all moneys coming into his hands.

**SECTION 236. RECEIPTS.** The judge or clerk shall give a receipt to each person who pays any fine or costs, stating the items thereon, and at the same time shall give a duplicate of said receipt to the chief of police. On Monday of each week the chief of police shall make and file with the city clerk a verified report showing:

1. The names of all persons arrested by the police of the city during the preceding week and the nature of the offence.
2. The length of time each was imprisoned and if still in custody the report shall so state.
3. A list of all duplicate receipts received by him and receipts shall be attached thereto.
4. The report of the chief of police shall not be published unless otherwise provided by ordinance or resolution.

### CHAPTER 14. EMINENT DOMAIN AND LOCAL IMPROVEMENTS.

#### PART I.

**SECTION 237. POWERS TO ACQUIRE PROPERTY.** The City of Virginia is hereby empowered to acquire, by purchase, condemnation proceeding or otherwise, any property, corporeal or incorporeal, wheresoever situated, either within or without the limits of the city, which may be needed by the city or any board or department thereof for any public purpose whatever.

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

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

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

**SECTION 238. LIMITATIONS.** Except in cases of improvements to abate a nuisance, no real estate shall be assessed for benefits resulting from the taking or injuring of real property unless the owners of at least one-half of the real estate to be assessed therefor, as appears by the last assessment for general tax levy found in the office of the auditor of this county, at the time of the presentation to the council of the petition for improvement, shall petition therefor, which petition shall be in writing and filed with the clerk.

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

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

#### DIVISION I.

**SECTION 239. PROCEDURE WHERE THERE MAY BE AN ASSESSMENT FOR BENEFITS.** When the council shall determine that it is necessary to take, damage or destroy any property of any description for any public purpose, it shall declare the same by resolution, in which shall be stated in a general way the nature and extent of the proposed improvement, and the property proposed to be taken therefor, and the property, if any, that shall be benefited by such proposed improvement, and upon which assessments therefor shall be made. Thereupon the clerk shall publish a notice in the official paper, once a week for two successive weeks, stating that said matter is pending before the council, and describing, in a general way the property proposed to be taken, and the other facts specified in said resolution, and fixing a time and place when and where any person may be heard by the council concerning the taking of such property and the assessment upon such other property of the cost of said improvement; and it shall be the duty of the council at such

time and place to hear any person who may wish to be heard concerning such taking and concerning the assessing upon such other property of the cost of such improvement. Objection to either such taking or assessment may be in writing, and filed with the clerk at least one day before the time set for the hearing. Thereupon the council shall cause to be made and filed with the clerk a plat and survey of such property, showing the nature, course and extent of the improvement, and the property necessary to be taken, damaged or destroyed therefor, and the parcels of land to be benefited thereby, together with the names of the owner of each parcel of such property, as the same appears upon the last assessment roll in the office of the county auditor of the county in which the property is situated at the date of the resolution above referred to, together with such statements as may, in the opinion of the council, be proper to explain such survey and the nature and extent of such proposed improvement; and such plat and survey may be amended, modified or changed. And if the council, decide, after said hearing, to proceed with such condemnation and assessment, it shall, by resolution, adopt such plat and survey and order and direct the making of the improvement, and the assessment of the survey to the property benefited to pay the costs thereof, in accordance with provisions of this charter as to paying for improvements.

**SECTION 240. COMMISSIONERS.** After the passage of the resolution specified in the foregoing section the council shall then, or at a subsequent meeting, appoint five commissioners, all of whom shall be freeholders and electors of the city, and not in any way interested in any property to be affected by this proceeding, to view the premises, and ascertain and award the amount of damages and compensation, if any, to be paid for the property to be taken or injured for such improvement, and to assess the amount of such damages and compensation and the expense of the improvement, so far as the same can be assessed, upon the lands to be benefited by such improvement, in proportion to the benefits to be received by each parcel, without regard to valuation. Three of said commissioners shall constitute a quorum, and be competent to perform any duties required of the whole number thereof. Before entering upon the discharge of their duties such commissioners shall take and subscribe an oath to discharge their duties with fidelity, and make a just and impartial appraisal and award of damages and assessment of benefits, which oath shall be filed with the clerk; and in case any such commissioner shall fail to qualify in five days after being notified by the clerk of his appointment, or in

case of vacancy for any cause, the council may appoint another to fill the vacancy.

**SECTION 241. SERVICE OF NOTICE.** Said commissioners shall give at least fifteen days' notice, by one publication in the official paper, of the time and place when and where they will meet to make said award and assessment, or said award, in which notice they shall describe the land to be condemned by general description, and shall specify the purpose of the assessment and in a general way what property will be assessed therefor. They shall cause a copy of such notice to be served in the manner in which a summons in district court is required to be served upon all owners of the lands to be condemned, as appears by the last assessment list in the office of the auditor of the county in which said lands are situated who can be found in this county, and also upon all persons occupying said lands; and they shall mail, with postage prepaid, a copy of such notice to all non-residents of this county appearing to be interested in said lands to the last known postoffice address of such non-residents. Proof of the service of such notice shall be made by affidavit of the party serving the same, and shall state the time, place and manner of said service, and, if served by mail, how each notice was addressed, and such affidavit shall be filed in the office of the clerk.

**SECTION 242. FAILURE TO SERVE NOTICE.** In case of failure of such commissioners to serve such notices, or any of them, said commissioners shall forfeit their right to compensation for their services, and the council in such case is hereby forbidden to grant to them or any of them any compensation whatever for their services as commissioners.

**SECTION 243. VIEWING PREMISES, TAKING EVIDENCE.** The commissioners shall view the premises to be condemned and receive any legal evidence that may be offered for the purpose of proving the true value thereof and the damages that may be sustained or the benefits that may be conferred, if such benefits are assessable by reason of the contemplated improvement; and said commissioners for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and may adjourn the meeting from time to time to said place until such assessment is completed; and said commissioners shall have authority to send for persons and papers and to compel attendance of witnesses, and shall have authority to issue subpoenas for such purpose.

**SECTION 244. HEARING.** All persons interested in any property so to be condemned, or in any real estate to be assessed for

such improvement, and the attorney of the city may be present and be heard and adduce evidence before said commissioners at said hearing. If, at the hearing, additional property to that described in the notice shall be included in the assessment for benefits or part of the property be excluded therefrom, no new notice shall be necessary.

**SECTION 245. APPRAISEMENT OF DAMAGES.** After viewing the property and hearing the evidence offered such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award to him only the excess of the compensation or damages over and above such benefits.

**SECTION 246. DISPOSITION OF BUILDINGS.** If there should be any building or buildings standing, in whole or in part upon any of the lands to be taken, the commissioners shall in such case determine and assess the amount of damages which should be paid in case such building or as much thereof as may be necessary, should be appropriated, and also the amount of damages to be paid in case the owner or owners should elect to remove such building or buildings.

If such land and building belong to different persons, the damages to such persons respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

**SECTION 247. DAMAGES TO BE ASSESSED.** Having ascertained the damages and expenses of such improvement, as aforesaid, the said commissioners shall thereupon apportion and assess the same together with the cost of the proceeding, upon the real estate, if any be assessable therefor, by them deemed benefited by such improvement, in proportion to such benefit; but in no case shall the amount of such assessment exceed the actual benefit to the parcel so assessed.

**SECTION 248. ASSESSMENT ROLL.** The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the names of the owners thereof, so far as known to the commissioners (and, if unknown, they shall so state),



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

**SECTION 249. NOTICE OF COMPLETION AND CONFIRMATION.** When completed, said commissioners shall cause to be given ten days' notice, by one publication in the official paper, to the effect that their proceedings have been completed, and that at a time and place therein specified they will attend for the purpose of hearing objections, and that all such objections must be filed in writing with said commissioners at least one day prior to the time of hearing, and that unless sufficient cause is shown to the contrary, the said award and assessment will be then and there confirmed. Said notice shall contain a copy of the assessment roll, as completed, and no objection shall be considered unless the same be filed as herein provided; but the commissioners may, in their discretion, allow any party interested who has accidentally or inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing.

**SECTION 250. NEW NOTICE MAY BE GIVEN.** Nothing herein contained shall preclude the commissioners from causing a new notice to be given, specifying a different time and place at which they will attend, for the purpose of hearing the objections to said assessment and for confirmation thereof, in the manner before required, in case the previous notice shall be found incorrect, or in case of absence of the commissioners, or for any other reason that will be satisfactory to the commissioners.

**SECTION 251. COMMISSIONERS MAY ADJOURN AND REVISE.** The commissioners, or any of them (the others being absent), shall have power to adjourn such hearing from time to time, and they shall have power, in their discretion, to revise and correct the said assessment, and to confirm or set aside the same, and proceed to make an assessment *de novo*, with or without any further order from the council; and said assessment when confirmed shall be corrected to conform to such confirmation, and shall be final and conclusive upon all parties interested therein not appealing therefrom.

**SECTION 252. PROCEDURE AFTER CONFIRMATION.** When said assessment is confirmed, it, together with all affidavits of publication and proof of service of notices connected therewith, shall be duly certified to by the commissioners, and filed with and entered in a book kept for that purpose by the clerk, who shall forthwith, under the direction of the council, certify said assessments to the auditor of this county, and to the treasurer of the city, as hereinafter provided.

**SECTION 253. RE-ASSESSMENT.** If said assessment shall be set aside by the commissioners, as aforesaid, or by the court, for any cause, jurisdictional or otherwise, said commissioners shall forthwith proceed *de novo*, without any further order from the council, to make another or new assessment, and they shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all parties in interest shall have like rights, and the said commissioners shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first assessment. Provided, however, that, if the damages or benefits assessed to any parcel of land shall not be appealed from, or shall not have been set aside by the court, the said commissioners in any subsequent assessment may omit such parcels of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment against any parcel of real estate for any local improvement is set aside the same shall be re-assessed until said property shall have paid its proper proportionate share of assessable benefits accruing from said improvement. Provided, further, that no second or other assessment for benefits can be made against any parcel of land which the court shall adjudge is not benefited by the improvement for which the assessment was attempted to be made, or which the court shall adjudge is not subject to assessment.

**SECTION 254. APPEAL.** Any party interested in any property taken or damaged in these proceedings, or any citizen of the city or the county, may appeal to the district court of the county in which said property is situated from an award or assessment of damages in the manner provided for hereinafter.

#### DIVISION II.

**SECTION 255. WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS, PROCEDURE.** Whenever, in cases of condemnation of any such property set forth in section 237 of this

charter, where there can be no assessment for benefits, all of the acts and proceedings required to be had and done in Division 1, of this chapter, in proceedings where there may be an assessment for benefits, shall be had as required in Division 11 hereof, where there can be no assessment for benefits, except that the commissioners in the latter case shall in no event make an assessment for benefits. And all the provisions of said Division 1 of this chapter shall, so far as applicable, apply to and be in force hereunder in Division 11 hereof, to condemn property where there can be no assessment for benefits.

#### SECTION 256. COMPENSATION OF COMMISSIONERS.

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

SECTION 257. EFFECT OF AWARD. Whenever an award of damages shall be made and confirmed and not appealed from, in any proceedings for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal hereunder the rights of all parties in said matter shall be finally fixed and determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to public use of any property or rights specified in section 240 of this charter for which damages are so awarded, and every right, title and interest therein and thereto and every lien thereon shall be thereby divested, and the city shall become vested with and entitled to and become the owner of the property taken and condemned, absolutely, for all purposes except as to lands taken for street, alley or highway purposes, in which the city shall acquire only an easement for such purposes. And the city shall be bound to and shall, within one year of such final determination, pay the amount of such award with lawful interest from the date of the final award or confirmation thereof, or judgment of court as the case may be; and if not so paid judgment therefor may be had against the city. In case there is any doubt as to who is entitled to such compensation or damages, or any part thereof, the amount so awarded or in doubt or in dispute shall be by the council appropriated and set apart in the treasury for whoever shall establish his rights thereto by a proper judicial proceeding and the production of a certified copy of his judgment, and in all cases, before payment of any such award, the owner of such property

or the claimant of the award shall furnish satisfactory evidence to the council of his rights to such award.

SECTION 258. ABANDONMENT. The city of Virginia may, by resolution of the council, at any time before the confirmation by the commissioners of their award of damages or benefits, or, in case of an appeal, within twenty days after the final determination thereof, abandon such proceedings, and shall thereupon pay the cost thereof.

SECTION 259. DESCRIPTIONS TO BE RECORDED. Upon the completion of any proceedings under this chapter for the acquisition of any property by the city the council shall cause an accurate description of the property so taken to be prepared, with a statement of the amount of damages, if any, awarded and paid or to be paid, to the former owner thereof, and cause its mayor and clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the register of deeds of the county in which such property is situated; and it is hereby made the duty of such register of deeds, upon being paid his statutory fees, to record such statement in some appropriate book in his office, and such record, or a duly certified copy thereof, shall be prima facie evidence that the city of Virginia is the lawful owner of such property.

### PART II.

#### LOCAL IMPROVEMENTS.

SECTION 260. PROCEDURE FOR MAKING IMPROVEMENTS, GRANT OF POWERS. The city of Virginia is hereby authorized to fill, excavate, grade, level, pave, re-pave, curb, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or light any street, avenue, lane, alley, or highway, and keep the same in repair, also to fill, excavate, grade, improve, protect and ornament any park, public park, square or ground; also, to construct, improve or ornament any park, boulevard or grass plat; also, to plant and protect, shade and ornamental trees along streets and avenues; also, to construct, lay, re-lay and repair sidewalks, sewers, retaining walls, gutters, drains and pipes for surface water and private drains in, over or under any street, lane, alley or highway; also, to abate nuisances; also to drain lowlands within the city when they constitute a nuisance; and the whole or any part of the expense of such improvements may, subject to the provisions of this charter, and especially Section 238 and 265 thereof, be defrayed by an assessment upon the real estate benefited thereby in proportion

to such benefits, without regard to valuation, to be determined and levied in the manner in this charter provided.

**SECTION 261. IMPROVEMENT, HOW ORDERED.** Whenever the city council deem it necessary or for the best interest of the city that any street, alley or avenue, be graded, curbed, surfaced or paved, or any other local improvement, except sidewalks and sewers, be made, it may, by resolution, direct that such improvement be made and proceed to make the same, and assess the cost thereof as in this charter specified; provided, that upon petition of the owners of one-half of the property fronting upon any proposed improvement, the council shall at once cause such improvement to be made, if the cost thereof, together with other similar improvements already ordered, shall not exceed the amount of money appropriated for that purpose for that year; and provided, further, that it shall not be mandatory for the council to grant such petition unless at least one-half of the lots abutting such proposed improvement are then occupied by residences or business houses.

**SECTION 262. SIDEWALKS, HOW ORDERED.** The city council may at its own option, and upon petition of the owner of a majority of the lots on one side of any one block it shall, by resolution, direct that a side-walk be constructed or re-constructed along such property, specifying the width thereof and the material of which the same is to be constructed. Personal notice or the publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land construct and fully complete such sidewalk within two weeks after the publication of such resolution, as aforesaid, the city council shall forthwith proceed to construct such walk in accordance with said resolution, and ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front, in accordance with the provisions herein made. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground upon which it is to be built to be properly graded.

**SECTION 263. PROPERTY OWNERS TO CONSTRUCT AND REPAIR SIDEWALK.** It is hereby made the duty of all owners of land adjoining any street, lane or alley in the city to construct, re-construct and maintain in good repair, such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or directed by the

city council to be built, and the same shall be constructed of such material and width, and upon such plan and grade as the city council may by ordinance or otherwise prescribe; provided, that if a walk is ordered re-constructed by reason of a change in grade, then and in that event, no part of the cost shall be assessed against the abutting property.

**SECTION 264. SEWERS.** The council may, at its own option, and shall upon petition of the owners of one-fourth ( $\frac{1}{4}$ ) of the property to be benefited thereby, at once proceed to construct or cause to be constructed any lateral sanitary sewer and may assess cost thereof against the property benefited thereby. All trunk or main line sewers and storm sewers, and all improvements and repairs of same shall be made by the city and the entire expense thereof shall be paid out of the general fund or permanent improvement fund. Whenever a lateral sanitary sewer is ordered, the city shall at once proceed to construct any trunk or main line sewer made necessary thereby.

**SECTION 265. LOCAL IMPROVEMENTS. HOW PAID FOR.** The lots fronting upon any street or avenue, may be assessed, in proportion to benefits and without regard to valuation, for not to exceed forty per cent (40 per cent) of the cost of all paving, curbing and street grading upon the portion of such street or avenue directly in front of such lots; but the balance of the cost of such paving, curbing, and street grading, and the total cost of such paving, curbing and street grading at all intersections of streets and alleys, and the total cost of repaving and of all other improvements on such streets and avenues, except sidewalks and lateral sanitary sewers, also the total cost of all local improvements, except sidewalks and lateral sanitary sewers, on all other streets, avenues and all alleys, shall be paid by the city out of the general fund or permanent improvement fund; provided that the cost of street sprinkling may be assessed against the property benefited, as in this charter provided.

**SECTION 266. EXEMPT PROPERTY.** The amounts which would otherwise be assessable against public property or property exempt from assessment for improvement shall be paid out of the permanent improvement fund.

**SECTION 267. SEVERAL IMPROVEMENTS.** One or more of such improvements upon one or more streets may be made at the same time, under one order and in one assessment proceeding, and may in that case be included in one contract; but in such case the assessable expense of each improvement shall be separately apportioned

to such benefits, without, regard to valuation, to be determined and levied in the manner in this charter provided.

SECTION 261. IMPROVEMENT, HOW ORDERED. Whenever the city council deem it necessary or for the best interest of the city that any street, alley or avenue, be graded, curbed, surfaced or paved, or any other local improvement, except sidewalks and sewers, be made, it may, by resolution, direct that such improvement be made and proceed to make the same, and assess the cost thereof as in this charter specified; provided, that upon petition of the owners of one-half of the property fronting upon any proposed improvement, the council shall at once cause such improvement to be made, if the cost thereof, together with other similar improvements already ordered, shall not exceed the amount of money appropriated for that purpose for that year; and provided, further, that it shall not be mandatory for the council to grant such petition unless at least one-half of the lots abutting such proposed improvement are then occupied by residences or business houses.

SECTION 262. SIDEWALKS, HOW ORDERED. The city council may at its own option, and upon petition of the owner of a majority of the lots on one side of any one block it shall, by resolution, direct that a side-walk be constructed or re-constructed along such property, specifying the width thereof and the material of which the same is to be constructed. Personal notice or the publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land construct and fully complete such sidewalk within two weeks after the publication of such resolution, as aforesaid, the city council shall forthwith proceed to construct such walk in accordance with said resolution, and ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front, in accordance with the provisions herein made. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground upon which it is to be built to be properly graded.

SECTION 263. PROPERTY OWNERS TO CONSTRUCT AND REPAIR SIDEWALK. It is hereby made the duty of all owners of land adjoining any street, lane or alley in the city to construct, re-construct and maintain in good repair, such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or directed by the

city council to be built, and the same shall be constructed of such material and width, and upon such plan and grade as the city council may by ordinance or otherwise prescribe; provided, that if a walk is ordered re-constructed by reason of a change in grade, then and in that event, no part of the cost shall be assessed against the abutting property.

SECTION 264. SEWERS. The council may, at its own option, and shall upon petition of the owners of one-fourth ( $\frac{1}{4}$ ) of the property to be benefited thereby, at once proceed to construct or cause to be constructed any lateral sanitary sewer and may assess cost thereof against the property benefited thereby. All trunk or main line sewers and storm sewers, and all improvements and repairs of same shall be made by the city and the entire expense thereof shall be paid out of the general fund or permanent improvement fund. Whenever a lateral sanitary sewer is ordered, the city shall at once proceed to construct any trunk or main line sewer made necessary thereby.

SECTION 265. LOCAL IMPROVEMENTS. HOW PAID FOR. The lots fronting upon any street or avenue, may be assessed, in proportion to benefits and without regard to valuation, for not to exceed forty per cent (40 per cent) of the cost of all paving, curbing and street grading upon the portion of such street or avenue directly in front of such lots; but the balance of the cost of such paving, curbing, and street grading, and the total cost of such paving, curbing and street grading at all intersections of streets and alleys, and the total cost of repaving and of all other improvements on such streets and avenues, except sidewalks and lateral sanitary sewers, also the total cost of all local improvements, except sidewalks and lateral sanitary sewers, on all other streets, avenues and all alleys, shall be paid by the city out of the general fund or permanent improvement fund; provided that the cost of street sprinkling may be assessed against the property benefited, as in this charter provided.

SECTION 266. EXEMPT PROPERTY. The amounts which would otherwise be assessable against public property or property exempt from assessment for improvement shall be paid out of the permanent improvement fund.

SECTION 267. SEVERAL IMPROVEMENTS. One or more of such improvements upon one or more streets may be made at the same time, under one order and in one assessment proceeding, and may in that case be included in one contract; but in such case the assessable expense of each improvement shall be separately apportioned



and assessed upon the several parcels of land benefited by such improvement in proportion of such benefit.

**SECTION 268. APPLICATION.** All applications, proceedings or propositions for any improvement authorized in section 260 of this charter shall be made to or emanate from the council, except such as are properly authorized by the park commission under this charter. Any such application or petition made to the council shall be in writing and if made by owners of property liable to be assessed therefor shall state the place of residence of each signer and shall specify the real estate owned by each signer which he believes will be benefited by the improvement thereunder, and such petition shall be verified by the oath of such signer, and shall be prima facie evidence of its own genuineness and of the facts therein stated, and shall be preserved in the office of the clerk. The council shall investigate the proposed improvement and the cost of the same, and whether the requisite number of owners to be assessed therefor have joined in the petition, and if it shall be determined that such improvement or modification thereof shall be necessary or proper, it may, in its discretion, subject to the provisions of section 153 of this charter, by resolution, declare its purpose to make said improvement, which resolution shall state the facts so far as applicable required to be stated in said resolution, specified in section 239 of this charter. Thereupon, the clerk shall give like notice to that required in said section 239, and all the provisions of said section, so far as applicable, apply to and govern the action of the council in this proceeding.

**SECTION 269. CONTRACT AND ASSESSMENT.** When the council shall authorize any improvement described in section 260 of this charter it shall cause the work described in said order to be let and done by contract, as in this charter provided. Upon the making of such order and letting of such contract, the council shall thereupon, or at a subsequent meeting, appoint three commissioners, who shall have the same qualification and powers and qualify in the same manner and perform the same duties so far as necessary and proper, that are prescribed in section 240 of this charter.

Said commissioners shall proceed without delay to assess so much of the amount necessary to pay the cost of such improvement as is assessable, including the expense of making such assessment, as nearly as they can ascertain the same, on the property benefited thereby, in proportion, as nearly as may be, to the benefits resulting thereto, but in no case in excess of such benefits. In making the assessment roll the commissioners shall describe separately each parcel of property assessed

and the amount assessed against the same, and shall state the names of the owners thereof so far as known to said commissioners. No mistake or omission in the owner's name shall in any wise affect such assessment.

**SECTION 270. RAILWAYS.** When, in any case, any portion of the cost and expense of making any improvement mentioned in section 260 of this charter shall, by virtue of any law or ordinance or by virtue of any contract, be chargeable upon any railway or street railway company, the amount so chargeable may be assessed against such property, and the balance only upon such real estate to be benefited thereby; and the city may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought to enforce the collection of any indebtedness; provided, however, that any real estate belonging to such railway company and subject to assessment and deemed benefited by any such improvement shall be assessed as in other cases.

**SECTION 271. NOTICES TO BE GIVEN.** Before proceeding to make an assessment for any improvement mentioned in said section 260, said commissioners shall give the notice prescribed in section 241 of this charter, and all the provisions of said section 241, so far as applicable, shall apply to and govern the acts and proceedings of the commissioners appointed and acting under Part 11 of this chapter.

And in case of failure of said commissioners to serve notice, the provisions of section 242 of this charter shall apply to and govern the acts and proceedings of said commissioners and the council.

**SECTION 272. NOTICE OF HEARING OBJECTIONS AND CONFIRMATION.** The commissioners shall view the premises, take evidence, hear all parties interested and assess the benefits, and in performing these duties all the acts and proceedings of the commissioners shall be done under the provisions of sections 243, 244, 245, and 246 of this charter, and all the provisions of said sections, so far as applicable, shall be in force and apply to the acts of said commissioners under this section, and when said assessment is confirmed it shall be final and conclusive upon all parties not appealing therefrom.

**SECTION 273. ASSESSMENT TO BE CERTIFIED.** When said assessment is so confirmed, it, together with all affidavits of publication and proofs of service of notices connected therewith shall be duly certified by said commissioners, and filed with and entered in a book kept for that purpose by the clerk, who shall forthwith,



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

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

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

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

**SECTION 274. APPEAL TO DISTRICT COURT.** Any person interested in any property assessed under this chapter for benefits resulting from any improvement, or any citizen of the city, or the city may appeal from such assessment to the district court of this county within twenty days after the date of confirmation thereof, and such appeal is hereby declared to be the conclusive way in which said assessment can in any wise be reviewed, modified or annulled, and this shall be construed to apply to all appeals allowed by this chapter.

**SECTION 275. PROCEDURE ON APPEAL.** Said appeal shall be made by serving a copy of notice of appeal upon both the city clerk and mayor stating that the appellant appeals to the district court from said assessment, together with a bond or undertaking with the city in at least the sum of One Hundred (\$100.00) dollars, conditioned to pay all costs that may be awarded against appellant, which

bond shall be executed by two sureties, and approved by the city attorney or by the judge of said court, and which notice shall contain a description of the property so assessed, his interest in said appeal, and the objections of the appellant to such assessment, and by filing with the clerk of said court, within eight days thereafter said notice of appeal with proof of service thereof. In case of an appeal it shall be the duty of the clerk of the city at the expense of the appellant, within ten days after service upon him to prepare and deliver to the appellant a copy of the assessment roll as confirmed, and within said ten days to transmit to the clerk of said court a copy of the assessment roll as confirmed and of the order of confirmation thereof and the objections and notice of appeal by appellant, together with a certified copy of the bond above mentioned, showing the approval and time of filing thereof.

It shall be necessary to include in such copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy within fifteen days after the taking of such appeal, shall be filed by the appellant in the office of the clerk of court to which the appeal is taken. The district court may, for good cause shown, grant further time for filing such certified copies, or may, when necessary, require a further return to be made. The cause shall be entered by such clerk in the name of the person taking said appeal against the city as an "appeal from assessment," and it may be brought on for hearing by either party.

**SECTION 276. PROCEDURE IN COURT.** Such appeal shall be tried by the court, without a jury, at a general or special term, without pleading, other than above stated. Upon such trial the appellant can make no other objections to said assessment than those stated in his notice of appeal, but the court may, in its discretion, permit such notice to be amended in this respect at any time. The court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce or confirm the assessment appealed from, or may order new assessments to be made as to the property concerning which such appeal is taken, and in that event shall direct the commissioners how to make such re-assessment so as to avoid the errors complained of.

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

the assessment; and no proceedings shall be had or taken, and no award or assessment made in any case arising under this chapter shall be vitiated or held invalid by reason of any informality or irregularity in such proceedings or in or about the making or such award or assessment, unless it shall appear that by reason of such informality or irregularity substantial injury or prejudice has resulted to the party claiming to be aggrieved, and no objections on account of alleged irregularity or informalities in the proceedings occurring before the confirmation and establishment of such award or assessments by the council shall be considered on appeal, unless such objections shall have been presented to the council or filed with the city clerk as prescribed in Section 275 of this charter.

Disbursements, but no costs, may, in the discretion of the court, be allowed upon such appeal, as in other civil cases, but any judgment entered therefor against said city shall be separate judgment and paid out of the general fund of the city.

**SECTION 277. RE-ASSESSMENT.** The commissioners may re-assess any parcel of land for benefits for local improvements when deemed necessary and proper by them, and in such case all the provisions of section 253 of this charter, so far as applicable shall apply to and govern the acts and proceedings of said commissioners.

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

**SECTION 278. WHEN ASSESSMENT A LIEN.** From and after the date of the confirmation of the assessment as provided for in this chapter, such assessment shall be a lien on all property affected thereby.

**SECTION 279. DEDUCTION FOR PROMPT PAYMENT.** A deduction of five per cent shall be allowed on all assessments paid before the lapse of time for the appeal hereinbefore provided for, but this provision shall not affect the collection of assessments already made.

**SECTION 280. CLERK OF COURT TO CERTIFY FINAL DECISION.** The final decision of every appeal taken to said district court as hereinabove provided shall be certified to the council by the

clerk of said district court within ten (10) days after such final decision is made by filing a certificate thereof with the city clerk of said city; and no appeal shall lie from such final decision, or from any intermediate order or decision of said district court in the case.

**SECTION 281. LIEN OF ASSESSMENT.** All assessments, for any purpose whatever, levied under the provisions of this charter, shall be a paramount lien on the real estate on which same was imposed, from the date the warrant issued for the collection thereof is received by the city treasurer, unless an earlier date is herein specifically provided.

**SECTION 282. NUMERALS USED IN ADVERTISEMENT.** In all proceedings and advertisements for the levy and collection of such assessments, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

**SECTION 283. DIVISION OF ASSESSMENTS.** Whenever the amount of any special assessment upon any lot or parcel of land so transmitted to the county auditor shall exceed the sum of twenty-five (25) dollars the county auditor shall divide each such assessment in five equal parts, as nearly as the same can be divided, and shall, in proper books to be kept by him, extend the same in proper columns in such manner that said assessment shall extend over five (5) successive years; the first of such installments shall be entered by such auditor on the tax list for said city for the next ensuing year, and each successive installment shall be entered upon such tax list each succeeding year thereafter, respectively; said auditor shall at the time of so extending each year's installment of said special assessment on the tax list add to the amount of each installment after the first installment, interest for one (1) year on the entire amount remaining unpaid at the rate of six per cent per annum, which said interest on the whole amounts unpaid shall be paid each year at the same time and in the same manner as the installment for that year.

**SECTION 284. PAYING DEFERRED INSTALLMENTS.** At any time after the first of such installments is payable to the county treasurer the whole of the remaining installments may be paid as follows: The county auditor shall, upon request of the county treasurer, deliver to such county treasurer a statement of the total amount of such assessments not heretofore delivered by him to the county treasurer with the amount shown on such statement, and the county treasurer may thereupon receive payment of the assessment shown on such statement and issue receipts therefor.

**SECTION 285. ASSESSMENTS PAID OVER TO CITY TREASURER.** Such assessments, when collected, shall be paid over together with all costs, penalties and interest collected thereon at the time of making payment of city taxes to the city treasurer. Said county treasurer shall submit with such payment an itemized statement showing the accurate distribution, according to the description of the property assessed, of the amount so collected to the several funds on account of which the assessment was made. The statement, shall apply to the accurate distribution of costs, penalties and interest, as well as to the amount collected, on the original assessment.

**SECTION 286. RELETTING OF UNFINISHED CONTRACT.** In all cases where the work for any improvement contemplated by the provisions of this act shall be suspended before final completion, by failure of the contractor to perform the same or for any other cause, the city council may relet the unfinished portion of such work in the same manner, as nearly as may be, as provided in this act for letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

**SECTION 287. LETTING OF CONTRACTS.** The city council may order any improvement and make and levy an assessment therefor and collect the same under and in accordance with the provisions of this charter, prior to and without letting a contract for the doing of such work, and the contract for the doing of such work shall be let, or the city council shall direct the doing of such work under the direction of the city engineer without contract within six (6) months after such assessment, in accordance with the provisions of this charter.

**SECTION 288. ABANDONMENT OF IMPROVEMENTS.** The city council may, by a two-thirds (2-3) vote of its members, at any time prior to the execution of a contract therefor, or the beginning of the work under the direction of the city engineer without contract, abandon any improvement ordered by the city council under the provisions of this act, and shall thereupon annul and cancel the special assessment made hereunder to defray the expenses of such improvement, and if any portion of such assessment has been paid it shall be refunded to the person or persons paying the same.

**Section 289. MONEYS DERIVED FROM ASSESSMENTS. HOW HELD AND APPLIED.** In case any assessment for improvement is collected before the making of such improvement the money so collected shall be kept separate from the funds of the city, and not devoted to any other purpose than such improvement.

**SECTION 290. VARIANCE IN AMOUNT OF ASSESSMENT NOT TO INVALIDATE.** No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount derived by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the permanent improvement fund; and if there shall be any surplus from any such special assessment the same shall be carried to the credit of the same fund from which a deficiency would have been supplied, or be otherwise disposed of, as to the city council shall seem most just toward the persons upon whom such special assessment has been levied; provided, that when the total cost of any improvement for which special assessments have been made and levied shall be less than ninety (90) per centum of the total special assessments assessed, levied and collected for the same, said city council shall refund, out of the permanent improvement fund, to the person or persons who have paid the same their proportionate share of the excess of such total special assessments so collected over the total cost of such improvements.

**SECTION 291. CREDIT ON FORMER ASSESSMENT PAID.** In case any assessment levied to defray the expense of any improvement herein provided for shall be annulled after any portion of such assessment has been paid, if reassessment is made under the provisions hereof to defray the expense of such improvement, the city clerk shall note on the warrant drawn by him for the collection of such reassessment or new assessment against any piece of land upon which such former assessment for the same improvement has been paid, the words "Paid on former assessment \$.....," which shall cancel such assessment on that parcel to the amount as paid.

**SECTION 292. REFUNDING OF ASSESSMENT ON ABANDONMENT OF IMPROVEMENT.** When any improvement for which a special assessment has been levied is abandoned, if any portion of such assessment has been paid, upon the annulling of such special assessment it shall be the duty of the city clerk to notify the persons having paid such assessment that the same has been annulled and that the amount paid by them will be refunded; and the city treasurer shall, upon said parties identifying themselves as being the persons entitled to have such assessment refunded, pay to such persons the amounts of such assessments so paid by them. Said city clerk shall also notify the county treasurer of the annulment of such assessment

and upon receipt of such notice the county treasurer shall forthwith credit the amount of such special assessment so annulled to the lots and parcels of land against which said assessment was made, provided the same has not already been paid.

**SECTION 293. COMPLETION PENDING ASSESSMENT PROCEEDINGS.** Any proceedings instituted for the condemnation of land or other property, or for the assessing of benefits by commissioners for any improvement begun in the city prior to the time of this act becoming operative in such city may be carried on and fully completed under and in accordance with the provisions of the law then in force in the city at the time such proceedings were instituted, except that upon the adoption of any assessment after this act shall have gone into force in the city, proceedings for the collection of the assessments therein levied shall be as herein provided for the collection of such assessments.

### PART III.

#### MAKING OF IMPROVEMENTS.

**SECTION 294. PROVISIONS OF SECTIONS 105-109 TO APPLY.** Except as herein otherwise provided, the provisions of sections, 105, 106, 107, 108 and 109 of this charter shall apply to contracts mentioned in this chapter in like manner as to other contracts of the city.

**SECTION 295. PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.** Whenever any public improvement shall be ordered to be let for which an assessment is to be made as aforesaid the council shall cause a plan or profile of the work proposed, together with the specifications for the doing of the same, to be prepared, which shall be deposited with the clerk, and kept by him at all times open for the public inspection.

**SECTION 296. RIGHT TO SUSPEND WORK.** The right shall be reserved in said contract to the engineer, with the consent of the council, in case of improper construction, to suspend the work at any time or to order the entire reconstruction of the same if improperly done.

**SECTION 297. ESTIMATES.** In the course of the proper performance of a contract the council may, from time to time, not oftener than once a month, as the work progresses, allow to the contractor estimates of the amounts already earned, less 15 per cent thereof, which, when ordered by the council, shall entitle said contractor

to receive the amount so allowed out of the money applicable to the payment of such work. When the whole work has been completed by such contractor to the satisfaction of the council the balance due may be audited and allowed by the council on a final estimate by the council, and shall be payable out of the moneys applicable to the payment of such work.

**SECTION 298. GUARANTY OF DURATION.** Whenever necessary or advisable, in case of contracts for permanent improvements, the contract may provide that the city shall reserve upon the completion of the work such sum and upon such conditions and for such length of time as the specifications shall specify, as a guarantee for the duration of the work performed under such contract.

**SECTION 299. COUNCIL TO COMPLETE WORK.** If in the opinion of the council any work under contract does not progress each month so as to insure its completion within the time named in the contract, the council shall have power to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any money due or to become due such contractor, or may be collected from him on the sureties on his bond in a suit by the city.

**SECTION 300. PROPERTY OWNERS MAY CONSTRUCT STREETS.** Property owners shall be allowed to construct streets and other public improvements upon, along or through their own property, at their own expense, in such cases and upon such terms and under such regulations as the council may prescribe from time to time by ordinance.

**SECTION 301. GAS, WATER AND SEWER PIPES LAID BEFORE PAVING.** The city council shall have the power to, and shall, require, before any street is paved, that the water, gas and sewer pipes be laid therein and connections made with the front line of each lot. In the business portion of the city the word "Lot" shall be construed to mean a sub-division with twenty-five foot front. This provision shall not apply as to gas pipes until a gas plant is in operation.

### PART IV.

#### SPRINKLING.

**SECTION 302. POWERS.** The council shall have power to, and at its own option may, sprinkle the streets, highways, and public places of the city or any portion thereof, and assess the whole or any part of the cost of the same upon adjacent property.

SECTION 303. PETITION FOR SAME. Whenever the owners of a majority of the abutting lots then occupied by residences, business houses or improved lawns, shall petition the council to have any street, highway, or public place or portion thereof in the city sprinkled and to have the cost thereof, or such portion of such cost as shall not be a charge upon the city at large, assessed against the abutting property, the council shall at once grant such petition and cause such sprinkling to be done, for that year and each year thereafter until a similar petition is presented to the council requesting that said sprinkling be discontinued.

SECTION 304. ASSESSMENTS, HOW MADE. The mayor and clerk, acting as commissioners for that purpose, shall, when so directed by the council, assess the cost thereof by an equal rate per front foot of the parcels of land abutting upon the streets, highways or public places sprinkled, and thereafter such assessment shall be extended and collected in the same manner as in this charter provided for the extension and collection of sidewalk assessments. Unless otherwise directed by the council such sprinkling assessment and levy shall be made annually thereafter until such sprinkling is discontinued by a petition, in accordance with the preceding section.

SECTION 305. COMPENSATION. The commissioners or persons making sidewalk or sprinkling assessments shall serve without compensation.

#### PART V.

#### WIDTH---GRADE.

SECTION 306. ESTABLISHMENT, AND CHANGE OF GRADE, WIDTH OF DRIVEWAY. The city council shall have power to establish the grade of any street within the city limits. It shall cause accurate profiles of all grades of all streets when so established to be made and kept in the office of the city clerk. It may, by ordinance passed by the vote of two-thirds (2-3) of its members, change the grade of any street after such grade has been established; and the publication of such ordinance shall be deemed notice to all parties interested in the change of such grade. It may, in like manner, whenever the owners of a majority of the abutting lots then occupied by residences, business houses or improved lawns shall petition the council to have the width from curb to curb of any street, highway or public place or portion thereof in the city changed, proceed to so change the same. Upon the passage of such ordinance the

city council may at once, or at any time thereafter, cause such street to be graded or the width from curb to curb thereof changed, or both, in accordance with such new grade and width from curb to curb so established.

SECTION 307. OBJECTION TO CHANGE OF GRADE. The owner of property abutting upon a street, or avenue, the grade or width from curb to curb of which has been once established, shall within thirty (30) days after the publication of the ordinance changing the grade or width from curb to curb of such street or avenue, file in the office of the city clerk his objection thereto, and make claim for damages to the property caused by such change or be barred from making any claim for damages. Such objection shall contain a description of the property claimed to be damaged and owned by such person, and the amount of damage claimed to be caused to such property by such change of grade or width from curb to curb, and shall be verified by the owner or his agent.

SECTION 308. APPOINTMENT OF COMMISSIONERS. Upon the filing of any such objection and claim for damages, the city council may at any time after the expiration of said period limited for the filing of objections, appoint five (5) commissioners of like qualifications as herein prescribed for commissioners in condemnation proceedings, to appraise the damages caused to the property or properties described in such objections, and to award the same to owner or owners of such property or properties and to assess the assessable amount of damages so awarded upon the property benefited by such change of grade or width from curb to curb, in proportion to the benefits received by each tract or parcel without regard to the cash valuation thereof, but no property shall be assessed in excess of the benefits accruing to such property; and to report such award and assessment to the city council.

SECTION 309. HEARING OF COMMISSIONERS. The said commissioners shall be notified of their appointment, shall meet, give notice, perform their duties and act in like manner and shall be governed by the same rules as herein prescribed for commissioners in condemnation proceedings. Said commissioners shall, in making their award of damages, appraise and award damages caused to each parcel or tract of property described in such objections and claim for damages made as herein prescribed by reason of such change of grade or width from curb to curb, not including in such damages any damage to or interruption of the use of such property caused by the work done or to be done in making such street conform to the grade or width from



curb to curb as so established, and in estimating such damages to be awarded as aforesaid, said commissioners shall consider and offset any benefit accruing to the said property by reason of such change of grade or width from curb to curb, and shall award only the excess of damages over such benefits, if any.

SECTION 310. REPORT OF COMMISSIONERS. Said commissioners shall make a report of their award of damages and assessments for benefits, and in case the benefits accruing to the property from such change of grade are not as great as the damages so awarded, they shall so indicate in their report, stating the amount of such excess of damages.

SECTION 311. ACTION OF COUNCIL ON REPORT. Said report shall be filed and presented to the city council upon like notice, and the city council shall act thereon in like manner as herein prescribed in condemnation proceedings.

SECTION 312. RIGHT OF APPEAL. Any person aggrieved by such report shall have the same right of appeal, upon the filing of objections in the manner prescribed herein as in condemnation proceedings, and the proceedings on said appeal shall be the same as are herein prescribed in condemnation proceedings.

SECTION 313. ABANDONMENT. In case the city council shall not have commenced the work of grading the street to conform to the grade, or width from curb to curb as changed, it shall have the right at any time during the pendency of the above proceedings, and until said proceedings are confirmed by it, and in case of any appeal from such confirmation, then within sixty (60) days after the final order of the court upon such appeal, to abandon such proposed change of grade or width from curb to curb by a resolution passed to that effect, and thereupon all proceedings had shall be abandoned and annulled, and the city council shall thereupon repeal the ordinance changing such grade or width from curb to curb.

SECTION 314. CONFIRMATION AND ASSESSMENT. In case said proceedings are confirmed by the city council or by the order of the court, and not abandoned as herein provided, the same shall be final and conclusive upon all parties interested, and the city council shall proceed to levy any assessment upon the several parcels described in the assessment list reported by the commissioners in accordance with the assessment as finally confirmed, and shall cause to be made, and shall adopt an assessment roll of the same, and shall pay or cause to be paid within one year from the time of the final determination of such proceedings to the owner or owners of the property

damaged by such change of grade or width from curb to curb the amount awarded therefor, upon such owner furnishing an abstract of title to such property, and with the same right to require a bond or pay the amount of the award to the clerk of the district court, for the party entitled thereto, as herein prescribed in condemnation proceedings.

## CHAPTER 15.

### MISCELLANEOUS PROVISIONS.

SECTION 315. CIVIL ACTION TO BE BROUGHT IN NAME OF CITY. All civil actions to recover any penalty or forfeiture under this charter or under any ordinance or regulations passed in pursuance thereof or for any other authorized purpose, and all prosecutions for the violation of any penal provisions in this charter or of any ordinance or regulation adopted in pursuance of this charter, shall be brought in the corporate name of the city, except as in this charter specifically provided otherwise.

SECTION 316. VAGRANCY CHARGE. In any complaint for the violation of any ordinance of the city relating to the offense of vagrancy, it shall be sufficient to charge the defendant with being a vagrant, and evidence of all facts constituting the said offense in the particular case may be given under such general charge.

SECTION 317. INTOXICATING LIQUOR. In any complaint charging the sale or disposal of any spirituous, vinous, fermented, malt, or intoxicating liquors contrary to any ordinance of the city, it shall be sufficient to allege a sale or disposal of intoxicating liquor, and evidence may be given under such allegation showing or tending to show the sale or disposal by the defendant of liquor of any one or more of the kinds above mentioned; and when the proof shows a sale or disposal of beer, such liquor shall, in the absence of evidence to the contrary, be presumed to have been the kind of beer ordinarily sold over the bar and to have been intoxicating and proof of the sale of what proved to be intoxicating liquor shall be prima facie proof of the sale of such liquor.

SECTION 318. CITIZENS NOT DISQUALIFIED AS WITNESSES. No person shall be an incompetent judge, witness, juror, referee, or commissioner in any action or proceedings to which the city is a party by reason of his being an inhabitant thereof.

SECTION 319. JUDGMENTS—HOW DISCHARGED. No judgment in favor of the city in either a civil or criminal action shall

be remitted or discharged, except by a vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the city council.

**SECTION 320. DISTRICT COURT TO ENJOIN.** The district court in and for this county shall have jurisdiction and authority upon application from the city, to enjoin and prohibit any threatened or attempted violation of any ordinance of the city that shall be passed in pursuance of or authorized by subdivisions fifty (50) and fifty-one (51) of section ninety-nine of this charter, or any threatened or attempted violation of any ordinance of the city prohibiting obstructions or incumbrances or excavations in or under public streets, roads, alleys, parks or other public grounds in the city, or to enjoin and prohibit the maintenance or continuance of any such obstruction or incumbrance, or the creation, maintenance or continuance of any public nuisance of any sort in the city; and the fact that any ordinance in this section above referred to prescribes a penalty for the violation thereof, or the fact that any person guilty of such violation, or of any act, attempt or offense in this section referred to, may be liable to fine, imprisonment or other penalty therefor, shall not bar any action in said district court to enjoin such violation, act, attempt, or defense or abridge to any extent whatever the jurisdiction or authority in this section conferred upon said district court.

**SECTION 321. CLAIM TO BE PRESENTED TO COUNCIL BEFORE ACTION MAINTAINED.** No action shall be maintained against the city of Virginia on account of or to recover damages for any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, public building, or public works of any kind; or by reason of any alleged negligence or misconduct of any officer, agent, servant, or employe of the city, at any time or place, unless the person claiming to have sustained such injury or loss, or his lawful representatives, shall, within thirty (30) days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty (60) days, after the happening of such injury or loss present his or their claim to compensation, damages or other relief on account thereof to the city council in writing, stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said council ten (10) days time after such claim is so presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained

unless the same shall be commenced within one (1) year after the happening of such alleged injury or loss.

**SECTION 322. PROCESS MAY BE SERVED ON MAYOR.** Service of process and writs in any action or other judicial proceedings against the city, may be made by serving upon the mayor and presiding officer of the proper board, and upon such service being made the mayor shall immediately inform the city council or proper board thereof, and shall take such other steps in relation to the action or proceedings in which such process or writs were issued, as may be required by ordinance in such case provided, or by resolution of the city council, or proper board.

**SECTION 323. CITY PROPERTY EXEMPT FROM TAXATION.** All real estate and appurtenances thereto, all buildings, engines, trucks, carts, appliances, and apparatus, all machinery, boats, pumping works, and all other property of any kind or description, owned or held by the city for city or public uses or purposes, shall be exempt from taxation and from seizure or sale under or by virtue of any execution or other writ, or by virtue of any action or proceeding.

**SECTION 324. PAYMENT OF JUDGMENTS AGAINST CITY.** When any final judgment shall be recovered in any competent court against the city, the same shall be paid out of any money in the general fund in the city treasury not appropriated or required for other purposes. If there are no moneys in said fund which can be devoted to the payment of such judgment without injury to other interests of the city, the amount of such judgment with interest thereon shall be included in the next levy of taxes ordered by the council, and when collected shall be paid to the holder of such judgment.

**SECTION 325. CITY OFFICERS, ETC., EXEMPT FROM JURY DUTY.** All officers of the city while in office, and all employes of the city, while in service, and all officers and active members of the fire department in the city shall be exempt from duty as jurors in any court or tribunal of this state.

**SECTION 326. FAILURE TO HOLD ELECTION.** Any failure to hold any election in the city at the time or in the manner in this charter prescribed or any failure on the part of the city council or of any city officer or officers to perform any duty prescribed by this charter at the time when or in the manner in which it should be performed, shall not operate to dissolve or suspend the city as a municipal corporation, or to diminish or affect the city's municipal or corporate rights, powers or privileges, but such election may be held or such duty may be performed at a subsequent time with full force and effect.

**SECTION 327. POWER CONFERRED BY CHARTER NOT A BAR TO COURT PROCEEDINGS.** The powers conferred by this charter upon the city council or upon any officer or officers of the city for the abatement or removal of nuisances or for the arrest and punishment of persons creating or maintaining the same, shall not operate as a bar to private actions or proceedings in the courts to abate the same.

**SECTION 328. NUISANCES ENUMERATED.** Buildings wherein is deposited any greater amount of gun powder or other explosive materials or agent than may be authorized by city ordinance, gambling houses or places, houses of ill fame or of assignation, disorderly houses, saloons or other places where traffic in intoxicating liquors is carried on without city license required therefor, and all unauthorized incumbrances or obstructions on public streets, roads, alleys or bridges in said city, are hereby declared public or common nuisances.

**SECTION 329. CITY HAS RIGHT OF APPEAL. APPEAL BONDS.** The city shall have the right to make and to prosecute an appeal to the district court of this county, or to the supreme court of this state, in any action or proceeding to which it may be a party, if the judgment, order or decree from which it may desire to appeal is one from which an appeal will lie under the general statutes of this state. And whenever such an appeal is taken by the city the requisite bonds on appeal may be executed in the name of the city by the mayor, and attested by the clerk, who shall affix the corporate seal of the city thereto; but no sureties or justification shall be required on such bond.

The provision of this section respecting bonds on appeal shall also apply to all bonds which it may become necessary for the city to furnish in actions or other judicial proceedings.

**SECTION 330. APPROVAL OF PLATS.** Whenever any plat of any parcel of land within the limits of the city, showing divisions and subdivisions of such parcel into lots, blocks and streets, shall be submitted to the city council for approval pursuant to the provisions of chapter sixty-four (64) of the revised laws of 1905 of this state, with intention to dedicate such streets to public use, such plat shall be accompanied with a delineation of a sufficient part of other platted portions of the city to indicate how the streets marked on such plat correspond and connect with streets already in use in the city; and the council may require such alterations to be made in the streets as shown on the plat so presented as in its opinion are necessary to preserve uniformity and regularity in the public streets of the city, and

may withhold approval of the plat presented until such alterations shall be made; and should any lot or block outlined in such plat be sold or offered for sale as such lot or block before such alterations are made or before approval of the plat by the council, the person selling or offering the same for sale shall be liable to the penalty prescribed in section three thousand three hundred sixty-eight (3368) of the revised laws of 1905 of this state.

**SECTION 331. CITY ENGINEER TO FILE PLAT.** When any public street, road or alley, or part thereof, or any public park grounds shall be laid out and opened in the city pursuant to the provisions of this charter, or shall be dedicated to public use by deed, the city engineer shall make and file an accurate plat thereof in the office of the register of deeds of this county, and the same shall be there recorded.

**SECTION 332. OBSTRUCTIONS IN STREET OR ALLEY.** If any person or company shall place and leave any unauthorized obstruction, or make any unauthorized excavation in or under any street, road or alley in the city, or leave such obstruction or excavation unguarded when authorized, such person or company shall be liable to any person who may be personally injured or whose property may be injured or destroyed without his fault by means of such obstruction or excavation; and in case any damage shall be recovered in any action against the city for injuries caused by such obstruction or excavation, the city shall have the right to recover the amount of such damages in turn from the person or company placing such obstruction or making such excavation; Provided, that upon the commencement of such action against the city, notice thereof shall be immediately given in writing to such person or company so liable, with a statement that the city will look to such person or company to pay the amount of any judgment against the city which may be recovered in such action, and an opportunity given to such person or company to defend such action; and such person or company may upon his or its own application, or upon the application of the city, be made a party defendant to such action, in which case, if judgment be recovered against the defendant, execution thereon shall be first issued against such person or company only, and the city shall not be required to pay such judgment until such execution shall be returned unsatisfied.

**SECTION 333. UNIFORM SYSTEM OF BOOKKEEPING.** The city council may by ordinance adopt and establish a uniform system of bookkeeping for all departments of the city government pertaining to the finances of the city, and prescribe the form to be used

therefor, and when so established it shall be used in, and adopted by, all departments and boards of the city government; and the annual estimate of the city clerk required by this charter on the subject of finances shall be made to conform thereto.

SECTION 334. LAWS TO REMAIN IN FORCE. All provisions of law now in force and which are also contained in this charter shall be regarded as being continued in force, and all provisions of law now in force which are changed, modified or amended shall be regarded as continued in force as so changed, modified or amended.

SECTION 335. LAWS HEREAFTER PASSED. No general law of this state hereafter passed shall be deemed to repeal, amend or modify any of the provisions of this charter, unless an intention so to do be expressly set forth in such general law.

SECTION 336. PROCEDURE GOVERNED BY GENERAL LAW. All matters of procedure, including election procedure, not provided for in this charter shall be governed by the general laws of the state of Minnesota applicable thereto.

SECTION 337. BONDS OF CONTRACTORS. Before any contract whatsoever for the doing of any work or labor or furnishing any skill or material to or for the city shall be valid and binding against such city, the contractors shall enter into a bond with such city for the use of such city and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay, as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save such city harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract, and also to complete such contract, according to the terms thereof and the contract price, and to comply with all the requirements of this charter; which bond shall be in such an amount as the city council or proper board shall determine, not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contractor and two (2) or more sufficient sureties, or by a surety company, and after being approved shall be filed, with the contract, in the office of the city clerk which said bonds shall be prepared by the city attorney and approved by the council or proper board.

SECTION 338. SURETIES. The sureties of such bond shall each take and subscribe an oath that he is a resident of the state of Minnesota and that he is seized in fee of real estate situated in said

state, and not exempt by law from sale or execution, of the value and worth over and above all incumbrances thereof on the same, for double the amount for which he is to justify in said bond. More than two (2) sureties may be accepted on such bond, and they may justify in separate and different sums less than the sum specified in such bond; *Provided*, that the aggregate of their justifications shall be equal to two (2) sureties, each justifying in a sum equal to the amount of said bond; *Provided, Further*, that a surety bond shall be exempt from the provisions of this section.

SECTION 339. RIGHT OF ACTION ON BONDS. Whoever shall perform or cause to be performed, any work or labor or furnish, or cause to be furnished, any skill or material including any work, labor, skill or material necessary in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor, in the execution of such contract, at the request of the contractor his agents, heirs, administrators, executors or assigns or at the request of any sub-contractor, his agents, heirs, administrators, executors or assigns, or at the request of such city, in case such city shall have determined such contract and shall have completed the same at the cost of the contractors, shall be considered a party in interest in said bond, and may bring an action thereon for the reasonable value or agreed price, as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract.

SECTION 340. ACTION ON BOND—LIMITATION. No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues.

SECTION 341. JUDGMENTS. HOW PAID. Whenever any final judgment shall be recovered in any competent court against the city no execution shall issue thereon against such city, but such city shall cause the same to be paid.

SECTION 342. ISSUANCE OF CRIMINAL WARRANTS. In all prosecutions for any violation of this charter or of any ordinance of this city, the first process shall be a warrant; provided, that no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of this city; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, processes, or writs by any court for violation of any ordi-

nance of this city shall run in the name of the city and shall be directed to the chief of police or any police officer of said city.

SECTION 343. AFFIDAVIT OF CITY PRINTER. The proprietor of the official paper shall immediately after the publication of any notice, ordinance or resolution or proceedings of the city council or any other matter which is required to be published by any of the provisions of this charter, or any ordinance passed in pursuance thereof, file with the city clerk or proper board of the city a copy of such publication, with his affidavit, or the affidavit of his foreman, of the time the same has been published, and such affidavit shall be prima facie evidence of the publication of any such notice, ordinance, resolution or council proceeding, or any such other matter required to be published as herein provided; and no account or claim for any publication whatever shall be allowed and adjusted by the city clerk until such affidavit shall have been filed with the city clerk.

SECTION 344. WHO MAY ADMINISTER OATHS. The mayor, acting mayor, president of the city council or presiding officer thereof, the president, chairman or head of any board authorized by this charter shall, by virtue of their office, in all matters and proceedings before them relating to or appertaining to the city, be and are hereby authorized to administer oaths and receive testimony under oath or affirmation.

SECTION 345. NO RIGHT TO BE AFFECTED. No rights already accrued to the city, or any penalty or forfeiture incurred in favor of the city under the provisions of any act of this state shall be affected by this charter nor shall this charter affect any action or other legal proceeding pending at the date of the approval of this charter.

SECTION 346. ASSESSMENTS, HOW COLLECTED. Every local tax or assessment levied under any provision of this charter may be paid to the city treasurer at any time before such assessments have been certified to the county auditor or county treasurer. Unless a different date is herein expressly provided as to any particular assessment, the city treasurer shall, before the 15th day of December next after an assessment is certified to him, advise the city clerk what property, if any, has not paid such assessment, and the city clerk shall, forthwith, certify such delinquent assessments to the county auditor, and said auditor shall at once extend such assessments for collection against the several parcels of property certified to him upon the proper books in his office. All special assessments and interest thereon, which shall not have been paid on or before the first day of January

following the return thereof, shall thereafter be payable to the county treasurer as other taxes are payable, and shall become delinquent and be subject to like penalty as state and county taxes, and shall be paid over to the city treasurer (accompanied by an itemized statement as provided by Section 285 of this chapter) in the same manner as other taxes levied in the city are paid. It is hereby made the duty of the county auditor, county treasurer, and all other officers to carry out the provisions of this section and this charter.



TO THE HON. ANDREW HAWKINSON, MAYOR,  
VIRGINIA, MINNESOTA.

We, the undersigned, appointed on the twenty-second day of August, 1908, by the honorable the district court of the State of Minnesota, in and for the county of St. Louis, as a commission to draft a proposed charter for the city of Virginia, in accordance with the constitution and laws of the state relating thereto, do hereby respectfully submit and return to you the foregoing draft of the proposed charter of the city of Virginia, signed by a majority of the commission.

Dated February 20th, 1909.

MICHAEL E. FANNING,  
President.

OTTO A. POIRIER,  
Secretary.

CHAS. C. BUTLER,  
BRUCE F. BRITTS,  
THOMAS GILL,  
WM. E. HANNAFORD,  
JOHN COSTIN, JR.,  
CLARENCE E. MOORE,  
EDWARD C. A. JOHNSON,  
GUST JOHNSON,  
DAVID E. CUPPERNULL,  
CHARLES B. LENONT,  
H. J. GEORGE,  
D. B. McDONALD.

WHEREAS, it has been made to appear to the undersigned Judges of the District Court within and for the Eleventh Judicial District of the State of Minnesota, within which district is situated the City of Virginia in said State, that it would be for the best interests of said municipality that a Board of Freeholders or Charter Commission (as it is commonly called), should be appointed for the purpose of drafting and submitting to the voters of said city a charter therefor.

NOW, THEREFORE, pursuant to the provisions of Section 749, Revised Laws 1905, we, the said Judges, having confidence in the ability and integrity of the persons hereinafter named, all of whom are freeholders of said city and state and have been qualified voters of said city for five years last past, do hereby appoint Wm. H. Eaton, Michael E. Fanning, Henry J. George, Clarence E. Moore, John Costin, Charles B. Lenont, Donald B. McDonald, David E. Cuppernull, Otto A. Poirier, Wm. E. Hannaford, Bruce F. Britts, Thomas Gill, Gust Johnson, Chas. C. Butler and Edward C. A. Johnson as such Board of Freeholders or Charter Commission for said City of Virginia to hold such office for the term provided by law with all the duties, powers and authority conferred upon such Board by the laws of the State.

Dated at Duluth, Minn., August 22nd, 1908.

J. D. ENSIGN,  
WM. A. CANT,  
HOMER B. DIBELL,  
Judges of the District Court,  
Eleventh Judicial District,  
State of Minnesota.

## TABLE OF CONTENTS

	Page
CHAPTER 1.	
Name, Powers and Boundaries.....	3
CHAPTER 2.	
Elections .....	5
CHAPTER 3.	
Officers, General Provisions.....	8
CHAPTER 4.	
Officers, Their Powers and Duties.....	11
CHAPTER 5.	
Council, Powers and Duties.....	21
CHAPTER 6.	
Initiative, Referendum and Recall.....	47
CHAPTER 7.	
Finance .....	51
CHAPTER 8.	
Water and Light.....	59
CHAPTER 9.	
Fire and Police.....	65
CHAPTER 10.	
Health Department.....	70
CHAPTER 11.	
Parks .....	73
CHAPTER 12.	
Library .....	76
CHAPTER 13.	
Court .....	80
CHAPTER 14.	
Eminent Domain and Local Improvements.....	81
CHAPTER 15.	
Miscellaneous Provisions.....	105

## INDEX

	Section.
Acting Mayor .....	42
Advertisements, to regulate .....	106
Advertising for Proposals, how made .....	108
Aldermen .....	86
Appeal—City has right .....	329
Appointive Officers .....	34
Appointments by ballot .....	104
Approval of Plats .....	330
Assessments, paid to city treasurer .....	285
Appeal from awards .....	254
Assessment Roll .....	248
Certified by county auditor .....	273
Damages to be assessed .....	247
Lien upon property .....	281
New Notice may be given .....	250
Notice given when due .....	249
How Collected .....	346
Reassessment .....	253
Where there can be no assessment for benefits .....	255
Assessor, appointment .....	61
Deputy assessor and clerks .....	62
Compensation .....	63
Ballots .....	8
Contents of .....	9
Distributions .....	12
How printed .....	10
Names .....	11
Number .....	11
Offense—Penalty .....	13
Board of Health—appointment .....	186
General Powers, duties .....	187
Special Powers and duties .....	188
Board of Equalization, grievances .....	66
Powers .....	65
Bonds, of officers .....	27
Action on bond limitations .....	340
Contractors .....	108
Contractors must furnish .....	337

INDEX — CONTINUED

	Section.
Right of action on bonds .....	339
Sureties .....	338
Bookkeeping, uniform system .....	333
Charter not bar to court proceedings .....	327
Citizens, not disqualified as witnesses, etc. ....	318
City Attorney, qualifications .....	55
Appeal bonds .....	60
Assistants .....	50
Inability to act .....	58
Opinions .....	56
Suits against employes .....	57
City Clerk, bonds .....	47
Duties .....	44
Official powers .....	45
Powers .....	46
City Depositories .....	50
City Engineer .....	67
Duties .....	68
Fees .....	70
To file plats, etc. ....	331
Surveys .....	60
City officers exempt from jury duty .....	325
City printer, affidavit of .....	343
City property, exempt from taxation .....	323
Civil Action to be brought in name of city .....	315
Claims for damages, how presented .....	324
Clerk of Municipal Court, to furnish bonds .....	235
Collector and secretary .....	154
Commissioners, sinking fund duties .....	135
Condemnation .....	92
Conference committee .....	136
Contracts, letting of .....	105
Bonds of contractors .....	108
Let to lowest bidder .....	107
Corporate Sureties .....	28
Council—	
Approve plats .....	95
Bonds, issuance of .....	84
Canvassing votes .....	78
Designate depositories and auditing accounts .....	98
Form of action—contracts—warrants .....	82
Legislative power .....	73
May maintain and alter water courses and lakes .....	94
May revoke licenses .....	101
Officers' to appoint .....	104
Ordinances, introduction of .....	80
Other powers .....	100
Organization .....	74

INDEX — CONTINUED

	Section.
Ordinances and resolutions, passage of .....	81
Power to improve streets .....	93
Power to maintain bridges .....	97
Present duties of .....	75
Power to condemn .....	92
Power to levy taxes and assessments .....	91
Quorum .....	77
Rules .....	76
Special or private ordinances .....	85
Specific powers .....	99
To control finances .....	90
To repair roads and bridges .....	112
Votes, requires two-thirds .....	83
Witnesses, how called before .....	87
Witnesses not excused .....	89
Debts, limit of .....	140
Detaching territory .....	5
District Court to enjoin .....	320
Effect of charter .....	17
Election, what shall constitute .....	14
Elections, laws .....	15
Special .....	16
Special .....	32
Elective officers .....	215
Eminent Domain .....	258
Eminent domain, abandonment .....	254
Appeal .....	245
Appraisalment of damages .....	248
Assessment roll .....	256
Compensation of commissioners .....	251
Commissions may adjourn and revise .....	240
Commissions .....	247
Damages to be assessed .....	246
Disposition of buildings .....	250
Description to be recorded .....	257
Effect of award .....	242
Failure to serve notice .....	244
Hearing .....	238
Limitations .....	250
New notices may be given .....	240
Notices of completion and confirmation .....	237
Powers to acquire property .....	230
Procedure, where there may be an assessment for benefits .....	252
Procedure after confirmation .....	253
Reassessment .....	241
Service of notice .....	243
Viewing premises, taking evidence .....	255
Where there can be no assessment for benefits .....	266
Exempt property .....	

INDEX — CONTINUED

	Section.
Failure, to hold election.....	326
Finances, fiscal year, funds .....	122
Controlled by council .....	90
Fire department, alarms .....	183
Assistants appointed and removed by chief .....	179
Chief, how appointed .....	178
May destroy buildings .....	184
Penalties, refusal to aid at fires .....	185
Powers and duties of chief .....	180
Rules and regulations, how made .....	181
Fire Fund. ....	129
Franchise, granting of .....	102
Funds, interest .....	130
Library .....	127
Park Fund .....	128
Police and fire fund .....	129
Sinking fund .....	132
Sinking, how maintained and invested .....	133
Water and light fund .....	131
Water and light sinking fund .....	134
General Fund .....	124
General laws, govern procedure .....	336
Gifts .....	26
Grade—Width of streets .....	
Abandonment .....	313
Appointment of commissioners .....	308
Confirmation and assessment .....	314
Establishment and change of grade .....	306
Hearing of commissioners .....	309
Objections to change of grade .....	307
Report of commissioners .....	310
Right of appeal .....	312
Width of driveway .....	306
Health Department, care for sick .....	95
Contagious disease .....	189
Notice to abate nuisances .....	83
Penalties for breaking rules .....	198
Provide medicine, etc. ....	196
Quarantine stations .....	191
Records to be kept .....	194
Right to enter buildings .....	192
Initiative .....	119
Injuries, not liable for railroad accidents .....	118
Improvements, application .....	268
Abandonment of improvements .....	288
Assessments paid to city Treasurer .....	285
Appeal to District Court .....	274
Assessments to be certified .....	273

INDEX — CONTINUED

	Section.
Clerk of Court to rectify final decision .....	280
Contract and assessment .....	269
Credit on former assessment not paid .....	291
Completion pending assessment proceedings .....	293
Division of assessments .....	283
Exempt property .....	266
Grade, Streets .....	318
How paid for .....	265
Lien of assessment .....	281
Letting of contracts .....	287
Moneys derived from assessments .....	287
Numerals used in advertisement .....	282
Objections to assessments .....	272
Paying deferred installments .....	284
Procedure in Court .....	276
Procedure on appeal .....	275
Procedure for making improvements .....	260
Property owners to construct and repair sidewalks .....	263
Published notice to be given .....	271
Railroads to be assessed .....	270
Re-Assessments .....	277
Re-letting of unfinished contract .....	286
Refunding of assessments on abandonment of improvements .....	292
Sewer improvements .....	267
Sidewalk, how ordered .....	262
Variance in amount of assessment not to invalidate.....	298
When assessment a lien .....	278
Interest Fund, how maintained .....	130
Intoxicating Liquors .....	317
Improvements, Making of council to complete work.....	299
Estimates .....	297
Gas, Water and Sewer pipes laid before paving.....	301
Guaranty of Duration .....	298
Plans, profiles and specifications to be made.....	295
Provisions of Sec. 105, 109 to apply .....	294
Property Owners may construct streets .....	300
Right to suspend work .....	296
Interference With Water .....	158
Judgments, how Discharged .....	319
Judgments, how paid .....	341
Judgments against City, when paid .....	310
Laws, Ordinances, compilations of .....	116
Hereafter passed .....	335
To remain in force .....	334
Library, custody of building and property .....	223
Donations or bequests .....	228
Money, how paid out .....	224
Penalty for injury to property .....	227



INDEX — CONTINUED

	Section.
Property belongs to city .....	231
Reading rooms, free .....	226
Reports to be made .....	225
Transfer property to city .....	229
Library Board, appointments, qualifications .....	219
Funds, how controlled .....	222
Organization .....	221
Power to maintain .....	218
Removals .....	220
Library Fund, how maintained .....	127
Licenses, auctioneers, pawn brokers, etc .....	99-(24)
Billiards, bowling alleys, etc .....	99-(25)
Book agents and peddlers .....	99-(30)
Brewers and distillers .....	99-(31)
Butcher shops, etc .....	99-(33)
Circuses and other amusements .....	99-(26)
Dogs .....	99-(36)
Hackmen, draymen, etc .....	99-(20)
Intoxicating liquors, sale of .....	99-(32)
Newsboys, bootblacks, fortune tellers, etc. ....	99-(28)
Plumbers .....	99-(34)
Power to revoke .....	101
To carry concealed weapons .....	99-(35)
Light plants .....	96
Mayor—Annual report .....	42
Acting Mayor .....	43
Duties .....	381
Contingent fund .....	41
Process and notices .....	40
Sign bonds, obligations, contracts, etc .....	39
Mayor's contingent fund .....	144
Money, how paid out .....	140
Monthly Statements by Treasurer .....	83
Municipal Judge .....	235
Municipal Court .....	233
Clerk to be reporter .....	233
Government .....	232
Judges to give bonds .....	235
Receipts issued .....	236
To have two judges .....	234
New Office .....	20
Nuisances, enumerated .....	328
Oath of Office, who may administer .....	344
Obstructions, to streets or alleys .....	332
Officers, appointive .....	34
Effect of charter .....	17
Elective .....	32
Bonds .....	27

INDEX — CONTINUED

	Section.
Corporate sureties .....	28
Gifts .....	26
New Office .....	19
Oath of Office .....	35
Penalty for failure to observe duties imposed .....	31
Redivision into wards .....	30
Removals .....	18
Reports .....	37
Residence .....	24
Resignations .....	22
Salaries .....	36
Salaries .....	25
Salaries not changed .....	29
Surety bonds requested .....	21
Term of Office .....	23
Vacancies .....	110
Official Papers, how designated .....	214
Park Commission—devise park system .....	206
Duties of Officers .....	205
Duties of Secretary .....	215
Eminent Domain .....	207
May enter into contracts .....	213
May set aside streets .....	201
Membership .....	203
Meetings and Officers .....	211
Powers .....	212
Powers .....	217
Power to enforce rules .....	204
Reports and duties of president .....	208
Quorum .....	210
Removals .....	208
Rules for Commission .....	216
Rules for parks .....	209
Shall have no interest in contracts .....	202
Vacancies .....	214
Park System .....	35
Penalty, failure to observe duties .....	125
Permanent Improvement Fund, how maintained .....	126
Permanent Improvement Revolving Fund, how created and maintained .....	177
Police Department, compensation to be fixed by commission .....	169
Eligibility .....	170
Extra Police .....	172
Gratuities and Removals, prohibited .....	168
Organization .....	175
Penalty for falsely assuming to act as police officer .....	174
Penalty for refusing to assist in preserving the peace .....	176
Penalty for failing to assist in or obstruction of arrest .....	170
Police Officers to be conservators of the peace .....	173

INDEX — CONTINUED

	Section.
Rules .....	171
Police and Fire Fund .....	129
Police and Fire Commission .....	161
Appointments and terms.....	164
Meetings .....	162
Money how paid.....	165
Officers .....	161
Organization .....	167
Purchases .....	167
Reports .....	166
Powers of city .....	1
Of Park Commission.....	211
Process, to be served on mayor.....	322
Property, may be condemned for city use.....	237
Private, power to enter.....	111
Subject to taxation.....	123
Railroads, keep flagman and gates at crossings.....	99-(10)
Keep open and repair drain, ditches, etc. ....	99-(20)
Keep streets on right of way repaired .....	99-(20)
Redivision into wards .....	31
Referendum .....	120
Refusal, of officers to act .....	88
Removal, of officers .....	30
Reports, officers .....	18
Residence .....	37
Resignation of office .....	24
Recall .....	121
Rights of City not to be affected by charter .....	345
Salaries of officers and employes .....	22
Salaries not changed .....	25
Sewers, assess property adjoining .....	264
Sidewalks .....	90
Signs .....	90
Sinking Fund .....	132
Water and light .....	134
Sinking Fund Commission .....	135
Sprinkling, assessments, how made .....	135
Compensation .....	305
Petition for same .....	303
Powers .....	302
Streets, acquire by condemnation .....	92
Change names .....	99-(14)
Encroachments regulated and prohibited .....	99-(1)
To take effect, when .....	114
Maintain and care for.....	117
Obstructions to be removed.....	99-(5)
Protection from willful damage .....	103
To regulate .....	99-(4)

INDEX — CONTINUED

	Section.
Vacation .....	113
Street Commissioner, duties .....	71
Bonds .....	72
Street Railways, franchises.....	99-(17)
Succession, .....	6
Supplies, advertise for proposals .....	153
Surety Bonds Required .....	29
Taxation, permanent improvement revolving fund.....	125
Property subject to.....	123
Tax Levy Board, how constituted .....	137
Tax Levy, annual.....	139
Tax Settlements .....	143
Tax Payers' appeal.....	142
Term of office.....	33
Transportation plants .....	96
Treasurer, bond and management of finances.....	48
Duties .....	40
City depositories .....	50
Misuse of city money.....	54
Monthly statement .....	53
What depository .....	51
When to pay out money.....	52
Vacancy in office, how filled.....	23
Vagrancy charge .....	316
Ward Boundaries .....	3
Additional territory .....	3
Warrants, issue of.....	342
Water and Light Plant fund.....	131
Water plants .....	96
Water and Light Department, appointment.....	147
By-laws .....	149
City may acquire.....	100
Commissioners .....	146
Distribution, price .....	150
Duties of collector and secretary.....	154
Eligibility .....	147
Extension and service.....	155
Interference with water.....	158
Liability of owner of property.....	152
Organization, powers .....	148
Omissions from water rates.....	159
Payment in advance required.....	151
Penalty from injuries to works.....	156
Rules .....	149
Salaries .....	147
Supplies .....	153
Tampering .....	157

2376

70 70

2376

RE-INDEXED

MAY 12 1921

STATE OF MINNESOTA  
LEGISLATIVE

In the Office of Secretary  
of State JUN 26 1909

*Arthur J. Small*  
Secretary of State