

To the Hon. F. D. Underwood,

Mayor of the City of Lake City,

Duplicate.

We the undersigned, appointed on the 25th day of September 1908 by the Hon. Arthur H. Snow, Judge of the third judicial court of the State of Minnesota, in and for the County of Wabasha, as a commission to draft a proposed Charter for the City of Lake City, pursuant to Section thirty-six of Article Four of the Constitution of the State of Minnesota, and Chapter nine of the revised laws of 1905, of the statute of Minnesota, do hereby respectfully submit and return to you the proposed Charter of the City of Lake City.

Dated February 8, 1909.

A. G. Johnson

J. D. Barton

O. S. Anderson

J. Cole Young

E. F. McCall

C. A. Hubbard

M. L. Collins

G. W. Howell

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A. D. Bennett

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J. M. Underwood

Oliver Carlson

2379

CITY OF

CHAPTER 1.

NAME, BOUNDARIES AND WARDS.

Section 1. All the district of country in the County of Wabasha and State of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city by the name of Lake City, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Lake City; by that name shall sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and take, hold and 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; and shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specially granted, and in addition thereto, all the powers granted to it under the General Laws of the State of Minnesota and by this charter, and all authorities thereof shall have perpetual succession.

Sec. 2. The district of country aforesaid constituting the City of Lake City, and the limits and boundaries thereof shall be as follows, to-wit: Beginning at the northwest corner of the northeast quarter of section number six (6) in township number one hundred and eleven (111) north of Range number twelve (12) west, running thence south one and one half miles to the center of section number seven (7) in said township, thence east along the quarter section line and the continuance thereof to the center of Lake Pepin, thence up the middle of said lake to a point due east of the termination of the line between townships numbers one hundred and eleven (111) and one hundred

and twelve (112), thence to and along said line west to the place of beginning. Also beginning at the center of Lake Pepin (being the identical point mentioned in the eighth and ninth lines of this section two (2), thence directly to the southeast corner of section number ten (10) in said township one hundred and eleven (111), thence directly westward on the section line a distance of one half ($\frac{1}{2}$) mile, thence running in such courses as shall embrace within the limits of said city, the north half ($n\frac{1}{2}$) of the northwest quarter ($nw\frac{1}{4}$) of section number fifteen (15) in the same township, as well as the whole of section number ten (10), commencing again at the northeast corner of said section number fifteen (15) and running due westward a quarter of a mile along the southern line of section number nine (9) in same township, thence due northward one half mile to the city limits as first defined.

Sec. 3. The said city shall be divided into two wards called the first and second wards limited and bounded as follows: Commencing at the intersection of Chestnut Street and Park Street, running thence along the line of the center of said Chestnut Street in a southwesterly direction to eighth street; thence ~~westward~~ ^{onward} in a straight line and same direction to the southwesterly boundary of the city, and all that part of said territorial limit lying and being northward and westward of said line, shall constitute the first ward. All that part of said territorial limits lying and being eastward and southward of the said described lines, including all the remaining part of said territory, shall constitute the second ward.

CHAPTER 11.

OFFICERS AND ELECTIONS.

Officers of the City and Term of Office.

Section 1. The elective officers of said city shall be, a mayor, treasurer, one municipal judge, two justices of the peace and two constables, each of whom shall be residents and qualified voters of said city, and shall hold office for the term of two years, with the exception of the municipal judge, who shall hold office for four years; each ward shall elect one alderman each year, who shall be a resident and qualified voter of the ward for which he shall be elected and hold his office for the term of two years. The term of office of every officer elected under this act, shall commence on the second Tuesday of April of the year in which he shall be elected and shall continue until a successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the Common Council, unless otherwise provided. The appointment of such officers shall be determined by ballot and require the concurrence of a majority of all the members of the Common Council to appoint such officer.

All appointed officers shall continue in office until their successors in office are appointed and qualified, except as otherwise provided in this charter.

All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed and until their successors shall have been designated and qualified.

Time of Election and Notice.

Sec. 2. The election of the city officers and the Aldermen of said city, shall be held on the first Tuesday in April in every year. Whenever a vacancy shall occur in any elective office, the Common Council shall have power, by a majority vote thereof, to appoint a competent person to fill such vacancy, and the person so ap-

pointed shall hold his office until the next general city election, and until his successor is elected and qualified. The City Clerk shall give fifteen days' notice of the time and place of holding all general city elections, and ten days notice for all special city elections, such notices shall also designate the officers to be elected at such general city election and all questions to be voted upon at such special city election, but no defect in such notices, or failure to give them, shall invalidate any election.

All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon.

The person receiving the highest number of votes for any office shall be declared elected to such office. When two or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by casting of lots in the presence of the Common Council, at such time and in such manner as said Common Council shall direct.

Mode of Conducting Elections.

Sec. 3. The mode of conducting elections shall be the same as provided by the general laws of this state governing elections, except as otherwise provided herein.

All special provisions herein contained, shall apply as well to all state and county elections within said city, except that the returns of all elections for Aldermen or city officers shall be made to the City Clerk as hereinafter provided, and the returns of state and county elections shall be made to the County Auditor of the County of Wabasha as provided by law.

Qualification of Voters.

Sec. 4. All persons entitled to vote for state and county officers, who shall have resided for ten days next preceding the election in the precinct where they offer their votes, shall be entitled to vote for any officer to be elected at said election.

Election Precincts and Places of Holding Elections.

Sec. 5. Each ward of said city shall constitute an election precinct. The Common Council shall, at least twenty days previous to the general election for city officers to be held on the first Tuesday in April, annually, and the general election for state and county officers to be held on the first Tuesday after the first Monday of November of each year that such state or county election is held, designate the place of holding elections in each precinct, and such place so designated, shall not be subject to change by the voters present at the commencement of such election. In case said Common Council shall neglect or refuse to provide such places for election, previous to general elections as herein provided, and in all cases of special elections, the places of holding elections shall continue to be the same as at the general election next preceding such election.

JUDGES AND CLERKS OF ELECTION.

Sec. 6. The Common Council shall at least twenty days before any general state, or annual city election, appoint such number of judges and clerks of elections as may be necessary to constitute a full board for each election precinct as provided by general law.

SPECIAL ELECTIONS--HOW CONDUCTED.

Sec. 7. It shall not be necessary to appoint judges or make new registers of voters for special elections, but the judges of election at the last general or annual city election in any precinct shall continue to be judges of election for such special elections, and vacancies of Judges may be filled the same as in the case of general elections or annual city elections, and such judges shall have the right to take from the City Clerk and use at such special election the registers used at the election next preceding such special election.

ELECTION RETURNS.

Sec. 8. When an election for Alderman or city officer shall be closed, the Judges of election shall make return thereof to the City Clerk within two days of such election, in like manner as provided

by law for the return of state and county elections to the County Auditor. Within four days after any city election, the Common Council shall meet and canvass the returns thereof and declare the result thereof as it may appear from such returns, and the said Clerk shall forthwith give notice to the officers elected of their respective elections.

VACANCIES IN OFFICE--HOW CREATED AND FILLED.

Sec. 9. Any officer removing from the city or from the ward for which he was elected or appointed, or any officer who shall refuse or neglect for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and any officer having entered upon the duties of his office may resign the same by the consent of the Common Council. All vacancies except as hereinbefore (or as hereinafter) provided, shall be filled by appointment by a majority vote of the Common Council.

OATHS AND BONDS OF OFFICERS.

Sec. 10. Every person elected or appointed under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the Clerk of the City. The Treasurer and such other officers as the Common Council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the City of Lake City, bonds in such amounts and upon such conditions as the Common Council may prescribe; and in the absence of special provisions, such officers shall give bonds in the amounts and upon the conditions of the bonds of their predecessors in office.

The Bond of the Treasurer shall be executed (by at least two sureties who shall justify to an aggregate amount of at least the penal sum of such bond,) and shall be approved by the Common Council, or any proper committee thereof. The Common Council may at any time require further additional bonds to be executed by any officer of said city. If any officer shall for the period of ten days after notice to execute such further or additional bond, neglect or refuse

so to do, his office shall be and become vacant and the Common Council shall proceed to fill such vacancy.

CHAPTER 111.

POWERS AND DUTIES OF OFFICERS.

Section 1. The Mayor shall take care that the laws of the state and the ordinances of the city are duly enforced and observed within the city. He shall take care that all other officers of the city discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action against any delinquent city officer. He shall from time to time give the Common Council such information and recommend such measures as he may deem advantageous to the city.

In case the Mayor shall knowingly or willfully neglect or refuse to perform any of the duties of his office, or shall be guilty of oppression, or of corruption in office, he shall be liable to indictment and on conviction thereof shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the case), to further adjudge that he be removed from office.

The Mayor shall preside over all the meetings of the Common Council and during his absence from the city, or his inability from any cause to discharge the duties of office, the Common Council shall select one of their number to act as Mayor in his stead and while performing the duties of Mayor he shall be styled Acting Mayor, and all things performed by him, when acting as Mayor, as aforesaid, shall have the same force and validity as if performed by the Mayor.

CITY CLERK.

Sec. 2. There shall be a Clerk of said City, styled the City Clerk who shall be appointed by the Common Council. The City Clerk shall hold his office for the term of two years from and after the second Tuesday in April of the years of his appointment. At the option of the Common Council he shall enter into a bond with said city with one or more sureties, in a sum to be designated by the Common Council and to be approved by them, for the faithful discharge of his

duties as such Clerk and as Clerk ex-officio for all boards created by this charter and for the prompt payment into the City Treasury of said city of all moneys that shall come into his hands as such Clerk belonging to said city. He shall keep the corporate seal and all the papers and records of the city and keep a record of the proceedings of the Common Council at whose meetings it shall be his duty to attend.

He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the Common Council and keep full and accurate account^{thereof} in books procured for that purpose, and make an accurate and full report of all the by-laws, rules and ordinances made or passed by the Common Council. The City Clerk shall have power to take acknowledgements and administer oaths and affirmations; and copies of all papers filed in his office and transcripts of any records in his office, certified^{to} by him under the corporate seal of said city, shall be evidence in all courts in like manner as if the original were produced. He shall perform all other services by law required of the Clerk of cities or townships, within said city, but when services are required of him by public law, for which compensation is provided, such services shall not be regarded as services for said city, and he may retain such compensation in addition to the salary paid by the city.

He shall report annually on the first Monday in May, to the Common Council, an estimate of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the City shall commence on the first Monday in May of each year. He shall countersign all contracts made with the city in connection with the Mayor.

The City Clerk upon order of the Common Council, approved by the Mayor, may from time to time borrow for and on behalf of said city, such sums of money as may be necessary for temporary purposes, and to anticipate the current revenues only; such loans to be subject to the approval of the Common Council.

He shall examine the reports, books, papers, vouchers and ac-

counts of the Treasurer, and shall perform such other duties from time to time as the Common Council may direct. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

He shall at the end of each fiscal year make and cause to be published in the official paper of the city, a full itemized statement showing the financial condition of the city, the amount of money received during such year, and from what sources, and also the amount disbursed, and for what purposes. He shall record in a book provided for that purpose all bonds made to the city.

The City Clerk shall also be ex-officio Clerk of the Water and Light Board as created by this charter.

DEPUTY CLERK.

Sec. 4. The Common Council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the Clerk, a Deputy Clerk, at such time and for such period as may be deemed necessary. Whenever the Clerk and Deputy Clerk are absent, or for any reason unable to act, the Common Council may appoint a Clerk pro tempore and said Clerk so appointed, as well as the Deputy Clerk, when acting as City Clerk, shall have the same powers and be subject to the same restrictions and liabilities as the City Clerk.

CITY ATTORNEY.

Sec. 5. The Common Council shall have power to appoint an attorney for the city, who shall hold said office for the term of two years, and who shall perform all professional services incident to the office, and when required, shall furnish written opinions upon any subject submitted to him by the Common Council or its committees. He shall also advise with, and counsel all city officers in respect of their official duties and attend the regular meeting of the Common Council and of such committees as shall request his assistance.

He shall receive such compensation for the services rendered by him as may be fixed by the Common Council.

PROVISIONS OF THE CHARTER.

Sec. 6. The Treasurer shall receive all moneys belonging to the City, keep an accurate and detailed account thereof in such manner as the Common Council shall direct. He shall give a bond in such sum as the Common Council shall direct, and subject to their approval, payable to the City of Lake City, conditional that he will faithfully execute the duties of his office and safely keep and pay over to the City of Lake City, all moneys which shall come into his hands belonging to said City and the Common Council may at any time, require of the Treasurer, additional bonds.

The said bond shall be executed by a duly incorporated surety company, which shall have been authorized to do business in the State of Minnesota.

The Premium upon such bond shall be paid by the City.

The Treasurer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures, after the date of his last annual report and also the state of the treasury, which account shall be filed with the City Clerk. His books, papers, accounts and vouchers shall at all times be open to the inspection of the Mayor, the Common Council or any committee thereof or of any person by said Common Council appointed to examine any such books, papers, accounts or vouchers.

PROVISIONS OF THE CHARTER.

Sec. 7. The Justices of the Peace of said City, shall have, and possess all rights, powers and authority of Justices of the Peace under the general laws of this state in civil and concurrent jurisdiction with the Municipal Court of all offenses committed in the County of Washburn not within the boundaries of the City of Lake City.

PROVISIONS

OF THE CHARTER.

Sec. 8. The Constables of said City shall have and possess all the rights, powers and authority of constables under the general laws of this state, and shall be governed by said laws.

Sec. 9. The constables of said City shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state.

CITY OFFICERS TO TURN OVER CITY PROPERTY.

Sec. /0 Any person having been an officer of said city, shall, within ten days after notification and request, deliver to his successor in office all property, papers, books and effects of every description in his possession, belonging to said city or pertaining to the office he may have held. If he fails to do so after such notification and request, he shall forfeit to the use of the city a sum not to exceed five hundred dollars (\$500) besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of said books, papers and effects in the manner prescribed by the laws of this state.

NO MEMBER OF THE COMMON COUNCIL TO BE INTERESTED IN ANY CONTRACT.

Sec. // No member of the Common Council shall be a party to, or interested in any job or contract with the city and any contract in which any member of the Common Council shall be so interested, shall be null and void, and in case any money shall have been paid on any such contract, the Common Council may sue for and recover the amount so paid from the parties to such contract and the member or members of the Common Council interested in the same.

OTHER DUTIES MAY BE REQUIRED AND OTHER OFFICERS APPOINTED BY THE COMMON COUNCIL.

Sec. /2 The Common Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties and fix their compensation, unless herein otherwise provided for.

SALARIES OF OFFICERS.

Sec. /3 The Mayor and Aldermen shall receive each a salary of fifty dollars (\$50) per annum; the City Treasurer a salary of one hundred dollars (\$100) per annum; the City Clerk a salary as may be fixed by the Common Council.

No other or further compensation shall be paid to the city officers, or either of them, for any services performed by them as

such officers

but this shall not prevent the members of the Board of Equalization of taxes, or Aldermen acting as Judges of election, from receiving special compensation for such services.

EXEMPTION FROM JURY DUTY.

Sec. 14 The Mayor, Aldermen, all city officers, and all men employed in the several departments of said city, while holding such office, or engaged in the service of the city, shall be exempt from serving as jurors in any court.

THE COMMON COUNCIL TO FIX SALARIES:

Sec. 15 The Common Council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act.

OFFICERS TO MAKE RETURN OF PROPERTY.

Sec. 16 All officers of the city having charge of any ^{city} property shall, at the close of each fiscal year, make and return to the Common Council, a full inventory of all property in their hands, or control, respectively. Such inventory shall be filed by the City Clerk and kept open to the inspection of all parties interested, but need not be printed in the proceedings, unless the Common Council shall so direct.

Harbor Masters.

~~Sec. 17~~
Sec. 17. The Common Council shall have power to provide for the appointment of a Harbor Master, with the powers of a police officer, or may devolve the duties of such office on any member of the police force, and may by ordinance define the duties of such Harbor Master and regulate all harbor and wharf landings and levees in said city.

CHAPTER IV.

THE COMMON COUNCIL--ITS GENERAL POWERS AND DUTIES.

Quorum and Presiding Officers.

Section 1. The Mayor and Alderman shall constitute the Common Council, a majority of whom shall constitute a quorum.

The Mayor shall, when present, preside at all meetings. In his absence the Common Council may elect from their number an Acting Mayor, who shall for such meetings have the same power as the Mayor.

Stated and Special Meetings of the Common Council.

Sec. 2. The Common Council shall hold stated meetings, and the Mayor, or any three of the Aldermen, may call special meetings, by notice to each of the members, to be delivered personally, or left at their usual place of abode.

At such special meetings no other business shall be transacted than such as is designated in the call.

In case of the attendance of less than a quorum at any stated meeting, the members present may adjourn to any special time they may designate, of which time the absent members shall be notified in the manner as above provided, and all business transacted at such adjourned meetings shall have the same validity as if done at a stated meeting.

If at any special meeting a quorum of the Common Council shall be present, they shall be authorized to transact the business for which the meeting is called. Provided, that affirmative action must be by a vote by yeas and nays to be entered upon the record and shall require an affirmative vote of a majority of all the members of the Common Council.

City Council, Judges of Election of its Members--
Rules of Procedure.

Sec. 3. The Common Council shall be the judge of election of its own members, and in such case shall have the power to send for persons and papers.

It shall determine the rules of its own proceedings and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

Power to Remove Officers and How Exercised.

Sec. 4. The Common Council shall have power to remove from office any officer of said city, whether appointed by the Common Council or elected by the people, except as otherwise provided in this Charter, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his own defense.

Continued absence from the meetings of the Common Council, in case of Aldermen for six regular consecutive meetings, and neglect of duty in case of other officers, unless for good reasons, shall be deemed a good cause of removal.

The Common Council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and the Mayor, or Acting Mayor, for the purpose of trial, is authorized to administer oaths, and the Common Council shall have the power to compel the attendance of witnesses and production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charges, the Common Council may declare the office vacant. Provided, That no officer of said city shall be removed from office except upon the affirmative vote, by yeas and nays to be entered upon the record, of a majority of all the members of said Common Council.

Power to Enact Ordinances--Rules and By-Laws
and Their Force.

Sec. 5. The Common Council shall have full power and authority to make, ordain, adopt, establish, publish, enforce, alter, amend or repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient, and in and by the same to declare and impose penalties and punishments, by fine,

imprisonment, or both, and to enforce the same against any person or persons who may violate the provisions of any ordinance, rule or by-law, ordained or adopted by them, and such ordinances, rules and by-laws are hereby declared to have the force and authority of law. Provided, that they do not run counter to the Constitution of the United States, or of this State; and for these purposes the said Common Council shall have authority by such ordinance, by-law or resolution,

First, - To license and regulate the exhibition of common shows and shows of all kinds, and the exhibition of caravans, menageries, circuses, concerts, roller skating rinks, museums, places of amusement and theatrical performances; also to license and regulate all auctioneers, pawnbrokers, billiard tables, pigeon-hole tables, parrot tables, nine or ten-pin alleys, bowling alleys, shooting galleries, taverns, victualing houses, and to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cartmen and omnibus drivers in the city.

Second, - To license and regulate all persons vending, dealing in or disposing of, spirituous, vinous, fermented, malt, mixed or intoxicating liquors within said city, and to restrain, prevent and prohibit any person or persons from vending, dealing, giving or disposing of, within said city, of any such liquors unless thereto duly licensed by the Common Council, and to revoke any license granted by said Common Council for any malfeasance, misfeasance, or nonfeasance of the person holding the same.

Third, - To restrain and prohibit all description of gambling and all fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gambling in said city, and to provide by ordinance for the seizure, condemnation and destruction of any devices, apparatus, or other things used for gambling or gaming purposes.

Fourth, - To prevent any riots, noise, disturbance and disorderly assemblies in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress

disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers and inmates thereof.

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

Sixth,- To direct the location and management of stock yards, slaughterhouses, and markets, breweries and distilleries, and to establish rates for and license vendors of saltpetre and other combustible materials, and to direct the place where, and the manner in which, kerosene oil, and other explosive or combustible materials or articles shall be stored, or kept, or conveyed within said city.

Seventh,- To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds, or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, suspended or swinging signs, awnings or other materials or substance whatever.

Eighth,- To regulate the movement and speed of railroad locomotives and cars, and to prevent and punish immoderate driving or riding in the streets, and to compel persons to fasten their horses, or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the city limits.

Ninth,- To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese, and to authorize the distrainment, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

Tenth,- To prevent the running at large of dogs, and to impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinance.

Eleventh,- To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Twelfth,- To make and establish public ponds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for the erection and maintenance of waterworks for the supply of the inhabitants and for the protection against fire, and for such other purposes as it shall deem proper.

To provide for sprinkling any street or part of a street within said city, and to assess the expense of such sprinkling upon the real property abutting upon such street or part thereof.

Thirteenth,- To establish and regulate boards of health provide hospitals and hospital grounds, the registration of births and deaths, and ^{the} return of the bills of mortality and regulate or prevent the burial of the dead within the city limits.

Fourteenth,- To regulate the assize and weights of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fifteenth,- To prevent any person or persons from riding, driving or leading any horse, mule, ox, cow or any other animal ^{or riding any bicycle} on any sidewalk in said city, or in any way doing any damage to such sidewalk.

Sixteenth,- To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the Common Council dangerous to the city, or any property therein, or annoying to any citizen thereof.

Seventeenth,- To prevent drunkenness or obscenity in any street or public place within said city, and to provide for the arrest and punishment of all persons guilty thereof.

Eighteenth,- To restrain and regulate porters, packmen, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses or other establishments.

Nineteenth,- To establish public markets and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for the overseeing and regulating such markets, and to restrain all persons from interfering with the due observance of such rules and regulations.

Twentieth,- To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions, and also to license and regulate all peddlers doing business within said city, and have power to enact ordinances.

Twenty-first,- To provide market places for the sale of hay, straw, firewood, lime and other commodities; to designate the places within said city where any such property may be stored; to prevent the selling or storage of any such articles at any place other than such market or other designated place; to provide the manner of weighing or measuring any such articles or commodities, and to appoint suitable persons to superintend and conduct such weighing and measuring.

Twenty-second,- To compel the owner or occupant of any building, lot or grounds, to remove snow, ice or rubbish from the sidewalk opposite such building, lot or grounds, and to compel such owner or occupant to remove from any such building, lot or grounds, all such substances as the Board of Health may direct; to provide for the punishment of any person who shall fail or neglect to remove any such snow, ice, rubbish or other substances, and in default of any person to make such removal; to authorize the removal or destruction of any such matter or substance above mentioned at the expense of such owner or occupant, and also to assess the expense of such removal or destruction against or upon any such building, lot or grounds.

Twenty-third,- To control and regulate the construction of levees, piers and wharves, and the grading or paving thereof into Lake Park

within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said lake; and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and to regulate the landings, levees, wharves and piers, within the limits of said city, and boats and vessels landing and mooring at the same.

Twenty-fourth.- To regulate, control and prevent the landing of persons or animals from boats, vessels, railroad cars or other conveyances whereon are contagious or infectious diseases or disorders; to prevent the bringing or carrying into said city of any person or animal who has or may have been exposed to any such disease or disorder; to make such regulations as they may deem proper to prevent the introduction of contagious or infectious diseases or disorders into said city; to make quarantine ordinances or regulations, and enforce the same; to prevent the landing or bringing of rags into said city, and to remove them to the place where they properly belong.

Twenty-fifth.- To regulate the time, place and manner of holding public auctions, or vendues, and to prohibit the same.

To license and regulate transient traders, and to fix by ordinance, by-law or resolution, the amount of such license, and to provide for the punishment of any such traders, who shall within said city, vend, sell or dispose of or offer to vend, sell or dispose of any goods, wares or merchandise, without first having obtained such license.

To license and regulate all insurance offices or agencies or persons doing or attempting to do any insurance business within said city; and to provide for the punishment of any person who shall do or attempt to do any insurance business within said city, either by the solicitation of risks or otherwise, without first having obtained such license.

And provided, That no general law of this state shall be con-

strued to prevent the licensing or regulation of insurance agencies or persons doing or attempting to do any insurance business within said city.

Twenty-sixth,- To provide for watchmen, and to prescribe their number and duties, and to regulate the same; and to create and establish the police of said city; and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-seventh,- To provide by ordinance for a standard of weights and measures; for the appointment of a city scaler, and to provide for the punishment of the use of false weights and measures.

Twenty-eighth,- To regulate the inspection of flour, pork, beef, mutton, veal, and all other kinds of meat, poultry, and game, fish, salt, whiskey and other liquors and provisions.

Twenty-ninth,- To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

Thirtieth,- To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds and highways of the city, have the power to establish by ordinance the penalty to be imposed for the willfull and unlawful damage or injury to growing trees upon the public streets of the city, and to appoint a forester whose duty it shall be to inspect all trees offered for sale for the purpose of determining the same, and to superintend the planting, culture and trimming of the same, and to perform such other duties as the Common Council may prescribe.

Thirty-first,- To remove and abate any nuisance injurious to the public health and to provide for the punishment of all persons who shall cause or maintain such nuisance.

Thirty-second,- To remove or abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds or highways of the city.

Thirty-third,- 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 diseases into the city, and to make quarantine laws, and enforce the same within the city.

Thirty-fourth,-- To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-fifth,-- To license and regulate hackmen, draymen and all other persons engaged in carrying passengers, baggage or freight, to prescribe standing places or stations within the streets where such hacks, drays or other vehicles are used for such carriage may stand and remain while waiting for business or orders, and to designate such standing or waiting places in the license to such draymen, hackmen, or other persons, and to prohibit them from standing or waiting at any other place within such streets, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the Mayor or Marshal of said city to regulate and direct the location of vehicles at such railroad depot or stations.

Thirty-sixth,-- To regulate the construction of buildings, to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floors, beams, girders, piers, columns, chimneys, roofs, chimneys, flues and heating apparatus, and to apportion and adjust such regulations to the height and size of the building to be erected, to regulate the construction and location of privies and vaults in such buildings, to prohibit the construction of buildings not conforming to such prescribed standards, either in the whole city or within such building limits as it may prescribe, to establish, alter or enlarge such building limits from time to time, to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector or any city officer, to give such inspector or other city officer authority to enter upon, examine and inspect all buildings in process of construction in said city, or within such building limits, and to

direct the suspension of any such building operation as shall not conform to such regulation; Provided, however, that neither said Common Council nor any inspector or other officer of said city shall have control or regulation of any building erected by the United States or the State of Minnesota.

Thirty-seventh,- To provide for and regulate the erection of hitching posts and rings for fastening horses, or to prohibit them in any portion of the city in its discretion.

Thirty-eighth,- To regulate the opening of hatchways, and compel proper guards about the same.

Thirty-ninth,- To establish or change the names of streets and public grounds in said city, and to regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or other buildings designated thereon.

Fortieth,- To compel railroad companies to grade the crossings the full width of the streets and alleys and length of right of way in said streets or alleys, where the railroads cross the same in said city, and to keep the same in repair, and to build and maintain suitable walks across the right of way in said streets for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers over, under, upon, across or along such right of way within said city.

Forty-first,- The Common Council may at any time, by resolution carried by a two-thirds (2-3) vote of such Common Council elect, call a special election for any purpose, said resolution to contain the object or proposition for which such special election is called. Ten days' notice of such special election to be given and to be governed by laws applicable to the general election.

Forty-second,- The Common Council may permit the laying of gas pipes in any and all streets and alleys, highways and public grounds of the city, but in all cases the Common Council shall regulate the

laying of the same so that said gas pipes may not at any time interfere with the construction of common sewers, or the lateral branches thereof, or with the proper and convenient location of water mains and pipes; and may at any time require the location of any gas pipes to be changed if the same shall be found to interfere with the proper and convenient location of common sewers, or water pipes and mains.

Forty-third,- The Common Council may permit the laying of street railway tracks in the streets of said city, and authorize and regulate the operation of street cars therein.

Forty-fourth,- To regulate and control or prohibit the placing of poles therefor and the suspending of electric and other wires, along or across any street, alley or public ground of said city, and to require any already placed or suspended, either in limited districts or throughout the city, ~~to be removed or to be placed~~ in such manner as said Common Council may designate, beneath the surface of the street or sidewalk, *or otherwise*

Forty-fifth,- To appropriate money and to provide for the payment of the debts of the city and by a majority vote of all members of the Common Council negotiate loans for the use of and in the name of said city, and at a rate of interest not exceeding six per centum per annum.

Forty-sixth,- To provide for the taking, from time to time, the enumeration of the inhabitants of said city.

Forty-seventh,- To establish the land boundaries of said city on Lake Pepin, and to provide that no filling shall be made in said Lake, nor building, bank, dirt, stones, spiles or any obstruction or things, whatever, shall be placed within said Lake, in front of said city, beyond the limits that may be prescribed by the Common Council of said city; and the said Common Council may require the removal, and in case of refusal, may cause to be removed, any such obstructions or things placed in said Lake, in front of said city, and, if necessary, may maintain actions against any persons responsible for such obstructions, in any court of competent jurisdiction to compel

such removal.

Forty-eighth,- The said Common Council may take possession of, by condemnation or otherwise, and appropriate, and therein and thereon construct, establish and maintain within Lake Pepin, beyond low water mark, public wharves and levees, and may condemn so much of the property abutting thereon, as shall be necessary, and thereon may construct, in whole or in part, such wharves and levees.

Forty-ninth,- To require any railway company owning, operating or using any line of railroad, within said city, to maintain flanges, or construct and maintain gates at crossings of railway tracks over such streets, alleys or public grounds as said Common Council shall deem to require such protection; to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge of steam therefrom and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances, as it may designate, for the purpose of preventing or lessening the noise from the discharge or escape of steam.

Fiftieth,- To require the owner or lessee of any building or structure, now or hereafter built or constructed in said city, to place therein such fire escapes and such appliances for protection against, and for the extinguishing of fire, as it may direct; and also to require such owner or lessee to construct, provide and furnish each and every other thing, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in case of fire or accident.

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

Fifty-second,- To regulate and control the quality and measurement of coal; to prescribe and enforce rules and regulations for

the manufacture and sale of gas; to provide for the inspection of gas and gas meters, and to appoint an inspector and other officers, if needed for the purpose, and prescribe their duties.

Fifty-third,- To require and provide for the removal in such manner with private parties or associations or otherwise throughout the City, or in such districts or on such streets as the Common Council may direct, of any or all swill, offal, garbage, ashes, barn-yard litter, manure, yard cleanings or other foul or unhealthy stuff, with the authority to assess the expense of such removal upon the property from which such above named matter or thing shall be taken.

Fifty-fourth,- To provide for requiring the owner of building or other structure, which shall have been destroyed or partially destroyed by fire, to take the same or any part thereof, down to prevent accident; and in case of refusal or neglect of said owner to so take down the same, when ordered by the officer designated by said Common Council, then to cause the same to be done at the expense of the owner, the cost thereof to be made by special assessment on the land on which the same stands.

Fifty-fifth,- To designate where lumber piles and mill wood piles shall not be maintained, and to regulate the piling of lumber in said City, and to require any person maintaining any lumber pile in said City, to remove the same when the same is or may become dangerous to any building or buildings, or other property near the same; also to regulate and designate where the following kinds of business or amusements may be hereafter located or carried on to-wit; mill wood yards, founderies, tanneries, dye houses, boiler shops, rendering houses, store houses for oil and powder, glue factories, soap houses, store houses for hides, stables, roller rinks and base ball grounds, and saloons, billiards and pool rooms.

Fifty-sixth,- To grant a yearly license to the owner or lessee of any building, authorizing him to use the same as a theater, concert hall, museum, or other place of public amusement, recreation or instruction

Fifty-seventh,- To restrain, control and regulate the cutting

of ice in Lake Pepin, opposite said city, and to prevent the sale within the city limits of any ice cut from any slough, bay or place not designated.

Fifty-eighth,--To establish and maintain a pest house whenever necessity or the public health may require.

Fifty-ninth,- To require and cause the removal from thickly inhabited parts of the city of all persons having contagious diseases.

Sixtieth,- To control, regulate or prohibit the ringing of bells, and the use of steam whistles within the limits of the city.

Nuisances.

Sec. Sixty-one. To define and declare what shall constitute a nuisance and to prohibit all persons from committing or continuing such nuisance or suffering the same to exist; to provide for the removal and abatement of such nuisance, and for the assessment and collection of the expenses thereof against the property upon which the same is located.

Plumbers.

Sec. Sixty-two. To provide for licensing plumbers, and for the revocation of such license, to fix the fee and the amount, terms and conditions of the bond for any such license, and the length of time such license shall remain in force; to prohibit any person not a licensed plumber from doing plumbing in said city; to prescribe rules and regulations for doing plumbing, the materials with which the same shall be done; to provide for inspections of the same, for issuance of permits, for any job or jobs of the same, and to prohibit the doing of the same without such permit; to prescribe the terms and conditions upon which such permits may be issued, the terms and conditions to be contained in such permit, by whom the same may be issued, by whom the same may be revoked, and what additional terms and conditions may be added thereto by the officer issuing the same, and to prescribe penalties for the violation of any of the terms or conditions of any such license or permit.

Electricians.

Sec. Sixty-three. To provide for licensing electricians, and for the revocation of the license so created and to fix the fee and the amount, terms and conditions of such license, and the length of time such license shall remain in force; to prohibit any person not a licensed electrician from hanging or placing any electric light, telephone, telegraph or any messenger service or power wires in said city, either in or out of any building therein, or set up or put in place any apparatus for generating, conveying or using electricity for light, telephone, telegraph, messenger service or power purposes;

to prescribe rules and regulations for installing or placing any such wiring or apparatus; to provide for inspecting the same and for the issuance of any permits for any job or jobs of the same, to prohibit the doing of the same without first obtaining the approval of such electrical inspectors as the Common Council may appoint; to prescribe the terms and conditions upon which such permit may be issued, by whom the same may be issued, by whom the same may be revoked, and what additional terms and conditions may be added to such permit by the officers issuing same; and to prescribe the penalties for the violation of any of the terms or conditions of any such permit.

Punishment for Breach of Ordinance.

Sec. 6. The Common Council may impose punishment for the breach of any ordinance of the City, to the extent of a fine not exceeding One hundred Dollars (\$100), and imprisonment in the City prison or County Jail not exceeding ninety (90) days, or both ^{such} fine and imprisonment, and may provide that the offender during such imprisonment be fed on bread and water, at the discretion of the Municipal Judge, before whom the same may be tried, and offenders against such ordinances may be required to give security to keep the peace, and for good behavior for a period not exceeding six (6) months, and in a sum not exceeding Five hundred (\$500) Dollars.

Offenders may be put to Labor.

Sec. 7. The Common Council may also provide by ordinance that any one convicted of an offense before the Municipal Judge of said City, subjecting such offender to imprisonment under the charter or ordinances of said City, may be kept at hard labor in any work house established for that purpose, or in case of a male offender, may be kept at hard labor during his term of punishment in such work house or upon the public streets or improvements of said City, or both; and may also provide by ordinance that any one convicted of an offense before any such Municipal Judge and committed upon non-payment of fine imposed, may be kept at hard labor in any work house of said City aforesaid; or in case of a male offender, may be kept at hard

labor either in such work-house or upon the public streets or improvements of said city, or both, until such person shall work out the amount of such fine, at such rate of compensation as such Common Council may prescribe, for a time not exceeding said commitment, and the Common Council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escape and to secure proper discipline, and shall have power to establish a proper work-house in said city for the purpose aforesaid, and under such regulations as said Common Council may prescribe.

Provided, That in case the city prison is for any reason unavailable for the purpose of confining or punishing offenders, the county jail of Wabasha, ^{Wisconsin} may be used for that purpose. When said jail is so used, the prisoners therein shall be under the control and custody of the Sheriff of Wabasha County.

Provided, further, That the police of said city are authorized to take any person from said jail who has been sentenced to work upon any public street, works, or improvements of said city, for the purpose of carrying said sentence into effect.

Style of Ordinances.

Sec. 8. The style of all ordinances shall be, "The Common Council of the City of Lake City do ordain."

Ordinances and Resolutions-- How Passed and Published.

Sec. 9. All ordinances of the Common Council shall be passed by an affirmative vote of a majority of the members of the Common Council by yeas and nays which shall be entered in the records of the Common Council.

No ordinance shall be passed at the same meeting of the Common Council at which it shall have been presented, except by the unanimous consent of all the members present, which shall be noted in the record, but this shall not preclude the passage of ordinances reported by any committee of the Common Council to whom the subject of such ordinance shall have been referred at any previous meeting.

When approved they shall be recorded by the City Clerk in books provided for that purpose, and before they shall be in force, they shall be published in the official paper of the city.

Ordinances and Resolutions-- How Authenticated-- Municipal Judge of the City to Take Judicial Notice of Ordinances.

Sec. 10.-- A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may hereafter be passed, certified by the Clerk and verified by the seal of the city, and any copy thereof published in the official paper of the city or recorded in the books containing the official proceedings of the Common Council or contained in any book which is or purports to be, a record of the ordinances of said city, or published in any compilation of ordinances, purporting to have been made under direction of the Common Council, shall be prima facie evidence of the contents of such ordinances, and of the regularity and locality of all proceedings relating to passage, adoption and approval thereof, and shall be admitted as evidence in any court in this state without further proof. In all actions, prosecutions and proceedings of every kind before the Municipal Judge of said city, such Judge shall take judicial notice of all ordinances, by-laws and regulations of said city, and of the health and police departments thereof, and it shall not be necessary to prove or plead any such ordinance, by-law or regulation in any such action, prosecution or proceeding.

Majority of the Whole Common Council Required to Make Appropriations. a vote of

Sec. 11. No appropriation shall be made without a majority of all the members of the Common Council in its favor, which shall be taken by yeas and nays and entered upon the proceedings of the Common Council. No money shall be appropriated or expenditure be made by said Common Council for defraying the expenses of any reception, parade, show or celebration, or any public dinner, or for any similar purpose, except by the unanimous vote of all the members of the Common Council.

Statement of Nuisances by Suit Not Prevented.

Sec. 12. The power conferred upon the Common Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings under any general laws of this state.

Common Council to Adjust Accounts of City Officers.

Sec. 13. The Common Council shall examine, audit and adjust the accounts of the Clerk, Street Commissioner, ^{City Treas.} Municipal Judge and all other officers and agents of the city, at such times as they deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the Common Council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the order of said Common Council in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said Common Council or a committee thereof, it shall be the duty of the Common Council to declare the office of such person vacant, and the Common Council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or the discharge of his official duties, and make a full record of all such settlements and adjustments.

Common Council to Have Charge of Finances and Property of City.

Sec. 14. The Common Council shall have the management and control of the finances and all the property of the city, and may provide for the sale or lease of any such property, in such manner as it shall consider for the best interest of the city. Provided, that no such property shall be sold except upon vote of two-thirds (2-3) of all the members of said Common Council, to be taken by yeas and nays, and entered upon the record.

COMMON COUNCIL MAY APPOINT PURCHASING COMMITTEE.

Sec. 15. The Common Council shall have power to designate such of its own members or other person or persons, as may be selected for that purpose, as a purchasing committee, and after appointment of such committee no material or supplies for any of the departments of the city shall be purchased in behalf of the city without the approval of such committee, and no bill for any such purchase shall be allowed by the Common Council until approved by such committee.

CHAPTER V.

ASSESSOR, HOW APPOINTED. BOARD OF EQUALIZATION AND THEIR DUTIES.

Section 1. The Common Council shall, on the Second Tuesday of April in the year One Thousand Nine Hundred and Ten, (unless a vacancy shall occur in said office before that date) and on the Second Tuesday of April every second year thereafter, appoint a City Assessor, who shall hold his office for the term of two years and until his successor is appointed and qualified. Said Assessor may appoint a Deputy, to be approved by said Common Council.

DUTIES OF ASSESSOR.

Sec. 2. In all respects, not herein expressly provided for, the said Assessor shall, in making assessments, be governed by the rules, both in respect to the property to be listed and assessed, and the manner of listing and assessing the same, which are or may be prescribed by the General Laws of the State of Minnesota for the government of assessors, and shall return his assessments to the City Clerk, on or before the Fourth Monday in June, in each year.

BOARD OF EQUALIZATION AND DUTIES.

Sec. 3. The Common Council shall constitute a Board of Equalization, who shall be sworn according to law as such Board and meet at the Common Council Room in said city, on the Fourth Monday of in June of each year, and revise, amend and equalize the assessment roll of said Assessor.

It shall be the duty of the Assessor to be present at all meetings of said Board of Equalization, to present before the Board, all facts relating to the assessment.

Such Board of Equalization is vested with all powers which are, or may be vested in county Boards of Equalization under the laws General Laws of the State, so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal

property as returned by the Assessor.

SEVENTEEN DUES OF THE BOARD OF EQUALIZATION

and CITY ATTORNEY'S.

Sec. 4. Said Board of Equalization may sit from day to day, or adjourn from time to time, as it shall seem proper, until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the first Monday in July of ^{every} year.

Every person aggrieved by an assessment, shall have the right to appear before the said Board and present his grievances for consideration.

It shall be the duty of the City Attorney to attend the hearing of such grievances, before said Board, and whenever it appears upon the hearing of such grievances, that any property is listed or assessed at less than its true value, to call the attention of such Board to such under-valuation, and to make application in behalf of the city, for the correction of such under-valuation.

When the Board of Equalization shall ^{have} completed the assessment rolls, they shall then be delivered to the City Clerk, who shall immediately forward them, or cause them to be forwarded to the County Auditor of Wabasha County.

COMPENSATION OF ASSESSOR AND BOARD OF EQUALIZATION.

Sec. 5. The Assessor shall be paid a stated salary, to be fixed by resolution of the Common Council each year. All members of the Board of Equalization shall receive the sum of Three (\$3) Dollars per day as compensation for their services while engaged in such duties.

CHAPTER V

Fire Department.

Section 1. The Common Council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits ^{within which} its wooden buildings, or buildings of any other material that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all buildings within the limits prescribed, shall be made and constructed of fire proof materials and with such precaution against fire as the Common Council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits; and to prescribe the manner of obtaining the consent of the Common Council to make repairs in such fire limits, and to prevent the removal of any building not constructed of fire proof material from any one place within, to any other place within such fire limits.

Power of the Common Council to Prevent Fire.

Sec. 2. The Common Council shall have power to prescribe in what manner and of what materials chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and cause the same to be removed or placed in a secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets, alleys or public grounds of said city, to compel the use of spark arresters in all smoke stacks connected with any apparatus where light fuel is consumed; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and the storing of inflammable or explosive material, and the use of fire works and fire arms; and to regulate and prevent the sale of or keeping for sale of any fire works, Chinese crackers, rockets, torpedoes or other explosive contrivances, and to provide for the seizure and destruction of the same.

Also to compel owners of buildings to have scuttles in roofs, and stairs and ladders to the same and to compel owners of buildings of two or more stories in height to maintain ladders or fire escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses and prohibit ^{where} ~~that~~ they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire or to prevent the spreading of fires, which the Common Council may deem proper.

Sec. 3. The Common Council shall have the control and management of the Fire Department, its officers and men and shall prescribe the rules of its discipline and government and shall have power to provide for the entry upon all private or public property for fire protection purposes.

Sec. 4. For the operation and management of the apparatus, property and appliances for the extinguishment of fires in said city, the said Common Council shall every year elect one Chief Engineer ^{and one Assistant Engineer} to serve for one year, unless removed ~~by~~ said Board, and provide for the salary of such officers.

Sec. 5. Whenever any building in the city shall be on fire, it shall be lawful for the Fire Department to pull down or remove such building, or any other building in the vicinity, or any part thereof, that the engineer having charge at the time may deem hazardous or likely to communicate fire to the other buildings, and to pull down any wall that he shall consider dangerous at the time of the fire or soon thereafter, and no action shall be maintained against any person or said city on account thereof.

Sec. 6. It shall be the duty of the Common Council to cause any building or structure within said city, which by reason of dilapidation, defects in its structure, or other cause, may be imminently dangerous to life or property, to be torn down or removed by the owner ^{receiving} upon ^{written} notice so to do, within such time as the Common Council may prescribe, and if the owner is a non-resident,

such notice may be served upon his or her agent, if they have one in the city; if not, then notice may be posted on the premises and printed in the official paper of said city, for such period as the Common Council may deem proper and correct.

Sec. 7. In case such dangerous building is not torn down or removed at the time and in the manner as directed as aforesaid, the same may be declared a public nuisance by said Common Council, and removed at the expense of the owner; and such expense so incurred by such removal may be recovered from said owner in an action for debt before any court of competent jurisdiction. And in addition to the recovery of the said expenses for such removal of such building or structure, said owner shall be liable to pay a fine such as may be prescribed by the ordinance of said city for each day such owner may suffer said building or structure to remain after the expiration of the time in which such owner may be required to remove the same.

Sec. 8. The Common Council shall have power to prohibit the construction of wooden sidewalks within the limits of the city, whenever they shall deem the safety of the city requires it.

Sec. 9. The Common Council shall have power and authority to make by ordinance, by-law or resolution, all needful rules for the government of the Fire Department, and for the protection and use of all engine houses, telegraph line and other property and apparatus pertaining thereto; and of the water works, mains, pipes, city sewers, and hydrants in said city, and by such ordinances provide for the punishment of any person injuring or interfering with such property, or any portion thereof, and may also by such ordinance, by-law or resolution, make provision to keep away from the vicinity of any fire, all idlers and suspected persons, and to compel all outsiders to aid in the preservation of property exposed by such fire.

CHAPTER VIII.

Police Department.

Section 1. The Mayor shall be ex-officio Chief of Police and shall have power to appoint a City Marshal and such additional police officers as the Common Council shall consider necessary. All such appointments to be confirmed by the Common Council. And, Provided further, that the Mayor may have the power to suspend any police officer from duty for official misconduct, until the next meeting of the Common Council thereafter, when he shall report such suspension with his reasons therefor in writing, to the Common Council, to be dealt with as the Common Council may in the premises deem proper. The appointment of all police officers shall be for one year, unless sooner removed from office.

Policemen for Limited Districts.

Sec. 2. The Mayor may likewise at the request of any person, firm or organization, appoint policemen or watchmen, who shall serve without expense to the city, and have police powers to preserve the peace and to protect property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside of the limits named in such appointment.

Special Policemen.

Sec. 3. The Mayor may, in case of riot, large public gatherings, or other disturbances, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue for more than one week, without the consent of the Common Council.

Police Powers.

Sec. 4. All policemen and watchmen of said city, shall possess the power of constable at common law, or by the laws of the state, and in addition thereto shall have the power, and it shall be their

duty to execute and serve all warrants, process, commitments and writs whatsoever issued by the Municipal Judge of the city, and they shall have power to pursue and arrest any person fleeing from justice in any part of the state. They shall also have power, and it shall be their duty, to serve all summons or subpoenas, in behalf of said city within their jurisdiction.

When such officers perform the duties of constables for private parties, the city shall be entitled to like fees for their services, to be taxed and collected in like manner.

Officers of the Peace.

Sec. 5. The Mayor or Acting Mayor, Marshal, Sheriff of Wabasha County, and his deputies, Judge of the Municipal Court, Justices of the Peace of said city, the Coroner, and all police officers and watchmen, shall be officers of the peace and may command the peace; and they shall suppress in a summary manner all riotous or disorderly behavior within the city limits, and for such purposes may command the assistance of all by-standers, and if need be, all militia and military companies.

Penalties for Refusing to Aid in Keeping the Peace.

Sec. 6. If any person, by-stander, military officer or private, shall refuse to aid in preserving the peace when thereto required, as designated in the foregoing section, every such person shall forfeit and pay a fine of fifty (\$50) dollars, to be recovered by prosecution before the Municipal Judge of said city.

Penalty for Assuming to Act as a Policeman, Without Authority.

Sec. 7. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or wear the badge of a policeman within said city, he shall be deemed guilty of misdemeanor, and upon conviction thereof before the Municipal Judge of said city, he shall be fined or imprisoned in the discretion of said Judge.

CHAPTER VIII.

LICENSES.

Section 1. The sum required to be paid for a license authorizing the licensee to vend, sell or dispose of any spirituous, vinous, malt, fermented, mixed or intoxicating liquors, within the limits of said city, shall be not less than the sum of five hundred (\$500) dollars nor more than two thousand (\$2000) dollars a year.

Sec. 2. The sum to be paid for any license, other than such above mentioned, shall be fixed and determined by the Common Council.

All licenses, except such as may be issued to showmen, shows, caravans, circuses, menageries, concerts, theatrical performances, transient traders, peddlers or auctioneers, shall be for one year.

No license shall be granted or issued until the sum required for such license has been paid to the officer authorized to receive the same.

The Common Council may at any time revoke any license granted by it for any malfeasance, or nonfeasance on the part of the person to whom the same was issued.

Before any license shall be revoked, the Common Council shall investigate the facts constituting such alleged malfeasance, misfeasance or nonfeasance, of the time and place of which investigation they shall give the person holding such license notice, of not less than three days. The determination of the Common Council made, after such investigation, shall be final and shall not be called in question in any action, proceeding or court, whatever. In all cases where a license shall be revoked, no part of the fee or money paid therefor shall be refunded to the licensee, or any other person, and no license shall be granted to the person whose license is thus revoked, for the term of one year after such revocation.

Sec. 3. Each and every applicant for a license, authorizing him to sell any of the liquors mentioned in section one of this chapter, shall file with the City Clerk a written application for such license, which application shall distinctly specify the place where such business is to be conducted, giving the street number, if there be one, and shall at the same time file with said Clerk the bond of said applicant, in the sum of two thousand dollars (\$2,000.00), with two or more sureties who shall be residents of said Wabasha County, and shall justify in an amount not less than the penalty of said bond.

He shall also deposit with the City Treasurer, and take his duplicate receipts therefor, the sum of money required to be paid for such license, one of which duplicate receipts, such applicant shall file with said City Clerk with his said application. No application for any such license shall be granted or considered by the Common Council, until such sum is so paid, and such bond approved by the Common Council is filed with said Clerk. No such license shall be granted by said Common Council for any fractional part of a year for any less sum than the amount required for such license for the term of one year. Said Common Council may, in its discretion, authorize the transfer of any such license from the place therein designated to any other proper place within said city; and it may also authorize the transfer of any such license from the licensee therein named, to any other suitable person. In case of any transfer herein mentioned a new bond, in the sum and with the sureties as above provided, shall be executed and approved by said Common Council before any such transfer shall take effect, or have any force or authority whatever. In case of the transfer to any other person such new bond shall be executed by him.

In case any such application for a license be not granted, the bond and duplicate receipts therefor, upon demand therefor, be returned to the applicant, the money to be drawn ^{from} the treasury upon the usual

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warrant or order of said city, which order the Clerk is authorized to draw without special authority therefor from said Common Council.

When the application for license shall be filed with the City Clerk, it shall be accompanied by the sum of five dollars (\$5.00) which is to pay for the publication of the same in the official paper. Whatever amount of said sum is left, after paying for said advertisement shall be returned to the party.

CHAPTER IX.

Health Department.

Section 1. The Common Council shall appoint a Board of Health consisting 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. Such physician shall be chairman of the Board of Health, and shall be styled Health Officer.

Each member of said department shall be a resident and elector of said city at the time of his appointment. They shall be appointed by the Mayor, and confirmed by the Common Council and their term of office shall be three years.

The members of the Board of Health shall have the same authority as police officers in enforcing the ordinances of said city for the security of public health.

General Powers, Duties.

Sec. 2. Except as otherwise provided in this Charter, the members of said department shall have and exercise all the authority and powers 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 to and be in force in said city.

Special Powers and Duties.

Sec. 3. The members of said department, in addition to said powers and duties mentioned in Section 2, of this chapter, shall have the following and additional powers.

To enforce the laws of the state and the ordinances of the city, and the provisions of this charter 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; said health officers shall, in addition to such other powers and duties heretofore vested in and required of him, be required;

Professional Advice.

1. 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 malarial, contagious or venereal disease, he shall investigate the same and adopt measures to arrest its progress.

To Make a Circuit of Observation.

2. It shall be the duty of the health officer to make a circuit of observation to every part of the city and environs from time to time, and in all cases where 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 Common Council, accompanied by his written opinion of the necessity of extraordinary or particular action.

To Select Sites for Quarantine Stations.

3. The health officer, by and with the approval of the Common Council, may select such sites, places and boundaries for quarantine stations and purposes, as may be necessary.

Right to Enter Buildings.

4. 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 manure and animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

To Serve Notices to Abate Nuisances.

5. To serve notices in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance ^{or unwholesome substance} may be found, or upon any person who shall have caused such nuisance,

requiring him to abate the same within reasonable time, and such notice may be served by any officer who may be directed to serve the same.

To Provide Books for Keeping a Record.

6. The Common Council may, if they see fit, provide at the expense of the city, the necessary books for keeping a record of all transactions of the health department and such other statistical information necessary for such official work of the department.

To Visit and Examine the Sick.

7. 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 provided with suitable nurses and attendance at his own expense, if he is able to pay for the same, but if not, then at the expense of the city and County.

To Provide Equipment and Medicine.

8. To provide under the direction of the Common 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.

Penalties.

Sec. 4. 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

or shall neglect to report the occurrence or existence of any births, death or case of contagious or infectious disease as provided for in this charter, the ordinances of this city or the laws of the state; 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 inclosure, by the said health officer, or his subordinates, or who shall disobey or wilfully avoid quarantine regulations imposed by the health officer or his subordinates in the exercise of his or their duties; or who shall violate any of the provisions of this charter 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.

The chairman of the Board of Health and the other members of the health board, shall receive such compensation for their services as the Common Council shall from time to time establish and maintain.

CHAPTER ~~XI~~

Board of Water and Light Commissioners.

Section 1. There is hereby established in and for the City of Lake City, a Board to be known as the Board of Water and Light Commissioners of the City of Lake City, to be constituted and organized as hereinafter provided.

Sec. 2. The Board of Water and Light Commissioners of the City of Lake City shall consist of three resident freeholders and qualified electors of the City of Lake City. They shall be appointed by the Mayor as soon as practical after the adoption of this charter and confirmed by the Common Council. They shall hold office as follows: One for one year, one for two years and one for three years, and until their successors are ~~appointed~~ ^{appointed} and qualified. The members of the Board shall devote all the time necessary for the proper and efficient discharge of the duties imposed upon them by the provisions of this charter.

The Mayor shall designate in his appointment the term for which each member shall serve, and shall on the second Tuesday of April A. D. 1910, and annually thereafter, appoint one member of said Board whose term of office shall be three years and until his successor shall be appointed and qualified.

In case the office of any member shall become vacant during his term, the Mayor, subject to the approval of the said Common Council, shall in like manner as soon as practical thereafter appoint a person of like qualifications as aforesaid, to fill such vacancy during such unexpired term and until his successor shall be appointed and qualified.

Sec. 3. No member of the Board of Water and Light Commissioners shall be interested, directly or indirectly, in any contract entered into by said Board of Water and Light Commissioners, and any contract entered into by said Board of Water and Light Commissioners in violation of this provision shall be absolutely null and void.

Sec. 4. The Mayor shall deliver to each person appointed by

him as aforesaid, pro tempore or otherwise, a certificate of his appointment and each person shall, before entering upon the discharge of his duties, take and subscribe an oath to be indorsed upon said certificate to the effect that he will faithfully and impartially execute his duties to the best of his ability and cause said certificate and oath within ten days after such appointment, to be deposited with the City Clerk whose duty it shall be to file and report the same.

Sec. 5. In case any person so appointed by said Mayor, fails for the period of ten days after receiving such certificate of appointment, to deposit the same with his oath as aforesaid, with the said clerk, or in case any member of said Board removes from the city of Lake City, or is absent therefrom for the period of sixty (60) days at any one time, without the consent of the Common Council, the said office may be declared vacant by the said Mayor upon such fact being made known to him. Any member wishing to resign his office shall tender his resignation in writing to said Mayor.

Sec. 6. Any member of said Board may be removed from said office by the Mayor with the consent of a majority of the Common Council. But no member shall be removed except for cause, nor unless furnished with a written statement of the charges against him, or until he shall have reasonable opportunity to be heard in defense.

Sec. 7. Said Board shall organize by electing one of its members President, and the ^{City} ~~same~~ Clerk shall be clerk of said Board, and shall have charge of the books which shall contain a full and complete statement of the condition and operation of the Water and Light Works and everything pertaining thereto, of the city, of all the moneys received and paid out by order of said Board, and all debts due and owing said Board for any cause whatever, together with an accurate account of all the expenses of said Board and keep the record of all the Board meetings, and make out all reports and all bills and per-

form such other duties as said Board may prescribe by any rule, regulation or by-law of said Board, and on the first Monday of May in each and every year said clerk, for and on behalf of said Board shall make and transmit to said Common Council of said city, a full, complete, accurate and itemized financial statement of the operations and expenditures of said Board during such year,

Sec. 8. The City Treasurer shall be ex-officio Treasurer of said Board, and it is hereby made his duty to receive all moneys which may be paid into his hands on account of said Board of Water and Light Commissioners from the sale of bonds, for water and light taxes, or from any source whatever, and to keep a detailed and exact account thereof in such manner as to show at all times the exact financial condition of said Board.

Sec. 9. The City Clerk shall countersign all warrants or orders drawn upon the Treasurer of said City and all other evidences of the indebtedness of said Board, and shall keep an exact account thereof, stating to whom and for what purposes issued.

The books of said Board shall be open to examination by the Common Council or any of its committees, or any person appointed for that purpose by the Common Council of said city; the said Board shall also on the first Monday of May in each year, and oftener if required by the Common Council, make a report to the Common Council of said city, of the condition of the works under their charge, and of the receipts and expenditures on account of the same.

Sec. 10. The said Board of Water and Light Commissioners, shall have charge of the construction, maintenance, repair and management of everything pertaining to the Water and Light Works of said city, and of all new constructions, additions and alterations, whether of pump houses, mains, hydrants, reservoirs, pipes, wires, transformers and other constructions, appliances or machinery connected with said Water and Light Works, and shall have the supervision and direction of the working and operation of the same; and shall, in the name and behalf of said city, make and execute all contracts for the construction

alteration and repair of buildings and of all machinery and appliances connected therewith, and for the construction and repairing of reservoirs and laying of poles, wires and such other and all fixtures as may be necessary, and also, subject to the order of the Common Council the laying and re-laying and construction of water mains and putting in of hydrants and of all appliances connected therewith, and for the purchase of all material necessary to be used in and by the said Water and Light Works and all inspections thereof, and have the charge, care and supervision of the execution of all such contracts.

Said Board shall also have the right to appoint and prescribe the duties of the engineer of the Water and Light Works, and Superintendent of the Water and Light Works and employ such other persons as in the judgment of said Board may be necessary for the successful operation and management of said Water and Light works, and to designate and fix, subject to the approval of the Common Council, the compensation of the persons appointed or employed and may remove such persons at its pleasure; provided that such compensation shall not exceed the limits fixed by this charter, and provided further, that said Board shall have no power to enter into any contract for, or to order the laying of any new mains, the construction or enlargement of any reservoir or buildings, or the extension in any manner of the system of Water and Light Works of said city, except by the order of said Common Council.

Sec. 11. All money payable for water and light rates, or other water and light works' accounts, except money raised by taxation, shall be collected by the City Clerk as the Clerk of said Board, who shall receipt therefor, and within ten days thereafter pay the same over to the City Treasurer, taking and filing his receipt therefor. All orders drawn upon the City Treasurer by said Board, shall be signed by the President and countersigned by the City Clerk as Clerk of said Board.

Sec. 12. The said Board shall hold stated meetings at such times as it shall by by-law resolution, or otherwise appoint, and special meetings thereof may be called by the ~~President~~ ^{President} or said Board, upon notice thereof, either served personally upon each and every member of said Board present in the city, or addressed to such members respectively, and deposited in the post office in the city of Lake City, at least twenty-four (24) hours previous to such meeting, and any business of said Board may be transacted at any special or stated meeting. The Board may in its discretion adopt such rules to govern its deliberations and the manner of transacting its business, as it shall determine upon, and two (2) members of said Board, shall constitute a quorum for the transaction of business; and any special meeting of said Board, which may be organized by all members of said Board shall be valid and effective, and no notice of such meeting shall be necessary.

It shall be the duty of the Common Council of said city, to provide and furnish with suitable desks, furniture and fixtures, a suitable room for the meetings of said Board.

Sec. 13. The said Board shall have the right to determine and direct as to the size and quality of all water mains which shall be laid in said city.

All petitions or applications for laying of water mains and extension of lights, shall be presented to the Common Council and shall be by it referred to the Board of Water and Light Commissioners who shall report thereon to the Common Council, designating the size of the mains to be laid, or the kind of light fixtures required, with such other recommendations as said Board shall deem proper, and shall also make and report an estimate of the cost of such work, and whenever such work shall be ordered by the Common Council, the said Board shall at once contract for, or cause the same to be established, provided, there are sufficient funds on hand in the Water and Light fund that may be used for that purpose.

Sec. 14. If at any time, in the judgment of said Board, it shall be necessary to make repairs, additions or alterations, in any buildings, machinery, reservoirs, water mains or other portion of said Water and Light works, ^{when} there shall not be sufficient money in said Water and Light works fund to defray the cost thereof, said Board shall report the fact to the Common Council who may thereupon, if said Common Council shall deem proper, appropriate from the general fund of said city, a sum sufficient for such purposes.

Sec. 15. All sums required for the maintenance, repair or extension of said Water and Light works of said city after deducting therefrom such sums as may be in any manner received from such works shall be provided by the Common Council by taxation, or by appropriation, or by appropriation from the general fund of said city.

City

It shall be the duty of the clerk of said city, to give the Board of Water and Light Commissioners, written notice of the appropriation by the Common Council of any and all such sums, and the amount of such appropriation.

All expenses for maintaining and operating said Water and Light works and of the constructing, enlarging, altering and keeping in repair of said buildings, machinery, reservoirs, hydrants and laying of water mains, and everything connected with said Water and Light works, shall be paid from said Water and Light Works fund.

Sec. 16. It shall be the duty of said Board to recommend to the Common Council from time to time, the rates which in the judgment of said Board should be fixed by ordinance for the rent of water and light and the provisions, which in the judgment of said Board, are, or will be best adapted to secure prompt payment of the water and light rents, and prevent injury or misuse of anything connected with such water and Light works; and it shall be the duty of said Board, and of the Superintendent of said Water and Light works, to see that such ordinances as shall be passed by the Common Council, are obeyed and enforced.

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Sec. 17. The owner of private property, which property has upon it pipes or wires connected with the said Water and Light works, to convey water or light upon said property, shall, as well as the lessee or occupant of the premises, be liable to the city of Wake City for the rents or rates of all water and light from said Water and Light Works used upon said premises, which may be recovered in an action against such owner, lessee or occupant, or against any or all of them. The Common Council may provide by ordinance, the rates or rents to be paid for the use of water and light, and the time when the same shall be paid, or payable and for the shutting off of water or light from any premises when the rates are payable and remain unpaid, and for the punishment for all injuries to, or unauthorized interference with said Water and Light works, or anything connected therewith.

Sec. 18. Any person who shall willfully or carelessly break into or tamper or deface, interfere with or disturb, any reservoir, building, machinery, apparatus, ^{fixtures} attachment, wires, poles or arrangements of the Water and Light works of said city, or any public or private hydrants or water trough, or stop cock, meter, water and light supplies, or surface pipe or any part thereof, or who shall deposit any matter or thing in any stop cock, box, or fill up or partly fill an excavation intended for the use of said works or commit any act obstructing or impairing, or tending to obstruct or impair the use, or intended use, of any of the above mentioned property or any other property used or intended to be used ⁱⁿ connection with said Water and Light works, shall, on conviction thereof, be punished by imprisonment in the State prison for a term of not more than ten years, nor less than one year, or imprisonment in the County jail of Wake County for a term not exceeding one year, or a fine not exceeding five thousand (\$5000) dollars, or by both said fine and imprisonment.

Sec. 19. Said Board shall, on or before the 1st day of September

in each and every year, report to the Common Council an estimate of the amount of money required for the maintenance, repair and extension of the Water and Light Works of said city for the next succeeding fiscal year of said city.

The Common Council shall, at the time of making the annual city tax levy each year, levy upon all the taxable property of said city, a tax in such amount as in the judgment of said Common Council shall be sufficient for the purposes aforesaid; and such levy shall be in addition to the amount levied to defray the general expenses of said city. All moneys received from any such levy shall be paid into and belong to said Water and Light Works' Fund, and shall not be used or appropriated for any other purposes.

Sec. 20. Each member of said Board shall receive as compensation for his services, the sum of Two Hundred (\$200) dollars per annum.

CHAPTER XI

AUTHORIZING THE COMMON COUNCIL TO VACATE STREETS AND ALLEYS.

Section 1. The Common Council shall have exclusive power to vacate or discontinue public streets, lanes, alleys or highways or any portion thereof in said city, but no such vacation or discontinuance shall be granted or ordered by the Common Council, except upon the verified petition in writing of ^{25%} ~~one~~ of the owners of real property, on ~~that portion of the line of~~ such street, lane, alley or highway proposed to be vacated. Such petition shall state the reasons for such vacation and briefly describe the street, alley, lane or portion thereof desired to be vacated. The Common Council upon presentation of such petition at any special or regular meeting of the same, if it is deemed expedient that the matter shall be proceeded with, shall order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper of the City, a notice for the period of three successive weeks, at least once in each week stating that such petition has been filed with the City Clerk and its object in brief, and that such petition will be heard and considered by the Common Council at a certain time and place specified therein which time and place shall be fixed by the Common Council at the time of the acceptance of such petition, and the time of hearing of such petition shall be fixed within fifteen days after the expiration of the time of publishing of said notice.

The Common Council at the time and place appointed shall ^{and consider} investigate the subject involved in said petition, and if they desire shall view the premises and shall hear all testimony offered for or against said petition.

The Common Council after hearing such petition may by resolution passed by a majority vote of its members, grant the prayer of the petition and order and declare such street, alley, lane or highway vacated and discontinued.

Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk it shall be published once in the official paper of said City.

A Copy of such resolution duly verified by the City Clerk to be a true copy shall immediately after such publication be filed with the Register of Deeds of the County of Wabasha and duly recorded in his office.

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CHAPTER XII.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

PURPOSES FOR WHICH PROPERTY MAY BE CONDEMNATED.

Section 1. The City of Lake City is hereby authorized and empowered to condemn property, or any right, interest or estate therein, for any and all of the following purposes, to-wit: for water works, gas works, heating works and electric lighting works; for markets, parks, public grounds, public squares and sites for public buildings, and for buildings for the fire department; for the construction of levees and embankments; for drains, ditches, canals, reservoirs and cisterns; for the laying out, widening, straightening, parking and otherwise improving of streets, avenues, parkways, lanes and alleys, and for the purpose of obtaining gravel or other suitable material for the carrying out of all or any of the improvements authorized by this charter; for erecting poles and suspending wires thereon, for constructing and laying conduits, mains and wires, and branches and connections pertaining thereto, whether for gas, water, sewerage or wires, and for lowering, raising, changing the course of, or diverting any stream of water, sewer or drain, and also for any and all other public purposes.

WHAT IMPROVEMENTS MAY BE MADE.

Sec. 2. The City of Lake City is hereby authorized and empowered to make any and all improvements hereinbefore and hereinafter named, and may make any and as many of the same, and such portions thereof as may be deemed to be necessary, in any order, for, contract or otherwise, and may be required to proceed with any or any part thereof. Said improvements are the following, to-wit: the opening, widening, straightening, altering, filling, or otherwise improving of streets, parkways, lanes and alleys, and also filling

~~and parkways, and changing the grade of any of the same, also fill-~~
ing, grading, protecting, improving and ornamenting any market,
public park, square or grounds, now or hereafter laid out; also
the planting or protecting of shade trees and ornamental trees;
also the constructing, building, re-building, extending, & laying,
relaying, maintaining and repairing of cross ~~streets~~ ~~and~~ ~~side~~ ~~streets~~
and side walks, area walls, bridges, culverts, gutters, sewers, ditches
and private drains, gas works, water works and electric lighting works,
gas mains and pipes, water mains and pipes, sewer mains and pipes,
and conduits and mains for enclosing wires; also the construction
of reservoirs and cisterns; also the sprinkling of streets, alleys
and highways; also the abatement of any and all public nuisances
within the limits of the city; also the lowering, raising, changing
the course of, or diverting the course of any stream of water, ditch
or drain, and also providing for the transmission of ~~gas~~, power and
electricity.

Assessments, For What Purposes. Taxing Districts.

Sec. 3. The City of Lake City is hereby authorized to levy as-
for local improvements
sessments upon the property fronting upon such improvements or upon
the property to be benefitted by such improvements, or both, without
regard to a cash valuation. Said City is also authorized to levy
assessments for such improvements upon the property benefitted there-
by according to the cash valuation of the property so benefitted.
Said City may also determine that the expense of any improvement,
or series of improvements or system of improvements, or any por-
tion or portions thereof, be defrayed by assessments upon such tax-
ing district or districts as may be determined to be liable therefor.
The assessments in this section authorized may be made to defray the
cost and expense, or any portion thereof, of any and all improve-
ments authorized by the charter, and to defray the expenses and dam-
ages, or any portion thereof, for taking property, for any and all
purposes authorized by the charter. This section shall apply to

any and all improvements heretofore ordered or made, as well as to those that shall hereafter be ordered. The method or methods of making any such assessments, and the establishing and the extent of such taxing districts, may be determined by the Common Council; and said Common Council may alter, enlarge, make smaller, or abolish any taxing district.

Methods of Making Assessments.

Sec. 4. Such assessments may be made according to any of the following methods:

1st. By levying an equal sum per front foot upon the several parcels and lots of land fronting upon the improvement for which such assessment is made.

2nd. By levying the same upon the several parcels and lots of land benefitted by the improvement for which the same is made, according to the amounts in which said several parcels are benefitted thereby.

3rd. By levying the same upon the several parcels and lots of land benefitted by the improvement, for which the same is made according to the cash valuation thereof.

Board to Make Assessments. May Combine Methods.

Sec. 5. All such assessments shall be made by the Common Council unless otherwise provided; and in making any such assessments, said Common Council may follow as many of said methods as it deems proper, and may make such several portions of the same as it deems proper according to each of the several methods ^{as} followed by said Common Council. Said Common Council may also in its discretion levy any such portion of any assessment as it deems proper upon such taxing district or districts as it may determine to be liable for the same, without regard to the above provisions, and may levy the remainder thereof as above provided; and may at any time alter, en-

large, make smaller or abolish any such taxing district.

Property May be Purchased or Condemned.

Sec. 6. Whenever the Common Council shall deem it necessary to take or appropriate any property or any right, interest or easement therein for any of the purposes mentioned in this chapter, said Common Council may purchase the same, if it can be done upon terms satisfactory to said Common Council, or it may cause the same to be condemned as in this chapter provided.

Procedure for Making Improvement.

if there be such

Sec. 7. Whenever any improvement, except the building, rebuilding or repairing of sidewalks, is to be made, for which any property is to be condemned, or on account of which any assessment is to be made, or any damages are to be appraised, the Common Council shall cause a brief and general description of the same, and, if they deem proper, specifications therefor, and plats and plans thereof, showing what improvements are to be made, and the extent of each of the same, and what property, if any, is to be condemned, to be made and filed in the office of the City Clerk; and shall cause an estimate of the cost and expense thereof to be made and filed therewith; and at its discretion may require the City Engineer (if there be such) or any person appointed by the Common Council for that purpose, to state whether in his opinion, property to be assessed for said improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred therefor. Said Common Council shall cause improvements to be designated by a suitable number, and thereafter the same may be designated as "Improvement No.". Said Common Council may determine that the whole or any portion of the damages, costs and expenses of such improvement be defrayed by special assessments, and in case only a portion thereof are to be defrayed by such assessments, shall cause

a statement showing the portion so to be collected, to be attached to or filed with the aforesaid description. The territorial extent of such improvement, and of the several parts thereof, and what improvements, and the condemning of what property, shall be included in and as a part of such improvement, and the extent of each of the same is left wholly to the discretion of the Common Council, and the aforesaid description with the accompanying plans and specifications, if any, shall be held to correctly show the same. If said Common Council shall determine to make such improvement, it shall direct that the proper assessments and appraisements therefor be made by an order which may be substantially in the following form, or any other form that the Common Council may adopt:

"The Common Council of the City of Lake City hereby directs that the proper appraisements and assessments for Improvement No. be made."

Notice. Hearing Before Board.

Sec. 8. After the making of such order by the Common Council, the City Clerk shall cause notice to be published twice in the official paper of the city, which notice may be substantially in the following form, or any other form which the said Common Council may prescribe;

"The Common Council of the City of Lake City give notice that they will meet at the council chambers in said city on the day 19....., at o'clock M. to appraise the damages and make the assessment for improvement No., which improvement consists of (Here insert a brief description of such improvement.) A full description of said improvement is filed in the office of the City Clerk.

Dated at Lake City, Minn., 19

.....
City Clerk."

The date of the first publication of said notice shall be at least ten days prior to the time of such meeting. The said Common Council shall meet at the time and place specified in said notice and may adjourn from time to time and from place to place and whenever a

quorum is not present at any meeting any number present shall have the power to adjourn. Said Common Council by itself or by any general or special committee ~~or~~ ^{and} the City Engineer (if there be such), as it may direct, shall view the premises and hear any legal evidence that may be offered for the purpose of proving the true amount of damages ~~and~~ that will be sustained or benefited that will be conferred by reason of said improvements and any member of said Common Council and said City Engineer (if there be such) is hereby authorized to administer oaths to any witness produced before them. All parties interested in said improvement shall have the right to appear before said Common Council, said committee or said Engineer, (if there be such) at said hearing either in person or by counsel. And said Common Council, said committee or City Engineer (if there be such) may have the aid and advice of any other official of said city in the performance of their or his duties. If the proposed improvement consists in whole or in part in the taking of private property for any municipal purpose, in addition to the published notice hereinbefore provided for, a copy of such notice shall be personally served upon the owner of such property proposed to be taken if he shall be a resident of the City of Lake City, and if a non-resident of the city, then the same shall be mailed to him at his last known post office address unless said City Clerk shall file an affidavit in his office to the effect that the post office address of such property owner is unknown and cannot be obtained by inquiry at the office of the County Treasurer of said county.

Amount of Assessment, Manner of Ascertaining.

Sec. 9. Said Common Council, its committee or said City Engineer (if there be such) shall proceed to assess the damages for the appropriation of any property or of any right, interest or easement therein required for said improvement to the several tracts and parcels of property damaged or appropriated and where in the opinion of said Common Council, its said committee, or its said City Engineer (if there be such) shall also ~~xxxxxx~~

several lots or parcels of property constitute in fact but one tract the same may be considered and dealt with as one tract and said Common Council, its committee and City Engineer, (if there be such) shall also assess such damages, together with the other costs and expenses of such improvement and the cost of the proceedings, on such portion thereof as may have been designated by the Common Council upon the property by them deemed benefitted in accordance with the methods hereinbefore authorized. But no assessment shall exceed the actual benefit to the tract or parcel of property upon which the same shall be assessed; and if in the judgment of said Common Council, its said committee and City Engineer (if there be such), the amount of benefits assessed shall be the full amount of benefits conferred by said improvement, said Common Council, committee and Engineer (if there be such), shall so state in their assessment.

Sec. 10. If the appraisal and assessments for said proposed improvement shall have been made by a committee of the Common Council and said City Engineer (if there be such), the same shall be reported to the Common Council for consideration and adopted before the preparation and completion of the assessment roll provided for in the following section.

Assessment Roll. Form. Manner of Making.

Sec. 11. As soon as and whenever said Common Council shall have the approved, ratified and adopted assessment and appraisements for any improvement whether made by the Common Council, its committee and City Engineer (if there be such), said Common Council shall prepare an assessment roll which may be in substantially the following form, or in any other form that the Common Council may adopt;

Assessment Roll for Improvement No.

Description of Property	Damages		Benefits		Amount to be Paid		Benefits to be Paid	
	Dollars	Cts	Dollars	Cts	Dollars	Cts	Dollars	Cts

The Common Council of the City of Lake City doth hereby assess the several benefits and damages on account of Improvement No. at the respective amounts indicated in the foregoing assessment roll. And if in the opinion of the said Common Council, such is the fact, may and shall assess the full amount of all benefits conferred by said improvement."

Dated this day of

Mayor.

Attest:

City Clerk.

Said Common Council shall place in a proper column opposite the description of each tract or parcel of property in said assessment roll, the total amount of damages, if any, assessed thereto; and in another proper column the total amount of benefits, if any, assessed thereto; in another column, the excess, if any, of such damages over such benefits; and in another column, the excess, if any, of such benefits over such damages. Where the amount of damages shall exceed the amount of benefits to any tract or parcel of property, only such excess shall be paid; and where the amount of benefits shall exceed the amount of damages to any tract or parcel of property, only such excess shall be collected, and it shall constitute no legal objection to said assessment that the aggregate amount thereof exceeds or falls short of the estimate of the cost of such improvement.

Section 12. In the absence of damages and benefits for any improvement it shall be lawful for said Common Council in its discretion in

making such assessment, where part of the land used in such assessment
improvement has been theretofore donated or dedicated to the public
or said city, by the proprietors of adjoining property, to make such
allowance therefor in their assessment of benefits as shall in their
opinion be equitable and just; but such allowance shall be made only
as an offset to benefits assessed to other property owned by said
proprietors.

Assessments. Buildings ^{on} Property Taken.

12/1/26 Sec. If there should be any building standing in whole or in
part upon the land to be taken, and known to said Common Council to
be owned by any person other than the owner of the land whereon the
same is situated, said Common Council shall assess said damages to said
building separately; otherwise the damages to any such building shall
be assessed as a part of the real estate whereon the same is located.
The value of such building or of the part thereof necessary to be taken,
to the owner to remove shall also be determined by said Common Council
and placed in a proper column therefor in the assessment roll. The
owner of such building may at any time within ten days after the date
of publication of the notice provided for in the next section, file
a notice in the office of the City Clerk that he elects to take such
building or part of building at such appraisal; and in such case the
amount of such appraisal shall be deducted from the amount of damages
assessed to such building or to the property of which such building is
parcel; and the owner shall have such time for the removal of such build-
ing after the confirmation of the assessment as the Common Council
may allow. If the owner shall refuse to take the building at the
appraisal, or fail to give notice of his election as aforesaid, within
the time prescribed, then no deduction shall be made from the esti-
mated damages as aforesaid; and the ^{said} Common Council shall after the
confirmation of the assessment, and after the money is provided and

set apart for the owner thereof for his damages, be authorized to sell such building or part of building, in such manner as it deems proper, or to use the same or the material therein for such purposes as it deems proper. All funds received from such sales shall be paid into the General Fund.

Assessment. Procedure for Confirmation. Notice.
said assessment roll

Sec. 14. When completed said Common Council shall file in the office of the City Clerk and said Clerk shall publish a notice thereof once in the official paper of the city which notice may be substantially in the following form:

" Notice is hereby given that the Common Council of the City of Lake City has filed in the office of the City Clerk the Assessment Roll for Improvement No. which consists of (Here insert a brief description of said improvement as in the notice provided for in Section 8) and all objections thereto must be filed in said office within ten days from the date of the publication of this notice.

Dated

Signed
City Clerk.

The owner of any property or of any interest in property affected by said improvement whom deems himself aggrieved by such assessment may file his objection thereto in writing in the office of the City Clerk within ten days from the date of the publication of said notice. At any time or times after the expiration of such ten days the Common Council may consider said assessment and the objections filed thereto. Any person filing objections may appear before said Common Council either in person or by counsel. The Common Council may after full consideration confirm said assessment or any part or portion thereof, or annul the same or any portion or any portions thereof or reconsider, revise, modify, change or make over the same in any respect that it may see fit. The determination of the Common Council shall be by an order entered in its minutes, substantially in the following form, or in any other form the Common Council may prescribe:

"The Common Council hereby annuls these portions of the assessments for Improvement No.to-wit: (Briefly indicate portions annulled. If none, insert the word "none"); and hereby confirm all portions of the same not annulled."

If corrections shall be made in said assessment roll upon ~~such~~ *said* hearing or any hearing had by said Common Council thereon, said corrections may be made upon the face of said original assessment roll or noted thereon or a new assessment roll may be prepared in place and lieu of the one first filed, but in either event the same shall be as valid and effective as if no change had been made in said original assessment roll and the same had been confirmed without objection.

After said assessments shall have been confirmed and all portions thereof that have not been confirmed shall have been annulled, the City Clerk shall cause a brief notice to be published once in the official paper of the city which shall be substantially in the following form:

" Notice is hereby given that the Common Council of the City of Lake City have confirmed assessment for Improvement No.

Dated19.....

.....
City Clerk

Assessments, Levy. Installments. Assessment Roll.

Sec. 15. Whenever the Common Council shall confirm any such award or assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the Common Council shall proceed at the same or any subsequent meeting to levy such assessment upon the several parcels of land described in said assessment roll and shall make up an assessment list in accordance with the assessment so confirmed. Such assessments shall all be levied at one time, but the Common Council may determine at the time of making the same either that the entire amount of such assessment shall be included with the next statement of taxes transmitted to the County Auditor of Wabasha County, ~~or Auditors of the County or counties wherein such property is situated~~

only
 or that ~~may be~~ an aliquot part thereof shall be included in said statement and a like aliquot part thereof be included in the statement of each succeeding year until the whole thereof shall have been transmitted; Provided, that said aliquot parts shall be in no case less than one-fifth the sum levied as aforesaid. In case the Common Council shall determine to transmit the same in installments it shall indicate such determination by placing the several installments into which it shall divide the same in proper columns therefor in the assessment roll. Unless ~~so~~ ^{so} indicated, the entire assessment remaining unpaid shall be included with the next statement of taxes to be transmitted as aforesaid. The Common Council shall make such assessment by adopting an assessment list which may be in substantially the following form, or in any ^{other} form that the Common Council may adopt.

" The Common Council of the City of Lake City doth hereby levy and assess upon and against the several lots and parcels of property below described the respective sums of money set against each lot or parcel for Improvement No.

Description of Property	Total Tax	First Installment (and similar) Columns For Other Installments)	
		Amount	Paid City Treasurer
		Amount	Amount

Done at a meeting of the Common Council this day of 19.....
 Attest;
 City Clerk

 Mayor.

Assessments, How Collected, Interest, Penalty.

Sec. 16. Said Assessments or if the same is to be transmitted to the County Auditor by installments, ~~each of said installments~~

each of said assessments shall draw interest at the rate of eight per cent per annum from the time of the levy of the same until the same shall be paid or shall be transmitted to the County Auditor for collection. If any assessment or installment shall not be paid before the same is transmitted to the County Auditor, a penalty of six per cent of the amount of such assessment or installment shall be added thereto and the statement transmitted shall contain the gross amount of such assessment or installment including interest thereon computed to the third Monday in October of the year in which the same is transmitted and the said penalty; and it shall not be necessary that said statement show the separate amounts of such assessment, installment, interest or penalty. And said assessments for constructing and repairing sidewalks may be included in such statement or a separate and similar statement may be made for sidewalks. Said statement may be substantially in the following form:

"Statement for assessments for local improvements to be transmitted to the County Auditors in A. D. 19....."

Description of Property	Amount	
	Dollars	Cents

The above and foregoing is the statement of assessments for local improvements required to be transmitted to the County Auditor in A. D. 19.....

Dated

.....
City Clerk."

After such assessment has been transmitted to the County Auditor,, all the provisions of law applying to the collection and enforcement of general taxes shall apply thereto; Provided, however, that all

penalties and interest accruing thereon shall as well as the original facts, be the property of the City of Lake City.

Appeals and Appellate Procedure.

Sec. 17. Any person whose property has been assessed or appropriated and who has filed objections thereto, as hereinafter provided, shall have the right to appeal from such confirmation to the District Court for Wabasha County, at any time within twenty days after the date of the publication of the notice provided for in Section 14 of this chapter. Said appeal shall be made by filing with the City Clerk of said City a written notice thereof referring to the objections filed by the appellant as aforesaid and specifying the property of appellant concerning which said appeal is taken and by also filing with said City Clerk a bond to the City of Lake City in the sum of One hundred dollars executed by the appellant or some one in his behalf, with two or more sureties who shall justify, and conditioned to pay all costs that may be awarded against the appellant. Thereupon the City Clerk shall make out and file with the Clerk of said Court a copy of the assessment roll, affecting the property specified, as confirmed by the Common Council and the order of the Common Council confirming the same and of the objections filed by the appellant and the notice of appeal filed by the appellant and of such other papers and records in relation thereto as said appellant shall require, all certified by said Clerk to be true copies, within ten days after taking ^{of} said appeal; but if more than one appeal shall be taken from the same confirmation of assessment, it shall not be necessary that the Clerk, in appeals subsequent to the first, file a copy of any of the papers or records in relation to said improvement which has theretofore been filed upon such appeal. Such assessment roll and certified copies thereof shall be prima facie evidence that all assessments appearing thereon are just and valid and that all property to be condemned as indicated by the description of said improvements has been legally condemned.

After the filing of said copies by the City Clerk it shall be the duty of the Clerk of the District Court of Wabasha County without the filing of a note of issue or a notice of trial to place said appeals upon the next general term calendar of said District Court. ^{There} shall be no pleadings on such appeal and the only question that shall be considered or passed upon shall be whether the charter of said city authorized said City to make said improvements and said assessments and whether said assessments in so far as they affect the property specified in the notice of appeal are fair and impartial and whether or not the Common Council of said City had jurisdiction to make said assessments. The Court shall determine in the first instance whether said city had authority to make said improvements and said assessments and whether ^{said} the Common Council had jurisdiction in the premises; and in case said city had not authority to make such improvements or any portion or portions thereof but had jurisdiction, said Court shall annul only so much of said assessment as shall be in excess of such authority and which affect the property of the appellant and shall confirm so much of the same affecting the property of the appellant ^{as} in said city had authority to make. If said Court shall determine that said Common Council acted without jurisdiction, then in that event the assessment shall be entirely reversed but without prejudice to such proceedings as may thereafter be had touching the subject matter thereof by the Common Council of said city. In case the amount of the assessment is complained of by such ~~appellant~~ appellant and if the proceedings or any part thereof shall be confirmed as within the authority of the city and the city shall not have filed a notice that it abandons said proceedings, then the issue as to the proper assessment of benefits or damages to the property of said appellant shall be tried before a jury the same as other issues of fact are tried, and the verdict of said jury when rendered if unappealed from shall be conclusive as to the amount of the benefits or damages suffered or sustained by the real estate of said appellants. Said appeals may be tried separately or consolidated and tried together in the discretion of the Court or a portion thereof may be tried

together and the balance separately in the discretion of the Court.

Judgment Upon Appeal.

Sec. 18. Upon the final determination of all appeals in the District Court judgment shall be entered which shall fully state, disclose and specify all orders of the Court which may have been made upon said appeals and the final assessment of the benefits or damages to each tract of land involved therein stated separately, together with a statement of the costs, if any, chargeable against the city upon said appeals and if the said city shall recover costs against the appellants, then the amount which said city is entitled to recover; and the results of all of said appeals may be stated in one judgment or in several judgments as said Court or the judge thereof may direct, and there may be as many judgments as there are appellants in the discretion of said Court. Whenever and as soon as final judgments are entered in said District Court, the Clerk thereof shall make certified copies of same and transmit the same to the Clerk of said City who shall file said certified copies in his office, and as soon thereafter as shall be practicable said Common Council shall if said improvement is not abandoned correct the assessment roll for the year ^{heretofore} and change the same in the respects indicated by said judgments and correct the same in all respects as therein required to be changed and correct the assessment roll by proper resolution and to that effect and thereupon proceed, provided, and provided heretofore specified, and provided, and provided, and provided in all respects as hereinbefore provided.

Abandonment of Improvement, Costs.

Sec. 19. The Common Council shall have the right at any time prior to the first day of the term of Court at which any appeals from said assessments for improvements shall be reached for trial, or at any time within ninety days after the final order of the Court on any appeal from such proceedings, to abandon said improvement or any part

or portions thereof and all proceedings therein or any of the same whenever it shall deem it for the interest of the city so to do. But such abandonment shall not relieve the city from the payment of such costs as may have been incurred by appellants and which are properly chargeable against said city upon any appeal that may have been taken.

Payment of Award. Title Acquired. Bond for Damages.

Sec. 20. When any assessment shall have been confirmed by the Common Council and no appeal shall have been taken therefrom, or if an appeal shall have been taken when judgment shall have been rendered thereon, the same shall constitute and be a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property sought to be appropriated by said improvement, and the Common Council shall thereupon cause to be paid to the owners of said property, the amount awarded to each severally; but may defer such payments until the special assessments therefor, if any, shall have been collected and paid into the city treasury. Before payment of such award, the owner of such property or the claimant of ~~the~~ such award shall if required by said Common Council furnish an abstract of title showing himself entitled to all the compensation and damages claimed. In case of neglect to furnish such abstract or of doubt as to who is entitled to such compensation or damage, or any part of the same, the amount so awarded shall be by the Common Council appropriated and set apart in the city treasury for whoever shall show clear right to receive the same. The Common Council may in its discretion require of such claimant a bond with good and sufficient sureties conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded and all loss, costs or expenses on account of such claims. The Common Council may also, in case of doubt, to whom the compensation and damages awarded shall be paid, deposit the same with the Clerk of the District Court of Wabasha County, for whoever shall prove himself entitled thereto, and in such case the parties entitled to the

same shall establish their right thereto by a petition to the said District Court, setting up the facts entitling them thereto, and by proving the same to the satisfaction of said Court; and when so established the Court shall make an order directing to whom the same shall be paid. Upon the payment of said award or appropriation, or the setting apart of the money therefor as aforesaid, or the payment of the same into court aforesaid, the city shall become vested with title to the property taken and condemned absolutely for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same. Provided, however, that the city shall not be hindered, delayed or prevented by the prosecution of an appeal from any person as hereinbefore provided for, from entering upon and appropriating such property to the use for which the same is condemned, if the city shall after such an appeal has been taken, by its Mayor, execute and file with the Clerk of the District Court of Wabasha County, a bond to be approved by said Clerk, payable to the appellant, conditioned that the city shall pay whatever sum shall finally be awarded as damages to such property so condemned and appropriated, less such sum as shall be assessed thereon as benefits. The Mayor of the city is hereby authorized and empowered to execute such bond in behalf of the city.

Errors not to Vitate Assessments.

Sec. 21. No error or omission which may have been heretofore, or shall be hereafter made in the proceedings of the Common Council or of any officers of said city concerning any local improvement provided for in this chapter or in any assessment therefor, not affecting the substantial justice of the assessment itself, as to the amount thereof, shall vitiate or in any way affect such assessment.

Assessments may be made Anew, When.

Sec. 22. If any special assessment heretofore made or that shall hereafter be made by the Common Council, or under its direction, to defray the expense of any local improvement or the building or re-

pairing of any sidewalk has been ~~made~~ or shall be, either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Common Council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if said Common Council shall have omitted or shall hereafter omit to make such assessment at or before the making of the improvement, the Common Council may anew or thereafter make a new assessment of the cost of such improvement, or improvements upon the property benefited thereby in the same manner as near as may be that such assessment or assessments should have been originally made, and in case any such second assessment shall be annulled, the Common Council may make other and additional assessments until a valid assessment shall be made; but nothing in this section shall authorize a new assessment in cases where such Court shall determine that the lots or land are not subject to assessment. After such new assessment roll shall be adopted, the City Clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the word "Paid" which shall cancel such assessment on that parcel; and in all cases where a judgment in favor of said city has been heretofore or shall be hereafter refused or denied by any court, or where any court has heretofore or shall hereafter set aside or declare void any assessment upon any parcel of land for any cause, the said lots or parcel of land may be assessed or newly assessed from time to time, until each separate lot, piece or parcel of land has paid its proportionate part of the cost and expense of said improvement as ^{new} ~~may~~ as may be. In case the amount of reassessment shall be less than the first assessment, the deficit may be paid out of the General Fund. In case of such reassessment, the proceedings may be either as in case of an ^{special} original assessment for the same purpose, or by taking up the previous proceedings at any point. In case any such assessment adjudged invalid shall have been transmitted to the County Auditor for collection, the Common

Council may in its discretion notify him to cease the collection of the same.

Additional Assessments For Deficit.

Sec. 23. If in any case the first assessment to pay for any local improvement which has heretofore been, or shall hereafter be ordered by the Common Council, either before or after such improvement is completed, shall prove insufficient to pay fully for the same, whether such work was done before the passage of this act or otherwise, the Common Council may assess and re-assess the same upon the property benefited until a sufficient amount is realized to pay the same. If too large an amount shall at any time be raised the excess shall be refunded ratably to those by whom it was paid, if the Common Council shall so order, it being the true intent and meaning of this act to assess and re-assess the property benefited to the extent of such benefits for any deficiency over and above the first assessment which said improvement may cost, whether the said improvement has heretofore been made or may hereafter be made. And no error or omission or irregularity, whether jurisdictional or otherwise, shall prevent a re-assessment to the extent of the benefits conferred by such improvement.

Payment to Treasurer. Receipts.

Sec. 24. After any special assessment roll shall have been adopted, and before the assessment or installments thereon shall have been transmitted to the county auditor for collection, any assessment thereon or any installment or installments thereon may be paid direct to the City Treasurer of said City who shall issue receipts in duplicate therefor, and forthwith deliver one of said receipts to the person making such payment; and the other to the City Clerk; and upon the presentation of either of said receipts to the City Clerk, he shall enter upon the record of such assessment list kept in his office opposite the assessment or installment or installments so paid, in a proper column entitled "Paid City Treasurer," the amount so paid; which entry shall cancel the assessment or installment or installments so paid, and

the same shall not be included in the statement transmitted to the County Auditor.

Assessment Rolls To Be Recorded. Irregularities Disregarded.

Sec. 25. The City Clerk shall record the assessment list of special assessments in books to be kept by him for that purpose and the assessment list and the record thereof kept by the City Clerk shall be competent and sufficient evidence that the assessment roll was duly adopted and the assessment list duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment list were duly had, taken and performed, as required by this charter, and no omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same; and no failure of the City Clerk to record the assessment list or to deliver ^{or} the same ~~or~~ the statement of the contents thereof provided by this ~~chapter~~ ^{to the County Auditor} on or before the time prescribed for such delivery or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any proceedings, shall be held material, unless it can be shown that the party objecting was materially injured thereby. After any assessment list shall be recorded, the City Clerk shall deliver the same to the City Treasurer.

Assessment. Paramount Lien.

Sec. 26. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the levying of the same. No sale under execution or other proceedings upon judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, or for any improvements chargeable to or assessed against the property under this charter, although such assessment may

be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

Abbreviations may be used.

Sec. 27. ^{In} All proceedings concerning improvements and special assessments and appraisements therefor, letters, figures, characters and abbreviations may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Liability for Neglect of Duty.

Sec. 28. Any officer of said city who shall in any case knowingly neglect to perform any duty enjoined upon him by this chapter or who shall consent to, or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall for every such neglect or refusal be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal to be recovered in an action in any court having jurisdiction of the amount thereof.

Assessments Against Railways.

Sec. 29. When in any case any portion of the costs and expenses of making an improvement mentioned in this charter shall by virtue of any valid law or ordinance or by virtue of any valid contract be chargeable upon any railway company, the amount so chargeable may be assessed upon and against such railway company and the balance only upon the real estate benefited thereby and the city may collect the amount so assessed upon said railway company by distress and sale of personal property, or by suit brought for the purpose; Provided, however, that any real estate belonging to such railway company and deemed benefited by the said improvement shall be assessed as in other cases.

Frontage on Two Streets, Allowance For.

Sec. 30. The Common Council may in its discretion in case where any lot fronting on two streets is being assessed according to

of such lot and the frontage
the number of feet frontage on any street shall have been so assessed, remit from the frontage of said lot on any other street, such portion of the same ~~not exceeding a frontage of sixty-six feet~~ as the Common Council deem just under the circumstances in the case; but the discretion of the Common Council in such matters shall be final and the refusal or failure of said Common Council to make such remission, shall not be a ground for changing such assessment or the amount thereof in any court or proceeding.

Work Done, When and Where.

Sec. 31. Any improvements, the means to make or construct which may be raised by special assessment may be performed by contract let to the lowest responsible bidder, after the publication of a notice for one week, or if the amount does not exceed Three Hundred Dollars then directly to the city by the employment of labor and purchase of material or in any other manner in which the Common Council may deem proper in each particular case. And the Common Council may in its discretion in any case instead of causing a special assessment to be made entirely upon the estimate, wait until the letting of the contract for such improvement, or until such improvement shall be made before determining and fixing upon the cost and expense of such improvement or causing the proper assessment to be made therefor. And said Common Council may cause such assessment to be made at any time either before the making of such improvement or after the completion thereof. The Common Council may, if it determine upon the making of any improvement, determine whether to proceed at once with such improvement or to await the collection of the assessment therefor or of any portion thereof. No special assessment shall be questioned or held to be invalid because the amount thereof shall happen to be either more or less than the amount of money actually required for the improvement for which the same shall be made.

City Sued For Property, May Condemn Same.

Sec. 32. Whenever the City of Lake City shall have appropriated

any property or any interest or easement therein, for any lawful purpose to which said city had not the title, said city may at any time, in any suit to recover the same or in which the right of the city there- to is called in question, by its answer admit the appropriation of the same and allege that said city is ready and willing to pay a just com- pensation therefor, on having the same assessed and ascertained in the manner in this chapter provided in case of appeal, provided the claimant on the trial shall establish his right to recover the same, and the court shall first determine whether the claimant is entitled to recover the property or rights or easement therein in controversy; and if such question is determined in favor of the plaintiff, shall cause the amount of the compensation to which the plaintiff is entitled to be ascertained as in case of appeals; Provided, that when it shall appear that the land or other real estate was taken or appropriated by and with the consent or acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued prior to demand for compensation for such land or other real estate, and he shall be limited to a recovery in such case, to compensation for the land taken and damages. And the Court shall have power to make all necessary orders and render all necessary judgments to carry out the provisions of this section. And in case such compensation shall not be paid within ninety days after the final order and determination of the court therein, the plaintiff shall recover said property, and have all proper proceedings therefor. The Common Council may defray the expense of such compensation by special assessments as in the case of other improvements.

Building Allowed to Remain, Use of Land.

Sec. 33. In the assessment of damages and benefits for the making of any improvement, it shall be lawful for the Common Council, in its discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting such building remain upon such

land taken as aforesaid, for such time after condemnation as they may deem for the best interest of the city, and if they shall determine to let the building remain on said land for any given time period, then they shall determine the value of the use of the land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained shall be deducted from the damage awarded for said building.

Evidence of Title To Be Recorded.

Sec. 34. It shall be the duty of the City Clerk to cause all deeds taken by the city for lands acquired by condemnation or otherwise, to be recorded without delay, and ^{said} the Clerk shall be the custodian thereof; in case no deed is given for any property appropriated for any improvement, it shall be the duty of said Clerk to file with the Register of Deeds of Wabasha County, a certified copy of so much of the description of such improvement and of the plat or plats filed with ~~the~~ such description as shall be necessary to indicate the property appropriated for such improvement; and the same may be recorded by said Register of Deeds, and such certified copy and the record thereof shall be prima facie evidence of title in the City of Lake City to the property indicated thereby as appropriated for such improvement. And it shall be the duty of the Register of Deeds to record such deeds and certified copies without requiring a certificate of the County Auditor that taxes and assessments thereon are paid. At any time after the assessments for any improvement or any portion thereof shall have been confirmed and the time to appeal from such confirmation shall have expired, such certificate may be filed as to all portions of the same so confirmed and not appealed from, and such certificate as to any portion appealed from may be filed at any time after the final determination of the Court on such appeal.

Prior Assessments Localized.

Sec. 35. All assessments heretofore made by the Common Council of the City of Lake City, to defray the expense of making any public improvement or to defray the expense of any public improvement ordered to be constructed, and to defray the expense of repairs to streets or property taken or injured by such improvements, are hereby localized and made valid, and the same may be collected and the collection thereof enforced to the same extent for all purposes as though the same had been in all things regularly and formally assessed, levied, assessed and returned in the first instance.

Property Owners May Construct Improvement.

Sec. 36. Property owners may be allowed to construct street and other public improvements upon or through their own property, at their own expense, in such cases and upon such terms, and under such regulations as the Common Council may prescribe from time to time by ordinance.

Assessments for Sidewalks. Part.

Sec. 37. Whenever sidewalks shall have been constructed by the Street Commissioner in this charter provided, the Common Council shall, at any time or times thereafter as it deems proper, assess and levy upon each lot or parcel of land along which sidewalks have been constructed or repaired, the expense of such sidewalks or repairs on the same lots or parcels of land, and in addition the same shall be levied upon the lots or parcels of land in the following form, or in any other form the Common Council may determine:

"The Common Council of the City of Chicago hereby orders that the following assessment be levied upon and against the several lots and parcels of land described, the respective taxes thereon to be levied and collected as provided in this ordinance, to defray the cost of (construction or repairs) of sidewalks on the lots and parcels of property:

Description of Property	Amount	
	Dollars	Cents

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

Attest; City Clerk.

And no such assessment shall be levied on any parcel of property unless it shall be shown to the satisfaction of the Board of Assessors that such sidewalk has been constructed or repaired on the same parcel of property, or that said parcel of property was exempt from taxation. In case it is shown that such assessment is levied on a parcel of land which is exempt from taxation, the same shall be reduced to the amount justly payable thereon, and be valid to that extent.

CHAPTER 18.

Streets, Sidewalks, Bridges and Public Grounds.

Section 1. The Common Council shall have power to care for, supervise and control, to name and re-name, to lay out, alter, widen, extend, straighten and narrow, to open, construct, re-construct, build, re-build, maintain, repair and close to travel, to grade and re-grade, either partially or to establish grade, to curb, re-curb and gutter, to pave, re-pave and macadamize, to clean, park, beautify and otherwise improve, or cause the same to be done, at such times and in such manner as they may deem proper, the highways, streets, alleys, bridges, culverts, parks, parkways, public squares and grounds within said city or such portion of the same as they may deem proper.

Sec. 2. The Common Council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent engineer, or such other person as they may designate, the grade of all streets, parkways, sidewalks, alleys and public grounds in said City, and shall cause accurate profiles thereof to be made and kept in the office of the City Clerk, and may by a majority vote of all the members of the Common Council, change the grade of any of the same, after such grade has been established.

Sec. 3. There may be appointed by the Common Council, a street commissioner for said City, whose duty it shall be to see that all the streets and sidewalks in said City, which have been graded, or open for travel, are kept clear of obstruction and in such repair as to be safe and passable; also to superintend, subject to the direction of the Common Council, the grading of streets and laying of sidewalks, and to carry into effect all orders of the Common Council, and to perform all work directed by said Common Council.

But the Street Commissioner shall do no work upon streets,

except such as is necessary to keep traveled streets and sidewalks in repair and passable condition, unless ordered to do such work by the Common Council. The Street Commissioner shall keep accurate accounts of all his work and expenditures, and make detailed and itemized reports thereof to the Common Council each month and oftener if required by said Common Council. The Street Commissioner shall receive such compensation as the Common Council shall determine.

Sec. 4. It is hereby made the duty of all owners of land adjoining any street, lane, or alley in said city, to construct, re-construct and maintain in good repair such sidewalks along the side of the streets, lane or alley next to the lands of said owners respectively, as may have been heretofore constructed, or shall hereafter be ~~constructed~~ ^{as} ~~constructed~~ ^{constructed} or directed by the common Council to be built; of such material and width and upon such place and grade as the Common Council may by ordinance, or otherwise prescribe. Whenever the Common Council shall deem it necessary that any sidewalk in the City of Lake City shall be constructed, re-constructed, or repaired, it shall by resolution direct such construction, re-construction, or repairs, which resolution shall specify the place, or places where such sidewalks shall be constructed, built or repaired, the quality of the material to be used therefor, the width, the way and manner of the construction thereof, and the time within which the same shall be completed; the names of the owners of all lots, parts of lots and parcels of ground fronting the street or streets, where such walks are to be constructed, re-constructed or repaired. The publication of such resolution twice in succession, in the official paper of the city, shall be sufficient notice to the owners of land along which such sidewalk is to be built, re-built or repaired, to construct, re-construct or repair the same.

Sec. 5. If such work shall not be fully done, and said sidewalk shall have been ^{not} fully constructed, re-constructed or repaired within the time prescribed in said resolution, then the Common Council may cause the same to be done by contract, or otherwise, as they

shall deem proper, the entire expense thereof to be paid out of the General Fund of said city. Any time within thirty (30) days after the City shall have completed the construction, re-construction, or repair of said sidewalk, as aforesaid, the Common Council shall adopt a resolution fixing a time and place when and where, they will hear the testimony of all persons interested, or affected and ascertain the cost to the property fronting such sidewalk by reason of the construction, re-construction and repair thereof, and such resolution shall be published twice in the official paper as heretofore provided in this chapter. At the time and place named in the said resolution, the Common Council shall hear any and all testimony offered by or in behalf of all persons interested or affected by any construction or repair of said sidewalk, and for said purpose, the Mayor, or any member of the Common Council is hereby authorized to administer oaths to witnesses. Thereupon, by resolution, the Common Council shall determine the amount of costs and expenses caused by said construction, re-construction or repair of said sidewalk, to each lot, part of lot or parcel of ground fronting the street or streets where such sidewalks shall have been constructed, re-constructed or repaired as aforesaid; and a full and complete record thereof shall be made and kept by the City Clerk, in a separate book kept for that purpose, which record shall contain a description of the property benefited and charged with the construction, re-construction or repair of such sidewalk; the amount of benefit determined in each case as aforesaid; when transmitted to the County Auditor of Wabasha County for assessment; the amount paid thereon and when paid; the amount of benefit to each lot, part of lot or parcel of ground so determined as aforesaid, shall be and become a charge against the same, and shall be assessed thereon as in case of County, City or State taxes.

Sec. 6. If such assessment for either or any of the purposes aforesaid, be not paid, the City Treasurer, or other person officer

~~shall be~~
authorized to collect the same.

The Common Council shall, not later than December 1st, of said year, cause a statement of the cost ^{assessed} ~~assessed~~ against each lot, part of lot or parcel of ground remaining unpaid, (said cost to include a penalty of ten (10) per cent which shall be added to same) to be transmitted with the city taxes of that year to the Auditor of Wabasha County, and said Auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the County Treasurer for collection and payment thereof and the same shall be enforced with, and in like manner as City, County and State taxes are collected and payment thereof enforced.

CHAPTER XIV.

Liability and Limitations of Actions Against the City. -- Liability
For Obstructions and Excavations in the Streets.

Section 1. All persons or corporations who shall, by means of any excavation in, obstructions upon, any street, sidewalk, alley or public grounds in said city, render such street, sidewalk, alley or public grounds unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards, or lights thereat, render such street, sidewalk, alley or public ground insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting from such obstruction or negligence, and no action shall be maintained against said city for such damages, unless such person or persons or corporations shall be joined as party defendant, and in case of judgment against the defendants in such actions, execution shall at first issue only against the defendants causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment, it shall become the owner of the same and may enforce payment of the same from the other defendant and shall be entitled to execute thereon against him, and to take such other proceedings as judgment creditors are entitled to take.

Service upon Absent Defendant.

Sec. 2. Whenever any party is joined with said city as co-defendant in any action for insufficiency of any street, sidewalk, alley or public ground, and such party is not a resident of and cannot be found within the state, service of summons in such action may be upon such defendant upon like evidence, and in the same manner as prescribed by general law for service by publication in other actions.

No Action Maintained Against the City in Certain Cases.

Sec. 3. No action shall be maintained against the City of Lake City for the recovery of any damages to persons or property on account of any injuries received or caused by reason of the deposit, accumulation or condition of any snow or ice, upon any street, sidewalk, lane, alley or public ground within said city.

Liabilities for Causing Defects in Streets.

Sec. 4. All persons who shall cause or maintain any obstruction, excavation or defect in any street, bridge, sidewalk, thoroughfare or public ground of said city by means of which a claim for damage shall arise against said city, shall be liable for such damage to whomsoever shall be entitled to recover the same from said city; and no action for such damages shall be brought or maintained against said city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendant causing such deficiency; and the city shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceedings as judgment creditors are entitled to take.

Summons published if Co-Defendant is a Non-Resident.

Sec. 5. Whenever any party is joined with said city as co-defendant in any action for the inefficiency of any street, alley, bridge, sidewalk, thoroughfare, or public ground, and any such party is not a resident of, and cannot be found within the state, service of summons in such action may be upon such defendant upon like evidence and in like manner as prescribed by general laws for service by publication in other actions.

LIMITATIONS OF ACTIONS.

Sec. 6. No action shall be maintained against the city of Lake City on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare unless notice of the defective condition of any such bridge, sidewalk or thoroughfare, at the place wherein a person shall be injured by reason of such defective condition, shall have been made in writing and served upon the Mayor or Clerk of the City of Lake City at least ten (10) days before such injury, and unless such action shall be commenced within six months from the happenings of the injury, nor unless notice shall first have been given in writing to the Mayor of said city, or the City Clerk thereof within thirty (30) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the ~~Common Council~~ ^{last notice} shall not be required when the person injured shall, in consequence thereof, be bereft of reason, nor shall any such action be maintained for any defect in any street, until the same shall have been graded; nor for any insufficiency of the ground where the sidewalks are usually constructed, when no sidewalk is built.

No Railway Company to Obstruct Streets by Piling up Snow or other Material.

Sec. 7. No railway company shall have any right in cleaning their track through any part of said city, or otherwise to pile up snow or other material, and leave the same piled upon any traveled portion of any street or sidewalk in said city, and any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company, or its servants, for all damages sustained, and in case any damages shall be recovered against the city for injuries caused by such obstruction, the city shall have the right to recover the same again from the company by whom the obstruction was caused.

CHAPTER X //

STREET SPRINKLING.

Section 1. The Common Council shall have power to cause to be sprinkled the streets, avenues, levees, lanes, alleys, parks and other public grounds of said City or any part thereof.

Sec. 2. The Common Councils shall annually cause proposals to be advertised for by contract or otherwise as they shall determine in the official paper of said City, in the manner and for the same length of time as in the case of other public improvements, for the sprinkling of any and all streets, avenues, levees, lanes, alleys, parks or ^{other} public grounds or any part thereof, which may be ordered sprinkled by the Common Council in each year. General plans and specifications, applicable to all sprinkling that may be ordered done during the year by said Common Council, shall be made and filed with the City Clerk at least ten (10) days prior before the day named for the receipt of said bids by the Common Council, and the sprinkling shall be let and placed under contract in the same way and manner as it is now provided by law for other local improvements provided for in this act, or by day's work except that the bid for sprinkling shall be accompanied by a bond to the City of Lake City in the sum of not less than One Hundred (100) Dollars, executed by the bidder and two (2) responsible sureties conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications in case a contract shall be awarded him. And in case of default on his part to execute the contract and perform the work, ~~the~~ ^{the} bond may be sued, *and* judgment may be recovered thereon by said City for the full amount thereof, in any Court having jurisdiction for the amount.

Sec. 3. Contracts for sprinkling shall be awarded to the lowest reliable, ^{and} responsible bidder to perform his contract; provided, however, that the Common Council may reject any and all bids which they shall deem either unreasonable or unreliable; and provided further that no contract shall be awarded except with the approval of a majority of the Members of the ^{Council} Common Council.

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Sec. 4. The Common Council of said city may order sprinkling to be done whenever and wherever they may deem that the public interest for sanitary or other reason requires it; provided, that every such order for sprinkling shall be by resolution, and that action upon such resolution shall be suspended until the regular meeting next held after its introduction; and if at that time a remonstrance against the passage of such resolution shall be presented to the Common Council, signed by a majority of the owners of lots or parcels of land fronting or abutting on the street or part of street proposed to be sprinkled, actually occupying such lot or lots, parcel or parcels of land, then such resolution shall be ^{immediately} ~~immediately~~ postponed, unless passed ^{by a} ~~by a~~ two-thirds (2/3) vote of all the members of said Common Council.

Sec. 5. On or before the tenth (10) day of November in each year the Common Council of said City shall give at least ten (10) days notice by one (1) publication in the official paper of the city, to the effect that at a certain time and place, they will proceed to make an assessment for sprinkling. Said notice shall briefly describe the street or streets, or parts thereof, sprinkled. The said Board shall assess the amount, as nearly as they can ascertain the same, which shall be required to defray the cost of such sprinkling, including the necessary expense of making and collecting of such assessment upon the real estate or lots of land fronting on said portion of streets, alleys or grounds so sprinkled without regard to the cash valuation thereof or whether the same shall be improved or otherwise. In making said assessment the said expenses and costs shall be apportioned pro rata upon the lineal feet of said real estate or lots of land fronting on said portions of streets, alleys or grounds aforesaid; provided, however, said Common Council may apportion an amount not exceeding one half (1/2) the cost of sprinkling cross streets and upon all the lots bounded by such cross streets.

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Sec. 6. After said assessment shall have been completed, a notice of ten (10) days shall be given to the owners of the lands affected by such assessment, by publishing the same once in the official paper of said city. If at the expiration of the time mentioned in said notice the same shall not have been paid, a penalty of ten per cent (10%) shall be added to each and all amounts so assessed, and the amount of such assessment, including the penalty aforesaid, shall on or before the tenth (10) day of December in each year be placed in the hands of the County Auditor under orders from the Common Council by the City Clerk and under the seal of the City of Lake City for the tax or assessment described above for sprinkling streets, alleys or public grounds. It shall be the duty of the County Auditor to extend the same on his rolls against the said property described in the said statement as aforesaid for collection, and if not paid within the time prescribed by law, then the same shall become a lien upon said real estate, and said real estate shall be subject to all the penalties and charges of property delinquent for taxes for County and State purposes. All moneys collected or paid into the Treasury of Wabasha County on account of said assessment or tax shall be paid over from time to time to the City Treasurer of Lake City to be placed in the ^{General} sprinkling fund.

Sec. 7. Whenever the said contractor shall fail to perform the sprinkling contract to be performed by him, within the time designated by said Common Council, or in accordance with the terms and provisions of his contract, the said Common Council shall have power to furnish and use men and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor, or the same may be collected from the said contractor in a suit by said City, or said Common Council may re-advertise for bids for the completion of the unexpired term of said contract in the same manner as hereinbefore provided for the original contract. In case the said contractor

shall proceed to properly perform and complete his said contract, and all the provisions thereon contained, the said Common Council may, upon said contractor filing with the City Clerk an affidavit that all the work and labor for which an estimate is asked is fully paid for, from time to time as the said work progresses, grant to said contractor every thirty (30) days, an estimate of the amount already earned, reserving, however, fifteen (15) per cent therefrom; provided, however, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor.

CHAPTER

XVI

SEWERS.

Section 1. The Common Council of said City, in addition to the powers conferred on said Common Council by this act, shall have power to establish and maintain, at any time, ^{and} ~~any~~ from time to time, any general system of sewerage for said City or for any sewerage district into which said City, or any part thereof, may hereafter be divided, or for any part or portion of said City, in such manner and under such regulations as said Common Council may deem expedient, and such system or systems of sewerage to alter or change from time to time, as said Common Council may deem proper.

Provided, That the sewerage plans and systems heretofore adopted by the said Common Council shall continue to be the sewerage plan and system of said City until changed or modified by said Common Council.

Sec. 2.. The said Common Council, for the purposes aforesaid, shall have power at any time and from time to time, to divide the said City of Lake City or any part or parts thereof as said Common Council may deem expedient, into sewerage districts, and the same from time to time to change or alter, and to create a district sewerage fund for each or any of said districts in such manner and under such regulations as said Common Council may deem expedient.

Sec. 3. The said Common Council is authorized, whenever it may deem the same necessary, to cause sewers to be constructed in any street or alley within the said City, under the supervision of the Common Council and to levy and collect the cost and expense thereof, excepting street and alley crossings, and catch basins, or such portion of such cost and expense as said Common Council may deem just, by an assessment upon the properties bounding or abutting upon the portion of such streets or alleys along which such sewers may be constructed, or an equal sum per foot front of such properties, or such cost and expense, may be assessed partly upon such abutting properties, and partly upon property not

^{upon} abutting said street or alley, but benefitted by such sewer; in either case such assessment may be made without regard to the cash or assessed valuation of any such properties, and said Common Council shall determine what proportion of such cost and expense shall be assessed upon such abutting, and what proportion thereof upon such non-abutting property; in either case the assessment per foot front shall be equal upon all property of the same class. The cost and expense of any such sewer may be assessed partly in the manner aforesaid, upon the two (2) classes of property above named or either of them, and partly by taxation upon the whole property of the City or of the sewerage district within which such sewer or sewers may be constructed, or such cost and expense may be wholly paid by taxation upon the whole property of the city or of the proper sewerage district.

The cost and expense of all street ^{or} and alley crossings and of all catch basins shall be paid out of the general fund of the City or out of the sewerage fund of the proper district.

The Common Council may divide ^{said} such assessment into five ^{or less} annual installments and issue certificates of indebtedness thereon, and may extend the time of payment of said assessment and provide for the enforcement and collection of said assessment and installments so extended in the manner provided by Chapter 236 of the Laws of Minnesota for the year eighteen hundred and ninety five and acts amendatory thereof. Which certificate shall be substantially in the following form:

Public Improvement Certificate of the City of Lake City, Minnesota,
extended installment Number..... Amount.....Date.....

To Whom It May Concern:

This is to certify that the sum of Dollars has been duly assessed against the lots and parcels of land mentioned in the assessment roll for the improvement ofStreet, (avenue or alley as the case may be) in said City of Lake City, which said assessment is a valid and subsisting lien and charge against the lots, pieces and parcels of land

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therein mentioned and described, and that said sum has been divided into installments; that this certificate represents the sum of..... Dollars of extended installment Number..... which is due and payable to said City of Lake City out of the property pledged by law for its payment on or before the first day of October 19.... and is issued pursuant to the provisions of Chapter 236 of the General Laws of Minnesota for 1895, and the said City of Lake City hereby guarantees the holder of this certificate that it will cause to be collected the said extended installment and will pay upon surrender of this certificate to its Treasurer at his office in said City, on the first day of July 19.... the sum of..... Dollars with interest thereon from the date hereof to the time mentioned herein for payment at the rate of per cent per annum.

In testimony whereof the said City of Lake City has caused this certificate to be signed by its Mayor and attested by its City Clerk and its corporate seal affixed hereto this day of..... 19.....

The cost and expense of all street or alley crossings and of all catch basins shall be paid out of the general fund of the City or out of the Sewerage fund of the proper district.

Sec. 4. Whenever said Common Council shall vote to cause to be made any such sewer as is mentioned in this act, it shall determine and designate in a general way as nearly as may be practicable, the character and extent of such improvement, and the material to be used therein; and it shall thereupon be the duty of the Common Council to make an estimate of the cost of such improvement. Upon the reception of such report the Common Council may postpone action thereon to any regular or special meeting thereof and may advertise for and receive in the meantime bids for doing the work and furnishing material, or either, require to construct or complete such improvement.

Whenever said Common Council shall have obtained such information as it may be necessary with reference to such improvement, it shall determine the manner in which the cost and expense thereof shall be assessed. If it shall determine that the whole or any part of such cost or expense, shall be assessed upon any property bounding or abutting

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such improvement, or partly upon such property and partly upon properties not so abounding or abutting, but benefitted thereby, it shall determine what properties are within each of said classes, and the proportion of such cost and expenses to be assessed upon the properties in each of such classes, and shall appoint a meeting of such Common Council at which all persons interested in such improvement may be heard; and thereupon said Common Council shall prepare a list, which shall contain the names of the owners so far as the same are known, and a description of each and all of such property, which list together with a notice of the time and place as fixed by the Common Council, shall be published once in the official paper of said City, and which publication shall not be less than ten (10) days prior to such meeting. At the time and place appointed by the Common Council for such meeting, said Common Council shall meet and hear all persons interested in such improvement, who may desire to be heard, and the Common Council may adhere to its resolution to make such improvement, or modify the character thereof or manner of assessing the cost and expense thereof, or may abandon it.

If said Common Council shall determine to make such improvement, it shall enter into a written contract for the construction thereof, or said Common Council may have such work done without contract, by the direct employment of labor and purchase of material by said City.

When such contract shall have been entered into or such work otherwise ordered to be done the said Common Council shall proceed to apportion and assess the expense of such improvement, upon the principal and in accordance with its previous determination in the matter, and shall cause to be made and adopt an assessment of such cost and expense and may divide said assessments into five ^{or less} annual installments and issue certificates of indebtedness thereon as hereinbefore provided.

The Common Council shall annually on or before the first day of October of each year, until the whole of said assessments have been levied as by law provided, cause a ~~sa~~ statement of the amount of one of said ~~five~~ annual installments with six (6) per cent annual interest thereon computed from the time of the completion of said work to the first day of June fol-

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lowing the making of said levy added thereto to be transmitted with the city taxes for that year to the County Auditor of Tabasha County and the said Auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the County Treasurer for collection and payment thereof, and the same shall be enforced with and in like manner as city, county and state taxes are collected, and payment thereof enforced.

No error or informality in the levy of any such tax or in the making of such assessment, or in any of the proceedings herein provided, shall in ^{any} manner vitiate or affect the legality of such tax assessment, or prevent the collection thereof.

Sec. 5. Said Common Council is hereby authorized to prescribe the conditions upon and manner in which any sewer that now is or hereafter may be constructed within said city, may be tapped or connected with by any person, and also determine the amount to be paid said City for permits for so doing, as well as to prescribe such regulations and enact such ordinances in relation to such sewers and sewerage, and for the protection and maintainance thereof as said Common Council may deem expedient.

Sec. 6. Said Common Council is hereby authorized in any year and from year to year, to levy upon the taxable property of the City, or upon the taxable property within any sewerage district of said City, such tax, not exceeding two tenths (.02) of one (1) per cent in any one year, as it may deem necessary for the construction or repairs of sewers within said City or District.

No money received from any tax levy for such purpose shall be applied or appropriated to any other purpose or purposes whatever.

J. J.

CHAPTER XVII.

THE POWER OF THE COMMON COUNCIL TO ISSUE BONDS.

Section 1. The Common Council shall have power and authority to issue bonds and levy taxes for the purpose of carrying out any of the provisions of this charter exceeding the amount authorized by other sections hereof; provided that the same be authorized by a majority of the legal voters of the city present at a regular or special election to be held for that purpose, for which notice is given as in other sections.

Whenever it shall be desired to issue a bond of the nature of the bonds authorized by this charter, the Common Council, by resolution, may authorize the issue of such bonds for the purpose of carrying out any of the provisions of this charter, unless otherwise provided in this chapter.

SECTION TWO.

Sec. 2. Whenever a proposition is voted upon that shall be to issue bonds for the purpose of carrying out any of the provisions of this charter, and that the proposition is voted upon, then, and in that event, a separate ballot shall be used for the purpose of voting upon the proposition. Provided, that when more than one proposition is voted upon at the same time, all such propositions shall be voted upon by the same ballot, and such ballot shall be used as herein provided.

Refunding Bonds and Issuing Bonds for the Purpose
of Taking Up Outstanding Indebtedness.

Sec. 3. The Common Council shall have power by a two-thirds vote of all its members, to issue new bonds for the purpose of refunding outstanding bonds, and the payment of other indebtedness against the city, which shall be outstanding at the time this charter shall take effect, without submitting the same to the vote of the electors of said city.

INDENTURES.

Sec. 4. The total bond issue of the City of Lake City, shall not exceed, nor shall said city at any time become indebted in a sum in excess of 10% per cent of the assessed valuation of said city.

No bonds issued under the provisions of this charter, shall bear interest at more than five per cent, nor shall they be sold for less than par and accrued interest.

No bonds shall be issued to run for a longer period than thirty (30) years.

FORMS, HOW ISSUED.

Sec. 5. All bonds issued in pursuance of the provisions of this charter, shall be under the corporate seal of said city, signed by the Mayor, and attested by the City Clerk, and shall upon the face, express the object for which they are given.

CHAPTER XVIII.

FRANCHISES.

Power To Grant.

Section 1. The Common Council of said City shall have, and hereby is granted, subject to the provisions and limitations herein stated, the power to grant and provide for regulating and controlling the exercise by any person, company or corporation of any public franchise or privilege in any of the streets or public places in said city, whether said franchise or privilege has been granted by said city or by or under the state of Minnesota, or any other authority, but no perpetual franchise or privilege shall be granted, nor shall any exclusive franchise or privilege be granted to any person, company or corporation at any time for any term whatever; provided, that every franchise or privilege granted under the provisions hereof, shall, where no term is expressed in such grant, expire within twenty-five (25) years; and provided further, that no franchise or privilege of any kind shall be granted for a longer term than thirty-five (35) years; provided, however, that if an application for a longer term than thirty-five (35) years is submitted to the Common Council, the question of granting such franchise or privilege shall be referred to a vote of the people, and it shall thereupon become the duty of the City Clerk to call an election therefor in the manner provided for calling special elections, and the same shall be conducted in the manner of other special elections provided for in this charter, except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case a majority of the legal voters voting thereon at a general or special election vote in favor of such application, the same shall be declared granted, and it shall thereupon become the duty of the Common Council to grant the same accordingly.

Not To Be Granted At First Meeting.

Sec. 2. No public franchise or privilege shall be granted to any person, company or corporation at the first meeting at which the application for the same is made, nor until the same shall have laid

over at least one regular meeting after the formal application for such franchise or privilege shall have been presented, nor unless such application is granted by a vote of at least three-fourths of all the members of the Town Council; provided, however, that in case any person, company or corporation shall make application for a franchise or privilege under the provisions of this act in competition with or in respect to any public utility then existing or for which a franchise or privilege has been granted to any other person, company or corporation and is then in force, the same may be granted to such competing person, company or corporation by a majority vote of all the members of the Town Council; and provided further, that if such application shall fail to receive a majority vote, that in that case such applicant shall, upon filing with the City Clerk an agreement to pay all costs of an election, and a bond in sufficient amount, with good and sufficient sureties, to be approved by said City Clerk, conditioned to pay all costs of such election as soon as the same are ascertained, be entitled to have the question of granting such franchise or privilege submitted to a vote of the people; and it shall be the duty of the City Clerk to call an election therefor in the manner provided for calling general elections, and the same shall be conducted in the manner of other special elections provided for in this charter; except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case such question is submitted at a general election, then such applicant shall not be required to pay the expenses of such election.

LICENSE FEE.

Sec. 3. All public franchises and privileges granted to any person, company or corporation, in any of the streets or public places in said city, shall be subject to a condition upon the payment of an annual license fee to the City of Lake City, as a consideration for granting such franchise or privilege, upon the gross earnings of such person, company or corporation, obtaining such franchise or privilege

at the following rates, to-wit:

Whenever in any one year the gross earnings of any such person, company or corporation holding such franchise or privilege amount to \$25,000 or less, one half of one per cent on the entire gross earnings;

Whenever in any one year such gross earnings amount to ^{over} \$25,000.00, and do not exceed \$50,000.00, one per cent on the entire gross earnings;

Whenever in any one year such gross earnings amount to ^{over} \$50,000.00, and do not exceed \$100,000.00, one and one half per cent on the entire gross earnings; and

Whenever in any one year such gross earnings amount to ^{over} \$100,000.00, ~~two~~ two per cent on the entire gross earnings; provided, however, that if at any time such franchises and privileges are assessed and taxed as property under the General Laws of this state now existing or hereafter adopted, then in that case the person obtaining or holding such franchise or privilege shall not be required to pay the license fees herein provided for upon the gross earnings aforesaid, in any amount, so long as the said franchise or privilege are otherwise so taxed. Said gross earnings license fees shall not be taken or considered in lieu of any tax or taxes to which the property of such person, company or corporation, other than such franchise or privilege, would otherwise be subject or liable.

HOW COLLECTED.

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

Every person, company or corporation doing business in said city under any franchise or privilege created by said city under the provisions of this charter, shall during the first week in January in each and every year, make and file with the City Clerk of said City, an accurate and sworn statement and report of the gross earnings of such person, company or corporation for the year immediately preceding the said date; and failure to file such report at said time shall be sufficient ground to forfeit such franchise or privilege.

SECTION 5. PENALTY FOR NON-PAYMENT.

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

SECTION 6. TAXES TO BE PAID BY FRANCHISEES IN EVERY LICENSE.

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

SECTION 7. PROHIBITION.

Sec. 7. In case any franchise or privilege is granted to any person, company or corporation under the provisions of this charter for the conducting or carrying on of any business or enterprise in competition with any person, company or corporation possessing a franchise or privilege within said city except from the payment of such license fee under existing laws, ordinances or regulations, then such

person, company or corporation receiving such franchise or privilege shall not be subject to the payment of said gross receipts license fee on such competitive business during the life of such existing franchise or privilege, nor until such existing franchise or privilege of such competitor shall have expired or been cancelled or terminated.

RIGHT TO PURCHASE -- RESERVED.

Sec. 8. Said city shall have the right and thereunto is hereby expressly reserved to said city, to purchase the property of any person, company or corporation operating and doing business in said city under a franchise or privilege granted by said city, at the end of fifteen years from the granting of such franchise or privilege, and at the end of each successive term and period of five (5) years thereafter, by paying to the owner thereof the reasonable value of the property employed in and connected with such business, and without paying or making any allowance for the franchise or privilege. Such value, unless the parties agree upon the value and owner, shall be ascertained and determined in the manner and by the procedure and regulations prescribed in this charter for acquiring private property for public use.

RIGHT TO REGULATE RATES AND CHARGES.

Sec. 9. The Common Council of said city shall have and possess full power and authority at all times to regulate the rates and charges of every public utility and service in said city operating under a franchise or privilege granted by said city, and to require the same to be made and kept on a fair, reasonable and just basis at all times; and that said city shall have and possess full power and authority to regulate the rates and charges of every public utility and service in said city, and to require the same to be made and kept on a fair, reasonable and just basis at all times; and that said city shall have and possess full power and authority to regulate the rates and charges of every public utility and service in said city, and to require the same to be made and kept on a fair, reasonable and just basis at all times.

RIGHT TO REGULATE THE USE OF PUBLIC LINES.

Sec. 10. The Common Council of said city shall have the right and power at all times to regulate and provide for the use of any and all lines or lines, and tracks or tracks, of street railways in said city

by any company line or lines, and make all needed and reasonable rules and regulations therefor.

ARTICLE IV OF THE CHARTER

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

LIMITATIONS AND RESTRICTIONS

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

DEFINITION OF "FRANCHISE"

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

XIX
CHAPTER X

Municipal Court.

Section 1. The Municipal Court heretofore established and now existing in this city, is hereby confirmed and shall have power to transact all business which may lawfully come before it.

Sec. 2. The said court shall be a court of record and shall have a clerk and seal, and shall have jurisdiction to hear, try and determine civil actions at ^{law} ~~law~~ where the amount in controversy does not exceed five hundred (\$500) dollars. It shall also have exclusive jurisdiction to hear all criminal complaints and conduct all examinations and trials in criminal cases arising or triable within the city by General Statutes cognizable before the Justice of the Peace, and its jurisdiction shall be co-extensive with the limits of the County of Wabasha.

No Justice of the Peace shall have jurisdiction of offenses committed in the City of Lake City, but all such offenses otherwise cognizable before a Justice and those arising under this charter, ordinances or by-laws of the city, shall be examined and tried by the Municipal Court, and the Municipal Court shall have jurisdiction concurrently with the Justice of all offenses committed elsewhere within Wabasha County, provided that in the absence or disability of the Judge of the Municipal Court, the Mayor and Common Council may designate some Justice of the Peace of the County of Wabasha, or some attorney of said city or county, to sit and act in his place from day to day, and the person so designated shall, while so acting, possess all the power hereby conferred upon a Judge of the Municipal Court.

The Municipal Court shall not have jurisdiction of actions for divorce, save for any action when the relief asked for in the complaint is purely equitable in its nature; nor cases involving the title to real estate; nor of false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon

a promise to marry, or for an action against an executor or admin-
 strator as such, and when in any case pending in said court a counter-
 claim is made in excess of five hundred dollars over plaintiff's claim,
 or an equitable defense or cross demand for equitable relief is interposed,
 or whenever it shall appear from the pleadings or upon the trial of
 the cause that title to real estate is involved, the said court
 shall immediately cause an entry of the facts to be made of record,
 and return to the District Court of Lake County, a transcript of all entries made
 in the record relating to the cause, together with all process
 and returns relative to the cause, and shall within ten days certify
 and return the same to said District Court; and thereupon such Dis-
 trict Court shall proceed in accordance with the provisions of the
 act to have the said title determined and the cost of the same
 paid by the party in default.

Provided, the Judge of said District Court shall not make such
 certificate or return, until the cost therefor shall have been
 paid.

Sec. 3. When the term of office of a Municipal Judge is about
 to expire, the qualified electors of the city shall, at the next
 general city election, elect a suitable person to the office of
 said Judge of the Municipal Court, who shall hold his office for a
 term of four (4) years, and until his successor shall be elected
 and qualified.

In case of any vacancy in the office of the Municipal Judge,
 the Governor of the State of Minnesota, shall appoint some qualified
 person to said office, until the next annual city election occurring
 more than thirty days after the vacancy shall have happened, when
 a Judge shall be elected for a full term of four years.

The Judge of said Municipal Court shall be a qualified elector
 of this city.

Sec. 4. Before entering upon the duties of his office, the

Judges shall take the oaths as prescribed in the general
statutes for judicial officers, which shall be filed in
the office of the Clerk of this city. He shall have the general
powers of Judges of courts of record and may also
take and certify acknowledgments and be a commissioner of roads,
shall have all power and authority which is by law vested in Judges
of the Peace, or any other judicial officer.

Sec. 5. Said Municipal Court shall have a clerk, who shall be
appointed or removed at the pleasure of the said Judges by an order
of the Municipal Court. The salary or compensation of said Clerk
shall be such as such Judges shall direct, and shall be paid by
such Judges.

Such Clerk before he enters upon the duties of his office,
shall take an oath to support the Constitution of the United States
and of the State of Minnesota, and to faithfully and honestly dis-
charge and perform the duties of his office, and shall execute to
the city a penal bond in the sum of one thousand (\$1000) dollars,
with two sureties to be approved by the Mayor of the city, condi-
tioned that he will account to and pay over to the city and county,
on the first Monday of every month, all fines, penalties and other
moneys belonging to or due to the city and county, which may have
come into his hands during the month preceding, and that he
will, at all times, pay over to all other persons, on demand, all
moneys to which they may be entitled, which have come into his hands
in virtue or by reason of his office. Such oaths and bond shall
be filed in the office of the Clerk of the city.

Sec. 6. The Municipal Court shall have full power and authority
to hear and determine, civil and criminal, necessary and proper to
carry into effect the jurisdiction given to it by law, and its judg-
ments and other determinations, and it shall have and possess all
the powers usually possessed by courts of record, of common law,
subject to the modifications of the statutes and this charter

John Hall

...to courts of record, except that it shall not have jurisdic-
tion to issue writs of habeas corpus, mandamus, or writs of
certiorari or injunction.

All process shall be returned in the name of the judge who
issues the same, and the return thereon shall be made to the court
in which the same is issued, and the return shall be made in the
form prescribed by the court by rule or otherwise, and any
return made in violation of the provisions of this section shall
be null and void, and the return shall be made in the absence
of such prescribed form of process in use in courts of record in
this state, or by justices of the peace.

Process may be directed for service to any police officer, mar-
shal, or constable of the city, or to the sheriff of the county, or
to any or all of them.

Sec. 7. The Municipal Court shall hold in the city of some
suitable place to be provided therefor by the judge, or, if the judge
deem it expedient, in some other place in the city. The judge shall be the
sole judge of the city and shall see that the criminal laws
of the State of Massachusetts and the laws, regulations and by-laws
of the city are observed, and for that purpose shall open
the books and records of the court, and shall receive evidence
and shall proceed to hear and decide in a summary manner, all causes
which shall be brought before him by the police officers, or marshals
of the city, or otherwise, either with or without process for viola-
tions of the criminal laws of the state, committed within the
county, or of the ordinances, laws, regulations or by-laws of the
city.

The judge of said court shall keep a record of all its proceed-
ings, and enter all orders, judgments and decrees, and shall commit-
ments and process, as well as all other records.

Sec. 8. The judge of said court shall have the cus-
tody and care of all books, papers and records of said court.

shall keep the minutes of all proceedings and enter all judgments, and make up and keep the records of the court.

He shall pay all costs and disbursements allowed in any action, and do all other things and acts necessary and proper to the enforcement and carrying out of the jurisdiction of the court. He shall receive all fines and penalties and fees of any kind imposed by the court, and keep full, accurate and detailed accounts thereof, which he shall on the first Monday of every year deliver to the Mayor of the city, all money so received for fines and penalties imposed for violation of the ordinances, regulations and by-laws of the city, with detailed accounts thereof, and take from such Treasurer a duplicate receipt for such payments, one of which receipts he shall forthwith file in the office of the City Clerk of the city. He shall, on the same day of each month, deliver to the Treasurer of Wabasha County, all money received by him for fines and penalties imposed for violation of the criminal laws of this state, and take from such Treasurer a duplicate receipt for such payments, one of which receipts he shall forthwith file with the Auditor of Wabasha County.

Sec. 9. All civil actions for recovery of money only, shall be commenced by summons to be issued by the Judge.

The form of the summons may be as follows:

State of Minnesota)	City of
) ss.	
County of Wabasha)	Municipal Court.

The State of Minnesota to any person or officer of said city, or to the sheriff or any constable of said county.

You are hereby commanded to summon
if he shall be found within the county of, to be
and appear before the municipal court of the city of Lake City, at
a term thereof to be holden on the day of 19...
at the hour of o'clock in the and answer
to in a civil action whose complaint is
on file in said court, and have you then and there thereto.

(L.S.) Witness the Honorable 181

municipal judge, this 10.....

.....
Judge of Municipal Court.

Or the summons may be in any other form which the court may
by rule prescribe and shall be served upon the defendant at least
six (6) days before the return day mentioned therein, exclusive of
the day of such service.

Sec. 10. The summons in this court shall be ^{Served} ~~caused~~ in the
same manner as prescribed by statute for the service of ^{summons} in district
court in all cases or classes of cases whereof this court has juris-
diction, except that in case of service of summons by publication,
the period of such publication shall be three (3) consecutive weeks
instead of six. The summons in all civil actions in said court,
shall state the amount claimed by the plaintiff.

Sec. 11. All pleadings in said Municipal Court shall be in
writing. If the defendant fails to appear at the opening of court,
on the day on which the summons is made returnable, judgment may be
entered against him for an amount not exceeding that mentioned in
the summons and for costs and disbursements, except that when the
action is for unliquidated damages or relief, the plaintiff shall
obtain such judgment only as he shall show himself entitled to by
evidence and proof.

If the defendant so appear, he shall then, or at such time
as the court may designate, by rule or otherwise, answer the com-
plaint and if the answer contains a counter claim or new matter,
the plaintiff shall reply thereto forthwith, or at such time as the
court may by rule, or otherwise, designate.

The answer and reply shall be in writing and filed with the clerk,
and these pleadings shall be verified by the party, his agent or at-
torney, either as in courts of justices of the peace, or in the dis-
trict courts of this state.

Sec. 12. Either party may demand to any pleading of his adver-
sary, as in the district court, except that the demand to any pleading

shall be filed within the same time allowed for filing an answer or reply to such pleading.

Sec. 13. All pleadings shall be construed liberally, and technical objections shall be disregarded.

Sec. 14. The court may for good cause, in its discretion and upon such terms as it may deem equitable, upon any default within ten days after it may have occurred, or allow an amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby.

Sec. 15. Either party shall be entitled to a continuance of a civil action, except actions for forcible entry and unlawful detainer, for a period of twenty days, and further continuance may be granted upon sufficient cause shown and on such terms as may be just.

Sec. 16. Said court shall have authority to order that the plaintiff in any action civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of the state, shall, by bond, recognizance, or deposit of money with the clerk, give security for the costs in such sums as the court may designate; when the plaintiff in any cause shall neglect or refuse to so give such security when ordered, the court may dismiss such cause at the cost of the plaintiff.

Sec. 17. Costs shall be allowed in actions determined in this court to the prevailing party, as follows: when he appears by attorney.

Sec. 18. To the plaintiff upon judgment in his favor by

default, three dollars; on judgment in his favor after issue joined, when the amount of the judgment, exclusive of costs, disbursements, or the value of the property recovered, as alleged in the complaint, is less than fifty (50) dollars, three (3) dollars. When such amount or value is more than fifty (50) dollars and less than one

When such amount or value is one hundred (100) dollars or more, ten (10) dollars (5) dollars.

When such amount or value is more than fifty (50) dollars, five (5) dollars (3) dollars. When such amount or value is one hundred (100) dollars or more, ten (10) dollars (5) dollars.

Sec. 19. Costs and disbursements shall be taxed and allowed either by the judge or clerk of said court in the same manner provided by law for the taxation of costs and disbursements in courts of justices of the peace.

Sec. 20. Any creditor desiring to proceed by attachment in said court, may, at the time of commencing the action, or thereafter while the action is still pending, by himself, his agent or attorney, make and file with the clerk an affidavit similar to the affidavit required by law in the application for a writ of attachment in a justice court, and also cause to be filed with the judge, a bond with sufficient sureties to be approved by the judge, court commissioner, or any justice of the peace of Wabasha County, except that in cases within the jurisdiction of a justice court the limit of liability thereon established, shall be mentioned therein as not exceeding the sum of two hundred fifty dollars. The writ of attachment may be in form as follows:

STATE OF MINNESOTA,)) City of Lake City, County of Wabasha.) Municipal Court.
--

The State of Minnesota to my police officer in said city of Lake City, or to the sheriff or any constable of said county:

You are hereby commanded to attach the goods, chattels, moneys, effects, or any other property of or so much thereof as shall be sufficient to satisfy the sum of with interest and costs of suit, in whoever's hands or possession the same may be found in said county, and as provided that the same

may be subject to further proceedings as the law requires; and make due return of this writ.

Witness the Honorable Judge of said court, this
..... day of

Clerk

Or the writ may be in any other form that the court may prescribe by rule or otherwise.

In all other respects, save as in this act otherwise provided, the service of the writ and other proceedings thereon shall be similar, as near as may be, to the service of such writ and proceedings in justice courts.

Sec. 21. The defendant may at any time before the time for answering expires, or at any time thereafter when he has answered before the trial, apply to the court ~~for~~ on 'five days' notice, to vacate the writ of attachment.

If the motion is made upon affidavit on the part of the defendant, but not otherwise, the plaintiff may oppose the same with counter affidavits.

Sec. 22. The plaintiff in an action to recover possession of personal property, may, at the time of issuing the summons, or at any time before answering, claim the immediate delivery of such property.

But the agent or attorney shall make and file an affidavit similar to the affidavit required in justice courts of the state in like case.

The plaintiff, or some person in his behalf, shall execute a bond with sufficient sureties, to be approved by the judge, conditional to the bond required in such case in justice courts, as near as may be, and file said bond, and an action may be maintained upon such bond as provided in like actions in justice courts.

The writ shall thereupon issue, or cause to be issued by the clerk, the writ which may be in form as follows:

STATE OF MINNESOTA)
) ss. City of Lake City,
County of Wabasha.) Municipal Court.

The State of Minnesota to any police officer of said city of said City of Lake City, or the sheriff or any constable of said county:

Whereas, complains that
has become possessed of and unjustly detained from
the following described goods and chattels, that is to say; (par-
ticularly describing the articles and value)
heretofore, you are hereby ordered to cause the goods and chattels
referred to at lasted to be returned to the plaintiff without delay,
and to return this writ within days, together
with a return of your proceedings thereon.

Witness the Honorable Municipal Judge,
this day of A. D. 19.....

(L.S.) Judge of the Municipal Court.

Or the writ may be in any other form that the court may pre-
scribe, by rule or otherwise.

Sec. 23. The writ mentioned in the preceding section shall
be served and all proceedings thereunder had, as near as may be,
consistent with the practice of this court, in the same manner as
any proceedings in justice courts of the state; but
the time of trial and the forms of pleadings shall be the same
as in actions in this court.

The officer executing the writ shall retain the ^{property} taken under
it in his custody for three (3) days before delivering the same to
plaintiff; and, if within that time the defendant, or some one in
his behalf, shall execute to the plaintiff a sufficient bond in

amount equal to the bond filed by the plaintiff with sufficient sureties to be approved by the judge, court commissioner or justice of the peace of Wabasha County, conditioned as in like cases in the district court and file such bond, the judge shall thereupon issue an order to the officer to deliver such property to the defendant.

Sec. 24. The defendant may object to the sufficiency of plaintiff's sureties within the same time and in the same manner as in proceedings for claim and delivery of personal property in the district court, and when defendant so objects, the same proceedings shall be had as in like actions in the district court, except that justification of sureties be had before the judge of said municipal court, or the court commissioner, or a justice of the peace of Wabasha County.

The qualifications of sureties shall be the same as required in like actions in the district court.

Sec. 25. In all actions where either party demands a trial by jury, such jury shall be drawn and empanelled in the same manner as in justice courts, and the laws of this state relative to trial by jury in justice courts shall apply to this court; Provided that the judge of said court may direct the chief of police or any other police officer or marshal of said city to perform the duties prescribed to be performed by the sheriff or constable in justice courts.

Sec. 26. Depositions may be taken and read in evidence in said court as in justice courts and all laws relative to depositions in justice courts shall apply to said municipal court.

Sec. 27. Said court shall have jurisdiction of actions for forcible entry and unlawful detainer, and the practice shall be the same in such cases, as near as may be, to similar proceedings in justice courts and the general laws of the state of Minnesota, shall apply to such actions in said municipal court.

Sec. 18. Proceedings against garnishees may be instituted in the same manner as in Justice courts, but the summons may be served either by an officer authorized by this act to serve process, or by any person not a party to the action and any place within the State of Minnesota, and the summons shall be made returnable the same as in Justice courts in the same manner as if the notice required to be served on the defendant, may be served by either the sheriff, the clerk of the Municipal Court, or the person serving the summons, or the plaintiff or his attorney.

The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court, except that the examination of the garnishee shall be before the judge of said court, or a referee by him appointed.

Sec. 19. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs ^{of} execution thereon may issue against the goods and chattels of the judgment debtor, returnable within thirty ^{days} in Justice courts, the provisions for renewals of executions in district court shall apply to this court, except that such renewals shall extend the life of the execution for only thirty days from the date of such renewal, and except that no renewal for such execution shall be made until a fee of twenty five cents therefor shall have been paid.

Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding five dollars besides costs may, upon paying the fee therefor, demand and shall receive from such clerk a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk

of the district court in and for Wabasha County, who shall file and docket the same, as in the case of transcripts of judgments from courts of justices of the peace.

And every such judgment shall become a lien upon the real estate of the debtor from the time of filing such transcripts to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court and carried into execution by its process, as if said judgment had been rendered in said district court, the judge of said municipal court shall not issue such transcript while the writ of execution is outstanding in the hands of an officer, or otherwise, and shall note on the record of said judgment the fact that such transcript has been given; and shall not thereafter, issue any writ of execution on the same judgment, but may, at any time after the first transcript is issued, give to any party applying therefor, upon such party paying ^{Judges fee} therefor, a new transcript and the clerk shall note the record of each transcript given upon such judgment.

Sec. 30. Complaints in criminal cases, where the defendant is not in custody, may be made to the judge or clerk, in writing or refused to writing by the judge or clerk, and sworn to by the complainant whether the offense charged is a violation of the criminal laws of this state, or of the ordinances, regulations or by-laws of this city, and the judge shall issue a warrant only upon a complaint, and complaints, warrants and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve.

In all cases where alleged offenders shall be in custody and brought before the court without process, the judge, or the clerk under his directions, shall enter upon the records of the court, a brief statement of the offense with which the defendant is charged,

which shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of defendant shall be "guilty" or "Not Guilty" and a former acquittal or conviction for the same offense may be proved under the pleading, as well as if formally pleaded.

In the examination of offenders charged with indictable offenses the judge shall be present, or cause to be kept under his direction supervision, such minutes of the examination as he shall think proper, and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

Sec. 31. In all proceedings had in municipal court, the following fees shall be charged and collected by the Judge, or the clerk, as and for the compensation of the judge, and said fees may be taxed in all cases where applicable, as follows:

For summons, warrant or subpoena, thirty-five (35) cents.

For a venire for a jury, the same fees as in a justice court.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

For hearing and deciding every motion for a new trial, every retrial, and every motion to open a default, one (\$1) dollar.

Appeal from taxation of costs, one (\$1) dollar.

Entering a judgment, thirty-five (35) cents.

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security directed by law to be taken by judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of any paper, proceeding or examination in any case,

when demanded, per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing a commission to take testimony fifty (50) cents.

Entering any order or execution thereon ten (10) cents.

Entering any writ without process, thirty-five (35) cents.

For transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed, five (5) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit, and making return to District Court, per folio, fifteen (15) cents.

(35)
For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner issued to jailer, thirty-five (35) cents.

Discharging a prisoner, after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper drawn by the judge or clerk, for which no other allowance is made by law, per folio, fifteen (15) cents.

For carrying and making return thereof, three (\$3) dollars, and such other sum as may be allowed by the parties making the application.

Holding an inquisition in cases of forcible entry and unlawful detainer, in addition to other fees, one (\$1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five (25) cents.

For traveling to perform any duty, when not otherwise provided for and such travel is necessary, for mileage, room and returning, ten (10) cents.

Neither the judge of said court, or the clerk shall be required to enter any judgment in any cause, nor perform any services required of him in any cause, as such judge, or clerk, after the entry of the judgment therein, until the fees therefor shall have been paid.

Sec. 32. The judge of said municipal court shall hold no other office under said city, and no law partner of said judge shall practice before ^{said} court.

Sec. 33. The city attorney of said city shall have charge of all the prosecution of all criminal cases before said court, where in the defendant is charged with a violation of the statute city charter, or any ordinance or by-law of the city, and the County Attorney of Wabasha County, shall act in the prosecution or examination of offenders charged with other offenses, when required by law to prosecute in like cases before a justice of the peace.

In all criminal cases tried in said court and in examination of the persons therein charged with the crime, the clerk, or judge, shall tax costs and fees as hereinbefore provided in this act; and when said court has final jurisdiction, and the defendant is convicted he shall tax the said costs as part of the costs against the defendant, and include the same in a judgment to be entered against him.

Sec. 34. In all examinations of persons charged with crime under the laws of this state and in all trials of criminal cases under such laws, when the defendant is acquitted and when he is convicted and does not pay his fine and costs within ninety days after the final determination of said cause, the judge, or his clerk, shall make out an itemized bill of the costs accruing to the municipal

court in such case or examination, certified to under his hand and the seal of said court, and file such bill with the Auditor of said county, where said city is situated. He shall upon such presentation, draw his warrant upon the treasurer of such county, for the amount of the bill so presented, in favor of the judge of said court, and the treasurer of said county shall forthwith pay the same.

In all trials of criminal cases under the ordinances, by-laws and regulations of said city, when the defendant is acquitted, and when he is convicted and does not pay his fine and costs within ninety days after the final determination of said case, the clerk shall make out an itemized bill of said costs accruing to the municipal court in such case, certified to under his hand and the seal of said court, and file such bill with the city clerk of the city, who shall upon presentation, draw his order upon the treasurer of said city for the amount of the bill so presented in favor of the judge of said court, and the treasurer of said city shall forthwith pay the same.

All appeals from any ~~order~~, judgment, order or action of said court, shall be had to the district court of the county in which such city is situated, in like manner and under the same rules of practice and procedure as in cases of appeal from justice to district courts, the general laws of this state relating to appeals from justice courts and the laws relating to proceedings for contempt before justices of the peace, shall apply to this court.

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CHAPTER XX,
THE LAKE CITY PUBLIC LIBRARY.

Section 1. Whereas there has been established and has since been maintained in the City a Public Library, known as The Lake City Public Library, and there has been duly appointed nine directors, who have had, and now have, charge and management of said library.

Now, Therefore, it is hereby made the duty of the Common Council to maintain said library, and the Common Council shall annually levy a tax upon all the taxable property in the city, not exceeding one mill on the dollar, such tax to be levied and collected in like manner, with other general taxes of the City, and to be known as the "Library Fund".

Sec. 2. The Mayor, with the approval of the Common Council, upon the expiration of the term of office, or the death, resignation, or vacancy or removal of any director for misconduct or neglect of duty of any member of the Board of Directors as now constituted, who shall remain in office until the expiration of their term, shall appoint a successor so that said board shall at all times be composed of nine directors, to be chosen from the citizens at large with reference to their fitness for such office and not more than one member of the Common Council shall be at any time a member of said board.

Sec. 3. The Mayor, with the approval of the Common Council, shall, on or before the first Monday of July in each year, appoint three directors to take the places of the retiring directors, who shall hold office for three years and until their successors are appointed and qualified. Such Mayor may by and with the consent of the Common Council, remove any director for misconduct or neglect of duty.

Sec. 4. Vacancies on the Board of Directors occasioned by removal, resignation, death or otherwise, shall be reported to the Common Council and be filled by appointment in like manner as originally appointed, but appoint-

ment to fill vacancies shall be for the unexpired term. No director shall receive any compensation as such.

Sec. 5. Said directors shall elect one of their number President, and another of their number Secretary, and such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading room, or either of them as may be expedient, and shall have power to appoint a suitable librarian and necessary assistant and fix their compensation, and shall have power to remove said appointees. They shall have the exclusive control of the expenditure of all moneys collected and placed to the credit of the library fund. They shall also have the supervision, care and custody of the rooms of said library and subject to the consent and under the direction of the Common Council. Provided, that all moneys received for such library shall be paid by the County Treasurer of Wabasha County, Minnesota, to the City Treasurer of the City, who shall deposit the same to the credit of the library fund, and shall ^{be kept} ~~keep~~ separate and apart from other money of the City.

All warrants for the payment of money out of said fund shall be ^{and allowed} authorized by said board, by a majority vote of all its members taken by yeas and nays and entered upon the record of its proceedings, and shall be signed by the President or Vice-President, and by the Secretary; such warrants shall then be paid by the City Treasurer.

Sec. 6. Said Board of Directors shall make on or before the thirty-first day of December, in each year, a report to the Common Council stating the amount received during the year from taxes, and all other sources, the amount expended and for what purposes, the balance of cash on hand, the number of books on hand, the number purchased, the number loaned, and such other information as they may deem of interest; and shall send one copy of such report to the Minnesota State ^{Public} Library Commission.

Sec. 7. Said Board with the consent of the Common Council, or the Common Council of said City, may accept by resolution or ordinance any conveyance, gift, grant, donation, devise or bequest for said library, or for any art gallery or museum in connection with such library, which may be

given, granted, conveyed, donated, devised or bequeathed by any person, company or corporation of the City and may enter into an agreement with any such person, company or corporation or with his or her legal representative, affecting such gift, grant, donation, bequest or devise, as may be proposed or imposed concerning the same.

Sec. 8. Any and all property given, granted, conveyed, donated, devised or bequeathed to, and any and all property purchased or acquired by the City for the purpose of said library shall vest in and be held in the name of the City of Lake City.

Sec. 9. Said library shall be forever free to the use of the inhabitants of the City, subject to such reasonable rules and regulations as the library board may adopt.

Sec. 10. The Common Council shall have power to pass ordinances imposing penalties for the punishment of persons doing any injury to ~~any~~ property under the control and supervision of said Library Board of Directors.

Sec. 11. The members of said Library Board shall receive no compensation for their services as such members.

CHAPTER



PARK BOARD.

Section 1. The Park Board of this City heretofore established, under and by virtue of Chapter 335 of the Laws of the State of Minnesota, approved April 19th 1905, is hereby confirmed and the members of said Park Board are hereby continued in office during the time for which each member thereof was appointed.

Sec. 2. Said Park Board shall continue to be composed of three members who shall be freeholders and residents of said city. One member shall be appointed by the Mayor and confirmed by the Common Council each and every year, and his term of office shall be three years, and said Board shall organize each year by appointing one of its members President and one Secretary of the Board.

Sec. 3. The said Park Board shall have control and supervision of all parks, park-ways and boulevards within the City, and also of such streets and other public grounds, as the Common Council shall by proper resolution designate. And it is made the duty of said Board to cause to be enforced all laws of the State and ordinances and resolutions of the Common Council for the improvement, care and protection of such parks and other ^{public} property under their charge.

Sec. 4. For the purpose of carrying out the provisions of this Charter, the Common Council may appropriate annually out of any of the revenues of the City, received from taxes, saloon or other licenses and fines, a sum of money not exceeding ten percent of such revenues, the money so ^{received} ~~raised~~ to be disbursed by said Board for the purposes herein mentioned, in such manner and subject to such rules and regulations as the Common Council, or said Park Board shall direct.

Sec. 5. It is made the duty of said Park Board, annually on or before the first Monday in May, to make and file with the City Clerk, an itemized statement fully showing the financial condition of the fund in their hands; which report shall show all moneys received and all moneys paid out since its last report, and the purposes for which the same were paid.

Sec. 6. The members of said Park Board shall receive no compensation for their services as such members.

Sec. 7. The terms of office of the members of the Park Board shall commence on the second Tuesday in April.

CHAPTER
STREET COMMISSION.

Section 1. There is hereby established in and for the City of Lake City a commission to be known as the Street Commission of the City of Lake City, to be constituted and organized as hereinafter provided.

Sec. 2. The Street Commission of the City of Lake City shall consist of three resident freeholders and qualified electors of the City of Lake City. They shall be appointed by the Mayor as soon as practical after the adoption of this charter, and confirmed by the Common Council. They shall hold office as follows: one for one year, one for two years, and one for three years, and until their successors are appointed and qualified. The members of the commission shall devote all the time necessary for the proper and efficient discharge of the duties imposed upon them by the provisions of this Charter. The Mayor shall designate in each appointment the time each member shall serve, and shall on the second Tuesday of April, A. D. 1910 and annually thereafter appoint one member of said commission whose term of office shall be for three years and until his successor shall be appointed and qualified. In case the office of any member shall become vacant during his time, the Mayor, subject to the approval of the said Common Council, shall in like manner as soon as practical thereafter, appoint a person of like qualifications as aforesaid to fill the vacancy during the unexpired term and until his successor shall be appointed and qualified.

Sec. 3. No member of the commission shall be interested directly or indirectly in any contract entered into by said commission, and any contract entered into by said commission in violation of this provision shall be absolutely null and void.

Sec. 4. The Mayor shall deliver to each person appointed by him as aforesaid, pro tempore or otherwise, a certificate of his appointment, and each person shall before entering upon the dis-

from persons of good character and high ability, and who shall be appointed by the Mayor and confirmed by the City Council, and who shall hold office for a term of two years, and may be reappointed for a second term. The Mayor may remove any member of the Board at any time, and the City Council may remove any member at any time, and the Mayor may fill any vacancy in the Board at any time.

Sec. 5. The Board shall have the honor and respect of the City, and shall be authorized to employ such persons as may be necessary for the proper discharge of its duties, and to fix the salaries of such persons, and to make such regulations as may be necessary for the efficient management of its business. The Board shall also have the right to call upon any department of the City for such information as may be necessary for the proper discharge of its duties. The Board shall also have the right to make such recommendations as may be necessary for the improvement of the City.

Sec. 6. Any member of the Board who shall be removed from office by the Mayor or the City Council, shall be ineligible for reappointment to the same office for a term of one year. The Mayor may remove any member of the Board at any time, and the City Council may remove any member at any time, and the Mayor may fill any vacancy in the Board at any time.

Sec. 7. The Board shall consist of five members, and shall be organized by electing one of its members chairman, and shall have the honor and respect of the City, and shall be authorized to employ such persons as may be necessary for the proper discharge of its duties, and to fix the salaries of such persons, and to make such regulations as may be necessary for the efficient management of its business.

Sec. 8. The Board shall have the honor and respect of the City, and shall be authorized to employ such persons as may be necessary for the proper discharge of its duties, and to fix the salaries of such persons, and to make such regulations as may be necessary for the efficient management of its business. The Board shall also have the right to call upon any department of the City for such information as may be necessary for the proper discharge of its duties. The Board shall also have the right to make such recommendations as may be necessary for the improvement of the City.

streets are kept free from weeds, and in the winter, that the walks are sufficiently free from snow and ice.

Sec. 9. For the proper carrying out of the duties of this commission, it shall have authority to hire a competent man to act as a street overseer, who shall be competent to perform the duties of the office and who shall be kept permanently in the service as long as his work is well and faithfully performed. The commission shall have authority to hire men and teams to assist in carrying out the necessary work of the commission and to purchase one or more teams with equipment of wagons and machinery necessary for the work, but in the hiring of a street overseer or the purchase of teams and equipment, it shall first be submitted to the Common Council of the City of Lake City, and approved by them.

Sec. 10. It shall be the duty of the street commission before incurring any expense to exceed the sum of one hundred dollars, to submit the proposed improvement to the Common Council for its approval.

Sec. 11. The members of the street commission shall serve without compensation.

Sec. 12. The City Treasurer shall be ex-officio treasurer of said commission, and it is hereby made his duty to receive all moneys which shall be paid into his hands on account of said street commission, from any and all sources and to keep a detailed and exact account thereof, in such manner as to show at all times the exact financial condition of said commission.

Sec. 13. The said commission shall keep books showing all moneys which may be paid into its hands, when paid out, from what source received, the amount paid out and for what purposes paid, which books shall be kept open to the examination of the Common Council, or any of its committees, or any person appointed for that purpose by the Common Council of said city; and said Street Commission shall also on the first Monday of April in each year, and oftener if requested by the Common Council, make a report to the Common Council

of said city, of the condition of the streets under its charge, and of the receipts and expenditures on account of the same, together with an inventory of any and all property under their control, and its condition.

Sec. 14. For the purpose of carrying out the provisions of this Charter, the Common Council may appropriate annually out of the resources of the city such sums of money as they may deem necessary to maintain the streets in a proper and passable condition for travel.

CHAPTER XVIII

MISCELLANEOUS PROVISIONS.

Ordinances and Resolutions to Continue in Force.

Sec. 1. All ordinances and resolutions heretofore made, adopted or established by the Common Council of the City of Lake City, not inconsistent with the provisions of this act, shall remain in force, except as altered, modified or repealed by the Common Council of said City, and all books and pamphlets heretofore published, or which may hereafter be published, purporting upon their title page to have been published by authority, or under direction of the Common Council, and purporting to contain the ordinances of said City, standing rules or orders of said Common Council, or either, are hereby declared to be competent and prima facie evidence of the contents of such ordinance, standing rules and orders, or any resolution or other matter purporting to be the act of said Common Council, which may be found printed therein, and the City Clerk, that any printed publication thereof, and the certificate of the City Clerk, that any printed slip of paper to which such certificate may be attached, contains a true copy of any ordinance, resolution or proceeding of the Common Council, or other paper, the original of which is presumably in the possession of said City Clerk, shall constitute such printed slip of paper competent and prima facie evidence of the contents and purport of the ordinance, resolution, proceeding of the Common Council, or other paper, and of the legal passage, adoption, approval and publication thereof.

COMPILATION OF ORDINANCES.

Sec. 2. The Common Council may, from time to time, provide for the compilation and publication of the ordinances of the City, and such resolution as may be designated and for the distribution and sale of copies of such compilation in its discretion, and may also provide for exchange of such printed compilation or similar publications of other cities.

Inhabitants of City not Disqualified in Cases Where City is Party in Interest.

Sec. 3. No person shall be incompetent as a Judge, Justice, witness or juror by reason of his being an inhabitant of said City, in any proceeding or action in which the said City shall be a party in interest.

Charter not repealed by State Law.

Sec. 4. No law of the state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Process — How served against City.

Sec. 5. When any suit or action shall be commenced against said City, the service of the summons therein may be made by leaving a copy of the process by the proper officer with the Mayor and City Clerk, and it shall be the duties of said officers respectively forthwith to inform the Common Council thereof, or to take such proceedings as by the ordinances or resolutions of said Common Council may have been in such case provided.

Action to be in Name of City.

Sec. 6. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.

City not Liable for Board of Prisoners in State Cases.

Sec. 7. The City of Lake City shall not be liable in any case for the board of jail fees of any person who may be committed by any officer or magistrate of the City, to the jail of Wabasha County under the State laws.

No Penalty to be Remitted without Vote of

Two-thirds of the Common Council.

Sec. 8. No penalty or judgment recovered in favor of said City shall be remitted or discharged, except by a vote of two-thirds of the members of the Common Council.

No Public Property to be Disposed of without Authority
of the Common Council.

Sec. 9. No City officer or employee of the City shall sell, dispose of, or convert to his own use, any City property in his charge without special authority from the Common Council.

Official paper — How Designated.

Sec. 10. The Common Council shall at its first meeting on the second Tuesday in April in each year, or as soon thereafter as may be, designate the official paper of the City, *for the ensuing year*.

The Common Council may by resolution require said official paper to publish a full or partial report of any of its regular or special meetings or any full or partial report of any board under this charter, to the Common Council at such price, not exceeding the legal rate in Minnesota, for the publication of legal notices, as the Common Council may agree with the owner or owners of said paper.

Affidavits of Publication.

Sec. 11. The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, file with the Clerk of the City, a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Taxable Property.

Sec. 12. All property, real and personal, within the City, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the City government, and the payment of its debts and liabilities, and the same shall be assessed in the manner provided by the general laws of this state.

Property exempt from Levy and Sale.

Sec. 13. All property, real and personal, belonging to the City, or any of the departments or wards thereof, and all public school houses within said City, and the furniture and apparatus thereto belonging, shall be exempt from seizure or sale under or by virtue of any attachment, execution, or other process. No property, real, personal or mixed, belonging to any inhabitant of said City, or to any person or corporation, shall be seized, levied upon or sold, under or by virtue of any attachment, execution or other process issued to secure, satisfy or collect any judgment, obligation or contract of said City.

Property Exempt from Taxation.

Sec. 14. All property, real or personal, belonging to said City, or to the Lake City School District, shall be exempt from taxation.

This Act to be a Public Law.

Sec. 15. This act is hereby declared to be a public act, and need not be pleaded or proved in any court or case.

Sec. 16. All city officers now elected and appointed, shall hold their respective offices as provided in the City Charter now in force.

The Mayor shall make the appointments of the various Boards provided for in this Charter as soon as practicable after this Charter becomes effective, and thereafter as provided in said Charter.

Continued.

Sec. 17. The General Cemetery Association heretofore organized and now existing within the city, are hereby confirmed and continued as heretofore.

State of Minnesota,)
County of Wabasha,) ss.
City of Lake City)

Duplicate

We hereby certify that the foregoing is the proposed New Charter drafted by the Board of Freeholders appointed for the City of Lake City in the County of Wabasha of Minnesota, duly returned by said Board to the Common Council of said city on the 8th day of July, 1909.

We further certify that pursuant to an order duly made by the Common Council of said City, on the 16th day of July, 1909, a special election was held in said City on the 16th day of March, 1909, for the purpose of submitting the question of the adoption of said Charter to the qualified voters of said city. That notices of said special election were duly posted and said election held on said day in all respects as required by law.

That in the First Ward of said city, there were cast in favor of the adoption of said Charter 177 ballots, and against its adoption 80 ballots.

In the Second Ward there were cast 101 ballots in favor of the adoption of said Charter, and against its adoption 89 ballots.

That the whole number of votes cast in said city at said special election was 447, of which 287 votes were in favor of the adoption of said proposed charter and 169 votes against the adoption of same.

That on the 19th day of March 1909 said votes and ballots were duly canvassed by the Common Council of said city and more than four-sevenths of all the qualified voters who voted at said election, having voted in favor of the verification and adoption of said Charter, the same was duly adopted.

Dated at the City of Lake City, Minn., this 10th day of March 1909.

Attest:

W. D. Underwood Mayor

J. D. Barton Recorder

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