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PROPOSED CHARTER
— OF THE —
CITY OF ALEXANDRIA
Submitted Jan. 26, 1909

2381

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RE-INDEXED

MAY 12 1921

Charter of the City of Alexandria.

Framed and Adopted Pursuant to Section 36,
of Article 4, of the Constitution of the
State of Minnesota, and Chapter 9,
Revised Laws, 1905, and Acts
Amendatory thereto.

CHAPTER 1.

Name, Powers, Boundaries and Succession.

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

Corporate Boundaries.

Sec. 2. The lands and territory included within the following described boundaries and limits shall constitute the corporate territory of the said City of Alexandria, to-wit: That part of Douglas County in the State of Minnesota included within the following described limits, descriptions and boundaries, to-wit: Lots two (2), three (3), four (4), five (5), six (6) and seven (7) of section eighteen (18), all of section nineteen (19), the north half ($\frac{1}{2}$) and the west half ($\frac{1}{2}$) of the southwest quarter of section twenty (20), the south half ($\frac{1}{2}$) of section seventeen (17), the east half of the northwest quarter, and the southwest quarter and Lots one (1), two (2) and three (3), section sixteen (16). Lots one (1), two (2), three (3) and four (4), and the northwest quarter of the

northwest quarter of section twenty-one (21), Lots five (5) and six (6), and the east half of the southwest quarter of section nine (9), all in township one hundred and twenty-eight (128), north of range thirty-seven (37) west. Also the east half of the southeast quarter of section thirteen (13) and Lots one (1) and six (6), of section twenty-four (24), all in township one hundred and twenty-eight (128), north of range thirty-eight (38) west.

Ward Boundaries.

Sec. 3. The City of Alexandria is hereby divided into five wards, bounded and described as follows:

First Ward—The First ward shall comprise all the territory within the city limits lying north of the center line of Sixth Avenue, produced to the west boundary line and limit, and west of the center line of "J" Street, produced to the north boundary line and limit of the city.

Second Ward—The Second ward shall comprise all the territory within the city limits lying north of the center line of Sixth Avenue, produced to the east boundary line and limit, and east of the center line of "J" Street, produced to the north boundary line and limit of the city.

Third Ward—The Third ward shall comprise all the territory within the city limits lying south of the center line of Sixth Avenue, produced to the east boundary line and limit, and east of the center line of "J" Street, produced to the south boundary line and limit of the city.

Fourth Ward—The Fourth ward shall comprise all the territory within the city limits lying south of the center line of Sixth Avenue, and west of the center line of "J" Street, produced to the south boundary line and limit, and east of the center line of "F" Street, produced to the south boundary line and limit of the city.

Fifth Ward—The Fifth ward shall comprise all the territory within the city limits lying south of the center line of Sixth Avenue, produced to the west boundary line and limit, and west of the center line of "F" Street, produced to the south boundary line and limit of the city.

Provided, that after the organization of the city under this charter, the Council may, from time to time, by a two-third vote of the members thereof, by ordinance, make such re-division of the city into wards as may be required by the public interests; but no ward shall be created that shall contain fewer than one hundred voters; and provided further, that in any re-division it shall be the duty of the Council to provide for an equal population, as near as may be, in each ward.

Succession.

Sec. 4. When this charter takes effect, the City of Alexandria shall be and become the legal successor of the Village of Alexandria under its former charter, and shall be vested with all franchises, rights and immunities formerly vested in said village, except as hereinafter provid-

ed. All property and property rights and interests of every kind and nature, formerly vested in said village shall, when this charter takes effect, be and become vested in, and possessed by, the City of Alexandria under this charter.

CHAPTER 2.

Officers and Elections.

Elective Officers.

Sec. 5. The elective officers of the city shall be a Mayor, a Treasurer, one member of the Council from each ward, who shall be known as Aldermen, and two Justices of the Peace.

Appointive Officers.

The appointive officers of the city shall be a Clerk, an Assessor, an Attorney, a Constable, a Street Commissioner, a Scaler and Weigher, an Engineer, Park Commissioners, a Library Board, a Board of Health and a Board of Public Works. Said officers shall be appointed by the Council; such appointment shall be made by ballot, and it shall require a majority vote of the entire Council.

Term of Office.

Sec. 6. The term of all elective officers, except the Aldermen and Justices of the Peace, shall be one year. The term of office of Aldermen and Justices of the Peace shall be two years, except as herein otherwise provided. At the first election of officers under this charter, the term of office of the Aldermen from wards One, Two and Four shall be one year, and the term of office of the Aldermen from wards Three and Five shall be two years, and thereafter upon the expiration of the term of office for which the said Aldermen were elected respectively, the term of office of all Aldermen elected shall be for two years. All terms of office of elective officers elected under this charter shall commence on the third Tuesday of March in the year in which they shall be elected, except as hereinafter otherwise provided, and shall continue until their successors are elected and qualified; and the terms of office of all appointive officers, except as otherwise in this charter provided, shall be one year from and after their appointment. All officers, whether elective or appointive, shall continue in office until their successors are elected or appointed and qualified, and in case an officer is elected or appointed to fill an unexpired term, such term shall expire at the same time that the term of the preceding incumbent would expire.

Time of Elections.

Sec. 7. The regular elections shall be held on the second Tuesday in March in each year, and the first regular election under this charter shall be held on the second Tuesday in March, 1909. All the present

officers of the Village of Alexandria shall continue in office until their successors are elected and qualified under this charter.

The Mayor, or in case of his refusal, the Council, may, by the affirmative vote of a majority of the Council, call a special election of the voters of the city, and provide for holding the same. The purpose of such election shall be clearly stated in the resolution providing for such election, and no other matter shall be submitted thereat.

Sec. 8. All general laws of the State of Minnesota relating to elections and the preliminaries thereof, shall, so far as applicable, apply to and govern all elections under this charter, the same as if specifically re-enacted. The returns shall be made to the Clerk within two days after any election under this charter.

The Council shall meet and canvass the returns thereof and declare the result as appears from such returns within three days after the election, and the Clerk shall forthwith give notice, in writing, to the officers elected, of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the Council, at such time and place and in such manner as it may direct.

Abandonment and Resignation.

Sec. 9. Any elective or appointive officer who shall change his residence from the city, or any alderman from the ward for which he was elected or appointed, or who shall refuse to enter upon the discharge of the duties of his office within ten days after being notified by the Clerk of his election or appointment, shall be deemed to have vacated and abandoned such office. And any officer having entered upon the duties of his office may resign his office by consent of the Council.

All vacancies in office, except as herein otherwise provided, shall be filled by appointment by the Council for the unexpired part of the term of such office in which the vacancy occurs. If for any reason any elective officer should not be elected at the time when he should be elected under this charter, the Council shall forthwith call a special election for filling the vacancy, except when in this charter otherwise provided.

Removals.

Sec. 10. Any appointive officer provided for under this charter may be removed from his office by the affirmative vote of a majority of all the members of the Council. The Council shall fix a time and place for the trial of officers for cause of removal from office, of which not less than ten days' notice shall be given the accused, and shall have power to compel the attendance of witnesses and the production of papers, to administer oaths and to hear the proofs and arguments.

If any accused officer shall neglect, after due notice of the charges against him, to make answer, the same shall be cause of removal from office without further notice. At the close of the taking of the proofs and the hearing of arguments, the Council shall forthwith proceed without debate to vote viva voce on roll call upon a motion declaring such officer removed.

Qualifications.

Sec. 11. All persons qualified to vote for state officers who shall have resided in the election precinct for thirty (30) days next preceding any election where they shall offer their votes, shall be entitled to vote at any city election, and all qualified voters shall be eligible to hold any appointive office, except such offices hereinafter mentioned, where a special qualification is by this charter required.

Powers.

Sec. 12. All village officers of the Village of Alexandria, acting as such at the time this charter takes effect, shall continue to hold such offices until new officers have been chosen and qualified under the provisions of this charter, and they shall be vested with such powers and functions as are specified in the old charter of the Village of Alexandria and amendments thereto.

Reports, Transfers of Property.

Sec. 13. Every elective and appointive officer, except members of the Council, and all boards provided for in this charter, shall annually on or before the first day of March, make and transmit to the Council full and detailed reports, properly verified by affidavit, of the business of such office or department for the current fiscal year, together with the full and true inventory of all money, property and other effects of the city in the possession of such officer or board, or under his or its control. Such officers and boards shall likewise make to the Council similar reports, and exhibit all their books of account, papers and other records kept by them, whenever requested by the Council so to do. Every elective and appointive officer and board and member thereof, provided for by this charter, shall, at the expiration of his term of office, in whatsoever way terminated, turn over to the city or to his successor in office all the books, papers, files, records, money and other property and things whatsoever pertaining to his office, which may be in his possession or under his control.

Oath.

Sec. 14. Every person elected or appointed to any office under this charter, shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the Clerk.

Salaries.

Sec. 15. In all cases where the salaries are fixed by the Council, they shall be fixed by resolution at the first meeting of the first Council elected under this charter for the year ending on the third Tuesday in March, 1910, and thereafter at the regular meeting in March of each year for the succeeding year.

CHAPTER 3.**Officers, Their Powers and Duties.****Mayor—Powers and Duties.**

Sec. 16. The Mayor shall be the general executive officer of the city; he shall preside over the meetings of the Council and shall have command and control of its police force. He shall cause the laws of the state, the provisions of this charter and the ordinances of the city to be duly observed and enforced within the city, and all other officers of the city to discharge their respective duties; and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the Council such information and recommend such measures as he shall deem advantageous to the city. He shall sign all warrants and orders drawn on the Treasurer, and all bonds, obligations and contracts on behalf of the city, except as may be otherwise provided for herein. He shall, upon service of notice, summons or process upon him, in any action or proceedings against the city, forthwith inform the attorney and the council thereof.

Veto Power.

Sec. 17. Every ordinance or resolution of the Council shall, before it takes effect, be presented to the Mayor for approval; if he shall approve it, he shall sign the same, but, if he disapprove it, he shall return it to the Council with his objections thereto, by depositing the same with the Clerk, to be presented to the Council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered and the question shall again be put upon the passage of the same, notwithstanding the objections of the Mayor, and if, upon such submission, the Council shall pass the same by two-thirds vote of all its members, it shall have the same effect as if approved by the Mayor, and in case the vote shall be by yeas and nays, it shall be entered by the Clerk. If an ordinance or resolution shall not be deposited with the Clerk by the Mayor within five days after it shall have been presented to him, it shall have the same effect as if approved by him.

Acting Mayor.

Sec. 18. During the absence of the Mayor from the city, or his inability from any cause to discharge the duties of his office, the Council shall elect by ballot, from its own number, an officer who shall be styled Acting Mayor, and such person shall, for the time being, exercise all the powers and discharge all the duties, and be subject to all the liabilities imposed by general law, or the city charter or ordinances, upon the Mayor; and his acts, while so acting as Mayor, shall have the same force and validity as if performed by the Mayor.

Such Acting Mayor shall continue to discharge the duties herein assigned to him until the Mayor returns to his duties and actually resumes the duties of his office; and in case of vacancy in the office of the Mayor, for any cause, an Acting Mayor shall be chosen, who shall continue in office until the successor of the Mayor is elected or appointed and qualified.

City Clerk.

Sec. 19. The City Clerk shall keep his office at the place of meeting of the City Council or at such place convenient thereto as the City Council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of all the proceedings of the City Council and of other departments of the city, except as otherwise provided herein. Copies of all papers filed in his office and transcripts by him from all records of the Council certified under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the City Treasury in pursuance of any order or resolution of City Council, and keep a full and accurate account thereof in books provided for that purpose. Before entering upon the duties of his office the Clerk shall give a bond, with sufficient sureties, in such sum as the Council may direct, conditioned for the faithful performance of the duties of his office. The City Clerk shall have power to administer oaths and affirmations and to take and certify the acknowledgments of deeds, mortgages and other instruments in writing. It shall be his duty to report to the City Council the financial condition of the city whenever the Council shall require. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear, and shall recommend such action to the City Council as will in his judgment secure the payment of the interest on such bonds, on or before the first day of September, or before the time of the levy of taxes in each year, and estimate the expenses of the city and the revenue to be raised for the ensuing year. He shall countersign all contracts made in behalf of the city, and all certificates of work authorized by the City Council or by any officer thereof.

The City Clerk shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates of indebtedness which have been redeemed, and the amount of each outstanding; countersign all bonds, orders and other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued and the amounts thereof; keep account of all receipts and disbursements of the officers of the city, showing the amount that they have received from the different sources of revenue, and the amount they have disbursed under the direction of the City Council.

The City Clerk shall check up the books of the Treasurer quarterly, count the cash and verify the bank balances and forthwith report to the Council the condition of the moneys of the city, and its several funds at the time of his examination. He shall also report to the Council as to the correctness of each statement made by the Treasurer to the Council, and as to whether the moneys reported by the Treasurer are actually in his hands or on deposit as set forth in said Treasurer's statement. He shall also, at least once in every month, check up the books and accounts of the department of public utilities, and of all other receiving and disbursing officers, boards and departments of the city, and shall certify to the condition of such books and accounts and the correctness or incorrectness of the reports submitted by said officers to the Council, and from time to time perform such other duties as the City Council may direct.

He shall perform all other services within such city as is by general law required of Clerks of villages, cities and townships; but when services are required of him by public law for which compensation is provided, such services shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid to him by the city.

In case of the absence or inability of the City Clerk to act, the Council shall have the power to appoint a City Clerk pro tempore, and at any time they shall deem it necessary, the Council shall have power to appoint an Assistant Clerk, who shall have authority in the absence or disability of the City Clerk, to perform all the duties of the City Clerk herein prescribed, as well as to certify the copies of all files and transcripts of the records and files of said office; and which certificate shall have the same force and effect as if made by the City Clerk.

The Clerk and Assistant Clerk shall keep an accurate account of all fees received by them and report to the Council annually the amount thereof at the March regular meeting.

The Clerk shall have the supervision of all printing and publications ordered by the Council.

Treasurer.

Sec. 20. The City Treasurer shall receive and safely keep all moneys belonging to and accruing to the city, keep accurate and detailed accounts thereof, credit the amounts so received to the proper funds, and give receipt therefor.

He shall be the custodian of all bonds, certificates of indebtedness or other securities, held by the city in the Sinking Fund of said city.

Upon the receipt of any money by him he shall deposit the same daily in the name of the city, to the order of the Treasurer, in such depositories as shall have been designated by the Council therefor.

The Treasurer shall, before entering upon the duties of his office, give a bond to the city, with two or more sufficient sureties, to be approved by the City Council, for at least twice the estimated amount of money which will be in his hands at any one time during his term of office; which amount shall be fixed by the Council and entered upon the records of the city; said bond shall be recorded and kept on file in the office of the Register of Deeds of the county.

Sec. 21. The Treasurer shall pay no money out of the Treasury except in the following cases: Upon order or warrant properly drawn and countersigned, which has been first duly authorized and which specifies the purpose for which it is drawn and the fund out of which and the person to whom it is payable; and upon the payment and receipt by him of any such order or warrants, the Treasurer shall cancel and file the same, and it shall not be again issued, and he shall keep separate the orders drawn on each particular fund. All warrants so canceled by him shall be turned over to the Clerk monthly along with his report hereafter referred to; provided that all warrants issued by the Library Board and the Board of Public Works, when so canceled, shall be returned to the Secretary of said Boards.

In case said warrants were issued for the payment of any bonds of the city, or interest coupons thereon, then such bonds or coupons shall be canceled by the Treasurer and returned by him with such warrants to the Clerk.

Treasurer's Statement.

Sec. 22. The Treasurer shall, at the first regular meeting in each month, make a statement to the Council of the amount by him received and disbursed on account of each fund, and of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the city's funds and where placed and deposited.

He shall, whenever notified so to do by the Council, withdraw all funds from any designated depository and notify the Council thereof, and shall make no deposit therein until authorized so to do by the Council.

Sec. 23. The City Treasurer shall receive a compensation to be fixed by the City Council at its first meeting after his election, or as soon as possible thereafter, and such compensation shall not be increased or diminished during the term for which he was elected or appointed.

City Depositories.

Sec. 24. Any bank, banking house or trust company having its principal place of business in the State of Minnesota, may be designated a city depository by the Council, by resolution. Provided, that the amount deposited in any depository shall not exceed the assessed capital stock of the depository, as the same shall appear on duplicate tax list.

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

Sec. 25. Whenever any portion of the funds of the city shall be deposited by the Treasurer in any designated depository, the Treasurer and the sureties on his official bond shall, to such extent, be exempt from all liability thereon, by reason of the loss of such deposited funds while so deposited, through the failure or bankruptcy, or any other act or default of such depository.

Qualification: Attorney.

Sec. 26. No person shall be appointed to the office of Attorney unless he be, at the time of his appointment, a counsellor of the Supreme Court of this state, of two years' standing.

He shall be the legal adviser of the city and of all boards and departments thereof, and shall perform all services incident to that office. He shall appear in and conduct all civil suits, prosecutions and proceedings in which the city or any board or department thereof shall be directly or indirectly interested, and, when necessary, he shall take charge of and conduct all prosecutions for violations of all ordinances or resolutions of the city, or any board or department thereof, and for the violation of any of the provisions of this charter; provided, that no person who holds the office of County Attorney of Douglas County shall be appointed City Attorney.

Opinions.

Sec. 27. He shall, when requested, furnish a written opinion upon

any subject submitted to him by the Council, or any committee thereof, or by the Mayor or any board of the city, in respect to their official duties or municipal affairs. He shall, when requested, attend all meetings of the Council and the meetings of said committees and boards. He shall notify the Council in writing of the result of all actions of which the city is a party or in which it is interested. He shall keep a registry of files of all actions, suits and proceedings under his charge, in which the city is interested, and safely keep copies of all briefs used in cases wherein he appears for the city, and copies of all official communications and opinions given by him, to any officer, department or board. He shall deliver all property of whatever description in his possession or under his control, belonging to the city or to the office, to his successor in office, who shall give duplicate receipts therefor, one of which he shall file with the Clerk. He shall prepare all contracts and bonds and other instruments of writing, in which the city or any department thereof shall be concerned.

Suits Against Employes.

Sec. 28. He shall, when directed so to do by the Council, appear and conduct the defense in any action, prosecution or proceeding against any officer or employe of the city, or any board or department thereof, on account of any act done by such officer, board or department while engaged in the performance of official duties.

Inability to Act.

Sec. 29. In case of sickness or inability of the Attorney to act, he may appoint, by and with the consent of the Council, another attorney to act in his stead for the time being.

Assessor: Duties.

Sec. 30. The Assessor and his deputies, hereinafter mentioned, shall qualify in the manner and form prescribed by the General Laws, and shall perform all the duties required by the General Laws of the State of Minnesota, and have the powers, rights and privileges allowed by the same respecting the listing of property for taxation, and notice may be signed and given, and other acts, relating to the duties of such office, done by any deputy assessor in the name of the Assessor.

Appointment, Deputies.

Sec. 31. The Assessor must be a freeholder of the city and have been a resident and elector thereof for five years immediately preceding the time of his appointment. He shall be appointed by the Council.

The Council may at any time appoint, upon recommendation of the Assessor, such deputy or deputies as may be required to enable the Assessor to promptly perform the duties of his office, and may discharge such deputy or deputies at will.

Board of Review.

Sec. 32. The City Council, or a majority of them, shall constitute a Board of Review, and shall meet and revise, alter and equalize the assessment roll of the Assessor as they deem just and proper. The General Laws of this state shall apply to, and said board shall be governed thereby.

Compensation.

Sec. 33. The City Council shall fix the compensation of the Assessor and Deputy Assessors. Each member of the Board of Review shall be paid out of the City Treasury the sum of two (2) dollars per day for every day of actual service upon said board.

Bond.

Sec. 34. The Assessor shall, before entering upon his duties, execute to the city a bond with sufficient sureties in such penal sum as the City Council shall direct.

Engineer.**Appointment and Duties.**

Sec. 35. The Council may, when occasion requires, or it deems necessary, appoint a competent civil engineer, who shall hold his office at the pleasure of the Council, receive such compensation and perform such services as the Council may determine.

It shall be the duty of the Council first elected under this charter and within sixty days after it is elected, to cause to be marked by durable marks, easily discoverable, the east line of "G" Street and the west line of "G" Street, and the boundary line of all lots fronting on said street, for the purpose of establishing initial points thereon in aid of public and private surveys on said street; and from time to time as may be necessary for such purposes to establish similar marks in the other avenues and streets of the city.

Surveys, Bonds.

Sec. 36. All surveys, profiles, plans and estimates made by him or his assistants for said city and his official records, shall be the property of the city, and shall be carefully indexed and preserved in the office of the Clerk, and be public records of the city. He shall possess the same power in the city in making surveys, plats and certificates, as is or may from time to time be given by General Laws to County Surveyors; and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of County Surveyors.

Before entering upon the discharge of his duties, the Engineer shall execute and deliver to the city his bond in such sum as the Council may direct.

Building Inspector.**Appointment, Qualifications, Duties.**

Sec. 37. The Council may appoint, when it shall deem necessary and occasion requires, a building inspector, who shall be a competent person. He shall hold his office at the pleasure of the Council, receive such compensation and perform such services as the Council may determine.

Sec. 38. Before entering upon the discharge of the duties of his office, he shall furnish a bond to the city with sufficient sureties, in such penal sum as the Council shall direct.

Street Commissioner.**Appointment and Powers.**

Sec. 39. The Council shall appoint a Street Commissioner, who shall hold his office at the pleasure of the Council. He shall have supervision of the construction, maintenance and repair of pavements, sewers, streets, alleys and side-walks; the cleaning, sweeping and sprinkling of all streets, alleys and other public places within the city; the grading of all streets, whether in original construction or otherwise; and the location and erection of all electric light, telephone and telegraph poles within the city. He shall inspect all railroad crossings, and see that the general laws of the state and the ordinances of the city, relating thereto, are properly enforced.

The Council shall have the power to discharge such commissioner at will, without cause, at any time it may deem expedient.

Compensation: Bond.

Sec. 40. The Street Commissioner shall receive such compensation as the Council may determine. Before entering upon the discharge of the duties of his office, he shall furnish a bond to the City with sufficient sureties and in such sum as the Council may direct.

Justices of the Peace.**Powers, Duties.**

Sec. 41. The Justices of the Peace of the City shall enter upon the discharge of their official duties on the second Tuesday of April after their election, and they shall have and possess all the authority, powers, rights and jurisdiction that Justices of the Peace have or hereafter may possess, who are elected under the General Laws of the State of Minnesota, and be subject to all the penalties under such laws.

The said Justices of the Peace shall also have and possess exclusive and original jurisdiction of all cases arising under the provisions of this Charter.

All prosecutions for violation of any of the provisions of any ordi-

nance, resolution, rule or by-law enacted under the provisions of this Charter shall be brought in the name of the City of Alexandria, and shall be commenced by warrant upon complaint being made before one of the City Justices, as required by law in criminal cases before Justices of the Peace in this State; and the same proceedings shall be had therein as are required to be had by the laws of this State in criminal and civil actions before Justices of the Peace. Provided, that in all such prosecutions the Justices of the Peace of the City shall proceed to the trial and determination thereof in a summary manner. Provided, further, that no warrant shall be necessary in any case of the arrest of any person while in the act of violating any law of the State of Minnesota or ordinance, resolution, rule or by-law of the said City of Alexandria. But in such cases a complaint shall be made after such arrest, which the Justice shall reduce to writing, and the person arrested required to plead thereto as to a warrant in other cases; and the person so arrested may be then proceeded against in the same manner as if the arrest had been made upon a warrant.

Sec. 42. All process issued by any Justice of the Peace of said City for the violation of any ordinance, by-law or regulation of said City, or any Police or Health regulation of said City, shall be in the name of the "City of Alexandria," and shall be directed to the Chief of Police or to any Police Officer of said City, or Sheriff or Constable of Douglas County.

In all cases of the imposition of any fine or penalty by any Justice of the Peace of said City for the violation of any ordinance, by-law or regulation of said City, if said fine or penalty be not paid, the offender shall be forthwith committed to the prison of said City, or if there be no such prison, to the common jail of Douglas County, and be there imprisoned for a term not exceeding three months, in the discretion of the Justice, unless said fine or penalty be sooner paid. Every person so committed shall be received and committed to prison by the Keeper of the City Prison or County Jail, and kept until the expiration of the time above provided; but he shall be released by order of the Justice on payment to him of such fines and costs, or in due course of law.

Sec. 42. Appeals may be taken to the District Court from the judgments and decisions of the Justice of the Peace of the City, in the same manner and in all respects as provided by law for appeals from Justices of the Peace under the state law.

In the event of an appeal by the City of Alexandria no bond shall be required.

Security for Good Behavior.

Sec. 43. In all cases of conviction, either under State law or ordinance of the City, for assault, battery or affray, breach of the peace, dis-

Mayor and in the Council, which shall consist of one alderman from each ward.

Except as in this Charter otherwise provided, no member of the Council shall hold any other office, position or employment, directly or indirectly, under the City government, during the term for which he was elected.

No person shall be a member of the Council who is not a resident of the City.

Organization, Appointment of Officers.

Sec. 49. The annual meeting of the Council shall be held on the third Tuesday in March of each year, at 7:30 o'clock in the evening.

At the annual meeting, or within one month thereafter, all appointive officers of the City, whose election is not otherwise provided for in this Charter, shall be appointed by the Council.

Canvassing Votes.

Sec. 50. The Council shall have power to and shall, within three days after any City election, meet and canvass the returns of votes cast at such election and declare the results thereof; and it shall be the judge of the election and the qualification of its own members.

Quorum.

Sec. 51. A majority of all the members of the Council shall constitute a quorum, but a less number may adjourn, from time to time, and may compel the attendance of absent members in such manner and under such penalties as the Council may prescribe.

Rules, Meetings.

Sec. 52. The Council shall prescribe rules for its proceedings, determine the time for its regular meetings and provide for the calling of special meetings, but no business shall be transacted at a special meeting, unless the same shall have been specified in the call therefor. It shall keep a journal of its proceedings.

The ayes and noes shall, on demands of any members, upon any vote, be taken and entered in the journal.

The Council shall have authority to punish its members for disorderly or contemptuous behavior in its presence.

Any member of the Council, who being present when his name is called, fails to vote upon any question, shall, unless excused by the Council, be counted as having voted in the negative of said question.

The Council shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings. It may issue subpoenas for witnesses, signed by the Mayor, which shall be served in the same manner as process issued by a Justice of the Peace; and witnesses shall be deemed to be guilty of contempt for

orderly conduct, keeping or frequenting houses of ill-fame, or keeping or maintaining disorderly or ill-governed houses, said Justices shall have power, in addition to the fine or penalty imposed, to compel the offender to give security, in a sum not exceeding five hundred dollars, for his good behavior and to keep the peace, for a period not exceeding six (6) months; and in default of such security to commit him to prison for a period not exceeding three months, in the discretion of the Justice, unless such judgment be sooner complied with, whereupon he shall be released by the Justice.

Disposition of Fines.

Sec. 44. All fines and penalties imposed by the Justices of the Peace of this City for the violation of this Charter or any ordinance, resolution, by-law or regulation thereof, shall belong to and be turned into the Treasury of the City.

Reports, Fees.

Sec. 45. The Justices of the Peace shall, each month or oftener, if required by the Council, report to it all proceedings instituted before them in which the City is interested; and shall at the same time account for and pay over to the City Treasurer all fines collected or received by them belonging to the City; and said Justices of the Peace shall be entitled to receive, from the County of Douglas, such fees in criminal cases where the State is a party as are allowed by statute to other Justices of the Peace for similar services, and from the City of Alexandria such fees in cases where the City is a party, as Justices of the Peace are entitled by State law to tax and receive from said County in similar cases.

Constables.

Powers, Duties.

Sec. 46. The Constable of the City shall have all the powers that are had by, and shall perform like duties to those required of the Constables under the General Laws of the State, and shall be entitled to and receive the compensation therein prescribed.

Weigher and Scaler.

Sec. 47. The Mayor may appoint, by and with the consent of the Council whenever it is deemed necessary, an official weigher and scaler for the City, who shall hold his office for one year. He shall have such powers, perform such duties and receive such compensation as the Council may prescribe.

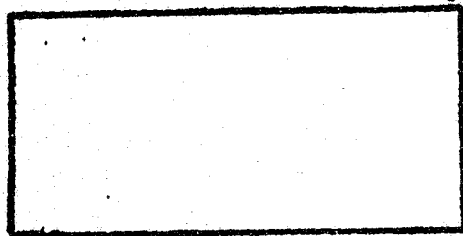
CHAPTER 4.

Councils, Powers, Duties.

General Powers, Eligibility.

Sec. 48. The legislative power of the City shall be vested in the

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CHAPTER 4.

Councils, Powers, Duties.

General Powers, Eligibility.

Sec. 48. The legislative power of the City shall be vested in the

Mayor and in the Council, which shall consist of one alderman from each ward.

Except as in this Charter otherwise provided, no member of the Council shall hold any other office, position or employment, directly or indirectly, under the City government, during the term for which he was elected.

No person shall be a member of the Council who is not a resident of the City.

Organization, Appointment of Officers.

Sec. 49. The annual meeting of the Council shall be held on the third Tuesday in March of each year, at 7:30 o'clock in the evening.

At the annual meeting, or within one month thereafter, all appointive officers of the City, whose election is not otherwise provided for in this Charter, shall be appointed by the Council.

Canvassing Votes.

Sec. 50. The Council shall have power to and shall, within three days after any City election, meet and canvass the returns of votes cast at such election and declare the results thereof; and it shall be the judge of the election and the qualification of its own members.

Quorum.

Sec. 51. A majority of all the members of the Council shall constitute a quorum, but a less number may adjourn, from time to time, and may compel the attendance of absent members in such manner and under such penalties as the Council may prescribe.

Rules, Meetings.

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Any member of the Council, who being present when his name is called, fails to vote upon any question, shall, unless excused by the Council, be counted as having voted in the negative of said question.

The Council shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings. It may issue subpoenas for witnesses, signed by the Mayor, which shall be served in the same manner as process issued by a Justice of the Peace; and witnesses shall be deemed to be guilty of contempt for

the same causes and acts as witnesses in District Court; and the Council shall have the same power as the District Courts of the State of Minnesota to punish such contempt.

Solicitation.

Sec. 53. Saving only as he is authorized to do so by law, no member of the Council shall demand, request or solicit any officer, department or employe of the City, to engage or hire any person to work for the City or to place any man upon the pay roll of the City; and any member of the Council so demanding, requesting or soliciting shall be guilty of a misdemeanor.

Ordinances, Resolutions.

Sec. 54. Every legislative act of the Council shall be by ordinance or resolution. The enacting clause of every ordinance shall be in these words:

"The City Council of the City of Alexandria do ordain:"

No ordinance or resolution shall contain more than one subject which shall be expressed in its title; and no ordinance shall be amended after its introduction so as to change its original purpose.

Passage of Ordinances.

Sec. 55. No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be at some subsequent, regular or adjourned meeting, which shall occur not less than one week after its first reading. Its third reading shall be had, and it may be passed only at a regular or adjourned regular meeting occurring at least one week after its second reading; and no ordinance shall be passed until it has had three readings, as herein provided.

No ordinance shall be reconsidered, except at the first regular meeting after its adoption or rejection, not at such meeting unless there are present as many members of the Council as were present when said ordinance was adopted or rejected.

Publication and Approval.

Sec. 56. It shall require the affirmative vote of a majority of all the members of the Council to enact an ordinance or a resolution. The vote shall be taken by yeas and nays, and entered upon the journal. Every ordinance or resolution, before it takes effect, shall be published in a legal newspaper, published in the city, for one week, or posted in three of the most public places in said city, for the period of ten days. The proof of such publication by the affidavit of the foreman or publisher of the paper, or any other competent proof thereof, shall be prima facie evidence of the legal passage, enactment, approval, pub-

lication and promulgation of such ordinance or resolution in any court of this state or elsewhere.

Recording.

Sec. 57. All ordinances and resolutions, with proof of publication, shall be deposited with the Clerk, who shall record the same at length in a suitable book; but proof of recording shall not be required in any proceeding where it is necessary to prove such ordinances and resolutions.

Ordinances Granting Franchises.

Sec. 58. Except as otherwise provided in the Constitution of the State, or as otherwise specified in this Charter, an ordinance or resolution for the lease or sale of any public utility, or for the purchase of property of the value of five thousand dollars and upwards, must be submitted to the vote of the electors of the City before the same shall be valid; and in no case shall any franchise be granted for a longer period than twenty years.

The ballots used at such election shall contain the words, "For the ordinance" (stating the nature of the proposed ordinance) or "against the ordinance" (stating the same).

Returns of such election shall be made to the Clerk as provided for other elections, and the Council must meet and canvass the returns within three days.

If a majority of the votes cast upon such submission shall be in favor thereof, the Council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation, such ordinance shall be legal and binding. No such franchise or lease or sale of any public utility or any such purchase of property, shall be of any force or effect, except it be made in the manner above provided.

Specific Powers.

Sec. 59. The Council shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws, for the enhancement of the general welfare, for the government and good order of the City, for the protection of the public health, comfort and safety, for the suppression of intemperance and vice, and for the prevention of crime, as it shall deem expedient. It shall have the power to establish and maintain City prisons, and watch houses for the imprisonment, custody and safe-keeping of all persons arrested for or charged with any offence whatever, in any way cognizable before any Justice of the Peace in said City; to make all rules and regulations for the government and management of such prisons and watch houses; to appoint keepers and other officers of such prisons and watch houses, who shall have and possess all the powers and authority of jailors at common law or by the laws of this

state; and all ordinances enacted by said Council are hereby declared to be and have the force of law; provided, that they be not repugnant to the Constitution and Laws of the United States and of this State, and for these purposes the Council shall have authority by ordinance or resolution.

First. To regulate the use of, and prevent and remove encroachments on or over streets, alleys, avenues and public grounds and public places, and to prevent injury to the same, and to regulate the construction of coal holes and hatch-ways and covering and guards therefor in sidewalks, or to prohibit the same.

Second. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or other offensive matter, or paper, in or upon any street, alley or public ground or place, and to compel the owner or occupant of any premises to keep sidewalks along or in front of the same free from snow, ice or other obstruction.

Third. To regulate openings and excavations in the streets, alleys and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for any other purposes, and the building of sewers, tunnels and drains, and regulate the construction and use of all structures and conduits underneath the streets, alleys and sidewalks.

Fourth. To provide for and regulate crosswalks, curbs and gutters.

Fifth. To regulate or prevent the use of streets, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric and trolley poles, horse troughs, and racks, and the posting and distributing of hand bills and advertisements; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs thereon; to prevent the encumbering of the streets with vehicles, lumber, boxes or any other thing or material; to prevent the exhibition of signs on canvas or otherwise in or upon any vehicle standing or traveling upon the streets or public grounds of the City; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys or public grounds; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the City; and to prohibit the piling of snow or other incumbrance on any street by persons owning or operating any street railway along or across the same or by any person or persons.

Sixth. To regulate and control or prohibit the placing of poles and the suspension of wires along or across the streets and alleys, and to require any and all wires within prescribed limits, or throughout the City, to be placed as it may designate, beneath the surface of the street or sidewalk, and to require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits be-

neath the surface of the street; and to compel any or all such wires, pipes and other constructions and conduits to be placed in a common area beneath the surface, upon such terms as it may designate.

Seventh. To regulate or prohibit the exhibiting, carrying, distributing or throwing of banners, placards, advertisements, and hand bills or other articles, in or upon the streets, public grounds or sidewalks.

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

Ninth. To regulate or prohibit traffic and sales upon the streets, sidewalks or public places.

Tenth. To regulate the speed of horses and other animals, vehicles, street cars and locomotives, upon the streets and within the limits of the City, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; to regulate or prevent the use of bicycles and other similar vehicles on the streets, sidewalks or public grounds; and to prevent the riding or driving of any animal upon any sidewalk; and prevent any damage to sidewalks or public property.

Eleventh. To name and change the name of streets, avenues, alleys and other public places; to regulate the use of all bridges, viaducts, tunnels, drains, sewers and cesspools within the City, and regulate all sewer connections and make the same and assess the cost thereof on the property so connected.

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

Thirteenth. To prevent and regulate or prohibit the location and construction of street railway tracks in, under and over any street, alley or public place.

Fourteenth. To provide for and change the location, grade and crossings of any railroad, and to compel railroad companies to lower and bridge over or raise their tracks or to construct viaducts over the same, and to fence their respective rights of way or any portion of the same, and to construct cattle guards and keep the same in repair within the limits of the City. In case any Railroad Company fails to comply with any such ordinance, it shall be liable for all damages to the owner of cattle, horses, or other domestic animals, which may be sustained by reason of injuries thereto while on the tracks of such railroads, in like manner and extent as under the General Laws of the State.

Fifteenth. To require Railroad Companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate or prohibit the obstruction of streets, alleys and other public places by railway trains, cars or engines.

Sixteenth. To regulate or prohibit the whistling of locomotives, or steam whistles, or engines in factories, and the discharge of steam, cinders, sparks and dense smoke therefrom.

Seventeenth. To compel Railroad Companies to raise or lower their tracks to conform with any grade which may be established within the City and to keep such tracks on a level with the street surface, and to compel the planking of such tracks by such railroad companies so that they may be crossed at any place on said street, alley or public highway, and to keep such planking in repair.

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

Nineteenth. To restrain the pollution of the waters of any creek, pond, lake or water course within or adjacent to the City; to prevent the dumping of refuse or other matter therein and to provide for the cleansing and purification of water, water courses and canals, and the drainage and filling of ponds or pools on private property, whenever necessary to prevent or abate nuisances.

Twentieth. To compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the Council or Health Officer may direct, and upon his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant and to assess such expense against such property.

Twenty-first. To license, regulate, prohibit or suppress billiard, pool or pigeonhole tables, pin alleys, bowling alleys, shooting galleries, and to license and regulate lodging houses, restaurants and hotels.

Twenty-second. To license and to regulate gift, fire, auction or bankrupt sales, and to license and regulate itinerant merchants and transient merchants or vendors, agents and solicitors for stages, cars, vehicles or public houses.

Twenty-third. To license, regulate or prohibit show men and shows of all kinds, and the exhibition of caravans, menageries, circuses, concert or dance halls, theatrical performances, skating rinks, museums and all like places of amusement.

Twenty-fourth. To license and regulate insurance officers and agencies, auctioneers, pawn-brokers, second-hand and junk dealers, and

to compel all such persons to keep such records of their transactions and make report thereof as it may direct; to regulate the time, place and manner of holding public auctions or vendues; and to license, regulate or prohibit bucket shops and brokers.

Twenty-fifth. To license, restrain and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for, or furnishing employes, and to require such persons to keep such records as it may direct, and make report thereof and to give bond, conditioned that they shall carry on their business honestly and without fraud or misrepresentation, and punish said persons for unfair dealings in their said business.

Twenty-sixth. To license and regulate or prohibit fortune tellers, clairvoyants, astrologers, street hawkers, vendors and public cryers.

Twenty-seventh. To license and regulate hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe stands or stations where they may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other places than the places so prescribed.

Twenty-eighth. To license and regulate all peddlers, book agents, canvassers, newsboys, hootblacks and chimney sweeps doing business in the City.

Twenty-ninth. To license and regulate the sale of spirituous, vinous, fermented, malt or other liquors; provided, that no saloon shall hereafter be established within four hundred feet of any school house.

Thirtieth. To license and regulate distilleries and breweries.

Thirty-first. To regulate and license butcher shops and stalls and vendors and stands for the sale of game, poultry, meat, fish, fruits and perishable provisions, and all other persons who may deal in the same, whether at wholesale or retail.

Thirty-second. To license and regulate plumbers and to regulate sewer and water connections of all kinds, and the laying of branch sewers and water pipes, and, in general, to regulate plumbing and provide for the removal of unsanitary plumbing and to compel the same to be kept in sanitary condition.

Thirty-third. To license, regulate and control or prohibit the carrying and use of firearms or concealed weapons within the City and to provide for the confiscation of the same.

Thirty-fourth. To license and regulate the keeping of dogs and to prevent the same from running at large, and to authorize and enforce the destruction, in summary manner of dangerous or vicious dogs or dogs running at large.

Thirty-fifth. To regulate or prohibit the storage, receipt, trans-

portation, dealing in and use of gun powder, dry pitch, rosin, coal oil, benzine, naphtha, gasoline, turpentine, gun cotton, nitroglycerine and any product thereof, and other combustible or explosive material within the City, or within one mile from the limits thereof, and the use of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, rockets and other fireworks, and of firearms within the city.

Thirty-sixth. To prevent and suppress riots, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches, and all brutal or depraved exhibitions or sports within the City.

Thirty-seventh. To restrain and punish vagrants, mendicants, street beggars, prostitutes, and to regulate or prevent public bathing or swimming within the City limits, and to prevent and punish open and notorious drunkenness, fighting, assaults, battery and disorderly conduct, and obscenity in the City, and to prohibit within the City the circulation, sale or exhibition of libellous, obscene and immoral publications, prints, pictures, advertisements and illustrations, and any publications, either of printed matter or sign pictures, effigy or otherwise, naturally tending to provoke a breach of the peace or to impair the morals of the community.

Thirty-eighth. To restrain and prohibit bawdy and disorderly houses and houses of ill-fame and assignation within the City limits.

Thirty-ninth. To restrain and prohibit lotteries, and to suppress all kinds of gambling and playing at cards, dice, hazard, roulette or other games of chance, the use of blackboards, lists and tickets for the purpose of gambling, all pool rooms and betting rooms and the selling of pools or books on horse races or other contests, real or fictitious; to suppress, prohibit and restrain all mechanisms and devices used for gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling or other unlawful purposes.

Fortieth. To establish a public pound and to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals and to authorize the distraining and sale of the same.

Forty-first. To establish and regulate markets and market houses.

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

Forty-third. To provide for and regulate the inspection by the Board of Health of meats, poultry, fish, game, butter, flour, cheese, lard, eggs, vegetables, milk, fruits, whisky and other liquors, and provisions, and to provide for the taking and summary destruction of any such pro-

visions which are unsound, spoiled or unwholesome; and to regulate and prevent the bringing into the City, having or keeping such unsound, spoiled or unwholesome provisions, or any unsound or putrid beef, pork, fish, hides, skins or other substances, and to inspect and regulate dairies and dairy products and to regulate the sale of milk within the City.

Forty-fourth. To provide for and regulate the manner of weighing hay and straw and selling the same; and measuring and selling fire wood, coal and lime; to provide for the inspection of lumber and building materials, including brick and cement products, and to regulate the measuring and selling thereof, and to prohibit the sale of any such products by weight or measure, unless first weighed or measured by the official weigher and scaler.

Forty-fifth. To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use by vendors of proper weights and measures duly tested and sealed, and to provide for the term, appointment and compensation of a City Sealer of Weights and Measures, and to provide punishment for the use of false weights and measures.

Forty-sixth. To regulate the construction of all buildings, chimneys and smokestacks; to prohibit and prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks, or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness of material and construction of party walls, the size and material of floors, beams, girders, pipes, columns, rods, chimneys, flues, and heating apparatus; to regulate the construction of privies, and vaults in buildings; to prohibit the construction of buildings not conforming to such regulations; and to direct the suspension, at any time, of the erection of any such building that does not conform to such regulation; and to provide for the issuance of building permits.

Forty-seventh. To prescribe the limits within which wooden buildings shall not be erected, placed or repaired, and to direct that all and any buildings within such limits, when damaged by fire, or otherwise, to the extent of fifty per cent of their values, shall be torn down or removed, and to prescribe the manner of ascertaining such percentage, and to compel the owners of any buildings, or other structures which have been destroyed or partially destroyed, or have become dangerous by fire, or otherwise, to take down the same or any part thereof, and in case of refusal or neglect of said owner to so take down the same, when ordered by the Council, then to cause the same to be taken down, and to provide by ordinance for the punishment of such refusal or

neglect and to assess the cost thereof upon the land upon which said building or structure stood.

Forty-eighth. To require the owners or lessees of buildings or structures now, or hereafter to be, built in the City, to place thereupon such fire escapes and appliances for protection against or for extinguishing fires as it may direct.

Forty-ninth. To prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove-pipes, or ovens used in or upon any house, building or manufactory; to regulate the carrying on of manufactories liable to cause fires; to prevent the disposition of ashes or accumulation of shavings, rubbish or other combustible material in unsafe places, and make provision to guard against fire.

Fiftieth. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus hazardous to life and property.

Fifty-first. To declare the emission of soot or dense smoke from chimneys, stacks, locomotives, and other places, within the limits of the City, a nuisance, and to prohibit the emission of such smoke or soot in any portion of the City.

Fifty-second. To prohibit the emission of sparks and cinders from chimneys, smokestacks, or other sources, and to declare the emission of sparks and cinders a nuisance, and to require the use of such practical appliances as may be necessary to prevent the emission of the same.

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

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

Fifty-fifth. To regulate or prevent the burial of the dead within the City, and to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed, and to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred contrary to law, and to vacate and discontinue any cemetery and compel the removal of any bodies interred therein.

Fifty-sixth. To regulate the location, construction and management of stock yards, slaughter houses, packing houses, renderies, tallow chandleries, storing places for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, breweries, or any other noisome or unwholesome business within the limits of the City, or within a distance of one mile outside of the limits thereof.

Fifty-seventh. To regulate the location, construction and use of

distilleries, stables, livery stables, blacksmith shops, and foundries, within the limits of the City.

Fifty-eighth. To compel the owner of any grocery cellar, soap or tallow chandlery, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same; and in case of refusal or neglect of the owner or lessee of the same to cleanse, abate or remove the same when ordered by the Council, then to cause the same to be cleansed, abated, or removed, and to provide by ordinance for the punishment of such owner or lessee and to assess the cost thereof upon the land upon which the same is situated.

Fifty-ninth. To regulate the location of lumber yards and places for piling timber, wood and other combustible material, and to require any person maintaining any lumber, shingle or lath mills or wood yards in the City to remove the same, when they become dangerous to buildings or other property near the same.

Sixtieth. To establish and enforce rules for the use and regulation of all buildings used and maintained by the City.

Sixty-first. To prevent or regulate the playing of games or any other amusements on the streets, alleys or sidewalks, and other public places.

Sixty-second. To require and regulate the removal or destruction of swill, offal, garbage, ashes, street sweepings, barnyard litter, manure, rubbish, yard cleanings and the contents of privy vaults, cesspools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material.

Sixty-third. To establish and regulate hospitals and pest houses, and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make quarantine laws and enforce them within the City, and to regulate and prevent the introduction of contagious, infectious or other diseases into the City; and to regulate, control and prevent the landing of persons, baggage, merchandise or other property from cars or other conveyances infected with contagious disease, and to make such disposition of such persons or property as to preserve the health of the City; and to prevent infected cars or other conveyances from coming within or near the limits of the City.

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

Sixty-fifth. To regulate and control the quality and measurement of gas, and prescribe and enforce regulations for the manufacture and regulate the measurement and use of electricity and electrical apparatus or any apparatus for furnishing light, heat and power in the City.

Sixty-sixth. To regulate lodging houses and tenement houses, and

to prevent the overcrowding of the same, and to require them to be kept in proper sanitary condition.

Sixty-seventh. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in healthful condition.

Sixty-eighth. To regulate the employment of minor persons on the public streets and other public places.

Sixty-ninth. To compel the owner or occupant of property, within the City limits, to keep the same clear of any brush or any other material or substance liable to communicate fire to adjacent property, and in case the owner or occupant of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the Council, either personally or by one publication in a legal newspaper, published in the City, the Council shall have the authority to have the same done and assess the cost thereof against the property.

Seventieth. To direct and regulate the planting and preservation of ornamental trees and shrubbery within the public grounds and streets of the City, and to prevent any injury thereto or interference therewith, and punish any person wilfully damaging any tree, shrub, sidewalk, pavement, or appurtenance to the waterworks, sewerage or electric light system, or to any other property in or about the public works of the City, and to punish interference with or the withholding of any property of the City by any officer thereof or any other party; and to establish boulevards and provide for their maintenance.

Seventy-first. To provide for the revocation of licenses.

Seventy-second. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or kinds of business not in this Chapter expressly referred to and provided for, as in the opinion of the Council may require regulation; and in general to adopt all such measures and establish all regulations in cases for which no express provision in this chapter is made, as the Council may from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, and the suppression of vice and enhancement of the public welfare.

Seventy-third. To provide for lighting the City.

Seventy-fourth. To provide for the levy, collection and expenditure of the poll tax within the city.

Seventy-fifth. To provide for the investigation of the origin and cause of fires, and to compel the attendance of witnesses and production and giving of evidence upon such investigation.

Seventy-sixth. To regulate and control in a manner not contrary to any specific provision on the subject contained in this Charter the exercise by any person or corporation of any public franchise or privilege, which, by the terms of the grant there, is to be exercised within

the corporate limits of the City, whether such franchise or privilege has been granted by the City or by or under the laws of the State or any other authority.

Seventy-seventh. To establish, maintain and regulate a public rest room and toilet; provided, however, that it shall not expend to exceed two hundred dollars a year for this purpose.

Seventy-eighth. To provide for, maintain and regulate open air band concerts, and to appropriate for this purpose from any money in the general fund of the city, not to exceed four hundred dollars in any one year.

Power to Impose Penalties.

Sec. 60. The Council shall also have the power to prescribe, in any ordinance enacted by it, punishment for the violation of such ordinance, by subjecting the offender to pay a fine not to exceed one hundred dollars, or to be confined and kept at hard labor in the workhouse of the City, upon the public works of the City, or in any county jail or in any place of confinement maintained by the City, for a period not to exceed three months.

Compilation.

Sec. 61. The Council may, from time to time, provide for the compilation and publication, in book or pamphlet form, of the Charter, ordinances of the City, rules of the Council and of any of the departments of the City, and such Statutes of the State as it may designate; and may provide for the distribution by sale or otherwise of copies of such compilation or publication. Such books or pamphlets so issued and purporting on the title page to be published by authority of the Council and to contain the Charter and ordinances of the City, or other matter in this section mentioned, shall be prima facie evidence of their contents in all courts of this State; and all provisions of the Charter and all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

All Justices of the Peace and other courts which may hereafter be established in this City, shall take judicial notice of this Charter and its provisions, and ordinances and resolutions duly passed by the Council of this City.

Nuisances.

Sec. 62. The powers conferred upon the City by this Charter to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. The Council shall have power to declare depots, houses or buildings of any kind within the City wherein more than 100 pounds of gunpowder or more than 550 gallons of petroleum or other inflammable or explosive

oils or substances are deposited or kept at one time, public or common nuisances.

Gambling houses, houses of ill-fame, disorderly houses and houses or places where intoxicating liquors are sold without license, within the City, are hereby declared, and shall be deemed to be, public or common nuisances.

Jurisdiction of the City.

Sec. 63. The jurisdiction of the City for the suppression of diseases and the abatement of public nuisances or the suppression of any business or traffic established or carried on contrary to the regulations of the Council shall extend for a distance of one mile beyond the limits thereof.

Intoxicating Liquors.

Sec. 64. All the general laws of the State of Minnesota pertaining in any manner to intoxicating liquors shall, so far as applicable, be in force in, and apply to, the City of Alexandria. Provided, however, that the voters of said City shall have the right to decide for themselves whether licenses shall be granted in the City, to such persons and in such numbers as the Council may deem proper, for the sale of spirituous, vinous, fermented and malt liquors in less quantities than five gallons. And the City Clerk is hereby required, upon the petition of twenty or more legal voters and freeholders of the City, at any time not less than twenty days before any annual City election, to give notice at the time of giving notice of such election, that the question of license will be submitted at said election; which question shall be determined by ballots containing the words "in favor of license," or "against license," as the case may be; which ballots shall be determined and canvassed as by this Charter prescribed for canvassing and determining the votes cast at said election for City Officers; and if upon such canvass it is found that a majority of the votes cast at said election on that question shall be against license, a certificate of such result shall be filed with the Clerk, and the Council shall not thereafter, until some subsequent contrary vote, grant any license for the sale of spirituous, vinous, fermented malt or intoxicating liquor.

Damaged Buildings, Removals.

Sec. 65. Whenever any owner of any property shall fail to remove any building or structure which has been injured by fire or otherwise, as provided in sub-division 47 of section 59 of this chapter, then the Council may proceed to cause to remove such building or structure, and assess the expense of such removal against the property from which such removal is had; before effecting such removal, however, the Council shall give at least five days' notice to the owner of said premises of its intention to so remove said building or structure, and to assess the

cost thereof upon said property; which said notice shall be served upon such owner, if a resident of the city, personally, or by leaving a copy thereof at the house of his usual abode with some person of suitable age and discretion, then resident therein; if said owner does not reside within the city, then said notice shall be served by mailing a copy thereof to said owner to his last known postoffice address, and by the publication of said notice in a legal newspaper, published in said city, once in each week, for two consecutive weeks.

At the meeting of the Council at which such matter is to be considered, or at any meeting to which the same may be adjourned, the Council shall hear all interested parties and, if it be determined that an assessment against said property shall be made, such assessment for the expense of removal by the Council of any such building or structure may be for the full amount of the expense of such removal and the cost of service of such notice; and before making such assessment the Council shall require the Clerk to give notice by publication in a legal newspaper, published in the City, at least once a week for two successive weeks, of its intention to make such assessment upon such property at a meeting of the Council that is specified in the notice; and at said meeting or at any subsequent meeting to which said matter may be put over the Council shall hear all interested parties and shall then or at a subsequent meeting proceed to make an assessment against such property; which assessment shall be certified and returned to the County Auditor of Douglas County, Minnesota, to be collected in the same manner as other City assessments are by him collected.

Nothing herein contained shall be construed to prohibit the Council or the Mayor or Building Inspector to order, without notice, any building or structure within the City which may be dangerous to passers-by to be torn down.

Control of Streets.

Sec. 66. The Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, sewers, and all public property within the limits of the City.

It shall have authority to open streets when necessary and cause all streets which may have been opened under the authority of the City or with its consent, to be kept open and in repair and free from obstruction and other nuisances. The City shall be exempt from all liability for damage caused to either person or property by reason of the existence or operation of any railroad along, across, under, over or upon any public highway, bridge, street, alley or other public way within the limits of the City.

Vacation of Streets.

Sec. 67. The Council shall have exclusive power to vacate or discontinue public grounds, streets, alleys, highways, other than park

ways, and also all county, town and state roads, within the City, whether actually traveled or used at the date of the petition hereinafter mentioned for vacation or not.

No such vacation or discontinuance shall be granted or ordered by the Council, except upon a petition of a majority of owners of property on the line of such public ground, street, alley or highway proposed to be vacated, and of the owners of property within a distance of two blocks in each direction from the portion of such public grounds, streets, alleys or highways proposed to be vacated.

Every petition provided for in this section shall state the reasons for such vacation, and be verified by one of the petitioners.

Whenever any such petition is presented the Council shall, if it deems it expedient that the matter be proceeded with, thereupon order the petition to be filed with the Clerk, who shall give notice by publication in a legal newspaper published in the City for two successive weeks and at least once a week to the effect that such petition has been filed as aforesaid and the same shall be heard and considered by the Council on the day and at the place therein specified, and not less than ten days from the expiration of such publication.

The Council, shall, at the time and place appointed investigate and consider said matter and shall hear the testimony and evidence on the part of all parties interested.

The Council, after hearing the same, may, by resolution passed by a three-fourths vote of all members thereof, declare such public ground, street, alley, highway or road vacated; which resolution, if approved, by the Mayor or passed over his veto, shall go into effect the same as the other resolutions after a transcript thereof, duly certified by the Clerk, has been filed for record in the office of the Register of Deeds of Douglas County.

The Council may, by resolution, in any case provide that no such vacation shall be valid until the value of the premises so vacated shall be deposited in the treasury by the owners of the property abutting the public ground, street, alley, highway, or road so vacated, which value shall be fixed by resolution of the Council by three-fourths vote of all members thereof; and shall in no case be less than a proportionate value of the abutting property.

Provided, that vacations and discontinuance of any County, State, or Town road may be granted upon the petition of a majority of the owners of the property through which the same or the portion thereof to be sought to be vacated, passes, when such owners have platted the same and shall have provided in lieu of such roads sufficient streets, in the opinion of the Council; and the acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence thereof.

Any person feeling himself aggrieved by such vacation or discontinuance, or refusal so to do, may, within twenty days after the publication of such resolution, or after such refusal, by notice in writing served upon the Mayor or the Clerk of the City, a copy whereof, with proof of service, shall be filed in the office of the Clerk of the District Court of Douglas County, appeal to said court from such vacation or discontinuance, or refusal; and such appeal shall be tried by the court as in ordinary cases and the judgment of the court shall be final. It shall be the duty of the City Clerk, as soon as such appeal is taken, to transmit to the District Court a certified copy of the record and files of all such proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial, and be governed by the same rules as appeals from Justices of the Peace in civil cases, except that no pleadings shall be required. Provided, that this chapter shall not be construed to deprive the District Court of jurisdiction to vacate any street, avenue, alley or highway in the City, as provided by the General Laws of the State; but in all such cases notice of such application must be served in writing upon the City by delivering to and leaving with the Mayor or Clerk thereof a true and correct copy of such application and notice of hearing thereof, at least twenty days before the day of hearing.

New Offices Not To Be Created.

Sec. 68. The Council shall have no power or authority to create any salaried office not provided for by this Charter; but nothing herein contained shall prevent the City and its officers from employing such servants and agents from day to day and from month to month, as shall be authorized by the Council by resolution.

Compromises.

Sec. 69. The Council shall not have the power or authority, except by resolution adopted by vote of two-thirds of all the members of the Council, to authorize any compromise of any disputed demand or any portion thereof.

Damages for Injuries.

Sec. 70. The Council shall not have the power to authorize the payment of any damages claimed against the City for alleged injuries to person or property, except by resolution, adopted by a vote of two-thirds of all the members of the Council.

Appeals to District Court.

Sec. 71. Whenever any claim, excepting the claim of any officer or employe of the City for wages or salary, is allowed and ordered to be paid in whole or in part by the Council, no warrant for the same shall be signed by the Mayor until ten days after such allowance; and the

Attorney of the City may, and if the amount so ordered to be paid exceeds twenty-five dollars, and seven taxpayers of the City file with him a request in writing to appeal therefrom, he shall, on behalf of and in the name of the City, appeal from the decision of the Council to the District Court of said Douglas County, within the said ten days; and such appeal shall be perfected in like manner and like proceeding shall be had as in cases of allowance of claims against the County by the Board of County Commissioners and appeals therefrom provided by the General Laws of this State.

In case of appeal being taken, the Clerk shall forthwith, without charge, make a return thereof to said District Court, including a certified copy of the claim, and a transcript from the records in the office of the Clerk of the action of the Council and Mayor thereon. In all such appeal cases the proceedings shall be put on the trial calendar among the issues of fact for trial at the next general term of the District Court of said Douglas County, commencing not less than eight days after the date of the appeal; and on or before the second day of such term pleadings shall be made up under the direction of the court, as in civil actions; and thereupon all proceedings shall be had as in other cases in said court.

CHAPTER 5.

Financial Department.

Fiscal Year.

Sec. 72. The fiscal year of the City shall begin on the first day of March.

Provision to Pay Indebtedness.

Sec. 73. The Council is hereby authorized to provide by taxation for the prompt payment of interest and for a sinking fund for the purpose of paying the bonds of the City, whether heretofore or hereafter issued.

Warrants.

Sec. 74. All money and other property belonging to the city, except as otherwise provided in this Charter, shall be under the management and control of the Council, and moneys shall be paid out upon warrant of the Mayor, countersigned by the Clerk, after having been duly authorized by a two-thirds vote of all the members of the Council, except as in this Charter otherwise provided; provided that the salaries of all regular officers and employes of the city may be paid upon motion of the Council, duly passed by a majority vote, but this provision shall not be construed to include the wages of officers and employes of the city, specially or temporarily employed. The motion providing for the issue of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued, and the specific fund upon which it is drawn, and shall be payable out of none other. Each warrant shall be payable to the order

of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with all other warrants issued since the adoption of this charter, that may then be outstanding against such fund, and the Council is hereby prohibited from authorizing the issue or ordering paid any such warrant until there is sufficient money, as aforesaid, in the treasury applicable thereto, to meet such warrant, together with all other warrants which may be outstanding against such fund. No officer or official body of the City shall have any power to contract or create any indebtedness against the City, except in accordance with the provisions of this Charter, or to create any liability against the City by the issuance of any warrant contrary to the provisions of this section, and any warrant issued contrary thereto, shall be wholly void as to the City, but the same shall constitute a personal claim against the officer or officers issuing the same and any member of the Council voting to authorize the issuance of the same or attempting to create such indebtedness.

Board of Tax Levy.

Sec. 75. There shall be a Board of Tax Levy which shall consist of the Mayor, the Clerk and the Chairman of the finance committee of the Council. Said Board shall meet at the office of the Clerk on the second Monday of September, each year, and may adjourn from time to time as may be made necessary by the duties hereby required of it, but not later than the thirtieth day of September. Said Board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the Council is authorized to levy taxes for such year, and it shall be the duty of such Board to reduce the maximum rate of taxation for such purposes to the lowest practical limit; and the Clerk shall, on or before the first day of October certify to the Council such maximum rate, and the Council shall thereupon make such levy as it may deem necessary.

Funds

Sec. 76. There shall be maintained in the treasury the following funds: A sinking fund, an interest fund, a public utilities fund, a library fund, a poor fund, a general fund, and such other funds as the Council may, by resolution or ordinance direct.

1. The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the City; and for the maintenance of this fund there shall be levied an annual tax of not to exceed five mills on the dollar of the assessed valuation of taxable property of the City; there shall also be assigned and placed in the sinking fund twenty-five per cent. of all license fees collected by the City and twenty-five per cent of all fines paid into the Treasury; and the Treasurer shall keep a separate account with the City Depositories of

all moneys belonging to the sinking fund, and he is prohibited from placing any money hereby appropriated to the sinking fund in any other fund.

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

Management and Control of the Sinking Fund.

The Council shall have charge of the sinking fund and shall invest the same in bonds or other obligations of the City issued pursuant to this Charter, or in such other bonds as are permitted by law for the investment of the public school funds of the State of Minnesota, or in any county or school bonds of the state. In case of investment in the bonds or other obligations of the City, the same shall not be canceled, but shall be held in the sinking fund and the interest thereon shall be paid over and applied to such sinking fund. Whenever any bonds of the City shall become due, the Council shall dispose of such bonds then in said fund as, with the money on hand belonging to the same, shall be necessary to pay such maturing bonds. And the Council may dispose of any of the bonds in said fund at such other time as it may deem for the best interest of said fund. Whenever the amount of such sinking fund, together with the interest and revenue therefrom computed to the time of the maturity of the City bonds is sufficient to pay all of said bonds, the levy of two mills, hereinbefore provided for, may be omitted and the money otherwise devoted to this fund may be diverted to other funds; but in case of decrease of interest, or for any other cause, said fund shall, in the judgment of the Council, be insufficient to pay said bonds of the City at maturity, such tax shall be resumed.

Whenever at maturity of any bonds of the City, said sinking fund shall not have money therein sufficient to pay the said bonds so maturing, and whenever the Council may deem it advisable for the best interests of the City to take up any outstanding bonds not due, the Council may issue other bonds of the city to run not exceeding twenty years, on such terms as to place and times of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds not due; provided, that refunding bonds, issued to take up bonds not due, shall in no case draw a higher rate of interest than the bonds taken up.

2. The interest fund is created for the purpose of providing monies for the payment of interest upon the bonds of the City. It shall be maintained by an annual tax levy to be made by the Council upon all the taxable property of the City and to such an amount as will be sufficient to pay such interest.

3. The public utilities fund is created for the purpose of providing for the support and maintenance of any plant, or plants, owned or operated by the City for the purpose of furnishing the City, or its inhabitants, water, light, power and other public service, and of paying

the cost of the purchase, construction, extension, operation, maintenance and repair of the City public works plant, or plants, and the interest on the estimated or appraised value of the said plant, or plants, and the cost of extensions and improvements thereof paid by the City out of funds other than the public works fund.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the public works plant or plants of the City; also the proceeds of all special assessments levied on account of or in connection with such public works plant, or plants; also such amounts as may from time to time be realized from the sale of bonds issued on account of said plant, or plants; and also all moneys received from the operation of said plant, or plants, including water, light, power and other service rates, rentals and penalties.

4. The Library Fund is created for the purpose of maintaining the Public Library and Reading Room in the City. It shall be supported by taxation and such other funds as may, from time to time, be received by the said Library and Reading Room, or by the City for the benefit of said Library and Reading Room, but the amount levied for said fund by taxation shall in no year be less than twelve hundred dollars.

5. The Poor Fund is created for the purpose of providing moneys to be paid out in taking care of the poor of the city. It shall be maintained by an annual tax levy to be made by the Council upon all the taxable property of the City, and to such an amount as may be necessary for said purpose.

6. The General Fund is created to provide moneys for the payment of all other legal obligations of the City. It shall be maintained by tax levy, and there shall also be paid into it all moneys belonging to the City, and not specifically designated as belonging to any other fund.

The Several Funds.

Sec. 77. The income and revenue of the City paid into the Treasury shall at once be by the Treasurer apportioned to and kept in the separate funds established by this Charter and by the Council; and it shall be unlawful to transfer moneys from one fund to another, or to divert money from the fund to which it belongs, except that when there shall be a surplus of cash to the credit of any fund the Council may, by resolution, authorize such surplus to be placed in the sinking fund.

Authority to Create Debt.

Sec. 78. None of the departments respectively of the City, nor any officer of such department shall have power or authority to make any contract or create any debt against the City before the Council shall have authorized the same by a two-thirds vote of the members thereof,

and no committee of the Council or officer of the City shall allow or approve any claim in favor of any person, firm or corporation for any purpose whatever attempted to be created as aforesaid, unless the creating of such claim, or incurring of such indebtedness shall have been previously authorized by the Council, except as hereinafter provided.

Every requisition from any officer, department or commission to purchase supplies or create any indebtedness against the City shall be itemized.

Money Now in the Treasury.

Sec. 79. Within thirty days after it has been declared that this Charter has been adopted it shall be the duty of the Council, with the assistance of the Clerk and Treasurer, to apportion the money now in the Treasury among the several funds herein provided for.

Power to Borrow Money or Incur Debt.

Sec. 80. The City Council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special election, of which due notice as to time, place and object of the election has been given, to issue bonds of the City, running not more than twenty (20) years, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such times and places as may be fixed upon by resolution of the Council. Such bonds shall be signed by the Mayor and attested by the Clerk and sealed with the seal of the City. Such bonds shall be sold at not less than par, and the proceeds from the sale thereof shall not be expended for any other purpose than that for which they were issued. Such bonded indebtedness shall not at any time exceed five per cent. of the assessed valuation of the property of the City. Provided, that all bonds, certificates and other evidences of indebtedness and obligations of the City, authorized by this Charter, shall, in case they are to run for more than five years, bear no greater rate of interest than five per cent. per annum. All elections, whether general or special, for the determination of the issuance of bonds shall be conducted in the same manner and with the same formalities as general and special elections are conducted under the General Laws of the State.

The ballots to be voted at such elections shall read substantially as follows: "Shall bonds be issued by the City of Alexandria under the provisions of the City Charter to the amount ofdollars, for the purpose of?" Provided, that bonds may be issued as above provided in Subdivision 1, Sec. 76. for funding the City's bonded indebtedness whenever required and that certificates of indebtedness against taxes levied and assessed may be issued as hereinafter provided, by the Council.

Tax Certificates.

Sec. 81. At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October 10th in any year, the Council may, by resolution passed by a two-thirds majority of all the members thereof, issue and sell or cause to be issued and sold from time to time, as many as needed, certificates of indebtedness in anticipation of the collection of the taxes so levied as aforesaid, for any special fund named in said tax estimate, for the purpose of raising money for such special funds; but no power shall exist to issue certificates for any of said special funds exceeding fifty per cent. of the amount named in said tax estimate to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate certified to the Auditor as aforesaid was made; and said certificates shall not be sold for less than par and accrued interest, and shall not bear a greater rate of interest than six per cent per annum; which certificates shall state upon their face for which of said separate funds the proceeds of said certificates shall be used and the whole amount embraced in said tax estimate for that particular purpose. They shall be numbered consecutively and be in denominations of fifty dollars or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms and with the coupons be made payable at such place as will best aid in their negotiation; and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the City are irrevocably pledged for the redemption of the certificate so issued, except as in this chapter provided.

Penalties.

Sec. 82. Any wilful neglect or refusal on the part of the Treasurer, or Clerk, to perform the duties required in this Chapter or by the Charter of the City, or any vote or act of the Mayor or any member of the Council, or of said officers or other officers of the City, made or done with the wilful intent to evade the provisions of this Chapter, or this Charter, or to divert the funds raised by taxation or pledged by ordinance to any specific purpose, is hereby declared to be malfeasance in office, and upon conviction thereof such officers shall be removed from office, and shall in addition thereto incur the penalties otherwise provided by law, and any such neglect, refusal, vote or act as aforesaid on the part of any such officer shall be prima facie evidence that the same was done with such wilful intent.

CHAPTER 6.
Public Utilities.

Sec. 83. The City may construct or purchase its water, light, heat and power plant, or either of them, telephone system and other public utility systems, and may dispose of them whenever authorized to do so by a majority vote of the legal voters of the City voting upon that question.

The City may maintain, enlarge, extend, repair and operate the same.

It may furnish service for all municipal purposes and may supply the same to the inhabitants of the City, and to such others as it may deem expedient.

Commissioners.

Sec. 84. The management and control and operation of all such plants and systems shall be committed to a board to be known as the Board of Public Works.

Eligibility, Appointment, Compensation.

Sec. 85. The members of said Board shall be appointed by the first Council elected under this Charter, at the first meeting, or within ten days thereafter in the following manner, except as hereinafter provided in this Charter.

One member of said Board shall be appointed for one year, one for two years and one for three years, and annually thereafter one member shall be appointed for the term of three years (at the time and in the manner that other officers of the City are appointed) to succeed the member whose term on said Board is about to expire. The members of said Board shall serve without compensation.

Organization, Powers.

Sec. 86. Said Board shall, immediately after the appointment of its members, proceed to organize by the election of one of its members as president, and the election of a secretary, who may be the City Clerk, or such other person as the Board may select. The secretary shall attend the meetings of the Board, keep a record of its proceedings, keep the books of the Board, collect all moneys due on account of water, light, heat and power rentals, and from the sale of material, and from all other sources connected with the public utilities of the City, and deposit the same with the City Clerk, taking his receipt therefor and do and perform such other duties incident to such employment as the Board shall direct, or this Charter may further prescribe; and in such matters he shall be under the sole control and direction of the Board. The Board shall employ a Superintendent, and such other necessary help as will enable it to properly perform its duties under

this Charter, and successfully operate said public utilities system, and the Board may discharge any and all employes at will. The duties and compensation of the employes of the Board shall be prescribed and fixed by the Board.

Said Board and its employes may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action, in the name of the City, against any person, for the use of water, light, heat or power, or for any injury to any of the property or works entrusted to its care, or for the violation of its rules and regulations governing the use of water, light, heat or power, or the management of the plant.

Said Board may require from its employes bonds for the faithful performance of their duties; the amount of such bonds shall be fixed by the Board; provided, that the bond of the secretary shall not be less than two thousand dollars.

By Laws, Rules.

Sec. 87. The Board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter, and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose, and signed by the President and Secretary; which, when so entered and signed, shall be open at all times for inspection, and shall be evidence in any court of justice.

The Board shall fix and maintain the rents and rates for water and light and other services furnished by it, so that the revenue shall in each fiscal year be at least sufficient to defray the cost of operation the interest on the appraised cost of the plant, at a rate not to exceed four per cent. per annum, and a sinking fund equal to five per cent. of the gross revenue of the plant, said sinking fund to be used for replacement and repairs of the plant, and it is hereby made the duty of the Council to establish such sinking fund within sixty days after the election of the first Council under this Charter.

Distribution, Rates.

Sec. 88. The Board shall regulate the distribution of water, light and other service in all places and for all purposes where same shall be required for either public or private use; and fix the price and rates therefor; provided, that in case of street hydrants, fountains, watering troughs, light for streets, public buildings and other public places, the Board shall fix and locate the same as the Council shall direct.

Provided further, that said Board shall not charge the City for service a higher rate than is charged private parties.

The City shall pay out of the general fund to the account of said

Board, in four quarterly payments, viz., on the first of March, first of June, first of September and first of December in each year, at the price so fixed by the Board for all services to the City for public purposes.

The Board is hereby authorized and required to restrain and prevent any and all waste of water, light and other products of the plant or systems, and may, when in its judgment necessary, shut off the same.

Payment in Advance.

Sec. 89. The Board shall have full power and authority to require payment in advance for the use of water, light or other service furnished by it in or upon any building, place or premises; and in case prompt payment for the same shall not be made, then it shall shut off such service and the Board shall not again supply said building, place or premises with such service until all arrears, with interest thereon, together with the costs and expenses of turning said service off and on, shall have been fully paid; provided, that in case the owner of such building, place or premises is not liable for the payment of the unpaid service, such service may be supplied to another tenant on the same premises or the owners thereof without the payment of arrearages.

Liability of Owner of Property.

Sec. 90. The owner of any private property which has upon it pipes connected with the City waterworks, to convey water thereto, or wires connected with the City lighting plant to convey light or power thereto, shall, if he orders water, light or other service, as well as the lessee or occupant of such premises, if any, be liable to the City for the rents and rates for all water, light or other service from said plants used upon such premises, and such rents or rates may be recovered in an action against the owner, lessee or occupant, or against any one or more of them.

Repairs, Supplies, Extensions.

Sec. 91. The Board shall have full authority to contract for and incur expenses for fuel, material and supplies to operate the said plants and systems, and also to contract for and incur any expenses for repairs on the same where the expense for any one item does not exceed two hundred dollars (\$200.00). If the expense to be incurred for repairs exceeds two hundred dollars (\$200.00) for any one item, it shall first be authorized by the City Council.

All bills for labor, material, supplies and repairs purchased by the Board shall, after being audited and approved by the Board, be paid by warrants drawn on the City Treasurer, signed by the President and Secretary of the Board. Every warrant so drawn shall designate from what fund payment is to be made.

No extensions to the water, light or other systems of the City shall

be made except when recommended by the Board and ordered by the Council.

Further Duties of Secretary.

Sec. 92. The Secretary shall keep a set of books in his office which shall contain a full and complete statement of the condition and operation of the plant, or plants; a record of all moneys received by the Board and paid over to the City Clerk, and all payments made for account of the plant, or plants, and all moneys due and owing to the Board for any cause whatever, together with an accurate account of the condition of the different funds, and of all the expenses of the Board.

Reports.

Sec. 93. The Board shall on the first of March of each year and at other times, when requested to do so by the Council, render a full and complete report setting forth the condition of the plants, the improvements made and costs of same, and a detailed report of the earnings and expenses.

Penalties for Injuries to Works.

Sec. 94. Any person who shall wilfully and unlawfully injure or destroy any real or personal property belonging to, or in any manner connected with the said plant, or plants, shall be punished as follows:

1. If the value of the property destroyed, or the diminution in value by injury to the same, shall be less than twenty dollars, by imprisonment in the county jail for not more than three months, or a fine of not more than one hundred dollars.

2. If the value of the property destroyed, or the diminution in value, by the injury, shall be twenty dollars or more, by imprisonment in the county jail for not more than one year, or by fine of not more than five hundred dollars, or by both.

Unauthorized Use of Water and Electricity.

Sec. 95. Any person who shall, without authority from the Board, tap or tamper with any electric wire, or take electricity therefrom, or tamper with any main or surface pipe, or take water therefrom, or open or shut any surface cock or fire hydrant, or unscrew wholly or partly the top from such hydrant, or turn water into any tunnel or ditch excavated or used by the Board for the purpose of laying the pipes or mains, or who, being authorized by the Board to take water from any pipe for any specified purpose, shall, without authority from the Board, use such water for other than such specified purpose, or permit any other person to use any such water, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred (100) dollars or by imprisonment in the county jail of Douglas County not exceeding three (3) months.

Omissions From Rentals.

Sec. 96. Any member of the Board, or any employe of the Board, who shall knowingly omit any person or property from a proper assessment for water or light rentals, or other service, or refuse to collect the same, or who shall discriminate in favor of any person, corporation or property in regard thereto, shall be guilty of a misdemeanor and punished therefor 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 are punished under the criminal laws of the State.

CHAPTER 7.

Fire Department.

Sec. 97. The Council shall have power to purchase fire engines, hooks, ladders, trucks, and all other apparatus which may be required for the extinguishment of fires; to authorize the formation of fire engine, hook and ladder and hose companies; to provide for the proper support and regulation of the same; and to order such companies to be disbanded, their public meetings to be prohibited, and their apparatus to be given up. Every member of each company, which may be authorized to be formed, shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership; such companies shall elect their own officers and make their own by-laws, subject, however, to the approval of the Council.

The Council shall have the power to appoint a Chief and one Assistant Chief of the fire department, and to prescribe their duties.

Powers and Duties of Chief.

Sec. 98. In addition to the duties that may be prescribed by the Council the Chief of the Fire Department, under the direction of the Mayor and Council, shall have the general superintendence of the Fire Department and the custody of all engines, hooks and ladders, trucks, hose, horses and other property used and maintained for the purposes of said department. He shall see that the same are kept in proper order, and that all the rules and regulations and provisions of this Charter relative to the Fire Department and to the prevention and extinguishment of fires are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property.

In case of the absence or disability of the Chief, for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief, and in the absence of the Assistant Chief, the senior captain present shall be Acting Chief.

Authority at Fires.

Sec. 99. The Council may, by ordinance, provide for the removal and keeping away of any or all persons from fires, and may confer powers for that purpose upon the Mayor, the Chief, Assistant Chief and other officers of the Fire Department and the Police Officers of the city; and for such purposes the Chief or Assistant Chief shall be vested with police powers. The Mayor shall have authority under such provisions as the Council may enact, to send fire engines and other apparatus of the department with a competent force of employes to the relief of any other community, or for the preservation of property endangered by fire outside of the city limits.

Fire Alarm and Other Property.

Sec. 100. The Council may provide for the establishment and maintenance of an efficient fire alarm.

The Council shall provide for the sale or disposal of any property no longer necessary for the use of the Fire Department, and the proceeds thereof shall be paid into the City Treasury.

The Council shall also have power to provide for the erection of fire stations or engine houses, and the purchase or condemnation of sites therefor.

The powers in this section granted are subject to the general restrictions contained in this Charter.

Destruction of Buildings.

Sec. 101. Whenever any building in the City shall be on fire, it shall be lawful for, and it shall be the duty of, the Chief of the Fire Department, and in his absence the officer in charge, to order and direct the destruction and removal of, and to destroy, pull down and remove such building or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire; and no action shall be maintained against any person, or the City, therefor, or on account thereof.

Penalties.

Sec. 102. If any person shall at any fire refuse to obey the orders of the Chief of the Fire Department or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor, and shall be punished as prescribed by the ordinances of the City.

CHAPTER 8.

Health Department.

Appointment, Qualifications.

Sec. 103. The Health Department shall consist of three members, one of whom shall be a physician duly licensed to practice medicine

within the State of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled Health Officer.

Each member of said department shall be a resident and elector of the City at the time of his appointment.

The members of said department shall be appointed as other officers for the term of one year.

General Powers, Duties.

Sec. 104. Except as otherwise provided in this Charter, the members of said department shall have and exercise all the authority and powers and perform all the duties granted to or imposed upon local boards of health by the General Laws of the State of Minnesota, and such laws governing such local boards shall, so far as applicable, apply and be in force in the City.

Special Powers and Duties.

Sec. 105. The members of said department, in addition to the powers and duties mentioned in Section 104 of this Chapter, shall have the following and additional powers:

To enforce the Laws of the State and the ordinances of the City and the provisions of this Charter relative to public health; and for the enforcement of all such laws, ordinances and provisions they and each of them shall have and be vested with all the powers of Police Officers of the City.

The Health Officer shall, in addition to other powers and duties vested in and required of him, be required:

1. To give to the Mayor or other City Authorities such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall know or be informed of the existence of any malignant, contagious or pestilential disease he shall investigate the same and adopt measures to arrest its progress.

2. It shall be the duty of the Health Officer to make a personal inspection of every part of the City from time to time, and not less than once a month during the period from April first to October first, and in all cases where he may discover the existence of any agent, the presence of which might prove dangerous to the health of the City, to cause the same to be removed, in accordance with the ordinances of the City, or should there be no ordinance competent for the correction of the evil, he shall immediately report the same to the 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 Council, may select such sites, places and boundaries for Quarantine Stations and purposes as may be necessary.

Right to Enter Building.

4. For the purpose of carrying out the foregoing requirements, the Health Officer 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, for the purpose of a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of as he may direct.

To Serve Notices to Abate Nuisance.

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

To Provide Books for Keeping the Record.

6. It shall be the duty of the Health Officer to provide at the expense of the City the necessary books for keeping a record of all transactions of the Health Department, including the proper registration of births and deaths, and such other statistical information necessary for the official work of said 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 removed to the hospital or such other place as he may think proper, and cause him to be provided with suitable nurses and attendants at his own expense, if he is able to pay for the same, but if not, then at the expense of the City.

To Provide Equipment and Medicine.

8. To provide, under the direction of the 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 hospital.

9. He shall, when directed by the poor committee of the Council or the Board of Health, attend any indigent sick person in the City and furnish medicine for such person at the expense of the City.

Penalties.

Sec. 106. 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 the Health Officer so to do, or shall refuse or neglect to abate any nuisance, for the existence of which, as owner, occupant or agent of the place upon or within which such nuisance exists, he is responsible, after having received a notice from the Health Officer so to do; or who shall neglect to report the occurrence or existence of any birth, death or case of contagious or infectious disease as provided for in this Charter, the ordinances of this City or the laws of the State; or who shall import or bring within 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 and attached to any house or building or place, by the Health Officer or his subordinates; or who shall disobey or wilfully avoid quarantine regulations imposed by the Health Officer, or who shall interfere with the Health Officer or his subordinates in the exercise of his or their duties; or who shall violate any of the provisions of this Charter, the laws of the State, or the ordinances of the City relating to the public health, shall, upon conviction, be guilty of a misdemeanor and punished as prescribed by the ordinances of the City, or, in case the offense is not punishable under the ordinances of the City, then as misdemeanors under the criminal laws of the State.

Sec. 107. Whenever the owner or occupant of any building, structure or premises within the City shall neglect or refuse, after reasonable notice by the Board of Health or Health Officer, to observe and comply with, in respect of the sanitary condition of such building, structure or premises, the requirements of the law of the State, the ordinances of the City, the provisions of this Charter or the rules and regulations of the Board of Health or Health Officer relative to the public health and sanitary condition of the City, then the Board of Health or Health Officer, under the direction of the Council, shall cause to be done in and upon such building, structure or premises whatever may be reasonably necessary to remove any cause of offense, and put the same into suitable sanitary condition in accordance with the requirements of law and the rules and regulations of the Board of Health, or the direc-

tions of the Health Officer, and assess the expense thereof against the property in and upon which such expense has been incurred in the premises.

Before proceeding, however, in any case in accordance with the foregoing provisions of this section, the Council shall give at least five days' notice to the owner or occupant of any such building, structure or premises of its intention to take such action and to assess the cost thereof upon said property; which notice may be served upon such owner or occupant personally, if found within the City; if not occupied and the owner does not reside within the City, then said notice may be served by mailing a copy thereof to said owner at his last known post-office address.

At the meeting of the Council at which said matter is to be heard or at any meeting to which said matter may be adjourned, the Council shall hear all interested parties, and if determined upon to make an assessment against said property, such assessment for said expenses so incurred as aforesaid may be for the full amount of such expense and the costs of notice; and before making the same the Council shall require the Clerk to give notice of by publication in a legal newspaper published in the City, at least once a week for two successive weeks, of its intention to make such assessment upon such property at a meeting of the Council to be specified in said notice, and at said meeting, or at any subsequent meeting to which said matter may be put over, the Council shall hear all interested parties, and shall then, or at a subsequent meeting, proceed to make an assessment against said property, which assessment shall be certified and returned to the County Auditor of Douglas County, Minnesota, to be collected in the same manner as other City assessments are collected.

Nothing herein contained shall affect the right of the City to have imposed, or relieve any person mentioned in this section from any liability to any prosecution for the violation of or penalty imposed by any ordinance of the City.

CHAPTER 9.

Police Department.

Organization.

Sec. 108. There shall be in the City a Police Department, of which the Mayor shall have control and supervision, and of which he shall be the chief executive officer and head.

Said department shall consist of a Chief of Police and such Patrolmen as from time to time may be authorized by the Council; all members of said department shall be employes of the City, and they shall

be appointed by the Mayor, but must be confirmed by the Council before entering upon the discharge of their duties.

The Mayor or Council may, at his or their pleasure, remove any member of the department. The number of members shall be limited and regulated by the number of inhabitants of the City, as determined by the last State or Government Census thereof.

Including the Chief of Police, there shall not be more than one officer to every one thousand inhabitants of the City, or fraction thereof.

Provided, that the Mayor, in case of large public gatherings or other unusual occasions requiring additional police force, may appoint, without the concurrence of the Council, such other Patrolmen, at a compensation not exceeding two (2) dollars per day, as he may deem necessary; but such temporary appointment shall not continue in force for more than three days.

Special Policemen.

Sec. 109. The Mayor may likewise, at the request of any person, corporation or organization desiring special police protection, appoint, without the concurrence of the Council, special policemen, who shall serve without expense to the City, and possess police power to preserve the peace, protect property and make arrests for crime at such places and within such limits as may be designated by the Mayor; but such special policemen shall not exercise any official authority or wear any badge of office outside of the limits so designated, except that in the event of an arrest made by a special policeman, he may wear such badge while taking the person so arrested to the police station.

Qualifications.

Sec. 110. No person shall be eligible to appointment in the Police Department who is not a citizen of the United States, or able to read and write the English language understandingly, or who has been convicted of a crime. Nor shall any person be eligible to any appointment in any department who shall not have been a resident of the City for at least one year immediately preceding his appointment. Any person appointed to the office of Chief or Patrolman shall, before entering upon the discharge of the duties of such office, execute a bond to the City in such sum as the Council may direct for the faithful performance of his duty.

Powers of Police Officers.

Sec. 111. The Chief of Police shall possess the powers of a constable at common law and under the Statutes of this State, and shall have the power to serve and execute any warrant, summons or other process issued out of any Justice Court of the City, and shall have authority to pursue and arrest in the City or beyond the limits thereof, or in any part of the State, any person charged with, or who has com-

mitted any violation of any ordinance of the City, or any other offense or crime within the City; but no such officer shall have power to arrest without such warrant except in cases in which arrests without a warrant are authorized by the General Statutes of the State; and the violation of any City ordinance shall be deemed a public offense.

Conservators of the Peace.

Sec. 112. The Mayor or Acting Mayor, the Chief of Police, the Sheriff of the County, and all police officers and Constables shall be conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the City limits, and for such purpose may require the assistance of all bystanders and, if need be, of all citizens; and in suppressing any riotous or disorderly behavior or proceedings, the authority to command shall be in the officer present in the order in this section named.

Penalties.

Sec. 113. If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto required as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty (50) dollars, or imprisonment for not more than thirty (30) days.

If any person shall, without lawful authority, assume to act as a police officer of the City, or falsely pretend to be authorized so to act, or wear a badge of a police officer within the City, he shall be liable to a fine not exceeding one hundred (100) dollars or imprisonment for not more than three months.

Gratuity or Rewards Prohibited.

Sec. 114. Any member of the Police Department who shall accept directly or indirectly from any person while in his custody, or after he shall have been discharged therefrom, any gratuity or reward, or any kind of intoxicating liquor, or who shall receive from any person, without the written permission from the Mayor, any reward for the arrest of any thief, or for the recovery of any goods, or money or compensation for damages sustained while in the discharge of his duties, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred (100) dollars or imprisonment not to exceed three months.

Compensation to be Fixed by Council.

Sec. 115. Except as otherwise herein provided, the compensation of the Chief of Police, Patrolmen and other employes of the Police Department shall be fixed by the Council in the same manner as the compensation of City officers.

CHAPTER 10.**Contracts.****Definitions.**

Sec. 116. All contracts for commodities or service to be furnished to, or performed for, the City, or any department thereof, involving an expenditure of more than one hundred dollars, shall be made as in this Chapter provided, and not otherwise; provided, that nothing in this Chapter shall be considered to abrogate or repeal any of the provisions of Chapter Six of this Charter, relating to the department of public utilities.

The words "commodities" and "service," as used in this Chapter, shall be construed to include all work, labor, materials, supplies, or other property, all lighting and other service and all local or public improvements.

The word "contract," as used in this Chapter, shall be construed to include every agreement in writing or otherwise, executed or executory, by which any commodities, work or service are to be furnished to or done for the City, and every transaction whereby an expenditure is made or incurred on the part of the City, or any department or officer thereof.

All action in this Chapter required or authorized to be taken by the Council shall be by resolution or ordinance.

Estimates, Amount of Contract.

Sec. 117. The Council in the first instance shall, on its own motion, or may, on the recommendation or report of any department or officer of the City, determine in a general way the commodities, work or service to be done or furnished, and shall fix the estimated cost thereof; and, in order to determine such estimated cost, may require estimates from any officer or employe of the City.

In case such estimated cost, as determined by the Council, shall not exceed the sum of one hundred (100) dollars, the Council may direct that the commodities, work or service be procured by or through the proper department or officer of the City without public bids.

In all cases where such estimated costs shall exceed the sum of one hundred (100) dollars, said commodities or service shall only be furnished or done upon public bids, or procured in open market.

Plans and Specifications.

Sec. 118. Before advertising for bids, the Council shall cause to be prepared by the proper department or officer of the City and filed with the Clerk, detailed plans and specifications and the proposed contract for commodities and service.

Advertising.

Sec. 119. After filing the same, the Council shall direct the Clerk to advertise for bids for doing or furnishing said commodities or service, in accordance with such contract, plans or specifications.

Such advertisement shall be published in the columns of a legal newspaper, published in the City, for one week, and in such other papers for such time and in such manner as the Council may direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the Council in the Council Chamber upon a certain day and hour.

Certified Checks.

Sec. 120. In advertising for any bid, the Council shall require any bidder to deliver his bid and a certified check upon some reputable bank of this State, payable to the City of Alexandria, for at least ten per cent. of the total amount of such bid; which check and the amount thereof shall be forfeited to the City of Alexandria as liquidated damages, if the bidder, upon the letting of a contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

Receiving and Opening Bids.

Sec. 121. At the time and place mentioned in the advertisement for bids the Council shall meet in public session and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively and no further bids shall be received after any bid has been opened. The Council shall give all persons who desire the same an opportunity to inspect all bids when they are opened. No bid shall be considered when not accompanied by the specified check.

Action by Council.

Sec. 122. The Council shall act upon such bids and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements; provided, that the Council may reject any bids which it may deem unreasonable or unreliable; and the Council, in determining the reliability of the bid, shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any reference to the responsibility of the sureties on his bond; and any person who shall have defaulted in any contract awarded by the City, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the Council

may reject all bids and abandon the proposed contract, or it may require the Clerk to re-advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five (5) days after the contract is ready for his signature, and if not executed by him in such time he shall be deemed to have abandoned the same.

Performance of Contracts.

Sec. 123. After the acceptance by the Council of any bid it shall direct the execution of a contract by the proper officers in accordance therewith, and also in accordance with the said plans, specifications and proposed contract; and such contract shall be carried out by the proper department or officer of the City as in this Chapter provided.

In case the Council shall determine that any commodities or service are to be procured in open market, the same shall be procured or done by the proper department or officer, in accordance with such general directions as the Council may give.

Bond.

Sec. 124. Every person to whom a contract is awarded for an amount exceeding two hundred (200) dollars shall give bond in such sum as the Council may direct, and with such sureties as the Mayor may approve, for the faithful performance of such contract.

In the case of all other contracts, the Council may require a bond, and in all cases of contracts coming within the purview of Chapter 85, Revised Laws, 1905, and the amendments thereto, it shall require such bond as is required by such law.

Expenditures.

Sec. 125. It shall be the duty of each officer or head of a department to report to the Council, quarterly, the commodities, work and service likely to be needed for the operation of his department or office during the remainder of the then fiscal year, and not theretofore contracted for.

Emergencies.

Sec. 126. In case of emergency, and when the delays provided for in this Chapter will cause great damage to the public interest or endanger public safety, the head of any department, with the written approval of the Mayor, may make necessary repairs by day labor and procure materials therefor in the open market.

Contracts Not to be Assigned.

Sec. 127. No contract for which a bond or deposit is required, as provided for in this Charter, shall be assigned or transferred in any manner, and any assignment or transfer thereof, except by operation of law, and except by consent of the Council, expressed by resolution, shall

fully end and determine such contract, and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the City; and the City, through its proper authorities, may at once proceed to re-let such contract, or may at its discretion proceed to complete the same as the agent and at the expense of such contractor and his sureties.

Affidavits That Claims Are Paid.

Sec. 128. Before any contractor or his personal representatives shall receive any estimate on any contract for which a bond or deposit is required, as provided in this Chapter, said contractor or his representatives shall make and file with the Clerk an affidavit that all claims for all work and labor to date on the work for which an estimate is asked, has been fully paid.

Penalties.

Sec. 129. Any contract made in violation of the provisions of this Chapter shall be absolutely void, and any money paid on account of such contract by the City, or any department or officer thereof, may be recovered by the City without restitution of the property or the benefits received or obtained by the City thereunder.

Any officer of the City violating any provision of this Chapter shall thereby forfeit his office, in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the Courts of the State, or by action of the Council, as provided for in this Charter.

CHAPTER 11.

Salaries and Bonds.

Salaries.

Sec. 130. The following officers shall receive salaries, to-wit: Clerk, Treasurer, Attorney, Health Officer and Assessor. Members of the Board of Health, exclusive of the Health Officer, Street Commissioner and Engineer, shall be paid for their services such sums as the Council may direct; and members of the Board of Review shall be paid the compensation hereinbefore provided.

The Clerk, Building Inspector and Scaler and Weigher shall be entitled to collect the fees provided for by this Charter, which shall be fixed by the Council, and excepting the Clerk, shall receive no further compensation from the City.

The Mayor and Aldermen shall receive no compensation for their services, but there shall each year be set apart from the general fund one hundred (100) dollars for the Mayor's contingent expenses, which shall be paid out by the Treasurer upon the Mayor's warrant, and which

he may expend for any purpose connected with the proper discharge of the duties of his office; he shall file proper vouchers for all such expenditures, and if any part of said sum remains unexpended at the close of the fiscal year, it shall be returned to the general fund.

Employees.

Sec. 131. The compensation of all employes of the City shall be fixed by the Council, except as herein otherwise provided, and such compensation shall be paid monthly in the discretion of the Council.

Salaries Not Changed.

Sec. 132. The salaries of the officers of the City shall not be increased or diminished during the term for which any such officer shall have been elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service.

Gifts.

Sec. 133. No officer or member of any board, or employe of the City shall, directly or indirectly, in or about his office or position, ask or receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

Bonds.

Sec. 134. The Council may require bonds from any officer or employe of the City in those cases where a bond is not required by the terms of this Charter; and may fix the amount and condition of the bond so required by it, and make any regulations it may deem proper in regard to the sureties thereon.

Corporate Sureties.

Sec. 135. The sureties on all bonds required of officers and employes and others by the terms of this Charter may be surety corporations authorized under the General Laws of the State to do surety bond business and to give such bond; but such bond must be approved by the Council. The bond of the Treasurer must be a surety bond and the premium on the same shall be paid by the City.

CHAPTER 12.

Eminent Domain and Local Improvements.

Part 1.

Eminent Domain.

Power to Acquire Property.

Sec. 136. The City of Alexandria is hereby empowered to acquire by purchase, condemnation proceeding, or otherwise, any property, cor-

poreal or incorporeal, wheresoever situated, either within or without the City, which may be needed by the City, or any board or department thereof, for any public purpose whatever. And the fact that the property so needed has been obtained by the owner under eminent domain or is already devoted to a public use shall not prevent its acquisition by the City. When nothing is specified to the contrary, the City in any acquisition of property shall be deemed to have acquired the fee, title and absolute ownership of such property, except in case of streets and alleys.

Limitations.

Sec. 137. Except in case of an improvement to abate a nuisance, no real estate shall be assessed for benefits resulting from the taking or injuring of real property. In case of the taking or injuring of any real estate for the purpose of abating a nuisance, the expense of such abatement in such case may be assessed against the property in and upon which such improvement is made; and in case of any such assessment, proceedings shall be taken and had therefor in accordance with the provisions of this Charter, in case of eminent domain for the taking or injury to real property, so far as the same are applicable.

Procedure.

Sec. 138. When the Council shall determine that it is necessary to take, damage or destroy property of any description, for any public purpose, it shall declare the same by resolution, in which it shall be stated in a general way the nature and extent of the proposed improvement and the property proposed to be taken therefor. Thereupon the Clerk shall publish a notice in a legal newspaper published in the City once a week for two successive weeks, stating that said matter is pending before the Council and describing in a general way the property proposed to be taken, and other facts specified in said resolution, and fixing a time and place when and where any person may be heard by the Council concerning the taking of such property; and at least ten days before such hearing, the Clerk shall cause a copy of such notice to be served in the manner in which a summons in the District Court is required to be served, upon all owners of lands to be condemned, as appears by the last assessment list in the office of the Auditor of the County in which such lands are situated, who can be found in Douglas County, and also upon all persons occupying said lands; and he shall mail, with postage prepaid, a copy of such notice to all non-residents of Douglas County, appearing to be interested in said lands, to the last known postoffice address of such non-residents. Proof of the service of such notice shall be made by the affidavit of the party serving the same, and shall state the time, place and manner of such service, and, if served by mail, how each notice was addressed, and such affidavit

shall be filed in the office of the Clerk; and it shall be the duty of the Council at such time and place to hear any person who may wish to be heard concerning such taking. Objection to such taking shall be in writing and filed with the Clerk at least one day before the time set for the hearing. Thereupon the Council shall cause to be made and filed with the Clerk a plat and survey of such property, showing the nature, course and extent of the improvement and the property necessary to be taken, damaged or destroyed therefor, together with the names of the owners of each parcel of such property as the same appears upon the last assessment roll in the office of the County Auditor of the County in which the property is situated at the date of the resolution above referred to, together with such statements as may, in the opinion of the Council, be proper to explain such survey and the nature and extent of such proposed improvement; and such plat and survey may be amended, modified or changed; and if the Council decides after hearing to proceed with such condemnation, it shall, by resolution, adopt such plat and survey and order and direct the making of the improvement and determination of the amount of damages to the property to be taken, damaged or destroyed.

Commissioners.

Sec. 139. After the passage of the resolution specified in the foregoing section, the Council shall then, or at a subsequent meeting, appoint three commissioners, all of whom shall be freeholders and electors of the City, and not in any way interested in any property to be affected by this proceeding, to view the premises and ascertain and award the amount of damages and compensation, if any, to be paid for the property to be taken, damaged or destroyed for such improvement, and to determine the amount of such damages and compensation. Two of such commissioners shall constitute a quorum and be competent to perform any duties required of the whole number thereof. Before entering upon the discharge of their duties, such commissioners shall take and subscribe an oath to discharge their duties with fidelity and make a just and impartial appraisal and award of damages; which oath shall be filed with the Clerk; and in case any such commissioner shall fail to qualify in five days after being notified by the Clerk of his appointment, or in case of vacancy, for any cause, the Council may appoint another to fill the vacancy.

Service of Notice.

Sec. 140. Said commissioners shall give at least fifteen days' notice by one publication in a legal newspaper, published in the City, of the time and place, when and where they will meet to make said award, in which notice they shall describe the land to be condemned by gen-

eral description, and specify the purpose of assessment. At least ten days before the day of hearing, they shall cause a copy of such notice to be served in the manner in which a summons in District Court is required to be served, upon all owners of the lands to be condemned, as appears by the last assessment list in the office of the Auditor of the County in which said lands are situated, who can be found in Douglas County, and also upon all persons occupying said lands; and they shall mail, with postage prepaid, a copy of such notice to all non-residents of Douglas County appearing to be interested in said lands, to the last known postoffice address of such non-resident. Proof of the service of such notice shall be made by affidavit of the party serving the same, and shall state the time, place and manner of said service, and if served by mail, how each notice was addressed, and such affidavit shall be filed in the office of the Clerk.

Failure to Serve Notice.

Sec. 141. In case of failure of such Commissioners to serve such notices or any of them, said Commissioners shall forfeit their right to compensation for their services, and the Council in such case is hereby forbidden to grant them or any of them any compensation whatever for their services as Commissioners.

Viewing Premises, Taking Evidence.

Sec. 142. The Commissioners shall view the premises to be condemned and receive any legal evidence that may be offered for the purpose of proving the true value thereof, and the damages that may be sustained by reason of the contemplated improvement; and said Commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them, and may adjourn the meeting from time to time and place to place until such assessment is completed; and the Commissioners shall have authority to send for persons and papers and to compel the attendance of witnesses, and to issue subpoenas for such purpose.

Hearing.

Sec. 143. All persons interested in any property so to be condemned, and the Attorney of the City, may be present and be heard and adduce evidence before said Commissioners at said hearing.

Appraisement of Damages.

Sec. 144. After viewing the property and hearing the evidence offered, the Commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall

be benefited by such improvement, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefit which will accrue to the same owner in respect to the remainder of the same property, and award to him only the excess of the compensation or damages over and above such benefit.

Damages to be Appraised.

Having ascertained the damages of such taking, injuring or destroying of the property, as aforesaid, the Commissioners shall appraise the same, and make an appraisement roll thereof.

Appraisement Roll.

Sec. 145. The appraisement roll shall contain a brief description of each tract or parcel of land taken, injured or destroyed, the names of the owners thereof, so far as known to the Commissioners, and if unknown, they shall so state; and the amount of damages awarded to each owner of each parcel or tract of land, and the amount of benefit, if any, estimated and set off in each case.

The roll shall be footed up and shall show the total damages awarded and the estimated benefits, if any.

Notice of Completion and Confirmation.

Sec. 146. When completed, said Commissioners shall cause to be given at least ten days' notice by one publication in a legal newspaper, published in the City, to the effect that their proceedings have been completed and that at a time and place therein specified they will attend for the purpose of hearing objections, and that all such objections must be filed in writing with said Commissioners at least one day before the time of hearing, and that unless sufficient cause is shown to the contrary, the said award will then and there be confirmed. Said notice shall contain a copy of the appraisement roll as completed, and no objection shall be considered unless the same is filed as herein provided; but the Commissioners may in their discretion allow any person interested, who has accidentally or inadvertently omitted to file his objections, to do so at the time fixed for the hearing.

New Notice May be Given.

Sec. 147. Nothing herein contained shall preclude the Commissioners from causing a new notice to be given specifying a different time and place at which they will attend for the purpose of hearing objections to said appraisement and award and confirmation thereof, in case the previous notice shall be found incorrect or in case of absence of the Commissioners, or for any other reason that may be satisfactory to the Commissioners.

Commissioners May Adjourn and Revise.

Sec. 148. The Commissioners, or any of them, the others being absent, shall have power to adjourn such hearing from time to time, and they shall have power, in their discretion, to revise and correct the said appraisalment and award and to confirm or set aside the same, and proceed to make an appraisalment and award de nova, with or without any further order from the Council; and said appraisalment and award, when confirmed, shall be final and conclusive upon all parties interested therein, not appealing therefrom.

Procedure After Confirmation.

Sec. 149. When said appraisalment and award is confirmed, it, together with all affidavits of publication and proof of service of notices connected therewith, shall be duly certified to by the Commissioners and filed with, and entered in a book kept for that purpose by, the Clerk, who shall forthwith, under direction of the Council, certify the awards of damages to the Treasurer of the City.

Reassessment.

Sec. 150. If said appraisalment of damages and awards shall be set aside by the Commissioners as aforesaid, or by the Court for any cause, jurisdictional or otherwise, said Commissioners shall forthwith proceed de nova, without any further order from the Council, to make another or new appraisalment of damages and awards; and they shall proceed in like manner and give like notices as herein required in relation to the first appraisalment and awards; and all parties in interest shall have like rights, and the said Commissioners shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first appraisalment and awards. Provided, however, that, if the damages to any parcel of land be not appealed from, or shall not have been set aside by the Court, the Commissioners in any subsequent appraisalment may omit such parcels of land as to which the first appraisalment shall not have been set aside or appealed from, or on which said appraisalment shall have been paid; and as often as appraisalment of damages and awards is set aside, the same shall be reappraised until such damages and awards are settled and determined.

Appeal.

Sec. 157. Any person interested in any property taken or damaged in these proceedings, or any citizen of the City, or the City, may appeal to the District Court of the County in which said property is situated, from the appraisalment and award of damages made, within thirty (30) days after the date of confirmation thereof; and such appeal is hereby declared to be the exclusive way by which said appraisalment and award can in any wise be reviewed, modified or annulled.

Procedure On Appeal.

Sec. 152. Said appeal shall be made by serving a copy of notice of appeal upon the Clerk of the City, stating that the appellant appeals to the District Court from said appraisal and award; which notice shall contain a description of the property so taken, injured or destroyed, his interest in said appeal and the objection of the appellant to such appraisal and award, and by filing with the Clerk of said Court within ten (10) days thereafter said notice of appeal with proof of service thereof. In case of an appeal it shall be the duty of the City Clerk, within ten days after service upon him, to prepare and deliver to the appellant a copy of the appraisal roll as confirmed. It shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal; which copy shall within fifteen (15) days after the taking of such appeal be filed by the appellant in the office of the Clerk of the Court to which the appeal is taken. The District Court may, for good cause shown, grant further time for filing such certified copies, or may, when necessary, require a further return to be made. The cause shall be entered by such Clerk in the name of the person taking said appeal.

Procedure In Court.

Sec. 153. Such appeal shall be tried by the Court without a jury, at a general or special term, without pleading, other than above stated. Upon such trial the appellant can make no other objections to said appraisal and award than those stated in his notice of appeal, but the Court may in its discretion permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce or confirm the appraisal and award appealed from, or may order a new appraisal and award to be made as to the property concerning which appeal is taken; and in that event shall direct the Commissioners how to make such appraisal and award so as to avoid the errors complained of.

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

Disbursements, but no costs, may in the discretion of the Court be allowed upon such appeal, as in other civil cases; but any judgment entered therefor against the City shall be a separate judgment and paid out of the general fund of the City. Upon the determination of the ap-

peal to the District Court either party may appeal to the Supreme Court of the State.

Compensation of Commissioners.

Sec. 154. Whenever any Commissioners appointed under the provisions of this Chapter shall have confirmed their award, and certified and filed with the Clerk such award, and all appeals have been disposed of, and they shall have finally completed their work as such Commissioners, the Council shall pay them such reasonable compensation for their services as it may deem just.

Effect of Award.

Sec. 155. Whenever an award of damages shall be made and confirmed, and not appealed from in any proceeding for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal hereunder, the rights of all parties in said matter shall be finally fixed and determined thereby; and the same shall constitute a lawful and sufficient condemnation and appropriation to public use of any property or rights specified in Section 136 of this Chapter, for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the City become vested with and entitled to and become the owner of the property taken and condemned absolutely for all purposes, except as to lands taken for street, alley or highway purposes, in which the City shall only acquire an easement for such purposes. And the City shall be bound to, and shall within one year of such final determination, pay the amount of such award, with lawful interest from the date of the final award or confirmation thereof or judgment of the Court, as the case may be; and if not so paid, judgment therefor may be had against the City.

In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof, the amount so awarded, or in doubt, or in dispute, shall be by the Council appropriated and set apart in the Treasury for whoever shall establish his rights thereto by a proper judicial proceeding and the production of a certified copy of the judgment; and in all cases, before payment of any such award, the owner of such property or the claimant of the award shall furnish satisfactory evidence to the Council of his rights to such award.

Abandonment.

Sec. 156. The City of Alexandria may, by resolution of the Council, at any time before the confirmation by the Commissioners of their award of damages, or in case of an appeal, within twenty (20) days after the final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

Descriptions to be Recorded.

Sec. 157. Upon the completion of any proceeding under this Chapter for the acquisition of any property by the City, the Council shall cause an accurate description of the property so taken to be prepared with a statement of the amount of damages, if any, awarded and paid, or to be paid, to the former owner thereof, and cause its Mayor and Clerk to acknowledge the same for the City, and cause the same to be recorded in the office of the Register of Deeds of the County in which such property is situated; and it is hereby made the duty of such Register of Deeds, upon being paid his statutory fees, to record such statement in an appropriate book in his office; and such record, or a duly certified copy thereof, shall be prima facie evidence that the City of Alexandria is the lawful owner of such property.

Part 2.

Local Improvements.

Grant of Powers—Procedure.

Sec. 158. The City of Alexandria is hereby authorized to fill, excavate, grade, level, pave, re-pave, curb, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or light any street, avenue, alley or highway and keep the same in repair; also to fill, excavate, grade, improve, protect and ornament any public park, boulevard or grass plot; also to plant and protect shade trees along streets and avenues; also to construct, lay, re-lay and repair sidewalks, sewers, retaining walls, gutters, drains and pipes for surface water and private drains in, over or under any street, avenue, lane, alley or highway; also to abate nuisances; also to drain low lands within the City when they constitute a nuisance. And the expense of such improvements shall be defrayed as hereinafter provided in this Charter.

Sec. 159. Except as herein otherwise provided, the provisions of Chapter Ten (10) of this Charter shall apply to contracts mentioned in this Chapter in like manner as to other contracts of the City.

Plans, Profiles and Specifications.

Sec. 160. Whenever any public improvement shall be ordered to be let, the Council shall cause a plan or profile of the work proposed, together with the specifications for the doing of the same to be prepared, which shall be deposited with the Clerk and kept by him at all times open for the public inspection. The Council shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for. Provided, that this shall not apply to street sprinkling, cleaning, building or repairing sidewalks.

Right to Suspend Work.

Sec. 161. The right shall be reserved in said contract to the Engineer, with the consent of the Council, in case of improper construction, to suspend the work at any time, or to order the entire reconstruction of the same, if improperly done.

Estimates.

Sec. 162. In the course of the proper performance of a contract, the Council may from time to time, not oftener than once a month, as the work progresses, allow to the contractor estimates of the amounts already earned less fifteen (15) per cent thereof; which, when ordered by the Council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the whole work has been completed by such contractor to the satisfaction of the Council, the balance due may be audited and allowed by the Council and shall be payable out of the moneys applicable to the payment of such work.

Guaranty of Duration.

Sec. 163. Whenever necessary or advisable in case of contracts for permanent improvements, such contracts may provide that the City shall reserve upon the completion of the work such sum and upon such conditions and for such length of time as the specification shall specify as a guaranty for the duration of the work performed under the contracts.

Council to Complete Work.

Sec. 164. If, in the opinion of the Council, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the Council shall have power to furnish and use men and materials to complete the work and charge the expense thereof to the contractor; and the same shall be deducted from any money due or to become due such contractor, or may be collected from him or the sureties on his bond in a suit by the City.

Property Owners May Construct Streets.

Sec. 165. Property owners shall be allowed to construct streets and other public improvements upon, along or through their own property at their own expense in such cases and upon such terms and under such regulations as the Council may prescribe from time to time by ordinance.

Part 3.**Sidewalks.****Plans and Specifications.**

Sec. 166. The Council shall, by resolution, adopt and cause to be filed, for inspection in the office of the Clerk, general plans and specifica-

tions to apply to and govern the building, relaying and repairing of all sidewalks in the City.

From time to time in each year the Council shall cause invitations for bids to be published in a legal newspaper, published in this City, in the same manner and for the same length of time as is required in the case of other public improvements for building, laying and repairing all sidewalks that may be ordered by the Council during the calendar year. The bids therefor shall be received and opened, contract let and bond given in the same manner provided in this Chapter for other public improvements.

Grant of Powers, Duties of Owners.

Sec. 167. The City shall have the right to cause to be constructed sidewalks along any of the public streets and highways of said City that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary; and it is hereby made the duty of all owners of land adjoining any street or highway in the City to construct, relay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may have been heretofore constructed, or as shall hereafter be constructed, or directed by the Council to be built, and the same shall be constructed of such material and width and according to the plans and specifications adopted by the Council therefor.

How Ordered.

Sec. 168. Whenever the Council shall deem it necessary that any sidewalk in the City shall be built or relaid, it shall, by resolution, direct such building or relaying, according to the plans and specifications adopted therefor.

Said resolution shall be published in a legal newspaper, published in said city, and the said Clerk shall cause a copy of such resolution to be served in the manner in which a summons in District Court is required to be served, upon all owners of the lands along which the sidewalk is to be built, as appears by the last assessment list in the office of the Auditor of the County in which said lands are situated, who can be found in Douglas County, and also upon all persons occupying said lands; and he shall mail, with postage prepaid, a copy of such resolution to all non-residents of Douglas County appearing to be interested in said lands, to the last known postoffice address of such non-residents. Proof of the service of such notice shall be made by the affidavit of the party serving the same, and shall state the time, place and manner of said service; and if served by mail, how each notice was addressed; and such affidavit shall be filed in the office of the Clerk; and unless such owners shall, each along his respective land, construct and fully complete such sidewalk within thirty days after the publication of such

resolution, or the service thereof upon him as aforesaid, the Council shall forthwith proceed to build or relay the same under contract, as hereinbefore provided, under the direction of the Street Commissioner, who shall at once file with the Clerk his report of such work.

Within ten days after the filing of said report the Mayor and Clerk, acting as commissioners therefor, shall ascertain the expense of such building or relaying and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front; and in accordance with the provisions herein made. Provided further, that in the case of the building of any sidewalk of cement or stone, under the direction of the Council, and in accordance with the plans, specifications and regulations of the Council therefor, whether built voluntarily by the owner or lessee of such premises or by the City, pursuant to resolution of the Council, in case of the refusal or neglect of such owner to build, the Council shall appropriate from the funds of the City towards the payment of the expense of building such sidewalk one-third of such expense; and in case of any assessment made pursuant to the provisions of this Charter upon any such piece or parcel of land for the expense of such sidewalk, not more than two-thirds of such expense shall be assessed. But the expense of building any such sidewalk shall not be greater than the contract price for such building established by contract pursuant to the provisions of this Charter.

Repair of Sidewalks.

Sec. 169. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the Street Commissioner to cause immediately the same to be repaired in a good, substantial and firm manner and report to the Council the cost of such repairs in each case, with a description of the lot, piece or parcel of land abutting upon the sidewalk on which such repairs are made, and such report shall be carefully filed and preserved by the Clerk; and it shall be the duty of said Commissioner to assess the cost and expense of making such repairs against said lots, as above provided.

In case any such sidewalk shall become so out of repair as to be dangerous and cannot be made safe without being rebuilt, and there are no funds to pay the expense of such rebuilding, it shall be the duty of the Street Commissioner to remove the same entirely; and the expense of such removal shall be added to the cost of rebuilding when the same shall be rebuilt, and shall be collected with the assessment for such rebuilding.

Notice of Confirmation of Assessment.

Sec. 170. In the month of September of each year, the Clerk shall give ten days' notice by one publication in a legal newspaper, published

in the City, to the effect that at the time and place therein specified, not later than the first day of October following, the assessment for sidewalks theretofore made by the said Commissioners will be confirmed by the Council, unless sufficient cause be shown to the contrary, and that objections to any particular assessment must be filed with the Clerk one day before the day specified in said notice.

At the time and place specified, said Commissioners shall meet and proceed to the hearing thereof and shall have the same power to revise, correct, confirm or set aside such assessments or to proceed de novo, as Commissioners have in case of other assessments under this Charter; and said assessment when confirmed shall be final and conclusive unless appealed from. The Commissioners shall combine said assessments in one assessment roll and, together with all affidavits of publication and proofs of service of notice connected therewith, be duly certified by the Commissioners and filed with the City Clerk and entered by him in a book kept for that purpose. The Clerk shall, under the direction of the Council, and on or before the tenth day of October certify the assessments to the Auditor of Douglas County, to be collected in the same manner as other assessments. The Auditor of said County shall at once extend said assessments for collection against the several parcels of property certified to him upon the proper books in his office. Any such assessments which shall not have been paid on or before the first day of January following the return thereof, shall thereafter be payable to the County Treasurer, as other taxes and assessments are payable, and shall become delinquent and be subject to a like penalty as State and County taxes; and said County Treasurer shall make settlement with the City Treasurer for all collections made by him on account thereof in the same manner as for other taxes levied in the City.

Said assessments shall bear interest at the legal rate from the date of the filing of the same with the Clerk.

Collection of Assessments.

Sec. 171. The City Clerk shall receive payment of all such assessments up to and including the 31st day of December following. When any such assessment is paid to the City Clerk, he shall give receipt therefor, and he shall thereupon mark upon his roll opposite the appropriate parcel of land "paid on the.....day of" and on the first day of January following, the Clerk shall certify to the Auditor of Douglas County all payments made on account of such assessments, and said Auditor shall mark on his book opposite the appropriate parcel of land therein inscribed the word "paid."

Appeal.

Sec. 172. Any person interested in any property assessed under this

Chapter, for the building, relaying or repairing of sidewalks, or any citizen of the City, or the City, may appeal from such assessment to the District Court of Douglas County within thirty (30) days after the confirmation thereof; and such appeal is hereby declared to be the exclusive way in which said assessment can in any wise be reviewed, modified or annulled. All appeals that shall be taken from such assessments shall be governed by and proceeded with in accordance with the provisions for appeals in other matters hereinbefore in this Chapter made, so far as the same may be applicable.

Part 4.

Sprinkling.

Powers.

Sec. 173. The Council shall have power throughout the City, or in such districts as it shall designate, to sprinkle the streets, highways and public places of said City, and to assess the whole or any part of the cost of the same upon adjacent property.

Petition for Same.

Sec. 174. Whenever a majority of the property owners representing at least fifty per cent of the frontage of the abutting real property to be assessed, shall petition the Council to have any street, highway or public place or any portion thereof in said City sprinkled, and to have the cost thereof, or such portion of such cost as shall not be a charge upon the City at large, assessed against such abutting property, the Council shall proceed to consider, investigate, and act upon the said petition and decide whether such sprinkling is necessary and proper. The Council shall give ten (10) days' notice by one publication in a legal newspaper, published in this City, that such petition has been presented and that at a time and place therein stated, will be considered, and that all persons interested may then and there be heard. If upon such hearing the Council shall determine that the sprinkling is necessary and proper, it shall declare the same, by resolution, and proceed to cause the work to be done by contract for the calendar year, under the provisions of Chapter Ten of this Charter, and such regulations as the Council may establish therefor.

The Mayor and Clerk, acting as Commissioners for that purpose, shall assess the cost thereof by an equal rate per front foot of the parcels of land abutting upon the street or highway sprinkled, within ten days after the letting of said contract; and said Commissioners shall confirm their assessment at the time and in the same manner required in Sections 170, 171, 172, of this Chapter, and all the provisions of said Sections shall, so far as applicable, apply to and govern the acts and proceedings of the Commissioners under this Section, and all the pro-

visions of said Sections of this Chapter relating to the assessment and collection of assessments, shall apply to and govern the acts and proceedings of the officers relating to the collecting of the assessment herein provided for. The levy above provided shall be made annually until the Council shall receive a petition signed by the owners of more than fifty (50) per cent of the frontage of the property to be assessed, requesting that said improvement be discontinued; and the Council shall thereupon consider said petition and if it shall determine that it is advisable and proper to discontinue the same, it shall make an order to that effect.

Sec. 175. The Commissioners mentioned in Parts 3 and 4 of this Chapter shall serve without compensation.

CHAPTER 13.

Actions and Evidence.

Limitations of Actions—Notice to City.

Sec. 176. No action shall be maintained against the City on account of injuries received in any manner whatever to persons or property by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action be commenced within six months from the receiving or happening of the injury, nor unless notice shall have been given in writing to the Mayor or the Clerk within thirty (30) days after the receiving or occurrence of said injury, stating the time when and the place where the same was received or suffered, and that the person injured will claim damages of the City for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason.

Adverse Possession.

Sec. 177. No right, title, estate or easement of the City in or to any property shall be lost by any adverse possession or occupancy; and no statute of limitation shall run or operate as against the City in favor of any person or persons occupying any of the public or platted streets or public or platted grounds, parks, parkways or boulevards of the City, whether any such streets or grounds or any such property shall be improved or not.

Obstructions, Etc., in Streets.

Sec. 178. If any person or company shall place or leave any obstruction or make any excavation or opening, or cause any defect in any street, road, alley, public grounds in the City, or leave any obstruction, excavation or opening or defect unguarded or without proper protection, such person or company shall be liable to any person injured in person or property without his fault and because of any such obstruction, ex-

cavation, opening or defect. And in case any judgment shall be recovered in any action against the City for any injury caused by such obstruction, excavation, opening or defect, the City shall have the right to recover the amount of any such judgment from the person or company placing or leaving such obstruction, making such excavation or opening or causing such defect.

Process Against the City.

Sec. 179. Service of summons, process or notice in any action or proceeding against the City may be had by leaving a copy thereof with the Mayor or Clerk.

Disqualifications.

Sec. 180. No Judge, Justice of the Peace, or Juror shall be incompetent or disqualified to act as such by reason of his being an inhabitant or taxpayer of the City, in any action or proceeding in which the City shall be a party in interest.

Security, Appeal.

Sec. 181. The City shall not be required in taking an appeal or in suing out any writ or process in or about any action or proceeding to enter into any bond or undertaking or to give any security whatever. Any stay allowed by law or ordered by the Court in favor of the City shall take effect without the giving of any such bond or security.

Judgment Against the City.

Sec. 182. Whenever any final judgment shall be rendered against the City said judgment shall be paid or enforced in the manner provided by the General Laws of the State for the payment and enforcement of judgments against cities.

Warrants.

Sec. 183. In all prosecutions for the violation of the provisions of this Charter or the ordinances of the City the first process shall be by warrant, which shall run in the name of the City of Alexandria; provided that no warrant shall be necessary in the case of an arrest of any person while in the act of violating any provision of this Charter or ordinance of the City; and the person or persons so arrested shall be proceeded against, bound over, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant.

Affidavits of Publication.

Sec. 184. Immediately after the publication of any notice, ordinance, resolution or proceeding of the Council, or of any other matter which is required to be published by any provision of this Charter, the proprietor of the paper in which the same was published shall file with the Clerk a copy of such publication, together with an affidavit of the

publication of same, and such affidavit shall be prima facie evidence of the publication; no account or claim for any publication whatever shall be allowed or adjusted, or warrant issued by the Council until such affidavit shall have been filed with the Clerk, and until the Clerk shall have certified the fact to the Council.

Verification of Claim.

Sec. 185. Before any account, claim or demand against the City for any services, property or material, for which the City shall be liable, shall be audited or allowed by any board, person or persons authorized by this Charter to audit or allow the same, the person in whose favor such claim shall be or his agent having personal knowledge of the facts shall reduce the same to writing in items and shall verify the same as claims are required to be verified by Section 438 of Revised Laws, 1905; provided that the provisions of this Section shall not apply to any claim or demand for the salary of any City official or regular employe under any department of the City or for any claim or demand of any contractor under any contract by him secured by bond to the City, as provided in this Charter, or to claims paid by the Library Board, or Board of Public Works.

Penalties.

Sec. 186. Any member of any board or any person or persons authorized by this Charter to audit or allow any account, claim or demand against the City or any department thereof, who shall audit or allow any such account, claim or demand which does not conform to the requirements of the preceding Section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or by imprisonment in the county jail for a period of not less than fifteen days nor more than three months.

CHAPTER 14.

Franchises.

Ordinances Granting Franchise.

Sec. 187. Every ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted that the maximum price for the service or charge shall be stated in the grant thereof; and before any such ordinance granting exclusive franchise or privilege shall be in force, it shall be submitted to the qualified voters of the City at some general or special election in the manner that other ordinances are submitted under the provisions of Section 58 of the Charter.

Regulation of Rates.

Sec. 188. The City shall have power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the City for the service rendered by it to the City; but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the Council by ordinance and the Council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of Commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by any such corporation or person; and the Council may further provide by ordinance that every person or corporation exercising any franchise in the City shall pay a gross earnings tax and provide the amount thereof and the method of its collection.

Reports.

Sec. 189. Every corporation or person exercising any franchise or privilege wholly or chiefly within the City of Alexandria, or having its or his principal place of business within the city, shall file annually on the first Monday in February in the office of the City Clerk a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year the then actual cost of the plant or business operated by such corporation or person, the actual incumbrance, debts and obligations thereon, if any, the amount of stock issued and to whom, the gross earnings, the expenses and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection; and if the owner of any such franchise refuses or neglects to file such report as herein provided the Council may proceed by ordinance to cancel and revoke such franchise.

CHAPTER 15.

Miscellaneous Provisions.

Additional Duties.

Sec. 190. The Council may at any time require other and further duties to be performed by any officer whose duties are prescribed in this Charter; provided that such other and further duties are not inconsistent with this Charter.

Public Improvements.

Sec. 191. When the Council shall determine to make any public improvement which it has authority to make under this Charter, and no specific procedure is in this Charter provided therefor, the Council may proceed to condemn property and to award damages, according to any method or procedure prescribed in this Charter and applicable thereto.

Inspection of Books.

Sec. 192. All records, books and papers pertaining to the business of the City or any department thereof shall be public and open to the inspection of any citizen of the City at all reasonable times and places.

Jail Fees.

Sec. 193. The City of Alexandria shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the City to the jail of Douglas County under the State Laws.

Expenses for Improvements, How Paid.

Sec. 194. That the expense of opening, building, grading, paving or repairing streets and cross walks, and all local improvements, as well as general public improvements, shall be a public charge and payable out of the general fund, except as hereinbefore in this Charter provided.
To Hon. Andrew Jacobson,

President of the Village of Alexandria:

We, the undersigned, appointed on the 9th day of January, 1908, by the Honorable, the District Court of the State of Minnesota, in and for the County of Douglas, as a commission to draft a proposed Charter for a City, to succeed the present Village of Alexandria, pursuant to Section 36, Article 4, of the Constitution of the State of Minnesota, and Chapter 9 of Revised Laws, 1905, and amendments thereto, do hereby respectfully submit and return to you the foregoing draft of a proposed Charter for said city.

Dated this 8th of June, 1908.

C. J. GUNDERSON,
GEO. G. S. CAMPBELL,
H. A. LE ROY,
G. A. KORTSCH,
N. P. WARD,
J. B. COWING,
M. KRAEMER,

A. G. SEXTON,
WM. VAN DYKE,
MATT HABERER,
G. B. WARD,
CONSTANT LARSON,
CARL V. ANDERSON,
ANDREW PETERSON.

C. J. CARLQUIST,

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