

CHARTER
for the
CITY OF BRAINERD



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Proposed By The
Charter Commission

1908

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CHAPTER ONE.

NAME, BOUNDARIES, POWERS AND DIVISIONS.

SECTION 1.—All that district of country in the county of Crow Wing contained within the limits and boundaries hereinafter described shall be a city by the name of "Brainerd," and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd," and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

SECTION 2.—The district of country aforesaid constituting the city of Brainerd, and the limits and boundaries thereof, shall be as follows: Lots one (1), two (2), three (3), and four (4) and the south half ($\frac{1}{2}$) of the southeast quarter ($\frac{3}{4}$) of section eighteen (18), and all of sections nineteen (19), thirty (30) and thirty-one (31), in township

forty-five (45), of range thirty (30), and all of fractional township forty-five (45), of range thirty-one (31), and lots one (1), two (2), three (3), four (4), five (5), six (6) and seven (7), and the southwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section four (4), and lots one (1), two (2), three (3) and four (4), and the northwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$), and the south half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$), of section nine (9), all in township one hundred and thirty-three (133), of range twenty-eight (28); also the southeast quarter ($\frac{1}{4}$) of section thirty-three (33), and lots three (3), and four (4), and five (5), and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-four (34), all in township one hundred and thirty-four (134), of range twenty-eight (28), all in the county of Crow Wing.

SECTION 3.—The city shall be and is hereby divided into five (5) wards, to be called first (1st), second (2nd), third (3rd), fourth (4th) and fifth (5th) wards, respectively, limited and bounded as follows:

FIRST WARD: All of the territory south of the main line of the Northern Pacific railroad, on both sides of the Mississippi river, within the city limits, west of the center line of Sixth street, as said street is described in the original plat of the town of Brainerd, and as the same has since been extended, shall constitute the first ward.

SECOND WARD: All of the territory north of the main line of the Northern Pacific railroad, on both sides of the Mississippi river, and west of the line described as follows: Commencing near the center of the ravine at a point where the main sewer as now laid crosses the main track of the Northern Pacific Railway company, thence northerly along the line of said general sewer to where the same intersects the center line of Evergreen avenue, thence north to the Mississippi river, shall constitute the second ward.

THIRD WARD: All of the territory north of the main line of the Northern Pacific railroad, and east of the line above described as the easterly line of the second ward, shall constitute the third ward.

FOURTH WARD: All of the territory south of the main line of the Northern Pacific railroad, and east of the track of the St. Paul division of said railroad, shall constitute the fourth ward.

FIFTH WARD: All of the territory south of the main line of the Northern Pacific railroad, and lying between the center line of Sixth street, aforesaid, and said track of the St. Paul division of said Northern Pacific railroad, shall constitute the fifth ward.

SECTION 4.—Omitted.

CHAPTER TWO.

OFFICERS AND ELECTIONS

SECTION 5.—The elective officers of the city shall be a mayor, two aldermen from each ward, city treasurer, city assessor, judge of the municipal court and special judge of the municipal court.

The mayor, aldermen, assessor and treasurer shall be electors of the city, and the aldermen elected to represent the several wards shall each be a resident of the ward he is elected to represent.

The judge and special judge of the municipal court shall be resident electors of the city and men learned in the law.

SECTION 6.—The regular city election for the election of city officers shall be held on the first Tuesday in April in each odd numbered year; and all general laws of the state of Minnesota, relating to the election of city officers and the primaries thereof, shall so far as applicable, apply to and govern all nominations and elections under this charter, and all special elections, and are hereby adopted as a part of this charter, the same as if herein specifically re-enacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all general and special city elections, and when any such officers are absent or unable to act the city council shall, at least two weeks before an election appoint officers in their stead. No new registration of voters shall be required for any city election, but the registration at the then last election for state officers shall be considered the registration for city elections, and if in the meantime any elector shall remove from one voting precinct to another, or become an elector in said city then such persons may be entitled to vote in his proper voting precinct upon proof made to the judges of election. Returns of city elections shall be made to the city clerk, and on the third day after the election at 8 o'clock p. m., the city council shall meet at the regular place of meeting and canvass the returns and declare the results; and the city clerk shall forthwith give written notice to the officers elected; should the city council not meet and canvass the votes at the time above specified, the same may be done thereafter at a regular meeting of the city council, or at a special meeting called for that purpose.

SECTION 7.—The term of office of every officer elected under this charter, unless herein otherwise provided for, shall commence on the first Tuesday after the first Monday in May next following the city election, and shall continue for a period of two years and until his successor is elected and qualified.

SECTION 8.—The appointive officers of the city shall be a city clerk, city attorney, city engineer, weighmaster, chief of the fire department to be known as fire chief, building inspector, street commissioner, poundmaster, board of water works and electric lights to consist of three members and to be known as the water and light board, board of park commissioners to consist of three members to be known as the park board, board of health to consist of three members to be known as the health board, library board to consist of nine members, and such other officers as the city council may deem proper and necessary.

SECTION 9.—The city clerk, city attorney, city engineer, weighmaster, chief of the fire department, building inspector, street com-

missioner, poundmaster, and all other officers not specifically named in this chapter shall be appointed by the city council at a meeting which is directed to be held at 8 o'clock p. m., on the first Tuesday after the first Monday in May of each year; their terms of office shall commence at the time of their appointment or as soon thereafter as qualified, and shall continue for one year and until their successors are appointed and qualified. Provided, however, that if the city council shall at any time deem the services of any appointive officer are not needed for the balance of any term, or a shorter period, then the city council may suspend such officer for such period and discontinue the salary therefor. If any officer shall not be appointed at the time above specified he may be appointed at any subsequent regular or adjourned regular meeting of the city council. Such appointment shall be by ballot and shall require the affirmative vote of a majority of all the city council.

SECTION 10.—The members of the water and light board, the park board, the board of health and the library board shall be appointed by the mayor and their appointment confirmed by the city council; such appointment and confirmation shall be made every two years at the meeting of the city council on the first Tuesday after the first Monday in May following the regular city election, at which time there shall be appointed one member of the water and light board, one member of the park board, one member of the board of health and three members of the library board, whose terms of office shall commence upon their appointment and qualification, and continue for six years and until their successors are appointed and qualified. Provided, however, that at the time of the first appointment under this charter one-third of the members of each board shall be appointed for two years, one-third for four years and one-third for six years.

SECTION 11.—Any elective or appointive officer provided for by this charter having entered upon the duties of his office may resign the same by and with the consent of the city council; provided that any member of a board may resign with the consent of such board. Any elective or appointive officer changing his residence from the city, or any alderman from the ward for which he was elected or appointed, or any such officer who shall refuse or neglect to enter upon the discharge of the duties of his office for ten days after the beginning of the term for which he was elected or appointed to fill, shall be deemed to have vacated or abandoned such office.

SECTION 12.—Every person appointed to any office by the city council or mayor or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected. But any officer elected by the people or appointed by the mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his own defense.

The city council shall fix the time and place for the trial of such officer, of which not less than ten days notice shall be given to such

officer and to the aldermen, and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the city council may declare such office vacant. Among such causes shall be continued absence by aldermen without leave, from three successive regular meetings of the city council, or a member of a board from the meetings of such board, or neglect of duty of any officer.

SECTION 13.—Any person shall not be eligible to any office under this charter who has ever been convicted of a felony or is not at the time of his election or appointment a qualified elector of the city of Brainerd and able to read and write the English language understandingly, or who is at such time interested in any contract with the city of Brainerd to which he is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.

SECTION 14.—Whenever any vacancy shall occur in any elective or appointive office, either by death, resignation, removal or failure of election, or failure to qualify, or otherwise, such vacancy shall be filled by the city council in the manner provided for appointments by the city council; except that the members of the water and light board, the board of health, the park board and the library board, shall be appointed by the mayor and confirmed by the city council.

All elective officers so appointed shall hold their respective offices until the next regular city election, and all appointive officers so appointed shall hold office for the balance of the unexpired terms.

SECTION 15.—Every person elected or appointed to any office under the provisions of this charter shall before he enters upon the duties of his office take and subscribe an oath of office and file the same with the city clerk. The treasurer, the clerk and such other officers as the city council shall require and as shall be required by the provisions of this charter, shall severally, before they enter upon the duties of their respective offices, execute to the city of Brainerd, bonds in such amounts as the city council shall prescribe, conditioned that such officer will faithfully perform the duties of his office, and account for and turn over all money and other property, coming into his hands. And in case such bond be given by an officer or employe of the city who shall not receive a salary or compensation then such bond and the expense thereof, if a surety bond, shall be paid by the city.

All official bonds shall be approved by the city council and recorded at length by the city clerk in a book to be kept in his office for that purpose, and such bonds shall be kept on file in the office of the city clerk, except the bonds of the clerk and treasurer which shall be recorded as herein provided.

If at any time after such bond is given the city council shall deem such bond insufficient by reason of the insolvency of the sureties, or if they deem such bond of not sufficient amount, they may require a new or additional bond to be furnished, and give to such officer five

days notice thereof, and if such new or additional bond be not given, then the city council may, by a majority vote of all its members, declare such office vacant, and fill such vacancy in the manner hereinbefore provided.

SECTION 16.—The mayor, aldermen, city treasurer, assessor, and judge and special judge of the municipal court, holding office at the time this charter takes effect, shall hold their respective offices until such offices are filled at the first city election held thereafter; and during such period the said continued aldermen shall constitute the city council.

On the day this charter goes into effect at 8 o'clock p. m., the city council and mayor shall meet and appoint all the appointive officers provided for in this charter, in the manner herein provided for appointing such officers, and such appointees shall hold their respective offices until the next regular time for appointing such officers, at which last named time all appointive offices shall be filled as provided in section ten of this charter.

SECTION 17.—The mayor shall be paid a salary of One Hundred (\$100.00) Dollars per year, payable quarterly; each alderman shall be paid a salary of Fifty (\$50.00) Dollars per year, payable quarterly; the judge of the municipal court shall be paid a salary of One Thousand (\$1,000.00) Dollars per year, payable monthly, and the special judge of the municipal court shall be paid Three (\$3.00) Dollars per day for each day he shall act, which shall be paid to him by the municipal judge. The compensation of all other elective officers of the city shall be fixed by a resolution of the city council at their meeting held on the first Tuesday after the first Monday in May after each regular city election, and the compensation of all the appointive officers of said city shall be fixed by a resolution of the city council at the time of their appointment; provided, however, that the salary of the city assessor shall not exceed an amount equal to Seventy-five (\$75.00) Dollars for each one thousand of population as shown by the last official census of the city, and provided further that if the city council shall fail to fix the salaries at the times above specified therefor, then the salary or compensation of any officer as fixed by the last resolution of the city council shall be considered as the salary or compensation of such officer.

SECTION 18.—The mayor shall be the chief executive of the city and see that the laws of the state and the ordinances of the city are duly observed and enforced within the city and that all other officers of the city discharge their duties. He shall be ex-officio a member of the city council, for the purpose only of casting the deciding vote upon any question before said council when the aldermen composing the said council present and voting are equally divided thereupon. He shall from time to time give the city council such information and recommend such measures as he may deem to be the best interest of the city. He shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the city. All ordinances and resolutions shall before

they take effect be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not sign, he shall return to the city council with his objection thereto, by depositing the same with the city clerk to be presented to the city council at their next meeting thereafter. 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 be again put: upon the passage of the same notwithstanding the objections of the mayor, and if upon such vote the city council shall pass the same by a vote of two-thirds of all the members of the council, it shall have the same effect as if approved by the mayor. If any ordinance or resolution shall not be returned by the mayor within five days, Sundays and holidays excepted, after it shall have been presented to him, the same shall have the same force and effect as if approved by the mayor. In case the mayor shall be guilty of willful oppression, corrupt partiality or other malfeasance in the discharge of the duties of his office, he shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, and the court shall have the power to add to the judgment of fine that he be removed from office.

SECTION 19.—At the first meeting of the city council after the regular city election they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the city council and appoint all standing and temporary committees thereof, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor.

In case the president shall be absent at any time the vice-president shall discharge the duties of such president and act in his place. The president or vice-president while performing the duties as mayor shall be styled "Acting mayor," and acts performed by either when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor.

SECTION 20.—The city clerk shall keep the corporate seal of the city and shall have the custody of all papers and records except as herein otherwise provided; shall attend all meetings of the city council and keep a record of all proceedings thereof, and shall record at length in books kept for that purpose all ordinances and resolutions passed by the city council. He shall draw and sign all orders on the treasurer and shall keep a full account of all orders so drawn by him in books provided for that purpose which books shall show to whom and for what purpose and on what fund drawn. He shall attest the signature of the mayor to all bonds, contracts, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the city, and affix the seal of the city thereto, and deliver the same to the proper officer or party. He shall keep regular books of account which shall at all times show the precise financial condition of the city and of all the

departments thereof, including a record of all bonds, orders, warrants or other evidence of indebtedness issued by the city and showing when the same or interest thereon is paid; and shall keep a record of all bonds, orders, warrants or other evidence of indebtedness which have been paid or redeemed; and shall file and preserve all such bonds, orders, warrants or other evidence of indebtedness so paid.

Said books shall contain separate accounts with the different city officers and the various funds of the city and the amounts, dates and purposes of all appropriations made by the council, and all payments made on account of the same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the mayor and the time when it was returned to him by the mayor. He shall upon request furnish certified copies of papers and records in his office, and when so certified to by him under the corporate seal of the city they shall be received in evidence in all of the courts of the state of Minnesota the same as the originals, and he shall be entitled to collect for such services such fees as are allowed to the clerk of the district court of Crow Wing county for similar services. He shall record at length in a book provided by the city for that purpose all official and other bonds running to the city of Brainerd, except only the bonds of the city clerk and the city treasurer, which shall be recorded in the office of the register of deeds of Crow Wing county.

He shall file in his office all chattel mortgages, contracts and other instruments by which personal property is transferred or incumbered, presented to him for filing and which are permitted to be filed by the laws of this state referring to such instruments, and shall receive as compensation therefor such fees as are allowed by the general laws of this state.

He shall have the supervision of all printing and of all publications ordered by the city council or required by law or ordinance, and shall cause the same to be published in the official paper as soon as practicable after each meeting of the city council.

He shall have power to administer oaths and affirmations and to take and certify acknowledgements. He shall have power to appoint, subject to the approval of the council, a deputy clerk who shall hold his office at the pleasure of the clerk and council, and shall have authority under the direction of the clerk to perform all the duties of the office.

The salary of said deputy clerk shall be paid by the clerk. The clerk shall perform such other duties as may be required by the city council. ✓

For all services rendered by the clerk for the public at large in filing, indexing and recording of papers and furnishing copies thereof, he shall receive the same fees as the clerk of the district court and the register of deeds for like services, and such fees shall be turned into the city treasury. He shall keep an account of all fees so received by him and report the same to the city council at the first regular meeting in May.

DUTIES OF THE CITY ATTORNEY

SECTION 21.—The city attorney shall perform all professional services incident to the office; he shall attend all meetings of the city council, and when requested shall attend all meetings of committees of the city council. He shall give his legal opinion and advise upon all questions pertaining to city business when requested so to do by the city council or any officer of the city. He shall institute, prosecute and defend all actions brought by the city or against the city; he shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the city or any board thereof is interested. He shall be the legal adviser of the board of education within the said city, the water and light board, the park board, the health board and the library board, and all the committees thereof; he shall attend the meetings of the said boards when requested so to do, and furnish to the said boards written legal opinions when requested, and shall institute, prosecute and defend all actions which may be brought by or against said boards or by or against the city affecting the affairs of such boards.

The city council shall have power to appoint and employ special counsel to assist the city attorney in the performance of any of his duties and fix and pay the compensation therefor.

DUTIES OF THE CITY TREASURER

SECTION 22.—It shall be the duty of the city treasurer to receive all moneys belonging to the city, including all taxes, license moneys and fines, and other revenues of the city, including the funds belonging to the water and light board, the park board and the library board, and shall keep an accurate and detailed account thereof, in such manner as to show the exact financial condition of said city and of all the said boards. He shall prepare and present to the city council before each regular city election, and as often as said city council or the finance committee may require, a full and detailed account of all the receipts and expenditures of the said city and of the several boards since the date of his last report. He shall keep regular books of account of said city and of all boards above named which shall show in detail the moneys received and from what source received, and the money disbursed and for what purpose disbursed, and which shall fully at all times show the precise financial condition of the city and of the several boards.

He shall keep a record showing all of the bonded indebtedness of the city and showing when the same and the interest thereon, and the amount of the interest, has been paid; and showing what orders and warrants have been paid by the city, and all the disbursements thereof, together with the amounts thereof, the interest thereon, and the time of such payments; and he shall deliver all such bonds, warrants and orders as have been paid, to the city clerk for preservation.

All moneys belonging to the city or to any of the boards thereof, shall be deposited by the city treasurer in a bank or banks designated by the city council, and he shall not be liable for the loss of any money being so deposited; providing, however, should no bank or banks be so

designated and the city funds so deposited, then the city treasurer and his bondsmen shall be wholly responsible for any loss of public funds.

The city council shall have the power to designate any bank or banks as the recipient and custodian of the funds of said city and of the said boards, and to fix and approve the bond of such bank or banks, and to make with such bank or banks such contracts as it deems proper for the payment of interest upon such deposits.

DUTIES OF THE ASSESSOR

SECTION 23.—It shall be the duty of the assessor to list and assess all the taxable property within the city of Brainerd; and his duty in so doing shall be the same as fixed or which may hereafter be fixed by the general laws of the state of Minnesota as the duties of assessors. When the city council may deem it necessary they may appoint a deputy assessor whose duty it shall be to assist the assessor and whose compensation shall be fixed by the city council, and shall be deducted from the salary of the assessor.

CITY BOARD OF EQUALIZATION

SECTION 24.—The mayor, the president of the city council and one other member to be appointed by the city council shall constitute the board of equalization, who shall be sworn according to law as such board, and meet at the regular place of meeting of the city council on the fourth Monday in June at 10 o'clock a. m., of every year, and revise, amend and equalize the assessments on the roll of the city assessor; and such board is vested with all the powers and duties which are or may be vested in town boards of review under the general laws of the state of Minnesota so far as applicable; and such board may meet from day to day, or adjourn from time to time as it may deem proper until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the first Monday in July, at which time the assessment books shall be returned to the county auditor. It shall be the duty of the city assessor to be present at all meetings of the said board of equalization and to give to said board all facts and information within his knowledge which may aid them in the performance of their duties. It shall also be his duty to attend the county board of equalization while considering the assessment of the property within the city, and give such board all such information as they may require. The city clerk shall act as clerk of said board of equalization, and keep minutes of all its proceedings, and he shall not receive any extra compensation for his services as such clerk.

DUTIES OF THE CITY ENGINEER

SECTION 25.—The city engineer shall be a person qualified as a surveyor and civil engineer, and he shall have supervision and general charge of all work done for the city and all work done on any sewers, street highways, alleys and other public grounds. He shall direct

the manner of performing all such work, and the construction and repairs of all paving, macadamizing, sidewalks, street crossings, bridges and other structures or improvements in and upon the streets, highways, alleys and other public grounds in the city, and may suspend any work or construction as shall not conform to the requirements of the city council, and he shall see that the terms of all contracts for any work or construction on behalf of the city are fully complied with. He shall, when directed by the city council, or any property owner, make surveys and fix boundary lines of all lots, blocks, streets, alleys and public grounds within the city, and the grades of all streets, alleys and sidewalks, and shall place such monuments and stakes as will indicate and evidence the same, and shall keep in his office in books for that purpose true records and memorandums of all such surveys, and shall make and file in his office plats fully showing all such surveys; all of which records and plats shall be the property of the city, and shall be turned over to his successor in office. Whenever he shall perform such surveys for the public at large he shall receive the same compensation as is allowed by the statutes of Minnesota to county surveyors for like services, to be paid by the persons at whose request such services are rendered.

The city council shall have the power to appoint the same person to act as both city engineer and street commissioner, or city engineer and building inspector, or for all of said offices.

DUTIES OF THE BUILDING INSPECTOR

SECTION 26.—The building inspector shall be a competent and practical builder; he shall enforce or cause to be enforced the laws of this state and the ordinances of the city relating to the construction and inspection of all buildings, structures and public utilities, and inspect sewers and plumbing, gas, chimneys, smoke stacks, steam pipes, elevators, boilers and ovens within the city. He shall have the right to enter into any building or structure between the rising and setting of the sun in the discharge of his official duties; he shall have the power to inspect the plans and specifications for buildings and for the erection of heating, lighting and ventilating apparatus, and to grant permits, with the approval of the city council for the construction and alteration of buildings, and no building shall after the adoption of this charter be erected, repaired or removed within the fire limits of the city without the permit first obtained from the building inspector, which permit shall be issued by him only by and with the consent of the city council. He shall perform such other duties and have such other rights for the public safety as the said council may fix by ordinance.

DUTIES OF THE STREET COMMISSIONER

SECTION 27.—It shall be the duty of the street commissioner to see that all streets and sidewalks under his charge which have been graded and open for travel are kept clear from obstructions and in such repair as to be safe and passable; also to superintend, subject

to the direction of the city engineer, the grading of streets, alleys and sidewalks, and the paving, macadamizing and repairs on streets, and the laying and repairs of sidewalks, and all other public improvements, and to carry into effect the orders of the city council and all ordinances and resolutions of the city council pertaining to streets, alleys and public grounds. But the street commissioner shall not do any work upon streets, alleys and public grounds without the expressed direction of the city council except such work as may be necessary to keep such streets, alleys and public grounds in proper condition and repair for travel and use.

The street commissioner shall keep accurate accounts of all his work and all expenditures, and shall make to the city council monthly detailed and itemized reports thereof, and as much oftener as the city council may require.

DUTIES OF THE WEIGHMASTER

SECTION 28.—The weighmaster shall measure, weigh and scale wood, coal, hay and such other commodities within the city as may be controlled by the city council, and his duties and compensation shall be fixed by ordinance or resolution of the city council.

SECTION 29.—All city officers shall perform such other duties as may be directed by the city council by ordinances, resolutions or otherwise.

SECTION 30.—Every person having been an officer of the city shall upon the expiration of his term of office deliver to his successor in office all property, papers, books and effects of every description in his possession belonging to the city or pertaining to the office he may have held. If he fails to do so within five days after being notified and requested by the mayor or president or vice-president of the council or city clerk, he shall forfeit and pay for the use of the city the sum of Five Hundred (\$500.00) Dollars, and all damages caused by his neglect or refusal so to deliver, which amount may be recovered by the city in an action brought for that purpose; the city may by action in the nature of replevin or mandamus proceedings enforce the delivery and possession of such property, papers, books and effects.

SECTION 31.—The city council shall at its first meeting in May following each city election, or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city for one week for sealed proposals for publishing in some legal newspaper published in said city, the ordinances, resolutions and proceedings of the city council and other matters required by the charter or ordinances or resolutions, or directed by the city council to be published in a public newspaper; such proposals to state the price per folio for the first insertion and for each additional insertion not to exceed the rate established by the general laws of the state; said proposals shall be marked, "Proposals for advertising," and addressed to the city council of the city of Brainerd,

which proposals shall be opened at the next regular meeting of the city council, and the contract for such printing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city; provided, that in determining which is the lowest bidder of the newspaper conforming thereto, regard may be had to the character and value thereof as a medium for advertising and placing before the tax payers of said city, and all persons interested therein, the matters herein provided to be advertised, and in case any two bids are the same the city council may by a vote select one of such papers; provided further, that the council may reject all such proposals and adopt such other method of publishing such matter as it may in its discretion determine; provided further, that the proprietor or proprietors of such paper so selected shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bonds in the sum of Five Hundred (\$500.00), or such other sums as the city council shall fix to be approved by the city council conditioned for the faithful performance of said contract. The newspaper so designated shall be and remain the official paper of the city, and the contract and bond aforesaid, shall remain in force for the term designated and until the city council shall designate another paper as the official paper of the city.

The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance, resolution or other paper published, file with the city clerk a copy of said publication with his or their affidavit or the affidavit of their foreman fully stating the times and manner of such publication, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

SECTION 32.—The city council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said city, and may determine upon what contract and bond should be required of the person or persons selected to do such job printing.

SECTION 33.—No city officer shall be directly or indirectly interested in any contract of any character with the city or any department or board thereof, either as vendor, purchaser, contractor, employer, employe or otherwise; and all contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued; and any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit his office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in section twelve of this chapter.

SECTION 34.—All city officers and policemen and the men employed in the various departments of the city, while holding such office or

engaged in such service of the city, shall be exempt from serving as jurors in any court in this state.

SECTION 35.—All officers of the city having charge of any city property, shall at or before the last council meeting in April of each year, and at such other times as the city council may require, make and return to the city council a full inventory of all public property in their hands or under their control respectively, and shall with such inventory make an itemized statement of all property which has come into their possession since their last report; which inventory and report shall be filed with the city clerk and kept open for public inspection, but need not be entered in the council proceedings or published in the official newspaper unless the council so directs.

DUTIES OF THE CITY COUNCIL

SECTION 36.—The aldermen shall constitute the city council and shall be the governing body of the city, and the style of all ordinances shall be, "The council of the city of Brainerd do ordain." A majority of all the aldermen shall constitute a quorum. The president or vice president of the council shall when present preside at all meetings. In their absence the council may elect a president pro tem who shall for such meetings and the proceedings thereof have the same power as the president.

SECTION 37.—The city council shall hold stated meetings which shall not be less than one meeting per month, which stated meetings shall be fixed by resolution of the city council, spread upon the minutes of the council proceedings and published in the official paper. The mayor, the president or vice-president of the council or any two of the aldermen may call special meetings by notice filed with the city clerk and served upon each of the members by delivering the same personally or left at the place of their usual abode; or such special meetings may be called by the mayor, president, vice-president or president pro tem at any regular meeting of the city council by giving notice thereof and noting the same upon the minutes of such meeting. In case the attendance at any regular or special meeting of the city council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. In case the time for any regular, special or adjourned meeting of the city council shall occur on Sunday, a legal holiday or a day of general or special election, then in such case such meeting shall be deemed to be called and shall be held at the same hour on the next secular day.

SECTION 38.—The city council shall be the judges of the election and qualification of its own members and in such case shall have the power to send for such persons and papers. It shall determine the rules of its own proceedings and shall have the power to compel the attendance of absent members and may provide for the punishment of such absent members.

SECTION 39.—The city council shall have the management and control of all the finances and property of the city and of all the departments thereof, subject to the other provisions of this charter; provided that no real estate belonging to the city shall be sold or disposed of unless so ordered by two-thirds vote of all the members of the city council, and provided further that the water works and electric light plant nor either of them, or any other public utility, which shall hereafter be owned by the city, shall not be sold, leased, mortgaged or otherwise disposed of unless authorized so to do by a four-sevenths majority of the qualified electors of said city.

The city council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish; publish, enforce, order, modify, amend and repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime; as they shall deem expedient; and they shall have the power to establish and maintain a city prison for the imprisonment and safe keeping of all persons arrested or charged with any offense whatever, in any way cognizable before the judge of the municipal court; to make all rules and regulations for the government and management of such prison, to appoint keepers and other officers for the same and prescribe their duties and fix their compensation. The keepers of said prison shall have and possess all the powers and authority of jailors under the common law or by the laws of this state.

The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, resolution, rule or by-law passed or ordained by them; and all such ordinances, resolutions, rules and by-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by ordinance, resolutions or by-laws:

FIRST.—To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts and theatrical performances, and places of amusement; also to license and regulate all auctions and auctioneers, pawn-brokers, dealers in second-hand goods, junk dealers, keepers of intelligence or employment offices, as well as all persons doing the business of seeking the employment for others, or procuring or furnishing employes for others; billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling alleys, shooting galleries, cane racks, merry-go-rounds, taverns, victualling houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented, malt or intoxicating liquors, within said city, shall run for and continue in force during a period of one year from and after the date of the issue of such licenses, any general law of this state to the contrary notwithstanding, and also to license and regulate the selling or contracting for the sale of any goods, wares or merchandise at retail, by samples, when any such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser.

SECOND.—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gambling in said city.

THIRD.—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; and to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers, inmates or frequenters thereof, and to authorize the destruction of all instruments, implements or appliances used for the purpose of gaming.

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

FIFTH.—To direct the location and management of stockyards, slaughter-houses and markets, breweries, distilleries, pawn-brokers, auctioneers, dealers in second-hand goods and junk dealers, and to regulate and establish rates for and license vendors of gun powder, dynamite, fire works or other explosive or combustible material, and regulate the storage, keeping and conveying of all such materials, and regulate the use thereof in blasting or otherwise.

SIXTH.—To prevent the incumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with vehicles of any kind or boxes, lumber, fire-wood, posts, awnings, signs or any other material or substance whatever.

SEVENTH.—To regulate the movement and speed of railroad locomotives and cars, and to prevent them from obstructing the streets and public walks; to prevent and punish horse racing, immoderate riding or driving in the streets, highways and public grounds, to regulate the speed of and use of automobiles and other vehicles; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

EIGHTH.—To restrain the running at large of horses, mules, cattle, swine, sheep, goats, or other animals, also poultry; and to authorize the distraining, impounding and sale of the same, and impose penalties on the owners of such animals or fowls for violation of the ordinances; provided, that when a sale of such animals or fowls shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owner or owners thereof, if called for by such owner within one (1) year from the day of such sale.

NINTH.—To restrict, restrain and regulate the running at large of dogs, and to require a license for keeping the same, and to authorize the destruction of the same, in a summary manner, when running at large contrary to any ordinance in relation thereto.

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

ELEVENTH.—To make and establish public pounds, pumps, wells, cisterns, hydrants, watering places and reservoirs, and to provide for and conduct water into and thru the streets, avenues, alleys, and public grounds, and to provide for and control suitable water works for the supply of water to the city and its inhabitants; to erect lamps and create, alter and extend lamp districts, or to provide other means whereby to light the city, and to provide for and control suitable works for lighting the city streets, public grounds and public buildings, and furnishing light to the inhabitants of said city.

TWELFTH.—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent the burial of the dead within the city limits, and to provide for and compel the removal of any mortal remains now interred within such city limits, to such cemetery or other place as they may deem proper.

THIRTEENTH.—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

FOURTEENTH.—To prevent all persons riding or driving any ox, mule, cattle, or other animal, or vehicle, on the sidewalks or public grounds or property in said city, or in any way doing any damage to such sidewalk, grounds or property.

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

SIXTEENTH.—To regulate and restrain porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses and other establishments.

SEVENTEENTH.—To prevent open and notorious drunkenness and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

EIGHTEENTH.—To establish public markets and market places, and other public places or buildings, and make rules and regulations for the government of the same; to appoint suitable officers for over-seeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

NINETEENTH.—To provide for the receipt, storage, transportation, safe-keeping, and dealing and traffic in gun-powder, gun-cotten, petroleum, kerosene, or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits there-

of, and to provide for the summary condemnation or destruction of any of said articles as may be kept, stored, dealt in, transported through or received in said city, contrary to such ordinances as said city council may enact for the safety of life and property within said city.

TWENTIETH.—To license and regulate butchers, stalls, shops and stands for the sale of game, poultry, butchers meats, butter, fish and other provisions, and also to license and regulate all peddlers, hucksters, hawkers and vendors, doing business within said city.

TWENTY-FIRST.—To regulate, control and prevent the landing within said city limits of any pauper, or other person liable to become a charge upon said city, whose place of residence is not legally in said city.

TWENTY-SECOND.—To regulate the place and manner of weighing hay and straw and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to conduct and superintend the same.

TWENTY-THIRD.—To compel the owner or occupant of buildings or grounds within the city, to remove snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel the owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Also to compel the owners of low grounds where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

TWENTY-FOURTH.—To control and regulate the construction of piers or wharves, or grading such wharves, into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent or remove all obstructions in the water of said river, and to prescribe and regulate the rates of wharfage and pierage to be charged to any boat mooring at any landing, wharf or pier, within the limits of said city, and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

TWENTY-FIFTH.—To prevent, control and regulate the landing of persons from boats, vessels or other conveyances, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to regulate, control and prevent the landing and conveyance of paupers and persons in destitute circumstances into the said city, and not having legal settlement or residence therein, by any boat, vessel or other means of conveyance, and to require that such person or persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said city.

TWENTY-SIXTH.—To regulate the time, manner and place of holding public auction and vendues.

TWENTY-SEVENTH.—To provide for watchmen, and to prescribe their number and duties and to regulate the same, and to prescribe the number of police officers and their duties, and to regulate the same.

TWENTY-EIGHT.—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer and to require all weights and measures to be sealed by the city sealer, and provide punishment for the use of false weights and measures.

TWENTY-NINTH.—To regulate and provide for the inspection of wood, hay, grain, flour, milk, and the inspection of dairies, and to require a license of vendors of milk and peddlers of milk; and to regulate and provide for the inspection of pork, beef, mutton, veal and all other kinds of meat, poultry, game, fish, salt, whiskey, and other liquors and provisions.

THIRTIETH.—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

THIRTY-FIRST.—To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

THIRTY-SECOND.—To direct and regulate the planting and preserving of ornamental trees in streets, alleys, and public grounds and highways of the city.

THIRTY-THIRD.—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

THIRTY-FOURTH.—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any buildings which, by reason of delapidation, defects in structure, or other cause, may have or shall become imminently dangerous to life or property, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

A statement of such expense, specifying the lots or parcels of land upon which it was incurred, shall be filed by the city clerk in the office of the Register of Deeds of Crow Wing County, and shall thereupon become a lien in favor of said city upon such lot or parcel of land. The amount of such expense may be recovered by said city against the owner or owners of said lot or parcel of land, and the lien be enforced in a civil action in any court of competent jurisdiction; Provided, That such statement shall be filed within three months after such expense has been incurred by said city, and that if suit shall not be brought as aforesaid, to enforce such lien within one (1) year thereafter, the same shall abate; and provided further, that said lien shall not obtain before the filing thereof, against a bona fide purchaser, without notice of such expenditures.

THIRTY-FIFTH.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city. The jurisdiction of said city shall extend to and be in force over any lands within the county of Crow Wing,

purchased or used by said city for the purpose of a quarantine. For police or sanitary regulations, and for the preservation of the health of the city and the suppression of disease and the abatement of public nuisances and the suppression of any business contrary to the sanitary regulations of the city council or the board of health, the jurisdiction of the city shall extend for a circuit of one mile beyond the present or any future limits of the city.

THIRTY-SIXTH.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

THIRTY-SEVENTH.—To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor; to prescribe standing places or stations within the streets, where such hacks or other vehicle used for such carriage may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses to such draymen, hackmen, or other persons aforesaid, and to prohibit them from standing or waiting at any other place within such streets, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations.

THIRTY-EIGHTH.—To regulate the constructions of buildings, to prescribe the depths of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and the location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulations to the height and size of the building to be erected; to regulate the construction of the privies and vaults in such buildings, to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe, to establish, alter or enlarge such limits from time to time; to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer; to give such inspector or other officer authority at any time to enter upon, examine and inspect all buildings in said city or within such building limits; and to direct the suspension of any building operation as shall not conform to such regulations; provided, however, that neither said city council nor any inspector or officer of said city shall have control or regulation of any building erected by the United States or the state of Minnesota.

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

FORTIETH.—To regulate the opening of hatchways, stairways and other openings in sidewalks, and to compel proper guards about the same.

FORTY-FIRST.—To regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or other buildings designated thereon.

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

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

FORTY-FOURTH.—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture, transmission, sale and use of gas and electricity; and to appoint inspectors and other officers if needed for that purpose and to prescribe their duties.

FORTY-FIFTH.—To regulate and control or prohibit the placing of telegraph, telephone or other poles along or within the streets, alleys or public grounds of the city, and to regulate, control or prohibit the placing of wires along or upon any street, alley or public grounds of the city for the use of telegraph, telephone or other transmission of electricity, including the power to require and regulate the placing of such wires under ground within the said city or any portion thereof.

FORTY-SIXTH.—To regulate the penning, herding and treatment of all animals within the city.

FORTY-SEVENTH.—To restrain, control and regulate the cutting of ice in the Mississippi river, or any other waters within the limits of said city.

FORTY-EIGHTH.—To regulate or prohibit the carrying or wearing concealed, by any person, any dangerous or deadly weapon and to provide for the confiscation thereof.

FORTY-NINTH.—To fix the location and grade of all railway tracks, side tracks and spurs within the city, and to order and compel the same to be placed above or below streets and alleys crossing the same, and to require that railway companies keep gates or flagmen, or both, at street crossings, and to do such other acts as the council may deem proper for public safety and convenience.

FIFTIETH.—To grant or refuse to grant unto corporations, or persons operating or intending to operate telephone or telephone exchange business within the city, the right to use the streets, alleys and public grounds for the purpose of placing and maintaining poles and wires,

and to fix such terms and conditions as to the city council may seem proper, and to change the same from time to time, and also to fix and regulate the rates and compensation to be charged by such persons or corporations for telephone service within the city; and also by fines and penalties to compel and enforce the observance of and compliance with all ordinances and resolutions in such matters.

SECTION 40.—The city council may impose punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred (\$100.00) dollars, or imprisonment within the city prison not exceeding ninety (90) days, and may provide that the offender during such imprisonment be fed on bread and water at the discretion of the judge of the municipal court; and offenders against such ordinances may be required to give security to keep the peace, and for good behavior for a period not exceeding six (6) months, and in a sum of not exceeding Five hundred (\$500.00) Dollars.

SECTION 41.—The city council may also provide by ordinance that any one convicted of a criminal offense before the municipal court, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in case of a male offender, may be kept at hard labor during the term of imprisonment either in such workhouse or upon the streets or public improvements of said city; and may also provide by ordinance that any one convicted of an offense before said municipal court and committed upon non-payment of fine imposed, may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender may be kept at hard labor either in such workhouse or upon the streets or public improvements until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, for a time not exceeding said commitment; and the city council may have power to establish by ordinance, all needful regulations for the security of such persons thus employed and to prevent escape and to secure proper discipline; and shall have power to establish a proper workhouse in said city for the purpose aforesaid, and under such regulations as the city council may prescribe; provided that in case the city prison is for any reason unavailable for the purpose of confining or punishing offenders, the county jail of Crow Wing county may be used for that purpose. When said jail is so used the prisoners therein shall be under the control and custody of the sheriff of Crow Wing county; provided further, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon the streets, public works or improvements of said city, for the purpose of carrying said sentence into effect; and provided further, that the judge of the municipal court of said city shall have the power for vagrancy to commit any person to the city prison or workhouse or county jail, or to order such person to work on the streets, public works or improvements of said city for a term of not exceeding ninety (90) days.

SECTION 42.—All ordinances, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the city council present, by an aye and nay vote.

All ordinances shall be twice read at length in open council before their passage; and no ordinance shall be passed within ten (10) days after being first so read.

All ordinances, resolutions and by-laws shall be once published in the official paper of the city, and no ordinance shall take effect until one week after the day of such publication. All resolutions and by-laws shall take effect from and after their passage or adoption unless the city council shall expressly order to the contrary; provided, however, that all ordinances in relation to contagious or infectious disease or hydrophobia may be passed at the meeting of the first reading, and take effect from and after their passage if the city council so order.

SECTION 43.—A copy of the record of any ordinance or resolution heretofore passed or that may hereafter be passed, certified by the clerk and verified by the seal of the city, any copy thereof published in the official paper of the city, or recorded in the books containing the official proceedings of said council, or published in any compilation of ordinances made under the direction of the city council, shall be prima facie evidence of the contents of such ordinance or resolution and of the regularity and legality of all proceedings relating to the adoption and approval thereof; and shall be admitted as evidence in any court in this state without further proof.

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

SECTION 44.—The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SECTION 45.—No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the council. No vote of the city council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of aldermen as were present when said vote was originally taken.

SECTION 46.—The city council shall examine, audit and adjust the accounts of all the city officers and agents of the city at such times as they may deem proper, and also at the end of each fiscal year and before the term for which the officers of said city were elected or appointed shall expire; and the city council shall require and may compel by proceedings in court each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders

of said council in the discharge of his said duties in the pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to the city council or a committee thereof, it shall be the duty of the city council to declare the office of such person vacant; and the city council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SECTION 47.—The city council shall have the power to acquire by purchase or by condemnation proceedings such private property or such public or quasi-public property as it may deem necessary to be taken for the public use of said city or any of the departments or boards thereof, for sites of public buildings and grounds to be used therewith; for streets and alleys and for the opening, extending, widening or straightening of any such streets or alleys, for park parkways, boulevards and public squares, for the laying, constructing, extending, improving, repairing or changing of sewers and drains, for the erection, extending, changing, improving, repairing and protecting of electric light lines and poles and wires, and other property and instrumentalities used in connection therewith; for the construction, erection, improvement and protection of a water works system and an electric light system or either thereof, together with the necessary and proper lands for the sources of water supply, buildings, reservoirs, stand pipes, pipe lines, pole lines and every purpose which may be deemed by the city council proper and necessary for the supplying of electricity and pure water to the said city and its inhabitants, including the right to acquire dam sites, water power and sewage rights, and all property necessary to full improvement and proper use of the same; that the said right of eminent domain shall extend to and cover all territory and property within the county of Crow Wing and within the county of Cass and all other territory within fifty miles of the city of Brainerd; provided, however, that no dam site or water power shall be purchased or acquired by condemnation proceedings for the purposes aforesaid without being so authorized by an affirmative vote of a majority of the electors of the city who shall vote upon such question or questions at an election called or held for that purpose, which question may be submitted at a special or general election.

And providing further that the city shall have all the rights and powers of eminent domain which are vested in municipalities under the common law and under the general statutes of the state of Minnesota.

That in all cases where the city or any department or body thereof shall exercise the right of eminent domain the procedure thereunder shall be the same as provided by the general statutes of the state of Minnesota, in such matters.

SECTION 48.—The city council shall have the power to designate each of its own members as shall be selected for that purpose as a purchasing committee, and after the appointment of such committee no

material or supplies for the city or any department thereof shall be purchased without the approval of such committee, and no bill for any such purpose shall be allowed by the council until approved by such committee; provided, a majority of such purchasing committee shall control its actions; and provided further, that the provisions of this section shall not apply to purchases made by, or in behalf of the water and light board or the park board or the departments under their control respectively.

SECTION 49.—Any license issued by the authority of the city council may be revoked by the city council at any time, and shall be so revoked upon a conviction of the holder of such license before any court for a violation of the provisions of any ordinance or state law relating to the exercise of any right granted by such license; and the court ordering or rendering a judgment of conviction, may upon the first conviction, and shall upon the second conviction, revoke such a license in addition to the penalties provided by law or by ordinance; provided, however, that if the city council shall revoke any license without a conviction as above provided then and in such case the city council may refund to the license holder the unearned portion of the license money.

CHAPTER THREE.

FINANCES.

SECTION 50.—The city treasurer shall on or before the first Monday in May of each year report to the city council the amount of all revenues received by the city for the year ending April 30th., from all sources aside from taxation and aside from those derived from the water works and electric light departments. The mayor, the chairman of the finance committee of the city council, and the city clerk shall report to the city council at its first meeting after the first Monday in May of each year or as soon thereafter as may be, the amount of money which they shall deem sufficient to defray the current general expenses of the city the then next fiscal year, which report shall be subject to revision and approval by the city council, and shall as soon as may be after the said board of equalization shall have completed its adjustment of the assessment of the taxable property in said city, report to the city council a computation of the rate of tax levy which with an amount equal to the revenue received for the previous year as reported by the city treasurer, will be sufficient to defray the general expenses of the city for the then current fiscal year as reported, revised and provided as aforesaid.

SECTION 51.—After the making of the reports provided for in the last section the city council shall levy such tax on all property real and personal within said city, except such as may be exempt by the laws of this state as it shall deem necessary, in addition to the other revenues of the city as reported as aforesaid, to defray the current general expenses of the city for the then fiscal year; but no such taxes for such current expenses nor for any of the purposes mentioned in section fifty-

four of this charter, nor for park purposes or public library purposes or for a revolving fund, shall in the aggregate exceed ten mills on the dollar of the assessed valuation of the property in the city.

SECTION 52.—The fiscal year shall commence on the first Tuesday after the first Monday in May of each year; and the amount so reported by the city treasurer as the receipts for last year together with the amount to be raised by taxation for general purposes as above provided, shall be deemed to be set aside and appropriated by the city council for the payment and defraying the general current expenses of the city for the then fiscal year; and the city council or to her officer or officers of the city shall have no power or authority to make any contract or to incur any debt or liability in behalf of the city as the general expenses thereof, during such fiscal year, beyond the amount so appropriated, and any and all such contracts so made in violation of the provisions of this section shall be void; provided, however, that the city council may anticipate the payment of the taxes levied to defray the general expenses of the then fiscal year.

SECTION 53.—The city clerk, shall, as soon as may be after the first Tuesday in September of each year, make report to the city council of the actual expenses of the city for the first quarter of the then current fiscal year; the amount of taxes collected and outstanding, and the revenues received from other sources; and if upon the making of such report it shall appear that the current expenses for such quarter have exceeded the estimates upon which the tax levy therefor was based, or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city, in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting streets, reduce the force or number of men employed in the several departments of the city, but in the discharge of such employes said city council shall so far as may be, provide that such discharge shall be operative only during the summer months of the year, and when necessary for the proper reduction of such expenses, may reduce the salaries or compensation of all officers and persons employed by said city, by a uniform rate not exceeding ten per cent of such salaries or stated compensation. In all future contracts for lighting streets or furnishing water the right of the city to reduce the amount of service on account of deficiency of revenues shall be reserved.

SECTION 54.—The city council shall at the time of levying taxes hereinbefore specified levy upon the taxable property aforesaid, such taxes as shall be sufficient to pay the interest to become due during the next fiscal year upon all the bonds or debts of the city, except the water works and electric light bonds, or any other public utility, and an additional tax of one mill on the dollar on all such taxable property, to provide for the payment of the principal on said bonds or debt when the same shall become due, and the amounts collected pursuant to this section shall not be diverted to any other purpose than therein named,

but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

SECTION 55.—The sinking fund now existing for the payment of the bonds and debts of the city shall be continued and maintained for the purpose of paying the present and future indebtedness of the city; and the city council shall have power to pass all proper ordinances and resolutions for the maintenance of the said fund and for the care, investment and security thereof, and from time to time to amend such ordinances in such manner as may be deemed necessary or expedient, but shall have no authority to abolish such sinking fund until all the debts of the city are fully paid; nor shall the said funds or revenues or the increase thereof, be used or diverted for or to any other purposes. All interest money collected except that required to pay interest on the city bonds, and all revenues of the city not otherwise appropriated and used shall be applied to increase the sinking fund.

The city council shall by ordinance provide for and appoint a board of sinking fund commissioners consisting of three persons who shall be resident and qualified electors of the city of Brainerd, determine the time such commissioners shall serve and define such of their duties as are not herein enumerated. Such commissioners shall execute to the city such bonds as the city council shall prescribe and shall receive no compensation for their services.

Such commissioners shall have charge of the sinking fund, and any two of such commissioners are authorized and required to discharge the trust and duties vested in the commission by this charter or by ordinance, resolution or direction of the city council.

The commissioners shall from time to time, by and with the consent of the city council invest the sinking fund in the bonds of the city or such other bonds as are permitted for the investment of the permanent school fund of the state of Minnesota; all sums not so invested shall be deposited in a depository to be designated by the city council, but they shall at all times give the preference to the purchase of the bonds of this city if the same can be procured at reasonable rates; and in the purchase of said bonds preference is to be given to the bonds first falling due. In case of investment in the bonds of the city, the same shall not be cancelled but shall be held by said commission and the interest thereon paid over and applied to the increase of the sinking fund.

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

Whenever the amount of such sinking fund shall with the interest or revenue thereof computed to the time of maturity of the bonds or debts of the city, be sufficient to pay all of the said bonds or debts at maturity thereof, the levy of the tax aforesaid may be omitted, but in any case by reason of decrease of interest or depreciation of investment or other cause said fund shall not be sufficient the same shall be resumed.

In case the sinking fund or any part thereof shall be deposited with any bank or banker, such bank or banker shall execute to the city and deposit with the city treasurer a bond, which bond shall be executed by a surety company or by not less than six freeholders of the city, and shall be subject to approval by the city council, and shall be in such amount as the city council shall direct, which amount shall be at least double the amount of the funds deposited or to be deposited with such bank or banker. And any of the moneys constituting such sinking fund so deposited shall be paid by said depository upon the warrant of said commissioners or any two of them, and attested by the city clerk; and the council shall have power to make contracts with such depositories for the payment of interest on money so deposited.

It shall be the duty of the city clerk to attend all meetings of said commissioners and to keep a correct journal of their proceedings, which journal shall be verified by at least two of said commissioners and attested by the clerk, and all investments or other acts of said commission shall be based upon resolutions duly entered in said journals.

In case the city council, the sinking fund commission, or other city officer shall violate or neglect to conform to any of the provisions of this charter relating to the sinking fund, any tax payer of the city, or any owner of any of the bonds of said city shall have the right to maintain in any court of competent jurisdiction any proper action to enforce compliance therewith.

Whenever the sinking fund provided for herein shall be insufficient to pay all the bonds of the city that may at any time become due, the city council may issue the bonds of the city to run not exceeding thirty (30) years, on such terms as to place of payment and rate of interest not exceeding five per cent per annum as may be deemed advisable to such amount as may be necessary to meet such deficiency, but neither said city council nor any officer or officers of the city shall otherwise without special authority of law have power to issue any bonds or create any debt or liability against the city, in excess of the amount of revenues annually levied and appropriated to the payment of such liability as in this charter provided.

SECTION 56.—All taxes shall be levied by a resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, or because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall go into the fund to which such tax belongs and may be applied to the further use of said fund.

SECTION 57.—The city council shall cause to be transmitted to the county auditor of Crow Wing county on or before the first day of November of each year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in the manner as the state and county taxes are paid and the payment thereof enforced.

SECTION 58.—The county treasurer of Crow Wing county shall pay over such taxes together with all interest and penalties which shall be collected on account of the same when collected, to the treasurer of said city, and in the several settlements of the funds to be so paid over as provided by the general law said county, shall account for and pay over to the city treasurer such portions of the interest paid by the bankers with whom the funds as paid by the county shall be deposited as have accrued on the funds raised from said taxes and assessments, and so deposited with the said funds and as parts thereof.

Whenever previous to any of the settlements provided for by law there shall be a lack of funds in the city treasury for any purpose and there shall be funds in the county treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall on application of the city treasurer advance and pay over such funds as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement with the city. The city treasurer shall forthwith, after receiving any money from the county treasurer, adjust and apportion the funds so received or advanced among the several city funds in his hands.

SECTION 59.—No money shall be paid out of the city treasury, except for principal or interest of bonds and except that which belongs to the water and light department or the park department, unless such payment shall be authorized by a vote of the city council, and shall then only be drawn out upon orders signed by the mayor and the clerk, which orders shall specify the purpose for which they were drawn and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer as the city council may determine.

When any such order shall have been paid by, or received by the treasurer it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon such funds separate.

The city council may provide for the examination from time to time of such cancelled orders and also of cancelled bonds and other obligations in the hands of the treasurer, and for their destruction, preserving such record or voucher thereof as the city council or any committee thereof may deem proper.

SECTION 60.—It is hereby made the duty of the city treasurer, the city council and the finance committee of the city, to make every endeavor to secure interest on the public funds consistent with their safe keeping, and as herein provided, and manage such funds in the interest of the city, but in no case shall payments be postponed or deferred after the same shall have become due in order to secure additional interest on such funds.

At the close of each fiscal year the city treasurer shall make a statement to the city council of the total amount of interest on public funds

received by him during the year, and such interest shall be placed to the credit of the several funds from which it shall have accrued.

SECTION 61.—All appropriations and expenses of the city not otherwise especially provided for, shall be paid out of the funds for the current general expenses of the city.

SECTION 62.—No limitation or restriction herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city, but in the case of such judgment the city council shall at the time of making the last annual tax levy after the rendition of such judgment levy and assess a special tax upon all the taxable property of the city sufficient to pay such judgment.

In case of failure to collect taxes, or other causes, such levy or the proceeds therefrom shall prove insufficient for the payment of such judgment, new taxes shall be levied until the whole of such judgment is paid. Any excess of the amount so levied and collected over the payment of such judgment shall go into the general current expense fund of the city.

CHAPTER FOUR.

POLICE DEPARTMENT.

SECTION 63.—The mayor shall have control and supervision of the police of the city. He shall by and with the consent of the city council appoint all police officers and watchmen. No person shall be eligible to an appointment as police officer or watchman who is not a citizen of the United States, able to read and write the English language, a resident of the city of Brainerd for at least one year preceeding his appointment, and of good health and physique.

The mayor may remove or discharge any police officer or watchman whenever in his opinion the welfare of the city may demand it either for the appointment of other officers in their places or for the conduction of the police department.

SECTION 64.—The mayor may likewise at the request of any person, firm, corporation, society or organization, appoint policemen or watchmen who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in each appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside the limits named in such appointments.

SECTION 65.—In case of riot, disturbances or large public gatherings or anticipation thereof, the mayor may appoint such special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one week without the consent of the city council.

SECTION 66.—The mayor shall in his appointments designate one officer to be chief of police, and such other officers for the performance of special duties and with such control over other officers and watchmen as may be deemed necessary, and may designate the rank of such police officers by such proper title as he shall select.

SECTION 67.—All police officers of the city shall possess the powers of constables at common law and by the laws of the state of Minnesota, and in addition thereto shall have the power and it shall be their duty to execute and serve all warrants, process, commitments whatsoever, issued out of the municipal court of the city, and all notices and orders issued by the city council or any officer thereof; and they shall have the power with the consent and by the direction of the mayor or chief of police to pursue and arrest any person fleeing from justice in any part of the state, but in no case shall they go outside of the limits in pursuit of any offender or to execute any warrant except in cases of offenses committed within the city. They shall also have power and it shall be their duty to serve all summons and subpoenas in behalf of said city within their jurisdiction. When such officer performs the duties of constables within the city for private parties the city shall be entitled to like fees for their services to be taxed and collected in like manner.

SECTION 68.—The mayor shall with the consent and approval of the city council from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof as he may deem necessary and in like manner alter the same. Such regulations may designate the uniforms, badges, arms, discipline, drill and exercises of the police force, as well as the conduct of the officers and the men of said force when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

SECTION 69.—The mayor, or acting mayor, chief of police, the sheriff of Crow Wing county and his deputies, the coronor, judge of the municipal court and each and every alderman, and all police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all by-standers and if need be, of all citizens and military companies, and in cases when the civil authorities may be required to suppress riot or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SECTION 70.—If any bystander, military officer or private shall refuse to aid in preserving the peace, when thereto required as in the foregoing section, every such person shall forfeit and pay a fine of fifty (\$50) dollars to be recovered by prosecution in the municipal court.

SECTION 71.—If any person shall without authority assume to act as a policeman or to pretend to have such power or wear the badge of a policeman within said city, he shall be deemed guilty of a misdemeanor and upon conviction thereof, before the municipal court, he

shall be fined not exceeding one hundred (\$100.00) dollars or imprisonment not exceeding ninety (90) days, in the discretion of said court.

CHAPTER FIVE.

FIRE DEPARTMENT.

SECTION 72.—The city council for the purpose of guarding against the calamities of fires, shall have power to prescribe the limits within which wooden or buildings of all other materials that shall not be considered fire proof, or which shall be regarded as dangerous to surrounding property, shall not be erected, placed or repaired and to direct that all and any buildings within the limits prescribed shall be made and constructed or repaired of fire proof materials, or of such materials and with such precaution against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent or more of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages. The city council shall have power by resolution to order any building, structure or materials hereafter erected or in the process of erection or remaining portion of the building damaged by fire, of which the construction or materials may be dangerous to surrounding property to be taken down and removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner or agent to remove such building or materials; and in case the same is not removed in pursuance of the notice given, or in such manner as the city council may see fit, to cause such building or material to be so removed beyond the fire limits; and the city council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinances or resolutions made and enacted to carry out the provisions thereof by a fine not exceeding one hundred (\$100.00) dollars, which may be imposed upon conviction before the municipal court, upon the complaint of any citizen.

SECTION 73.—The city council shall have power to prescribe in what manner and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus, used in and about any building, and to cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes into the streets, highways and alleys, to compel the use of spark arrestors in all smoke stacks connected with apparatus where light fuel is consumed, to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fireworks and firearms. To regulate and prevent the sale or keeping for sale or use of any fireworks, Chinese crackers,

rockets, torpedoes or other explosive contrivances or materials, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to provide fire buckets, and to have scuttles in roofs and stairs and ladders to the same, and compel owners of buildings three (3) or more stories in height to maintain ladders or fire escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them when they shall be dangerous to other buildings, and to make any other provision to guard against fires, or to prevent the spreading of fires, which the city council may deem proper.

SECTION 74.—The city council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.

SECTION 75.—Whenever the city council may decide by a two-thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, two-thirds of all the members voting in the affirmative thereof, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next two sections, provided, however, said two sections shall not apply to volunteer companies of said city.

SECTION 76.—In the event of the creation of a paid department the city council shall annually appoint a chief engineer of said fire department, and provide by ordinance for such other officers and men as may be deemed necessary for such department and define the respective ranks and duties of such chief engineer and other officers and men, and their compensation.

SECTION 77.—The chief engineer shall nominate for the approval of the city council all other officers and men connected with such department, and may at any time by and with the consent of the standing committee on fire department of the city council, remove or discharge such officers or men as he may deem it for the best interest of the city to discharge, and whenever the city council shall deem it necessary to reduce the number of men employed, said chief engineer shall upon direction of the city council recommend the discharge of such officers or men as can be released without impairing the working efficiency of such department.

SECTION 78.—The city council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, and 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 apparatus to be given up. Every member of such company which may be authorized to be formed shall be exempt from highway work and poll tax, from serving on juries and from military duty during

the continuation of such membership. Said council shall have power and authority to make by ordinance all needful rules for the government of the fire department and for the protection and use of all engine houses, telegraph lines and other property and apparatus pertaining thereto, and of the water works, mains, pipes, cisterns and hydrants in said city as used in connection with said department, and by ordinances provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by such ordinances make provision to keep away from the vicinity of any fire all idlers and suspected persons and to compel all bystanders to aid in the preservation of property exposed to danger by such fire.

SECTION 79.—The city council shall have power to appoint the chief engineer and two assistant engineers of the fire department, and also one fire warden in each ward, and to prescribe the duties of such officers. Such council may also designate such officer of the fire department, or such other person, as they may select, to act as fire marshal of the city, to see that the ordinances of the city relating to the building and care of chimneys, and respecting all other precautions against danger from fire are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven o'clock in the forenoon and six o'clock in the afternoon, and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings and see that the ordinances of the city respecting the same are enforced. It shall further be the duty of such fire marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same, and make report thereof to the council at the first regular meeting in every month.

SECTION 80.—Whenever the city council shall deem it necessary it may provide for a fire police of such numbers and with such powers as it may determine, and for that purpose it may either give police powers to such of the officers or men of the fire department as may be necessary or authorize the appointment of the necessary policemen in the same manner as other policemen are appointed. In all cases all policemen present at any fire shall be subject to the direction of the officers of the fire department present at such fires.

SECTION 81.—If any person shall, at any fire, refuse to obey the orders of the chief engineer of the fire department, or other officers vested with authority at such fires, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before the municipal court of the city, shall be punished by a fine not exceeding fifty (\$50.00) dollars, and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

CHAPTER SIX.

STREETS.

SECTION 82.—The city council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys, and extend, widen and straighten the same, and may build, maintain and repair bridges across streams or railway tracks, may provide for the pavement of gutters or the road-bed of any street or alley.

SECTION 83.—The city council shall have power to establish the grade of any street when such grade has not been established, and may by a vote of two-thirds of all the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city engineer.

SECTION 84.—The city council may by a vote of two-thirds of the members thereof, vacate any highway, street, lane, or alley, or portion of either, and such power of vacating highways, streets, lanes and alleys within the city of Brainerd is vested exclusively in said city council and no court or other body or authority shall have any power to vacate any such highway, street, lane or alley.

SECTION 85.—The city council shall have power to designate districts or portions of the streets and alleys of the city for the purpose of cleaning the same, and may provide for the cleaning of such districts by a contract on such terms as shall be deemed advisable.

SECTION 86.—All work done or constructions made pursuant to the provisions of this title, shall, save making, changing and repairing streets, alleys and sidewalks, of which the estimated cost shall exceed Five hundred (\$500.00) Dollars, be let by contract to the lowest responsible bidder therefor, and the city council may require of the bidder a bond with sureties for the faithful performance of the contract. Due notice shall be given of the time and place of letting such contract; provided, that if in the opinion of the city council no just and reasonable bid shall have been received for any such work, after due notice as aforesaid, or if the person to whom the same is let fail in any particular to duly perform the same, the city council may, by a two-thirds vote, have such work done without contract by the direct employment of labor and purchase of material by the city; and provided further, that all work done by the city by the direct employment of manual labor, whether for the purpose mentioned in this section, or for any other purpose, be by the day.

SECTION 87.—Whenever the city council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist or may hereafter exist, it may, for such purposes, purchase or condemn any real estate or interest therein which

is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property by reason of such improvement, and the expense of making such improvement by assessment, levying and collecting the whole expense of such improvement, or parts thereof, as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvement shall exceed the benefits accruing therefrom to any specific property, the excess of such expense shall be made a general city charge, and be paid as current expenses of the city.

Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place, and occupied for such purposes, without the consent of the owners of such ground.

SECTION 88.—The city council is hereby authorized, in its discretion to cause to be paved, repaved or macadamized, any street or alley or any portion thereof in the city, or any gutter along any side of any street or alley or any portion thereof, in such manner as it may direct, and to collect the expense and the cost of the same by special assessment upon the property fronting on such improvements on the same side of the street, but the expense of paving or otherwise improving the crossings of said streets, and of such improvements as shall be in front of property exempt from such assessment or belonging to the city, shall be paid from the improvement fund, and in the case of a shortage in such fund, the same shall be advanced and paid from the general fund. No assessment shall be made for paving or macadamizing any ground occupied by railway tracks or lying between such tracks. Whenever the expense and cost of any such improvement is specially assessed against abutting property the same shall be payable in ten (10) semi-annual payments next following such assessment at times when taxes become due as provided by general law; and providing, however, that any property owner may at any time pay the whole assessment against any property; and providing further, that if the city council shall deem any such improvement to be especially beneficial to the public at large, then the city council may order to be paid, and pay from the general fund an amount not to exceed twenty-five (25) per cent of the cost and expense of such improvement, which might be chargeable against the property, and assess the remaining seventy-five (75) per cent or more against such abutting property.

SECTION 89.—It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, re-construct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed, or shall hereafter be constructed, or directed by the city council to be built, and of such material and width, and upon such places and grades as the city council may by ordinance or

otherwise prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Brainerd shall be constructed or re-constructed, it shall by resolution direct such construction or re-construction, specifying the width thereof, and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each along his respective land, construct and fully complete such sidewalk within two (2) weeks after the publication of such resolution as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as provided for the collection of special assessments under the provisions of section eighty-seven of this charter. And the city council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same and all street crossings to be built by the proper street commissioner, or upon contract or by any other person as the council may determine.

SECTION 90.—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 proper street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made; and such report shall be filed and carefully preserved by the city clerk. And the city council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the parcels of land fronting or abutting upon sidewalks which have been repaired by the street commissioner, the cost of making such repairs. In each case such assessment for all such repairs within the year may be combined in one assessment roll and be collected as provided for in other special assessments in this charter. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, and there are no funds to defray the expense or such rebuilding, it shall be the duty of the proper 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 reconstructed, and collected with the assessment for such reconstruction.

SECTION 91.—It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground on which it is to be built to be properly graded.

SECTION 92.—All persons who shall by means of any excavations in, or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel,

or shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guard or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages, unless such person or persons shall be joined as parties defendants, and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same and may enforce the payment of the same from the other defendant or defendants, and shall be entitled to execution therein against him or them and to take such other proceedings as judgment creditors are entitled to take.

SECTION 93.—Whenever any party is joined with said city as co-defendants, in any action for the insufficiency or defective condition of any street or sidewalk as provided in the last section, and such a party is not a resident of, and cannot be found within the state, service of summons in such action may be made upon such defendants upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

SECTION 94.—No action shall be maintained against the city of Brainerd, on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk, or thoroughfare unless such action shall be commenced within one year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or to the clerk thereof, within thirty days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but this notice shall not be required when the person injured shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been graded, nor for any insufficiency of the ground where sidewalks are usually constructed, when no sidewalk is built.

SECTION 95.—No railway company or street railway company shall have any right in cleaning their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. Any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained. And in case any damage shall be recovered against the city for injuries caused by such obstruction the city shall have the right to recover the same again from the company by whom the obstruction was caused.

SECTION 96.—Whenever any person shall subdivide any lot or piece of ground within said city into building lots for the purpose of selling the same, or any part thereof, he shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of the state of Minnesota, and when the survey and plat are so completed and acknowledged, it shall be presented to the city council, and a copy thereof furnished to the city engineer.

Said city council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient.

When any plat is accepted by the city council, the city clerk shall so certify upon the face of such plat, when it may be recorded in the same manner and with the same effect as provided by the general laws of the state of Minnesota relating to the making and filing of plats. All the provisions of the general laws relating to the making and filing of plats shall, except as herein otherwise provided, be applicable to said city, and in addition thereto, no person shall be entitled to any damage for the laying out or extension of any street or alley over any lot or parcel of land sold or offered for sale contrary to law.

SECTION 97.—The acceptance of such plat or addition of any ground, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such street, until the city council shall direct the same to be graded and opened for travel.

SECTION 98.—Whenever the city council shall determine to cause to be paved, re-paved or macadamized, any street, lane or alley in said city, or any gutter or gutters along such street, lane or alley, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the improvements, and the material to be used, therein, and thereupon it shall be the duty of the city engineer to make, and present to the city council an estimate of the cost of such improvements, stating therein the proportion of such estimated costs which shall be required to construct such improvements in front of abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys, and in front of lands not subject to assessment; also a list of the several lots or parcels of land fronting upon such proposed improvements, with the number of front feet of each extending along such improvements, and the names of the owners of the several parcels as nearly as the city engineer can readily ascertain the same. A brief minute of the reception of such report shall be made and published in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council which shall occur at least one (1) week after the reception of such report; but the city council in its discretion, may direct the city engineer to advertise for and receive in the meantime, bids for doing the work and furnishing the materials required to construct and complete such improvement, and report the same to the coun-

cil at the meeting of the city council to which such report is laid over, or at any subsequent meeting. The city council may consider such estimate and list, and any further communications from the city engineer respecting the matter, and under such rules as it may make, shall hear the persons interested in the matter of such improvements, who may desire to be heard, and the council may adhere to its resolution of making such improvements, or may modify the character of the same, or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements, estimate and fix upon the cost of such improvements, and the proportion or amount of such costs which is required to construct such improvements, opposite to or in front of the lots and parcels of land described in the list so-made by the city engineer, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements, and the city council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following or any other form which the city council may deem proper:

"The city council of the city of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expenses of..... in the city of Brainerd along..... and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

NAME OF OWNER IF KNOWN	DESCRIPTION OF LANDS	Lct	Block	AMOUNT	
				Dollars	Cents

Done at a meeting of the city council, this.....day of
.....A. D. 19....
ATTEST,
..... President of the Council."
City Clerk.

SECTION 99.—Whenever the city council shall have ordered the construction of any sidewalk and the owners of the land along which such sidewalk is to be built shall refuse, or, for a space of two (2) weeks, neglect to construct the same according to the order of the city council,

the city engineer shall report to the city council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels; such estimates shall not be binding upon the city council, but advisory merely, and the council may obtain any other information as to such cost, and the council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land, and thereupon the city council shall assess and levy upon and against such lot and parcel of land, so reported (after correcting mistakes, if any), along which said sidewalk has not been built, such sums as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the city council may adopt;

"The city council of the city of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of....., a sidewalk along the..... side of..... from.....to.....in accordance with a resolution of the city council, passed the.....day of.....A. D. 19.... The amount assessed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.....

NAME OF OWNER IF KNOWN	DESCRIPTION OF LANDS	Lot	Block	AMOUNT	
				Dollars	Cents

Done at a meeting of the city council, this.....day
of.....A. D. 19....
ATTEST,
..... President of the Council."
City Clerk.

SECTION 100.—Assessment for repairs of sidewalks may be in the following form, or any other form which the city council may adopt:
"The city council of the city of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of repairs of sidewalks fronting upon

each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper street commissioner since the.....day of.....A. D. 19.... The amount assessed against and levied upon each of said lots and parcels of land, is the actual cost of repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioner.

NAME OF OWNER IF KNOWN	DESCRIPTION OF LANDS	Lot	Block	AMOUNT	
				Dollars	Cents

Done at a meeting of the city council this.....day
of.....A. D. 19....

ATTEST,

..... President of the Council."

..... City Clerk.

SECTION 101.—If any special assessment heretofore made by the city council, or under its direction, to defray the expense of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular or defective, that the same cannot be enforced and collected or if the city council shall have omitted to make such assessment at or before the making of such improvement, the city council shall anew, or thereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as to it shall seem sufficient; and the city council may then proceed to cause a new assessment of the cost of such local improvement to be made as herein provided, either upon the property fronting upon such improvements, according to the character of such improvements, following as near as may be the provisions of the city charter in force at the time of making such improvements in determining the property to be assessed, and in case such second assessment shall be annulled, the city council may proceed to make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in case where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been made, the words, "paid on former assessment," which shall cancel such assessment on that parcel.

SECTION 102.—The city clerk shall record all assessment rolls of special assessments, in books to be by him kept for that purpose, and shall on or before the first day of November of every year, deliver to the county auditor of said Crow Wing county, all such assessment rolls theretofore recorded, and the county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced; and such assessments when collected, shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon at the time of making payment of city taxes to the city treasurer.

SECTION 103.—No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment, shall affect the validity of the same where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter. And no failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment, and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

SECTION 104.—In case any special assessment shall, in any suit where its validity shall be questioned, be adjudged invalid, the council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew, by proceedings either as in the case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city clerk before delivering such new assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessments for the same purpose; which notation shall cancel the assessments as to the parcels and lots on which such payments were made, to the extent of the payments. Such new assessments shall be collected in the same manner as the original special assessments.

SECTION 105.—No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be more than the amount required for such improvement, the balance shall

be repaid to the property owner on proof of ownership. If shall not be necessary that words shall be written out in full but abbreviation, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this charter.

SECTION 106.—It shall require a two-thirds (2-3) vote of the members elect of the city council to determine, in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority shall suffice. But this restriction shall not apply to any subsequent act of the council touching such improvement, or the special assessment to provide means therefor.

SECTION 107.—Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way or directly by the city, by the employment of labor and purchase of material, or in any other manner in which the city council may deem proper in each particular case. And the city council may, in its discretion, in any case, instead of causing a special assessment to be made entirely upon estimates, as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment.

SECTION 108.—The city council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or wait the collection of such assessment.

SECTION 109.—When any such street improvement has been ordered and such assessment has been levied therefor, and when a majority of such assessments in number and amounts have been paid, it shall be the duty of the city council to forthwith cause such improvements to be made.

SECTION 110.—After any special assessment roll shall have been adopted by the city council and before the same shall have been delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of said city; and upon the production of the city treasurer's receipt therefor to the city clerk, he shall enter upon such assessment roll, opposite the assessment so paid, the words, "Paid to the city treasurer," which entry shall cancel the assessment so paid.

All special assessments shall bear interest at the rate of six per cent per annum from the first Monday in January next following the assessment, and it is made the duty of the county treasurer to collect such interest and pay the same to the city treasurer.

SECTION 111.—Nothing herein shall interrupt or interfere with any assessments which have been heretofore made but the collection thereof shall go on according to the provisions of the charter of said city in force at the time of making such assessments.

SECTION 112.—No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvement chargeable to or assessed against the property under this charter, altho the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

CHAPTER SEVEN

PERMANENT IMPROVEMENT REVOLVING FUND

SECTION 113.—There is hereby established and shall be maintained a fund to be known as "The Permanent Improvement Revolving Fund," which shall be kept separate from all other funds and shall be used for the purposes in this charter specified and for no other purpose. Said fund shall be under the control of the city council and all claims against the same shall be allowed by the city council and shall be paid upon warrants specifically drawn against said fund.

SECTION 114.—Said Permanent Improvement Revolving Fund shall be used for the purpose of advancing and paying the expenses of repairs on streets, alleys, sidewalks and boulevards when the same is assessed against abutting and benefited property, and all funds when so advanced and paid, shall be returned to said fund when paid, together with all interest, penalties and costs.

SECTION 115.—For the purposes of establishing and maintaining such fund the city council shall have power to issue and sell the coupon bonds of the city to amount or amounts not exceeding one and one-half (1½) per cent of the assessed valuation of all the taxable property in the city as shown by the then last equalized valuation thereof. Such bonds shall draw interest at the rate of not to exceed five per cent per annum, and shall be payable at such time and place as the city council shall direct, and shall become due not more than twenty nor less than ten years after their dates, and shall not be sold at less than par and accrued interest. No such bonds shall be issued unless such issue be authorized by a resolution of the city council, passed by an affirmative vote of three-fourths of all the members at a regular meeting of such council. Such bonds may be sold by the city council at public or private sale, but shall not be sold except at the highest obtainable price, and such sale approved by an affirmative vote of three-fourths of all the city council; nor shall such sale be made until a sale of such bonds is advertised in the official paper of the city for three weeks. Such bonds may be issued and sold by the city council without being authorized or directed by the electors of the city as in other cases provided.

SECTION 116.—For the purpose of establishing and maintaining said fund, and for the purpose of paying the interest and principal of the bonds above named, the city council is authorized to levy, assess and collect an annual tax against all the taxable property of the city, which shall not exceed three-fourths of one mill on the dollar for any year; providing, however, that no such tax shall be levied or assessed, except for the payment of interest and principal on the bonds, when the said fund shall equal $1\frac{1}{4}\%$ of the assessed valuation of the taxable property of the city; and in determining the amount of such fund there shall be considered, and included the amount of money on hand in such fund and all amounts paid and advanced for improvements which are repayable from special assessments.

SECTION 117.—It is hereby made the duty of the city council to pay from said fund the interest on all such outstanding bonds, and at all times to have in said fund an amount sufficient therefor, and for the purpose of providing for the payment of the principal of said bonds it is made the duty of the city council to annually set aside from said fund an amount equal to $2\frac{1}{4}\%$ of all the outstanding bonds, the same to be paid into the sinking fund of the city, and to be a special fund for the payment of such bonds.

SECTION 118.—All special assessments against abutting or benefited property shall when paid be returned to said fund together with all interest, penalties and costs. All moneys which the city has heretofore advanced and paid from the general fund for street and side walk improvement and which has been assessed against abutting or benefited property, shall when paid, be paid into and become a part of said fund.

CHAPTER EIGHT

BONDS

SECTION 119.—The city council shall have power to levy, assess and collect against all the assessable property of the city such taxes as are necessary to provide municipal funds for the city and the various departments thereof as is provided by this charter or by the general laws of the state of Minnesota, but the aggregate levy and assessment shall not in any one year exceed ten mills on the dollar, and any levy and assessment in excess thereof, shall be void as to such excess; and in case the aggregate assessment is excessive as above provided the city council shall have power to reconsider and annul enough of such levy and assessment as is necessary to reduce the same to the limit above specified, but such reduction shall be so made if possible not to affect the levy and assessment for general current funds or for the payment of interest on the bonded indebtedness.

SECTION 120.—The city council shall have power to issue and sell the bonds of the city for the following purposes and none other:

FIRST.—For the purpose of creating and maintaining an improvement or revolving fund.

SECOND.—For the purpose of funding any floating indebtedness of the city.

THIRD.—In paying for lands acquired for streets, parks or other improvements which are payable from the proceeds of assessments levied upon property especially benefited by such improvements.

FOURTH.—For the acquisition, construction, enlargement, improvement and protection of water works and electric light works, heating or power plants or any or all thereof, and all other public conveniences from which a revenue is or may be derived.

FIFTH.—For the purchase, erection and improvement of needful public buildings.

SIXTH.—For establishing and maintaining garbage crematories or other means of garbage disposal, hospitals, schools, libraries, museums and art galleries.

SEVENTH.—For the construction of sewers, subways, streets, sidewalks, pavements, culverts, parks and parkways.

EIGHTH.—For changing, controlling or bridging streams or ravines within the corporate limits, and constructing and repairing bridges and roads within two miles of the corporate limits.

NINTH.—For refunding any of the bonded indebtedness of the city when the sinking fund is not sufficient to pay such bonded indebtedness. The bonded indebtedness shall not at any time exceed ten per cent of the assessed value of the property within the city as shown by the latest valuation as finally equalized, and any bonds issued in violation of this section shall be void; providing, however, that in estimating the bonded indebtedness of the city all bonds issued for the purchase, acquisition, construction, maintenance, extension, enlargement or improvement of water and light plants or either, owned and operated by the city, or other public utility, or the acquisition of property needed in connection therewith, shall not be considered as a part of such bonded indebtedness; and providing further, that in estimating such bonded indebtedness there shall be deducted from such bonded indebtedness all amounts in the sinking fund which are applicable to the payment of such bonded indebtedness.

SECTION 121.—The city council shall have power to issue and sell improvement bonds as in this charter provided; and shall also have power to issue and sell bonds to take up and pay the outstanding bonds of the city at their maturity without being authorized so to do by the electors of the city, but no such refunding bonds shall bear a greater rate of interest than is necessary to make them merchantable at par and in no case more than six per cent per annum, and they shall be issued and sold at the highest obtainable price after two weeks notice of sale.

All other bonds of the city shall bear interest not to exceed five per cent per annum and shall not be sold for less than par and accrued interest. Before any bonds except as above provided shall be issued, the city council shall at a regular meeting or at a special meeting especially called for that purpose adopt a resolution by an affirmative vote of three-fourths of all its members, ordering the issuance of such bonds;

which resolution shall specify the amount of such bonds and the purpose or purposes for which they were to be issued; nor shall such bonds be issued until such issue is directed by the affirmative vote of three-fifths of all the electors of the city voting thereon, which election shall be ordered and called by the city council not sooner than thirty days after the resolution ordering such election. Such resolution specifying the amount of the bonds and the purpose for which they are to be issued shall be spread at length upon the records of the council proceedings and shall be published in the official paper for two weeks before the time of such election.

All general laws of the state of Minnesota in relation to the calling, holding and conducting of such election and return and canvassing of the votes shall prevail, whether the same be at a general or special election.

If the electors of the city at such election shall declare in favor of issuing the bonds of the city, the city council is authorized and empowered by an affirmative vote of three-fourths of all its members to issue such bonds in an amount to be determined by the city council not to exceed in the aggregate the amount contained in the proposition to the electors, and the city council may dispose of such bonds as hereinafter provided and may use the proceeds thereof for the purpose stated in the resolution specifying the purpose for such issue.

Such bonds shall be of such denominations as the city council may determine; shall be payable at such place as the city council may designate; at such times not less than ten (10) nor more than thirty (30) years from the date of issue; shall be made payable to bearer or to the order of the person or corporation to whom they may be delivered as the city council may deem best, and shall draw interest payable semi-annually at such place as the city council may determine. Said bonds and coupons shall be signed by the mayor and attested by the clerk and also by the city treasurer, and the corporate seal of the city shall be imprinted thereon.

SECTION 122.—The city council shall have authority by a majority vote of all its members to dispose of such bonds in such manner as in the judgment of the city council shall best subserve the interest of the city, but it shall not negotiate the same, dispose of, nor sell such bonds or any of them except at a time and place which shall be specified by a resolution of the city council which resolution shall be spread upon the records of the city council and be published in the official paper of the city at least two (2) weeks before the date of said sale.

CHAPTER NINE

SEWERS

SECTION 123.—Chapter 312 of the general laws of the state of Minnesota for the year 1903, approved April 21, 1903, is hereby adopted and made a part of this city charter the same as though repeated at length herein, subject to the following provisions which are added thereto.

SECTION 124.—All of the preliminary expenses of establishing any sewer district including the charges of the city engineer and his expenses in laying out such district and in surveying and estimating the cost of sewers, shall be advanced and paid from the improvement fund, and shall be specifically assessed against abutting and benefited property as in said law provided, and when paid shall be returned to said improvement fund.

SECTION 125.—If any sewer warrant or bond issued under the provisions of section 11 of said chapter 312 shall not be fully paid at its maturity, then it shall be the duty of the city council within one year after such maturity to pay the unpaid balance of said warrant with interest thereon from the improvement fund, and on such payment the warrant so paid shall be surrendered to and become the property of the city and the city shall be subrogated to all the rights of the holder of such warrant, and shall receive all unpaid assessments, interest, penalties and costs thereon, and the same when paid shall be returned to such improvement fund. The obligation so assumed by the city shall not be considered in estimating the bonded indebtedness or other indebtedness of the city.

CHAPTER TEN

MUNICIPAL COURT

SECTION 126.—There is hereby established and continued in the city of Brainerd a municipal court; the judges of which court, their election, qualification and compensation shall be as in this charter provided. The jurisdiction of said court and the procedure therein shall be the same as that provided by the general statutes of the state of Minnesota for municipal courts in cities of the fourth class, except that garnishee summons and notice to the defendant may be issued and signed the same as other summons.

SECTION 127.—The city clerk of the city of Brainerd shall be ex-officio clerk of the municipal court and shall have all the powers and perform all the duties of the clerk of said court to the same extent as clerks of the district court under the general laws of the state of Minnesota, and shall be paid such compensation as the city council shall fix and direct; and the said clerk shall have power by and with the consent of the city council to appoint one or more deputies who shall have power to perform all the duties of the clerk. The clerk shall pay the compensation of such deputy or deputies and he and his bondsmen shall be responsible and liable for all the acts of such deputy or deputies.

The city clerk shall receive and collect the same fees as are allowed to the clerk of the district court for like services; which fees shall be accounted for and paid into the city treasury and the clerk shall at the end of each month make and report to the city council an itemized statement of all fees so received by him.

SECTION 128.—There shall be a general term of said municipal court on every Tuesday of each week at 10 o'clock A. M., and such term may be adjourned and continued from time to time for the purpose of the completion of the business of such term.

SECTION 129.—The judge of the municipal court shall appoint an official stenographer of said court who shall hold his office during the pleasure of such judge; such stenographer shall have the same powers and duties and receive the same compensation and his certificates shall have the same effect as that provided by law for the stenographers of the district court of the state except as herein modified. Such stenographer shall take the testimony in all preliminary examinations before the said court and shall transcribe the same at length and certify thereto, and his compensation for so doing shall be certified and paid the same as other costs in such proceedings.

In all civil matters which are tried in said court, if the parties shall stipulate or if the judge shall so order, then such stenographer shall take and report the testimony and proceedings in such action, and his charges therefor shall be allowed and taxed in favor of the successful party the same as other costs and disbursements in the case.

The compensation of such stenographer shall be fifty cents per hour for the time employed in taking testimony. Such stenographer shall furnish to either party a certified copy of such testimony and proceedings upon payment to him of the fees herein provided.

SECTION 130.—The chief of police of the city or any policeman of the city or the sheriff of Crow Wing county may act as court officer for the said municipal court; and all summons, writs, warrants, subpoenas and other writs and processes of the said court may be served by the chief of police or any police officer of the city, or by the sheriff or his deputies, or any constable of Crow Wing county; and when any such paper or process is to be served outside of the county of Crow Wing, the same may be served by the sheriff of Crow Wing county, by the chief of police of Brainerd, or any sheriff or chief of police of any county, city or village within the state; provided, however, that no police officer of the city shall be compellable to serve any summons, subpoena, execution or other writ or process in any civil matter.

The fees for such services shall be the same as are allowed by the general laws of the state to sheriffs and constables for like services; but when such services are rendered by any officer of the city who receives a salary, all such fees shall be collected and paid into the city treasury.

CHAPTER ELEVEN

WATER AND LIGHT BOARD

SECTION 131.—The water and light board shall control, operate and manage the water works plant and business, and the electric light plant and business, and all other public utilities which are now or may hereafter be owned by and operated within said city.

SECTION 132.—Such board shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such board, and in such organization and reorganization, shall appoint from its members a president and vice-president and shall also appoint a secretary who shall not be a member of the board.

SECTION 133.—The secretary of the board shall attend all meetings of the board and keep a record of all proceedings. He shall be the collector of all moneys which may be due or coming to said board or the city, on account of water rentals, light rentals, power rentals and otherwise on account of water, light or power furnished. He shall be the bookkeeper of said board and shall keep books fully showing the names of all patrons consumers of water, light and power, and the amounts from them severally due, also all moneys collected, from whom collected and the several amounts thereof; and also all purchases made by the board and all labor employed, and all money due and paid on account thereof. Said secretary shall from day to day pay into the city treasury all moneys so received, and shall receive from the city treasurer receipts therefor, which receipts shall be in duplicate, one copy of which shall be filed with the board and the other filed with the city clerk.

Said secretary shall at the end of each month, or within three days thereafter, make a report fully showing the receipts and disbursements during the last month, which report shall be in duplicate, one copy of which shall be filed with said board and the other filed with the city clerk.

The said secretary shall give such bond as the board may require and approve, such bond to run to the city of Brainerd and to be conditioned that he will faithfully perform all the duties of his office as secretary of the water and light board, and that he will account for and pay over all money and property coming into his hands as such secretary. The said secretary shall perform such other and further duties as may be prescribed or directed by said board.

SECTION 134.—Said board shall have power to appoint and employ all necessary help to properly perform its duties and to fix their compensation.

SECTION 135.—Said board shall have power to fix all rates and compensation to be paid by consumers of water and electric light and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments. Provided, however, that as to all water, light and power needed or used by the city the rate and price thereof shall be fixed by the city council, and the amount thereof shall be paid by the city from the general fund, and shall go into and constitute a part of the water and light fund and shall be the fair, reasonable and usual amount.

SECTION 136.—Said water and light board shall have power to institute, prosecute and defend, in the name of the city of Brainerd,

all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings; nor shall any water main be ordered or extended unless the city council shall so order the same by a resolution passed by a majority vote of all its members.

SECTION 137.—The said board shall have power to purchase and pay for all supplies necessary to the management of said business, except that said board shall not make any purchase of machinery or supplies exceeding Five hundred (\$500.00) Dollars in amount, without a resolution of the city council authorizing the same. Providing, however, that in case of sudden and extraordinary injury to said plants such board may make purchases and contracts necessary to repair the same.

SECTION 138.—It is hereby made the duty of said board to furnish water to all private consumers, by water meter measurement so far as practicable, and so far as practicable to furnish electric light and power to all consumers by electric meters. And it is made the duty of such board to furnish and place reliable water and electric meters for the said purposes, which meters shall be the property of the city and shall be considered in the possession and under the control of said board, but the board shall have power to charge the consumers such reasonable rent for the use of such meters as they may deem proper, which rental charge may be added to and made a part of the charges made for water and electricity.

SECTION 139.—All water rentals and electric light and power rentals, together with meter rentals which are not paid as due, are hereby made a charge against and lien upon the real estate for the use of which, or the occupants of which water and electricity is furnished; and it is made the duty of the secretary of the water and light board, on or before the first day of November of each year to furnish to and file with the auditor of Crow Wing county, an itemized statement showing the amounts of such delinquencies and the property to be charged, and it shall be the duty of the county auditor to extend the same upon the tax roll of the property as a tax and a charge against the property, and the same shall be collected by the county treasurer as other taxes and paid to the city treasurer and by him turned into the water and light fund.

THE PARK BOARD CHAPTER TWELVE

SECTION 140.—The park board shall have control and supervision of all parks, parkways, and boulevards within the city, and also of such streets and other public grounds as the city council shall by proper resolution designate. And it is made the duty of said board to cause to be enforced all laws of the state and ordinances and resolutions of the city council for the improvement, care and protection of such parks and other public property under their charge.

SECTION 141.—There is hereby established a fund to be known as, "The Park Fund," which fund shall be kept apart from all other funds and shall be under the control of said park board, and shall not be used for any purpose except for improving, beautifying and protecting the public property under the control of said board.

For the purpose of establishing and maintaining such fund the city council shall each year at the time of levying other taxes, levy a tax on all taxable property of the city for such park fund, which levy shall not exceed one-half mill on the dollar, which tax together with all penalties, interest and costs shall be paid into said park fund.

SECTION 142.—The said park board shall organize by selecting a president and vice-president and a clerk from its members, and the clerk shall keep a full record of all the proceedings of said board, and shall keep books showing all moneys received and disbursed in the management of the business committed to said board.

SECTION 143.—No part of said park fund shall be paid out unless the same shall be allowed by said board and the payment thereof be directed by warrant on the city treasurer signed by the president or vice-president and clerk of the board.

SECTION 144.—It is made the duty of the clerk of said board, annually on or before the first Monday in May to make and file with the city clerk an itemized statement fully showing the financial condition of said fund; which report shall fully show all moneys received and all moneys paid out since his last report, and the purposes for which the same were paid.

SECTION 145.—The members of said park board shall receive no compensation for their services except that the clerk shall be paid such salary for his services as the board shall recommend and the city council determine.

CHAPTER THIRTEEN PUBLIC LIBRARY BOARD

SECTION 146.—The library board shall organize by appointing a president, vice-president and secretary from their number; such board shall have charge and supervision of the public library, together with all library buildings, grounds and other property pertaining to the public library, and shall have power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property. The city council may pass all proper ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.

SECTION 147.—There is hereby established a fund to be known as, "The Library Fund," which shall be kept separate and apart from all other funds and which shall be under the control of the library board

and shall be used only for the purpose of keeping, maintaining and preserving and protecting the library property, and establishing, maintaining and increasing the public library. Such fund shall be under the control of the library board and shall only be expended as directed by said board and upon warrants upon the library fund signed by the president and secretary of the board.

SECTION 148.—For the purpose of establishing and maintaining said library fund, the city council shall annually, at the time of levying and assessing other taxes, levy and assess a tax against all of the taxable property of the city, which levy shall not exceed one-half of one mill on the dollar; which tax when collected together with interest, cost and penalties, shall be paid to the city treasurer and placed in said library fund.

SECTION 149.—The secretary of the library board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first council meeting in May make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate one copy of which shall be preserved in his office and the other copy filed with the city clerk.

SECTION 150.—The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this charter except so far as the same are herein changed or modified.

CHAPTER FOURTEEN

GENERAL PROVISIONS

SECTION 151.—The city council may from time to time provide for the compilation and publication of the ordinances of the city, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion, and may also provide for exchange of such printed compilations for similar publications for other cities.

SECTION 152.—No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SECTION 153.—When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may have been in such case provided.

SECTION 154.—All actions brought to recover any penalty or forfeiture under this act or the ordinances, resolutions, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

SECTION 155.—In all prosecutions for any violation of this act, or of any ordinance, resolution or by-law of the city of Brainerd, the first process shall be by warrant; provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance, resolution, or by-law of the city of Brainerd, but the person or persons so arrested may be proceeded against, tried, convicted, punished or discharged in the same manner as if arrested by warrant. All processes issued by the municipal court for violation of any ordinance, resolution or by-law of said city, shall run in the name of the state of Minnesota, and shall be directed to the chief of police, or any police officer of said city, or to the sheriff or any constable of Crow Wing county.

SECTION 156.—In all cases of imposition of penalty or fine or the rendering of a judgment by the municipal court of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance, resolution or by-law of the said city of Brainerd, as a punishment for any offense or for the violation of any ordinance, resolution or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Crow Wing county, and there be imprisoned for a term not exceeding three (3) months, in the discretion of said court, unless the said fine, or penalty be sooner paid, and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of Crow Wing county.

SECTION 157.—The city of Brainerd 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 Crow Wing county under the state laws.

SECTION 158.—No penalty or judgment recovered in favor of said city shall be remitted or discharged, except by a vote of two-thirds of all the members of the city council; but nothing in this section shall be so construed as to prohibit the judge of the municipal court from granting new trials or reversing any judgment rendered by him according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.

SECTION 159.—No city officer, or employe of the city, shall sell, dispose of, or convert to his own use, any city property in his charge without special authority from the city council.

SECTION 160.—It is hereby made the duty of the register of deeds of Crow Wing county to record any deed or other instrument in which

the grantor or grantee is the city of Brainerd, without requiring the same to be certified, "Taxes paid and transfer entered," or "Paid by sale of lands described within," any general law of the state to the contrary notwithstanding.

SECTION 161.—All ordinances, resolutions, regulations rules, by-laws, orders, assessments and proceedings heretofore made and established by the city council of the city of Brainerd, and not inconsistent with the provisions of this charter, shall remain in force, except as altered, modified or repealed by the city council of the city of Brainerd, and all books and pamphlets, published, or which may be published, purporting upon their title page to be published by the authority, order or direction of the city council, and purporting to contain the ordinances of said city, standing rules and orders of said city council, or either, are hereby declared to be competent and prima facie evidence of the contents of such ordinances, standing rules and orders, or any resolution or other matters purporting to be the act of the city council which may be found printed therein, and of the due and legal adoption, approval and publication thereof, and the certificate of the city clerk that any printed slip of paper to which such certificate may be attached, contains or is a true copy of any resolution, ordinance, proceeding of the city council, or other paper the original of which is presumably in the possession of said city clerk, shall constitute such printed slip or paper competent and prima facie evidence of the contents and purport of the resolution, ordinance, proceeding of the city council, or other paper, and of the legal passage, adoption, approval and publication thereof.

SECTION 162.—No claim against the city or any department thereof, for more than one hundred (\$100.00) dollars shall be paid until ten days after its allowance; within said ten days the city attorney may, and upon demand of ten resident tax payers, he shall, take an appeal to the district court from the act of the council or board allowing such claim. In case of such appeal the proceedings and trial shall be the same as that provided by law for appeals from the board of county commissioners in like matters.

The foregoing is a draft of the proposed charter of the City of Brainerd, Crow Wing County, Minnesota, framed and adopted by the commission, appointed by the Judges of the District Court of the 15th Judicial District of the State of Minnesota, under and pursuant to section thirty-six (36), article four (4), of the constitution of the State of Minnesota, as amended by that certain amendment proposed by the Legislature of the State of Minnesota, in an act of said Legislature known as Chapter Two Hundred and Eighty (280), of the General Laws of the State of Minnesota for 1897, and duly adopted at the general election of said state in the year 1898, and sections 748 to 758, both inclusive, of the Revised Laws of Minnesota for the year 1905, and chapter 253 of the General Laws of Minnesota for the year 1905, and said draft of said proposed charter of the city of Brainerd is hereby returned to the Honorable R. R. Wise, Mayor of said city of Brainerd, to be submitted according to law, signed by the under-

signed majority of said commission. Dated this ninth day of October
A. D. 1908.

A. J. Halsted,	Edward Crust,
L. J. Cale,	President.
H. P. Dunn,	Mons Mahlum,
Henry I. Cohen,	C. B. Rowley,
J. S. Gardner,	W. E. Erickson,
T. E. Toohey,	John Larson,
Werner Hemstead,	Jacob Kaupp,
	F. A. Farrar,
	W. D. McKay.

The foregoing proposed charter was delivered to me by the Charter Commission on the 9th day of October 1908, the Mayor R. R. Wise, and the President of the Council, C. D. Johnson, then being both absent from the city.

F. A. Farrar,
Vice President of the City Council and Acting Mayor.

*J. R. R. Wise Mayor, and Chief
Magistrate of the City of Brainerd,
Crow Wing County, Minnesota, do hereby
Certify that the foregoing is a true copy
of the proposed Charter for the said
City of Brainerd; and I further Cer-
tify that said Charter was ratified
and adopted by the lawful voters
of said City at a special election
duly ordered, called and held
for the purpose of voting on the
adoption of said Charter on the
third day of November, 1908,
— November 13th 1909.*

Attest

A. J. Spear
City Clerk

R. R. Wise
Mayor.

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2383

Handwritten notes

RE-INDEXED

MAY 12 1921

MAY 12 1921

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