

State of Minnesota)
 : ss.
County of Chippewa,)

District Court,
12th Judicial District.

In the Matter of the application of Certain)
citizens to the Judges of the 12th Judicial)
District, petitioning for an order from said)
Court to appoint a Board, of fifteen, to draft)
a Charter, and authorizing the Village of)
Montevideo, in said County, to frame its own)
Charter as a City.)

Whereas a petition praying for the appointment of a Board to draft a Charter for the Village of Montevideo, Chippewa County, Minnesota, has been presented to the undersigned.

Therefore, pursuant to the Constitution and Laws of the State of Minnesota, we, the undersigned, being all, and all being the Judges of the District Court of the Twelfth Judicial District, in and for the County of Chippewa, and State of Minnesota, on this 24th day of December 1907, do hereby appoint the following named persons, who are freeholders, who for the past five years have been qualified voters of said Village of Montevideo, a Board to draft a proposed Charter for the Village of Montevideo, Chippewa County, Minnesota, to be drafted, returned and submitted in accordance with law, viz:- Lyndon A. Smith, C. A. Fosnes, Elias Jacobson, F. J. Rubertus, J. M. Severens, George A. Parks, Frank E. Bentley, John O. Anderson, Charles H. Budd, Lloyd G. Moyer, C. A. Sherdahl, Ole Johnsrud, W. R. Pearson, Adolph Eliason, S. F. Claggett,

Gorham Powers,
District Judge.

G. E. Qvale,
District Judge.

2386

Chapter 1.

NAME, POWERS AND BOUNDARIES.

NAME AND POWERS.

Section 1.

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

BOUNDARIES.

Section 2.

The district of country aforesaid constituting the "City of Montevideo" and the ~~limits~~ limits and boundaries thereof shall be as follows:

Commencing at the quarter post on the East line of Section Seven (7), Township One Hundred Seventeen (117), Range Forty (40), running thence South on the Section line to the Southeast corner of Section Eighteen (18), said Township and Range, thence West on the Section line Eighty (80) rods, thence South on the Quarter Quarter line Eighty (80) rods, thence West on the Quarter Quarter line Eighty (80) rods, thence South to the Minnesota River, thence up the main channel of said river to the point where said river intersects the West line of said Section Eighteen (18), thence North on the Section line to the

on the Quarter line to the place of beginning, plat of land known and described as Keithley's First Addition to Montevideo, Situated, lying and being in the West half of the Southwest quarter of Section Seventeen (17), Township One Hundred Seventeen (117), Range Forty (40).

Also the following described lots and blocks and parcels of land, to-wit: Those parts of lots Six, Seven, Eight, Nine and Ten (6,7,8,9,10) in Block One (1), and Lots Seven, Eight, Nine, Ten, Eleven and Twelve (7,8,9,10,11,12) in Block Two (2), and Lots Seven, Eight, Nine, Ten, Eleven and Twelve (7,8,9,10,11,12) in Block Three (3), and Lots Seven, Eight, Nine, Ten, Eleven and Twelve (7,8,9,10,11,12) in Block Four (4), of Moyer's First Addition to Montevideo, which lie East of and adjoining the East line of Section Eighteen (18), in Township One Hundred Seventeen (117), of Range Forty (40).

WARDS.

Section 3.

The City of Montevideo shall be and hereby is divided into three wards, called the 1st., 2nd., and 3rd., wards, and bounded as follows:

The First ward shall comprise all the territory lying North of Eureka Avenue, and all that part of Section Seven (7), in said City which lies West of the Chippewa River.

The Second ward shall comprise the territory lying between Eureka Avenue and Nichols Avenue, and the prolongation of Nichols Avenue to the Chippewa River, and all that part of the North half of Section Eighteen (18) lying West of the Chippewa River.

The Third ward shall comprise the territory lying South of Nichols Avenue and its prolongation to the Chippewa River, and all the South half of Section Eighteen (18), and all of Northwest quarter of Northeast quarter, and all of Fractional Lot One (1), in Section Nineteen (19), in said Township and Range, and all that part of the Southwest quarter of Section Seventeen (17), said Township and Range, within the City Limits.

Provided, that after organization, the Council may, from time to time, by ordinance, make such redivision of the City into Wards as

may be required by public interests, but no ward shall be created that shall contain less than One Hundred and Fifty legal voters; and provided further, that, when for Two successive elections the number of votes cast in a ward shall exceed Three Hundred and Fifty, then said Council shall make sub-division of said City into wards so that each ward will contain not more than Three Hundred and Fifty votes. Provided, that in any such re-division, it shall be the duty of the Council to provide for an equal population, as near as may be, in each ward.

Each ward shall constitute a separate election district.

OFFICERS AND ELECTIONS.

Section 1.

The elective officers of the City shall be a Mayor, a Treasurer, One Alderman from the City at large, Two Aldermen from each ward, Two Justices of the Peace and Two Constables at large.

The appointive officers of said City shall be a Clerk, A Street Commissioner, members of the Board of Health, Five Park Commissioners, Nine members of the Library Board, a Superintendent of water works, Assessor, Two Poundmasters and an Attorney. They shall be appointed by the Council by ballot and the affirmative vote of a majority of all members shall be necessary for such appointments.

Section 2.

The term of office of the Mayor, Alderman at large and Treasurer shall be for one year; the term of office of all other elective officers shall be Two years, provided, that at the first regular election one Alderman from each ward shall be elected for one year and one Alderman from each ward for two years. All officers shall hold office until their successors qualify.

Section 3.

Whenever a vacancy occurs in any of the enumerated offices, it shall be filled by appointment by the Council. Such appointee, if to fill an elective office, shall hold office until the next regular Election and until his successor is elected and qualified.

Section 4.

Any elective officer may be removed from office by a vote of two thirds of the Council. No such officer shall be removed except for cause nor unless he has first been furnished with a copy of the charges against him and has reasonable opportunity to be heard in person, or by counsel, in his own defense. Continued absence from meetings by an Alderman and neglect of duty by an elective officer of the City shall be deemed sufficient cause for removal from office. The Council shall have the power to fix the time and place of trial of such officer, who shall be given at least ten days written notice thereof; to arrange the mode of trial; to compel the attendance of witnesses and the production of papers;

1 to administer

2 shall neglect, after due notice, to make answer to such charges, the
3 same shall be cause for removal without further notice. The Council
4 shall have power to remove its appointees at pleasure.

5 Section 5.

6 An officer removing from the City, an Alderman elected from a
7 particular ward changing his residence from such ward, and any officer
8 who shall refuse, or without cause neglect, to qualify and enter upon
9 the duties of his office, for ten days after the beginning of the term
10 for which he was elected or appointed, shall be deemed to have vacated
11 such office.

12 Section 6.

13 Any elective officer may resign, by and with the consent of the
14 Council.

15 Section 7.

16 Every person elected or appointed to office shall before he
17 enters upon its duties, and within ten days after notice of his
18 election or appointment, take and subscribe an oath and file the same
19 with the Clerk.

20

21 Section 8.

22 No person shall be eligible to any office who is not at the
23 time of his election or appointment a qualified voter of the City.

24 Section 9.

25 The Council may by resolution, adopted by a majority of its
26 members, order a special election of the City and provide for holding
27 the same. The purpose of such election shall be clearly stated in the
28 resolution and no other matter shall be submitted thereat.

29

30 Section 10.

31 The fiscal year shall commence on the First day of January
32 of each year. The terms of all officers shall begin on the First
33 secular day of February.

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1
2 DUTIES OF OFFICERS.

3 POWERS OF MAYOR.

4 Section 1.

5 The mayor shall be the chief executive officer of the City.
6 He shall be the head of and have command and control of the police
7 force. He shall cause the laws of the State, the provisions of this
8 Charter and all the ordinances of the City to be duly observed and
9 enforced, and all officers of the City to discharge their duties, and
10 to that end may institute and maintain any appropriate action or
11 proceeding against delinquent officers. He shall give the Council
12 such information and recommend such measures as he shall deem
13 advantageous to the City. He shall sign all bonds, obligations and
14 contracts on behalf of the City except as herein otherwise provided.

15 He shall, upon service of any notice, summons or process in
16 any action or proceeding against the City, forthwith inform the
17 City Attorney and Council thereof.

18 PRESIDENT OF COUNCIL.

19 Section 2.

20 At the first meeting of the Council each year it shall
21 proceed to elect by ballot from among its members, a President who
22 shall preside at all its meetings.

23 During the absence of the Mayor or his inability from any
24 cause, to discharge his duties, the President of the Council shall
25 exercise all the powers and discharge all the duties of the Mayor
26 and while so acting shall be styled "Acting Mayor".

27 CITY CLERK.

28 Section 3.

29 The Clerk shall keep the Corporate Seal of the City and all
30 papers and records thereof, save as otherwise herein provided; attend
31 all Council meetings; keep a record of all proceedings of the Council;
32 draw and sign all orders on the Treasurer as directed by the Council
33 and keep a full and accurate account of the orders so drawn in books
34
35

provided in:

1 what purpose the same were drawn; attest the signature
2 to all contracts and affix the Seal of the City thereto; keep
3 regular books of account which shall at all times show the precise
4 financial condition of the City, a record of all bonds, orders, warrants
5 or other evidence of indebtedness, either outstanding or redeemed.
6 His books shall contain separate accounts with the different city
7 officers and the various funds of the City, and the amount, date and
8 purpose of each appropriation, and all payments made on account of the
9 same. He shall make and keep a list of outstanding bonds, to whom
10 issued, for what purpose, when and where payable, and the rate of
11 interest thereon, and recommend such action to the Council as will
12 secure the punctual payment of the principal and interest. Record
13 at length, in a book provided by the City for that purpose, all
14 official and other bonds running to the City, except the bonds of
15 the Clerk and Treasurer which shall be recorded in the office of the
16 Register of Deeds of Chippewa County, and all bonds shall be filed and
17 preserved by the Clerk. Have the supervision of all printing and
18 publications ordered by the Council. Upon request and payment of fees
19 furnish certified copies of papers and records in his possession. File
20 all chattel mortgages and other instruments by which personal property
21 is transferred or incumbered, presented to him for filing, permitted
22 to be filed by the Laws of this State. He shall, in addition, perform
23 such other duties as may be required of him by the Council or by the
24 general laws.

25 If, before the First of January, in any year, the amount
26 expended or to be expended, chargeable to any City fund, (adding thereto
27 the current expenses estimated for the remainder of the fiscal year,
28 and chargeable to such fund), shall be equal to three fourths of the
29 tax authorized to be raised or revenue estimated for such fund, he
30 shall report the same at once to the Council and he shall not countersign
31 any contract chargeable to such fund until the amount of taxes actually
32 collected be ascertained, and during the fiscal year he shall not
33 countersign any contract, the amount of which shall exceed the revenue
34 actually collected for the fund to which such amount is properly
35 chargeable.

1 With the consent of the Council the
2 for whose acts he shall be responsible, and whom he may remove at
3 pleasure. Such Deputy may discharge any and all of the duties of the
4 Clerk.

5 EXAMINATIONS & REPORTS.

6 Section 4.

7 The Clerk shall check up the books of the Treasurer monthly,
8 count the cash and verify the bank balances, and at least once every
9 month check up the books and accounts of all receiving and disbursing
10 officers, boards and departments of the City. Upon completion of such
11 examinations he shall make report thereof to the Mayor and Council.
12 For the purpose of making such examination the Clerk shall have power
13 to summon before him and examine under oath any officer or employee of
14 the City, or any other person, concerning any transaction of the City,
15 or the accounts of any officer, board, department or employee thereof,
16 and to compel the production of any books, accounts or other papers
17 pertaining to any transaction; and upon completion of such examination,
18 immediately make detailed report thereof to the Council.

19 The Clerk shall report to the Council the financial condition
20 of the City whenever the Council may require. He shall annually make
21 a report stating in detail the items of account audited and allowed
22 against the City, the nature of each account, the person in whose favor
23 the same was allowed, and giving a detailed statement of the financial
24 concerns of the City. Such report shall be submitted to the Council
25 and when approved by such Council a copy thereof shall be posted at
26 the time and places of holding the annual election, and the original
27 thereof shall be placed on file in his office.

28 REVENUE AND EXPENSES.

29 Section 5.

30 The Clerk shall, at the First meeting in September of each
31 year, submit to the Council an estimate of the expenses of the City
32 and amounts necessary to be raised for the ensuing year.

33 CITY ATTORNEY.

34 Section 6.

35 The City Attorney shall be the legal advisor of the City, and

1 any officer ...
2 services incident to that office; appear in ...
3 prosecutions and proceedings in which the City shall be interested,
4 and when requested, furnish a written opinion to the Council or Mayor
5 in respect to their official duties or municipal affairs.

6 CITY TREASURER.

7 Section 7.

8 The City Treasurer shall receive and safely keep all moneys
9 belonging to the City, and keep an accurate and detailed account
10 thereof in such a manner as the Council shall direct. He shall furnish
11 to the Council at the beginning of each fiscal year a statement of
12 the receipts and disbursements from the date of the last annual report,
13 which account shall be filed with the Clerk, and a copy posted
14 at the times and places of holding the annual election and published
15 in a City paper if the Council so directs. He shall report to the
16 Council as it may require. He shall be the custodian of all bonds,
17 certificates of indebtedness or other securities held by the City
18 or in any of its funds. Upon the receipt of any money he shall
19 forthwith credit the same to the fund to which the same belongs and
20 shall deposit the same daily in such depositories as shall have been
21 designated by the Council. It shall be unlawful to transfer from
22 one fund to another or divert money from the fund to which it belongs.
23 When, however, there is a surplus of cash to the credit of any fund the
24 council may by three fifths vote authorize such surplus to be placed
25 in another fund.

26 STREET COMMISSIONERS.

27 Section 8.

28 The Street Commissioner, under the direction and control of the
29 Council, shall have supervision of the construction, maintenance and
30 repairing of streets^{and} sidewalks, and of the grading, repairing and
31 cleaning of all streets, alleys and^{such} other public places in the City.
32 He shall give bond with sureties satisfactory to the Council conditioned
33 for the faithful performance of his duties, and make reports to the
34 Council as it may require.

ENGINEER.

Section 9.

The Council may, when it is necessary and occasion requires, appoint a Civil Engineer, of at least Three years practical experience, who shall hold his office at the pleasure of the Council and receive such compensation and perform such services as may be determined by the Council. All surveys, profiles, plans and estimates made by him for the City and his official records shall be the property of the City, and shall be carefully indexed and preserved in the Clerk's office. He shall possess the same power in the City in making surveys, plats and certificates as is or may be given by general law to the County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given to County Surveyors. He shall execute a bond to be approved by the Council, conditioned for the faithful performance of his duties.

PARK COMMISSIONERS.

SECTION 10.

The Park Commissioners, ~~who~~ shall have control and supervision ⁱⁿ of the parks with the City, and the parking of the Cemetery, and of such streets and other public grounds as the Council may by resolution designate.

Such Commissioners shall hold their offices for Five years and until their successors shall have been appointed and qualified; provided, that the first members of the Board shall be appointed for one, two, three, four and five years respectively.

Section 11.

Said Commissioners shall have power and it shall be their duty, to improve and beautify such parks, cemetery and public grounds and to furnish entertainment for the public in such parks or on such public grounds as they may designate, and to expend money for such purposes, and to enforce such laws of the State and ordinances of the City as may be necessary for the proper performance of their duties in their department.

Section 12.

The Council may appropriate money from the general fund and turn the same over to said Commissioners for the purpose hereinabove set forth.

COMPENSATION.

Section 13.

The Council shall have power, except as otherwise provided, to fix the compensation of all officers. Such compensation shall be fixed by resolution passed by a two thirds vote of all the Council. Provided, however, that the salary of the Mayor and Alderman shall not exceed \$10.00 per annum. The Mayor and Alderman may be reimbursed for expenses necessarily incurred in the performance of their duties.

CONTRACTS.

Section 14.

No officer elected or appointed shall be a party to, or interested in any contract in which the city is interested.

CHAPTER 4.

SPECIFIC POWERS. OF COUNCIL.

The City Council shall have power by ordinance, not inconsistent with the constitution and laws of the State and the United States, as follows:

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

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

Third: To regulate openings and excavations in streets, alleys and public grounds, for the laying of gas, electric conductors,

1 water mains and pipes, or for other purposes; the building of sewers,
2 tunnels and drains, and to regulate the construction and use of all
3 structures and conduits underneath the streets, alleys and sidewalks.

4 Fourth: To provide for and regulate cross walks, curbs and
5 gutters.

6 Fifth: To regulate and prevent the use of streets, sidewalks
7 and public grounds for signs, sign posts, awnings, awning posts,
8 telegraph poles, horse troughs, racks, and the posting and distributing
9 of handbills and advertisements; to prevent the incumbering of the
10 streets with vehicles, lumber, boxes, or any other thing or material;
11 to remove and abate any nuisance; to provide for and regulate the
12 erection of hitching posts and rings for fastening horses, and to
13 prohibit the same in any portion of the city, at its discretion.

14 Sixth: To regulate and control or prohibit the placing of
15 poles and the suspending of wires along or across the streets and alleys.

16 Seventh: To regulate and prohibit the exhibition, or carrying,
17 or distribution or throwing of banners, placards, advertisements and
18 hand bills in or upon streets, public grounds and sidewalks.

19 Eighth: To regulate and prevent the flying of flags, banners
20 and signs across the streets, and to regulate the construction and use
21 of bill boards adjacent to or near the streets or public places.

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

24 Tenth: To regulate the speed of horses and other animals,
25 vehicles, cars and locomotives upon the streets and within the limits
26 of the city, and to compel persons to fasten their horses or other
27 animals attached to vehicles, or otherwise, while standing in the
28 streets.

29 Eleventh: To name and change the names of streets, avenues,
30 alleys and other public places.

31 Twelfth: To regulate the use of all bridges, viaducts, tunnels,
32 drains, sewers and cesspools within the City, and to prohibit the use or
33 maintenance of cesspools and privies in such portions of the city as it
34 may designate, and to compel sewer connections in such portions, and to
35 make the same and to assess the cost thereof on the property so connected
with the sewer.

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

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

Fifteenth: To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over their tracks and to fence their respective railroads, or any portion of the same, and to construct cattle guards on the streets and public roads, and keep the same in repair within the limits of the City.

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

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

Eighteenth: To compel the owner of low ground where water is liable to collect and become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or

removal of such substance, specified in subdivision 17, or expense of filling or draining any such low ground, a lien upon the property from which such substances are removed or destroyed, or in which said low ground is filled or drained, and to make a special assessment for the same upon such property, to be collected as other special assessments are collected.

Nineteenth: To license and regulate or prohibit and to suppress billiard, pool, pigeon hole tables, pin alleys, bowling alleys, or shooting galleries.

Twentieth: To license and regulate or prohibit conductors of gilt, fire, auction or bankrupt sale, itinerant merchants and transient vendors of merchandise, and tax the proceeds of their sale; and to license and regulate runners, agents and solicitors for cars, public houses or other things or persons.

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

Twenty second: To license and regulate auctioneers, pawnbrokers, second hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof.

Twenty third: To license and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for or furnishing employees to others, and to require such persons to keep such records as it may direct, and make reports thereof, and to punish unfair dealings by said persons in their said business.

Twenty fourth: To regulate and prevent the storage of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitro glycerine or any products thereof, and other combustible or explosive materials within the City, and the use thereof, and of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, skyrockets and other fireworks.

Twenty Fifth: To prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions or sports.

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

Twentyseventh: To suppress bawdy and disorderly houses and houses of ill fame and assignation within the limits of the City.

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

Twenty ninth: To establish pounds and pound districts; to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the restraining and sale of the same.

Thirtieth: To establish and regulate the location of markets and market houses, and to provide for the use thereof.

Thirty first: To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, fruits, and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome.

1 Thirty second: To provide for and regulate the place and manner
2 of weighing of hay and straw and selling the same, and measuring and
3 selling of fire wood, coal and lime.

4 Thirty third: To provide for a standard of weights and
5 measures and for the inspection and sealing of all weights and measures
6 and to enforce the keeping and use by vendors of proper weights and
7 measures duly tested and sealed.

8 Thirty fourth: To regulate the construction of all buildings,
9 chimneys and stacks; to prohibit and prevent the erection or maintenance
10 of insecure or unsafe buildings, walls, stacks or chimneys, and to provide
11 for their summary abatement; to prescribe the depth of cellars, the
12 material and methods of construction of foundations and foundation walls,
13 the manner of construction and location of drains and sewer pipes, the
14 thickness, material and construction of party walls, partition and outside
15 walls, the size and material of floor beams, girders, piers, columns,
16 roof, chimney flues and heating apparatus, and to apportion and adjust
17 such regulations to the height and size of the building to be erected;
18 to regulate the construction of privies and vaults in buildings; to
19 prohibit the construction of buildings not conforming to such prescribed
20 standard as it may prescribe, and to vary such regulations according to
21 the location of such buildings, and to direct the suspension at any time
22 of the erection of any such buildings as do not conform to such regulations.

23 Thirty fifth: To prescribe the limits within which wooden buildings
24 shall not be erected nor placed nor repaired without permission; and to
25 direct that all and any buildings within such fire limits, when damaged
26 by fire, decay or otherwise, to the extent of fifty (50) per cent of the
27 value shall be torn down and removed, and to prescribe the manner of
28 ascertaining such damages; and to provide for requiring the owners of
29 buildings or other structures, which shall have been destroyed or partially
30 destroyed by fire or otherwise, to take the same or any part thereof down,
31 to prevent accident, and in case of refusal or neglect of said owner to
32 so take the same down when ordered by officers designated by said Council,
33 then to cause the same to be done at the expense of the owner, the cost
34 thereof to be made a special assessment on the land on which said
35 buildings stand, and collected as other special assessments.

Thirty sixth: To require the owner or lessee of any building or structure now or hereafter built in the City to place thereon such fire escapes and appliances for protection against or for extinguishment of fires as it may direct, and to require such owner or lessee to do any act necessary or advisable to lessen the danger to human life in case of fire or accident.

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

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

Thirty ninth: To regulate the construction of chimneys and smoke stacks, and to prevent the emission of sparks and cinders from the chimneys and smoke stacks, and to declare the emission of sparks and cinders a nuisance, and to prescribe and require the use of such practical appliances as it may designate to prevent the emission of such sparks and cinders.

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

Forty first: To provide for and compel the reporting and recording of all births and deaths within the City.

Forty second: To regulate or prevent the burial of the dead within the City, and to regulate and determine the manner in which bodies which have been buried, or temporarily deposited in a vault or tomb or other

place for the purpose of burial, may be removed, and to regulate and control the location of cemeteries and crematories, and to vacate and cause the removal of bodies interred in any cemetery not existing according to law.

Forty third: To direct the location and regulate the management and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandlers, store houses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries within the limits of the city, or within a distance of one (1) mile without the limits thereof.

Forty fourth: To direct the location and regulate the use and construction of breweries, dispensaries, stables, livery stables, blacksmith shops and founderies within the limits of the city.

Forty fifth: To compel the owner of any cellar, or soap and tallow chandlery, pig sty, privy or other unsalubrious or noxious house or place, to cleanse, abate or remove the same, and to regulate and prescribe the location thereof.

Forty sixth: To regulate the keeping of any lumber yard, and the places for piling of timber, wood and other combustible material within the fire limits of said city.

Forty seventh: To establish and enforce rules for the use and regulation of all buildings maintained by the city.

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

Forty ninth: To require and provide for the removal or destruction throughout the city in such districts or on such streets and avenues, and in such manner as the Council may direct, of any and all swill, offal, garbage, ashes, street sweepings, barn yard litter, manure, rubbish, yard cleanings and the contents of privy vaults, cesspools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material, and to provide for the removal to a point beyond the city limits of any or all such matter or things, and the Council is

1 hereby authorized and empowered to make and enter into contracts with
2 persons or corporations for such removal of such material and
3 substances, or any of them upon such terms and conditions as it may deem
4 best, and for any time not to exceed five (5) years.

5 Fiftieth: To do all acts and make all regulations which may be
6 necessary and expedient for the preservation of health and the suppression
7 of disease, and to make regulations to prevent the introduction of
8 contagious, infectious or other diseases into the city, and to regulate,
9 control and prevent the landing of persons, baggage, merchandise or
10 property from cars or other conveyances, wherein are infectious or
11 contagious diseases or disorders, and to make such disposition of such
12 person or property as to preserve the health of said city, and to
13 prevent infected cars or other conveyances from coming within or near
14 the limits of the city.

15 Fifty first: To establish and regulate public wells, cisterns,
16 hydrants and reservoirs.

17 Fifty second: To regulate and control the quality and measurement
18 of gas, and to prescribe and enforce regulations for the manufacture and
19 distribution of gas, and to inspect gas and gas meters, and to control
20 and regulate the measurement and use of electricity and electrical
21 apparatus for furnishing light, heat and power in the city.

22 Fifty third: To establish offices for inspectors, weighers,
23 gaugers, scalers, electricians, market masters and such other officers
24 as it may be necessary to carry into effect the inspection laws of the
25 city, and the powers herein granted; and to regulate the duties of
26 said officers and to authorize and direct said officers to enforce
27 and carry into effect the provisions of any ordinance passed hereunder.

28 Fifth fourth: To prohibit and punish cruelty to animals and to
29 require the places where such animals are kept to be maintained in
30 healthful condition; and to inspect and regulate dairies and dairy
31 products, and to regulate persons engaged in selling milk within the
32 city.

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

Fifty sixth: To license, regulate and control the employment and occupation of minors on the public streets and other public places.

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

Fifty eight: To regulate and control the moving of buildings.

Fifty ninth: To name and designate such depository or depositories for the funds of the City as the Council may deem advisable and necessary.

Sixtieth: To pass ordinance providing for primary nomination of officers,

Sixty first: The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this act, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (100.00) dollars, or to be confined and kept at hard labor in the workhouse of the city, or upon the public works,

or to be confined in any place of confinement maintained by the city, or in case there be no such place, then to be confined in the County Jail of Chippewa County, and required to labor while so confined at the discretion of the committing Justice, not to exceed the term of ninety (90) days, and may provide that such imprisonment may be cumulative or for an indefinite term, not to exceed ninety (90) days, subject to suspension or termination by reason of or during good behavior of the person so imprisoned.

Sixty-second: All ordinances shall be adopted by a vote of the majority of the Council and shall be signed by the President, in the presence of the Council, countersigned by the Clerk and approved by the Mayor. In case of the refusal of the Mayor to approve any ordinance so passed, signed and countersigned, the same may be repassed by two-thirds votes of the entire Council; thereupon they shall be published in some paper, printed in said City for one week, and shall be in full effect from and after the termination of said week. The copy of such publication with proof thereof shall be preserved by the Clerk and such ordinances as published, recorded in a book procured for that purpose and such record shall be prima facie evidence of the due adoption, signing, approving and publication of such ordinances.

Sixty-third: That all ordinances in force in the Village of Montevideo, at the time of the adoption of this Charter, shall continue in force and effect in the City.

Sixty-fourth: The Council shall adopt, amend, or repeal such ordinances, resolutions, rules, regulations, by-laws and measures as it shall deem expedient for the purpose of carrying out, and exercising the foregoing powers; shall prescribe rules and by-laws for conducting its business, and performing its duties; shall hold regular meetings once a month and special meetings when called by the Mayor or any two members; and may exercise any and all other powers usually incident to municipal councils, except as limited by this Charter *and it may do any and all acts necessary for the extension of the city limits.*

Chapter 5.

FIRE DEPARTMENT.

Section 1.

The Fire Department shall consist of a fire chief, assistant fire chief, a fire warden and such members of the department as may join the same under the rules and ordinances of the city, and by appointment made by Council.

Section 2.

The fire chief, assistant fire chief and fire warden shall be elected by the members of the fire department, subject to the approval of the Council. The members of the fire department shall elect all other officers, and the fire chief shall assign to the members their places and duties.

Section 3.

The fire chief shall preside at all meetings of the department, take full charge of the men and apparatus, make all orders for the direction of the firemen when engaged in putting out fires. Cause all the property of the department to be kept in order and all the ordinances of the city to be enforced relating to the extinguishment of fires and protection and preservance of the property endangered by such fires, The assistant chief shall have the same power as the chief in case of the absence or inability of such chief to act.

Section 4.

The fire chief shall appoint by and with the consent of the Council, two or more persons to act as fire police. He may designate, in the absence of such fire police, two persons to act as such at any fire, but their authority shall end as soon as such fire be extinguished and the property effected thereby, put in such shape that the regular police can protect the same.

Section 5.

Any person refusing to obey any order of the chief of the department, when such department is engaged in putting out fires, shall be punished with a fine of not less than Five Dollars (\$5.00) nor more than Ten Dollars (\$10.00).

Section 6.

The Fire Warden shall cause all the laws of the State, the provisions of this Charter and ordinances of this City relating to fires to be obeyed and enforced and for that purpose shall have the authority to enter and to inspect all buildings and to require the same to be made to conform to the laws and ordinances; Anyone interfering with said fire warden when in the performance of his duties, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Thirty Dollars (\$30.00) or by imprisonment in the county jail not to exceed thirty days (30).

Section 7.

The department shall have power to adopt rules, regulations and by laws for its government, which shall be enforced so far as they are not contrary to any law, ordinance or charter provision.

Chapter 6.

POLICE DEPARTMENT.

Section 1.

The Police Department shall consist of the Mayor, a Chief of Police and such other policemen as the Mayor may appoint. Provided, however, that there shall not be employed more than one policeman or patrolman for each One Thousand (1000) inhabitants of the City, or major fraction thereof, for more than Ten (10) days without consent of the City Council.

Section 2.

The chief of police and all regular police officers shall possess the powers of a constable under the statute of Minnesota, and in addition thereto shall have power to execute and serve any warrant, writ or process issued out of any court of said City, and shall have authority to pursue and arrest anywhere in the State any person charged with, ~~with~~ ~~the~~ ~~violation~~ ~~of~~ the violations of, or who has violated any ordinance of such city, or committed any crime therein.

CONSERVATORS OF THE PEACE.

Section 3.

The Mayor, Alderman, Municipal Judge, City Justices, Chief of Police, Sheriff, all police officers and constables shall be conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits and for such purpose may require the assistance of all bystanders and, if need be of all citizens, and in suppressing any riotous or disorderly behavior or proceedings the authority to command shall be in the officer present, in the order named.

If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto required as provided in this section, he shall be guilty of a misdemeanor.

Section 4.

The chief of police shall have general supervision of the police department; make such provision for patrolling the streets as the police force provided with permit and the safety of the citizens and protection of property may require; diligently endeavor to detect and apprehend all persons who violate or attempt to violate the laws of the State, or the ordinances of the City; direct and control the police force and report all violations of law to the Mayor.

Provided, however, that no act contrary to the order of the Mayor shall be permitted.

Section 5.

It shall be the duty of the Mayor, the Chief of Police and each policeman to enforce all the laws of the State of Minnesota, and all the ordinances of the City, and to arrest all persons committing any offense.

Section 6.

The Mayor shall, within twenty four hours (24 hrs.) after making any appointment of policemen, or, if removing any policeman from office, file a statement of such action with the City Clerk. The Mayor shall have power to remove any member of the police force.

1 Section 7.

2 The Mayor may at the request of any person, corporation or
3 other organization desiring special police protection, appoint special
4 policemen who shall serve without expense to the City. They shall have
5 all the powers of regular police at such places and within such limits
6 as may be prescribed by the Mayor.

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8 Chapter 7.

9 HEALTH DEPARTMENT.

10 Section 1.

11 The health department of the City shall consist of three (3)
12 members, who shall be appointed annually by the Council at its first
13 meeting after a regular election. They shall be so appointed that
14 there is but one new member each year. One member shall be a duly
15 licensed physician. The duty of said health department shall be to
16 enforce all the ordinances of the City, ^{and} the laws of the State, ^{pertaining to health} and
17 they shall have all the powers pertaining to health, or local boards
18 of health, under laws of the State and the ordinances of the City.

19 Section 2.

20 The health department shall provide against the spread of con-
21 tagious and infectious diseases by an effective quarantining for which
22 it may prescribe rules and regulations independent of and superior
23 to the action of the Council, and any person offending against the
24 rules and requirements of such quarantine shall be punished by a fine
25 of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars
26 (\$100.00), or by imprisonment in the county jail for not less than
27 ten (10) nor more than Sixty (60) days.

28 -----
29 Chapter 8.

30 CITY FINANCE.

31 Section 1.

32 The Council shall have power to ^{taxes} levy upon all the taxable property
33 within the City, ~~except~~ to provide for the current expenses of the City
34 Government, and for the acquiring, improving and maintaining of all
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public grounds, and for the construction and maintaining of buildings, bridges, culverts and all improvements of a public character, and opening, constructing, maintaining and repairing roads, highways, streets and alleys and the construction of reservoirs, sewers, drains and street gutters, and the grading of streets, and for other purposes conducive to good order, general welfare, health and protection against crime.

Provided, ^{the aggregate of} that such taxes in One (1) year shall not exceed two (2) percent of the assessed valuation. All moneys not properly belonging to any other fund shall be paid into the General fund.

WATER WORKS FUND.

Section 2.

There shall be maintained in the Treasury a fund to be known as the Water Works Fund, into which shall be paid the proceeds of the sale of all bonds issued on account of same, the proceeds of any property used or operated by the department, and also all moneys arising from rent, and all other incomes arising from the operation of the water works department. All salaries and expenses incurred in the operation of the said department and in the maintenance of the same and the cost of construction, enlargement, alteration, or the repair of any and all stations, machinery and hydrants, and the proportion of the costs of any main or appurtenance chargeable to the City and not specially assessable, shall be charged to said fund; in case said department shall not be self sustaining, there shall be appropriated by the City Council, from the General Fund of the City an amount sufficient to meet the obligations of the said department.

LIBRARY FUND.

Section 3.

There shall be maintained in the Treasury a fund to be known as ^{which shall consist of} the library fund. ^{gifts} All moneys received from special taxes levied, appropriations, interests, penalties and the sale of property by the library board. This fund shall be under the control of the library board. All expenses of the board, salaries, the cost of acquisition, maintenance and operation of the library and of the property under the control of the board shall be paid out of this fund, on the order of the board.

INTEREST FUND .

Section 4.

There shall be maintained in the treasury, a fund to be designated as the interest fund, which shall be maintained by an annual levy upon all the taxable property of the city to an amount which, in addition to any balance remaining in said fund, shall be sufficient to pay the interest to become due during the next fiscal year, upon all the bonds or debts of the city. There shall ^{also} be maintained in the city treasury such other funds as may be necessary.

SINKING FUND.

Section 5.

When there shall be any bonded indebtedness of the City, the Council shall maintain a General Sinking Fund, for the purpose of accumulating money to pay the principal of the bonded indebtedness, and for the maintenance of this fund there shall be levied an annual tax of One (1) mill on each dollar of assessed valuation of the taxable property of the city, provided that if at any time the levy of one (1) mill together with the balance on hand shall be insufficient to pay the bonds as they become due, the Council may in its discretion increase the levy to such an amount as will produce funds sufficient to pay the bonds. The proceeds from all bonds sold by the City shall be placed to credit of the General Sinking Fund, unless otherwise provided. All surpluses and balances on hand in any of the City Funds may be, by Resolution of the Council, transferred to the General Sinking Fund.

When there shall be no outstanding bonds, the levy herein provided for may be transferred to the General Fund. Upon the issuance of new bonds by the City, such sinking fund shall be re-established and maintained as herein provided.

BONDS.

Section 6.

The City Council shall have the power to borrow money and issue the bonds of the City therefor for such amount as may be authorized by a majority of the voters of the City voting on the question, the votes to be polled and returns thereof made and canvassed in

conformity with the provisions of this charter respecting City Elections, and after due notice given under the direction of the Council. All bonds shall be redeemable within twenty years from their date. The bonds herein provided for shall bear no greater rate of interest than Five (5) per cent per annum, but this limitation, as to the rate of interest shall not apply in the case of the issuance of refunding bonds.

MONEY NOW IN TREASURY.

Section 7.

Within thirty (30) days after it has been declared that this charter has been adopted, it shall be the duty of the council, with the assistance of the Clerk and Treasurer, to apportion the money now in the City Treasury among the several funds herein provided for.

TAX LEVY.

Section 8.

The Council shall, on or before the 10th day of October each year, levy an annual tax upon all property taxable under the laws of the State, for the purpose of defraying and paying all expenses, obligations and liabilities existing or authorized, and for the maintenance of the several funds and departments above specified, and the levy shall be reported by the City Clerk forthwith to the County Auditor of the County and, shall be entered upon the tax list of such County and be collected annually in such manner as County and State taxes are collected.

POLL TAX.

Section 9.

Every male inhabitant of the City between the ages of Twenty-one (21) and Fifty (50) years, when not exempt by law, shall annually pay a poll tax of not less than one (1) day nor more than two (2) days' work upon the street, highways or public improvements of the city, and such number of days shall be fixed and levied by the Council by resolution, at one of its regular meetings in January, each year.

All persons liable to pay such poll tax pay, in lieu of work, pay to the Treasurer in cash One Dollar (\$1.00) for each days work fixed by the Council, such commutation to be paid before July 1st., next ensuing.

The Clerk shall, not later than the First day of May each year, prepare a full and complete list, in triplicate, of all residents of the city, who are liable to pay poll tax. Said list shall be compiled from the last voters list used at any municipal or general election, as the case may be, held in the city; And it shall be his duty to add thereto the names of all other persons liable to pay said tax who have been omitted from said poll list or who have become residents since the same was prepared. The list shall, after the name of each person thereon, contain a check mark in the proper column to indicate the ward in which such person resides at the time such poll tax list prepared and, if exempt, the cause thereof; and if such person has died or removed from the City, the fact shall be indicated on said list. The list, when completed, shall be submitted to the Council for approval, and when corrected and approved one copy thereof shall remain in the office of the Clerk, and be at all times open for inspection, one copy shall be delivered to the Treasurer, and the third shall be delivered to the Street Commissioner, and shall be prima facie evidence of the liability of the persons named therein to payment of poll tax and regularity of the proceedings levying the same.

The Clerk shall, not later than the Tenth day of May, each year, notify each person in the City who is liable to poll tax, by mail, of the amount of his said tax, and that it may be commuted at the rate of One Dollar (\$1.00) per day, by payment at said rate to the Treasurer, who shall receive all such payments, and place them in the general fund, and shall make each month a detailed report thereof to the Council at its regular meeting. Said report shall give the name and ward of each person who has made payment of said poll tax during the preceding month; All of said poll tax which shall not have been commuted shall be worked out, in the manner provided by the laws of the State, for the collection of highway labor in towns, except that the same shall be worked under the supervision and direction of the Street Commissioner.

If shall also be the duty of the Street Commissioner to add to said list the names of all persons legally liable to the tax who may have ~~omitted~~ been omitted from said poll tax list, and to report the same to the Council, and to compel all such persons to work or commute said poll tax.

Failure on the part of the Street Commissioner to make said reports, or any of them, or to add the name of all such persons liable to poll tax to said list and to require them to pay or commute the same, and properly report to the Council all such persons who fail, refuse or neglect to pay or commute said poll tax, shall be grounds for dismissal from his office.

Every person, liable to poll tax, who has been duly notified to work his poll tax and does not commute, and who refuses or neglects to appear at the time and place required, and directed by the Street Commissioner ~~and~~ ~~and~~, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the penalty provided by statute.

Chapter 9.

FRANCHISES.

Section 1.

The voters of the City shall have the power to grant franchises for the occupation of the streets, alleys and public grounds of the City for the use of telegraph, telephone and electric light poles and wires, for street car tracks, for laying of gas pipes or mains, electric conduits, and for other purposes for the use, convenience and accommodation of the public, and in all cases the Council shall regulate and control the same, so as not to interfere with the construction or maintenance of sewers or lateral branches thereof, or with the proper location of water mains and pipes, and the Council may at any time require the location of any such poles, pipes, conduits or anything else so authorized, to be changed, if the same shall be found to interfere in any way with the proper and convenient location of sewer or water mains or pipes or the poles, wires, cross arms or attachments of such lighting and power plant, or any other way inconvenience the public; provided that all such franchises shall be subject to the regulations and restrictions hereinafter contained.

LIMITS.

Section 2.

No exclusive franchise shall ever be granted; and no franchise shall be granted for a term to exceed Twenty (20) years.

APPLICATION AND VOTE.

Section 3.

The person, firm or corporation desiring any franchise, right or privilege shall make written application therefor and file such application together with the form of franchise, right or privilege desired with the Clerk, and at the same time deposit with the Clerk the sum of Fifty Dollars (\$50.00) to cover the cost of the election thereon and the publication of such application if the Council direct the publication thereof. Upon the filing of such application and the deposit of Fifty Dollars (\$50.00) the Council shall submit the question of the granting of such franchise to the voters of the City at any general or special election, provided, however, that no such franchise shall be granted unless three-fifths of all voting on the question shall vote in favor of the same.

CONTROL AND PERCENTAGE.

Section 4.

Every franchise shall contain a provision reserving to the City Council the right to regulate and control the business for which said franchise shall be granted and to limit the rates to be charged for any service to be rendered, and the City Council shall have the right in its discretion to provide for the payment to the City of a percentage of gross earnings.

ACQUISITION.

Section 5.

Every franchise shall contain a provision granting the City the right to acquire it at the end of every Five (5) years, if a majority of the voters of the City vote in favor of such acquisition.

Whenever Two Hundred (200) or all votes of the City petition the Council to acquire a franchise, the Council shall within thirty (30) days after the presentation of such petition submit the same to the voters of the City, at a regular or special election called for that purpose.

PRIVATE OWNERS.

Section 6.

The Council may permit any person or number of persons associated

1 together for such purpose to construct or lay private sewers in any
 2 of the streets or alleys of the City, provided the same makes proper
 3 connections with the public sewers and conforms in all respects
 4 with such rules, regulations and requirements as may be prescribed by
 5 said Council by ordinance; and such sewers shall be constructed under
 6 the direction and supervision of the Council, or such officers as
 7 it may designate for such purpose; provided, that the City shall
 8 have the right of way to connect any public sewer with such private
 9 sewer without the payment of any fee for such connection and the Council
 10 shall have the right to prescribe by ordinance the manner and terms
 11 upon which any person not joining in its construction may have the
 12 right to make subsequent connections with such sewer; and provided
 13 further, that the City may acquire and take possession of the same at
 14 any time when the public welfare demands it.

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 16 Chapter 10.

17 EMINENT DOMAIN AND LOCAL IMPROVEMENTS.

18 Part 1.

19 EMINENT DOMAIN.

20 Section 1.

21 The City is hereby empowered to acquire, by purchase, condemnation
 22 proceeding or otherwise, any property, wheresoever situated, within or
 23 without the City limits, which may be needed by the City, any Board
 24 or Department thereof for any public purpose.

25 And the fact that the property so needed has been obtained by
 26 eminent domain, or is already devoted to a public use shall not
 27 prevent its acquisition by the City.

28 Where nothing is specified to the contrary the City, in acquiring
 29 property shall acquire the fee title therein, except in case of streets
 30 and alleys.

31 The City is hereby empowered, except as hereinafter specified,
 32 to levy assessments upon any property benefited by any improvement,
 33 which may be made by the Council under the provisions of this Chapter,
 34 to the extent of such benefits, without regard to valuation.

LIMITATIONS.

Section 2.

Except in cases of improvements to abate a nuisance, no real estate shall be assessed for benefits resulting from the taking or injuring of real property, unless the owners of at least one-half of the real estate to be assessed therefor, as appears by the last assessment for general tax levy found in the office of the Auditor of Chippewa County, Minnesota, at the time of the presentation to the Council of the petition for improvement, shall petition therefor, which petition shall be filed with the Clerk.

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

In cases where the total damage and expense of taking or injuring real estate for any improvement shall not exceed One hundred and Fifty Dollars (\$150.00), the same shall be a general charge upon the City and payable out of the appropriate fund; if there be no such fund, then out of the general fund. Two or more improvements described in the foregoing section may be combined in one proceeding, if deemed best and so ordered by the Council.

Division 1.

Procedure Where There May Be An Assessment For Benefits.

Section 3.

When the Council shall determine that it is necessary to take, damage or destroy any property of any description for any public purpose, it shall declare the same by resolution, in which shall be stated in a general way the nature and extent of the proposed improvement, and the property proposed to be taken therefor. The property, if any, that shall be benefitted by such proposed improvement, and upon which assessments therefor may be made. Thereupon the Clerk shall publish a notice in a City paper, once a week for two successive weeks, stating that said matter is pending before the Council, describing in a general way the property proposed to be taken, and the other facts specified in such resolution, and fixing a time and place when and where any person may be heard by the Council concerning the taking of such property and the assessment upon such other property of the

cost of said improvement; and it shall be the duty of the Council at such time and place to hear any person who may wish to be heard concerning such taking and concerning the assessing on other property of the cost of such improvement.

Objection to either such taking or assessment shall be in writing, and filed with the Clerk at least one day before the time set for the hearing. Thereupon the Council shall cause to be made and filed with the Clerk a plat and survey of such property, showing the nature, course and extent of the improvement, and the property necessary to be taken, damaged or destroyed therefor, and the parcels of land to be benefited thereby, together with the names of the owners of each parcel of such property, as the same appears upon the last assessment roll in the office of the County Auditor of the County in which the property is situated at the date of the resolution above referred to, together with such statements as may, in the opinion of the Council, be proper to explain such survey and the nature and extent of such proposed improvement; and such plat and survey may be amended, modified or changed. If the Council decide after a hearing to proceed with such condemnation and assessment, it shall, by resolution, adopt such plat and survey and order and direct the making of the improvement, and the assessment of the property benefited to pay the costs thereof.

COMMISSIONERS.

Section 4.

After the passage of the resolution specified in the foregoing section the Council shall then, or at a subsequent meeting, appoint three (3) commissioners, all of whom shall be freeholders and electors of the City and not in any way interested in any property to be affected by the proceeding, to view the premises, and ascertain and award the amount of damages and compensation, if any, to be paid for the property to be taken or injured for such improvement, and to assess the amount of such damages and compensation and the expense of the improvement, so far as the same can be assessed, upon the lands to be benefited by such improvement, in proportion to the benefits to be received by each parcel, without regard to valuation. Before entering upon the discharge of their duties, such commissioners shall take and

1 subscribe an oath to discharge their duties with fidelity, and make
 2 a just and impartial appraisal and award of damages and assess-
 3 ment of benefits, which oath shall be filed with the Clerk, and in
 4 case any such commissioner shall fail to qualify in five (5) days
 5 after being notified by the Clerk of his appointment, or in case of
 6 vacancy for any cause, the Council may appoint another to fill the
 7 vacancy.

8 SERVICE OF NOTICE.

9 Section 5.

10 The City Clerk shall give fifteen (15) days' notice, by one
 11 publication in a City paper, of the time and place when and where
 12 the Commissioners will meet to make said award and assessment, in
 13 which notice he shall describe the land to be condemned by general
 14 description, and shall specify the purpose of the assessment
 15 and in a general way what property will be assessed therefor. He
 16 shall cause a copy of such notice to be served in the manner in
 17 which a summons in District Court is required to be served upon all
 18 owners of the lands to be condemned, as appears by the last assessment
 19 list in the office of the Auditor of the County, in which said lands
 20 are situated, who can be found in Chippewa County, and also upon all
 21 persons occupying said lands; and he shall mail, with postage
 22 prepaid, a copy of such notice to all non-residents of Chippewa
 23 County appearing to be interested in said lands, to the last known
 24 postoffice address of such non-residents. Proof of the service of
 25 such notice shall be made by affidavit of the party serving the same,
 26 stating the time, place and manner of service, and if served by mail,
 27 how each notice was addressed, ^{and} such affidavit shall be filed in the
 28 office of the Clerk.

29 VIEWING PREMISES--TAKING EVIDENCE.

30 Section 6.

31 The Commissioners shall view the premises to be condemned, and
 32 receive any legal evidence that may be offered for the purpose of
 33 proving the true value thereof and the damages that may be sustained
 34 or the benefits that may be conferred, if such benefits are assessable
 35 by reason of the contemplated improvement; and said commissioners

for this purpose are hereby authorized to administer oaths to all witnesses, and may adjourn the meeting from time to time until such assessment is completed; and said commissioners shall have authority to send for persons and papers and to compel attendance of witnesses, and shall have authority to issue subpoenas for such purpose.

HEARING.

Section 7.

All persons interested in any property to be condemned, or to be assessed for such improvement, and the attorney for the City, may be present and be heard and adduce evidence before said Commissioners at said hearing. If, at the hearing, additional property to that described in the notice shall be included in the assessment for benefits or part of the property be excluded therefrom, no new notice shall be necessary.

APPRAISEMENT OF DAMAGES.

Section 8.

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

DAMAGES TO BE ASSESSED.

Section 9.

Having ascertained the damages and expenses of such improvement, the said Commissioners shall thereupon apportion and assess the same, together with the cost of the proceedings, upon the real estate, if any be assessable therefor, by then deemed benefited by such improvement, in proportion to such benefits; but in no case shall the amount of such assessment exceed the actual benefit to the parcel so assessed.

ASSESSMENT ROLL.

Section 10.

The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the names of the owners thereof, so far as known to the Commissioners (and, if unknown, they shall so state), and the amount of damages awarded to, and benefits, if any, assessed against each parcel of property.

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

NOTICE OF COMPLETION AND CONFIRMATION.

Section 11.

When completed, the City Clerk shall cause to be given ten (10) days' notice, by one publication in a City paper, to the effect that the proceedings have been completed, and that at a time and place therein specified the commissioners will attend for the purpose of hearing objections. All objections must be filed with said Clerk at least one (1) day prior to the time of hearing, and that unless sufficient cause is shown to the contrary, the said award and assessment will be then and there confirmed. Said notice shall contain a copy of the assessment roll, as completed, and no objection shall be considered unless the same be filed as herein provided; but the commissioners may, in their discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objections, to do so at the time fixed for the hearing.

NEW NOTICE MAY BE GIVEN.

Section 12.

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

COMMISSIONERS MAY ADJOURN AND REVISE.

Section 13.

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

PROCEDURE AFTER CONFIRMATION.

Section 14.

When said assessment is confirmed, it shall be filed with and entered in a book kept for that purpose by the Clerk, who shall forthwith, under the direction of the Council, certify said assessments to the Auditor of Chippewa County and to the Treasurer of the City, as hereinafter provided.

RE-ASSESSMENT.

Section 15.

If said assessment shall be set aside by the Commissioners, as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, said Commissioners shall forthwith proceed de novo, without any further order from the Council, to make another or new assessment, and they shall proceed in like manner and like notice as herein required in relation to the first assessment, and all parties in interest shall have like rights, and the said Commissioners shall perform like duties and have like powers in relation to any subse-

quent determination as are hereby given in relation to the first assessment. Provided, however, that, if the damages or benefits assessed to any parcel of land shall not be appealed from or shall not have been set aside by the Court, the said Commissioners in any subsequent assessment may omit such parcels of land as to which the first assessment shall not have been set aside or appealed from, or of which said assessment shall have been paid; and as often as an assessment against any parcel of real estate for any local improvement is set aside the same shall be re-assessed until said property shall have paid its proper proportionate share of benefits accruing from said improvement. Provided, further that no second or other assessment for benefits can be made against any parcel of land which the Court shall adjudge is not benefited by the improvement for which the assessment was attempted to be made, or which the Court shall adjudge is not subject to assessment.

Division 11.

Where there can be no assessment for benefits.

PROCEDURE.

Section 16.

Whenever, in cases of condemnation of any such property set forth in Section 1 of this chapter, where there can be no assessment for benefits, all of the acts and proceedings required to be had and done in Division 1 of this chapter shall be had in Division 11 hereof, where there can be no assessment for benefits, except that the Commissioners in the latter case shall in no event make an assessment for benefits. And all the provisions of said Division 1 shall, so far as applicable, apply to and be in force hereunder in Division 11 hereof, to condemn property where there can be no assessment for benefits.

COMPENSATION OF COMMISSIONERS.

Section 17.

Whenever any commissioners appointed under the provisions of this chapter shall have confirmed their assessments or their award, and certified and filed it with the Clerk and all appeals have been disposed of, and they shall have finally completed their work as such

commissioners, the Council shall pay them such reasonable compensation for their services as it may deem just.

EFFECT OF AWARD.

Section 18.

Whenever an award of damages shall be made and confirmed and not appealed from, or whenever the Court shall render final judgment in any appeal hereunder, the rights of all parties in said matter shall be finally fixed and determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to public use of any property or rights specified in Section 4 of this chapter for which damages are awarded, and every right, title and interest therein and thereto and every lien thereon shall be thereby divested, and the City shall become vested with and entitled to and become the owner of the property taken and condemned, absolutely, for all purposes except as to lands taken for street, alley or highway purposes, in which the City shall only acquire an easement for such purposes. And the City shall be bound to and shall, within one year of such final determination, pay the amount of such award with lawful interest from the date of the final award or confirmation thereof, or judgment of Court as the case may be; and if not so paid, judgment therefor may be had against the City. In case there is any doubt as to who is entitled to such compensation or damages, or any part thereof, the Council shall set it apart in the Treasury for whoever shall establish his rights thereto by a proper judicial proceeding and the production of a certified copy of his judgment, and in all cases, before payment of any such award, the owner of such property or the claimant of the award shall furnish satisfactory evidence to the Council of his rights to such award.

ABANDONMENT.

Section 19.

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

DESCRIPTIONS TO BE RECORDED.

Section 20.

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

Part II.

LOCAL IMPROVEMENTS.

Division 1.

Procedure for making improvements--Grant of powers.

Section 21.

The City is hereby authorized to fill, excavate, grade, improve, protect and ornament any public park, square or ground; also, to construct, improve or ornament any park, boulevard or cross street; also to plant and protect shade and ornamental trees along streets and avenues; also to construct and lay drains and pipes for surface water and private drains in, over or under any street, lane, alley or highway; to drain lowlands within the City, when they constitute a nuisance, and the whole or any part of such expense may be subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to valuation, to be determined and levied in the manner hereinafter provided.

PETITION BY PROPERTY OWNERS.

Section 22.

The City shall not have any power to assess upon any real estate any part of the expense of constructing any sewer or drain, or pipe for surface water or private drain, unless at least 25 per cent of the owners of the real estate to be assessed therefor shall first petition the Council for such improvement.

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EXEMPT PROPERTY.

Section 23.

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

SEVERAL IMPROVEMENTS.

Section 24.

One or more of such improvements upon one or more streets may be made at the same time, under one order and in one assessment proceeding, and may in that case be included in one contract; but in such case the expense of each improvement shall be separately apportioned and assessed upon the several parcels of land benefited by such improvement in proportion to such benefit.

APPLICATION.

Section 25.

All applications, proceedings or propositions for any improvement authorized in Section 21 of this chapter shall be made to or emanate from the Council. Any such application or petition made to the Council shall be in writing and, if made by owners of property liable to be assessed therefor, shall state the place of residence of each signer and shall specify the real estate owned by each signer which he believes will be benefited by the improvement therefor, and such petition shall be verified by the oath of each signer, and shall be prima facie evidence of its contents and of the facts therein stated, and shall be preserved in the office of the Clerk. The Council shall investigate the proposed improvement and the cost thereof, and whether the requisite number of owners have joined in the petition and, if it shall be determined that such improvement or modification thereof shall be necessary, it may in its discretion, by resolution, declare its purpose to make said improvement, which resolution shall state the facts so far as applicable required to be stated as specified in Section 3 of this chapter. Thereupon, the Clerk shall give notice like that required in ~~Section 5~~ Section 5, and all the provisions of said section, so far as applicable, shall apply to and govern the action of the Council in this proceeding.

CONTRACT AND ASSESSMENT.

Section 25.

When the Council shall authorize any improvement described in Section 21 of this chapter it shall cause the work described in said order to be let and done by contract. Upon the making of such order and the letting of such contract, the Council shall thereupon, or at a subsequent meeting, appoint three (3) Commissioners, who shall have the same qualifications and powers and qualify in the same manner and perform the same duties, so far as necessary and proper, that are prescribed in Section 4 of this chapter.

Said Commissioners shall proceed without delay to assess so much of the amount necessary to pay the cost of such improvement as is assessable, including the expense of making such assessment, as nearly as they can ascertain the same, on the property benefited thereby, in proportion, as nearly as may be, to the benefits resulting therefrom, but in no case in excess of such benefits. In making the assessment roll the commissioners shall describe separately each parcel of property assessed and the amount assessed against the same, and shall state the names of the owners thereof so far as known to said Commissioners. No mistake or omission in the owner's name shall in any wise affect such assessment.

RAILWAYS.

Section 27.

When, in any case, any portion of the cost and expense of making any improvement mentioned in Section 21 of this chapter shall, by virtue of any law or ordinance or by virtue of any contract, be chargeable upon any railway or street railway company, the amount so chargeable may be assessed against such property, and one-half only upon such real estate so benefited thereby; and the city may collect the amount against a railway company by distress and sale of personal property, in the manner provided by the general laws of the State in the case of taxes levied upon personal property, or by suit brought to enforce the collection; provided, however, that any real estate belonging to such railway company and subject to assessment and deemed benefited by any such improvement, shall be assessed as in other cases.

NOTICES TO BE GIVEN.

Section 28.

Before proceeding to make an assessment for any improvement mentioned in said section 21, the Clerk shall give the notice prescribed in Section 5 of this Chapter, and all the provisions of said Section 5 so far as applicable, shall apply to and govern the acts and proceedings.

NOTICE OF HEARING OBJECTIONS AND CONFIRMATION.

Section 29.

The Commissioners shall view the premises, take evidence, hear all parties interested and assess the benefits, and in performing these duties all the acts and proceedings of the Commissioners shall be done under the provisions of Sections 7, 8, 9, 10 of this Chapter, and all the provisions of said Sections, so far as applicable, shall apply to the acts of said Commissioners under this Section, and when said assessment is confirmed it shall be final and conclusive upon all parties not appealing therefrom.

ASSESSMENT TO BE CERTIFIED.

Section 30.

When said assessment is confirmed, it shall be duly certified, by said Commissioners, and filed with and entered in a book kept for that purpose by the Clerk, who shall certify, under the direction of the Council, said assessment to the Auditor of Shippen County, and said Auditor shall at once return said assessment for collection against the several parcels of property certified to him upon the proper books in his office.

Any such assessment and the interest thereon which shall not have been paid on or before the first day of January following, the return thereof shall thereafter be payable to the County Treasurer as other taxes and assessments are payable, and shall become delinquent, and be subject to a 10% penalty as State and County taxes; and the County Treasurer shall make settlement with the City Treasurer for all collections made by him or any other person in the same manner as for other taxes levied in the City.

The Clerk shall also file and certify a copy of said settlements to the Treasurer of the City, whose duty it shall be to receive payment of all such assessments and interest, up to and including the

31st., day of December following, and said assessment shall bear interest at the legal rate from the date of the filing of the same with said Clerk.

When any such assessment is paid to the Treasurer of the City, he shall give duplicate receipts therefor, one of which shall be delivered to the Clerk, who shall thereupon mark upon his roll opposite the appropriate parcel of land the words "Paid on the day of ;" and on the 1st., day of January following, the Clerk, after comparing his roll with the roll in the office of the Treasurer, shall certify to the County Auditor all payments made on account of such assessment, and said Auditor shall mark on his book, opposite the appropriate parcel of land, therein described, the word "Paid".

APPEAL.

Section 31.

Any party interested in any property taxes, damaged or assessed in any proceedings under this Chapter, or the City, may appeal to District Court of the County in which the property is situated from an award or assessment of damages or liabilities in the manner herein provided for, and the City upon the written request of fifteen (15) resident tax payers of the City, shall appeal from such award or assessment to the District Court of the County.

PROCEDURE ON APPEAL.

Section 32.

Said appeal shall be made within Fifteen (15) days by serving a copy of notice of appeal upon the Clerk of the City, stating that the appellant appeals to the District Court from said award or assessment, which notice shall contain a description of the property so assessed, his interest in said appeal, and the objection of the appellant to such award or assessment, and by filing with the Clerk of said Court, within Ten (10) days thereafter the notice of appeal with proof of service thereof. In case of an appeal it shall be the duty of the Clerk of the City within Ten (10) days after service upon him to prepare and deliver to the appellant a copy of the award of assessment roll as confirmed.

It shall be necessary to include in such copy only those pages

which are pertinent to the property involved in such appeal, which copy, within Fifteen (15) days after the taking of such appeal shall be filed by the appellant in the office of the Clerk of Court. The District Court may, for good cause shown, grant further time for filing such certified copies, or may, when necessary, require a further return to be made. The cause shall be entered by such Clerk in the name of the person taking said appeal against the City as an "Appeal from assessment or award", and it may be brought on for hearing by either party.

PROCEDURE IN COURT.

Section 33.

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

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

Disbursements, but no costs, may, in the discretion of the Court, be allowed upon such appeal as in other civil case; but any judgment entered therefor against said City shall be a separate judgment and paid out of the general fund of the City. Upon the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the State.

RE-ASSESSMENT.

Section 34.

The Commissioners may re-assess any parcel of land for benefits for local improvements, when deemed necessary and proper by them, and in such case all the provisions of ~~the~~ this Chapter, so far as applicable, shall apply to and govern the acts and proceedings of said Commissioners. And said Commissioners are hereby authorized in their discretion, to levy an additional assessment upon parcels of land benefited by such local improvement in all cases where it shall be found that the actual cost of making said improvement has exceeded the total amount of benefits already assessed, and in such case such additional assessment shall be for such additional cost, and in such case like notice shall be given and similar proceedings had in all respects as in making said original assessments.

WHEN ASSESSMENT A LIE.

Section 35.

From and after the date of the confirmation of the assessment, as provided for in this Chapter, such assessment shall be a lien on all property affected thereby.

DEDUCTION FOR PROMPT PAYMENT.

Section 36.

A deduction of five per cent shall be allowed on all assessments paid before the lapse of time for the appeal hereinbefore provided for.

ASSESSMENT ALREADY LEVIED.

Section 37.

The foregoing provisions shall not affect the collection of assessments already made.

OMISSION OF ASSESSMENT ON CORNER LOTS.

Section 38.

The Council may, in its discretion, in case of any corner lot, when one frontage of such lot has been fully assessed for laying any water main or sewer, in case like improvement is to be made along the street on the other frontage of such lot, omit the assessment for such new improvement on such lot to an extent not exceeding a frontage of Sixty (60) feet of any such lot as it may deem just; but the discretion

of the Council in such matters shall be final, and the refusal or failure of the Council to make such omission shall not be ground for setting aside such assessment in any court or proceeding.

PART III.

MAKING OF IMPROVEMENTS.

Section 39.

Division 1.

Except as herein otherwise provided, the previous provisions of this Chapter shall apply to contracts mentioned in this division in like manner as to other contracts of the City.

PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.

Section 40.

Whenever any public improvement shall be ordered to be let for which an assessment is to be made as aforesaid the Council shall cause a plan or profile of the work proposed, together with the specifications for the doing of the same, to be prepared, which shall be deposited with the Clerk, and kept by him at all times open for the public inspection. If the permanent improvement revolving fund shall contain sufficient funds to pay the estimated cost of the proposed improvement in addition to the cost of all other improvements then under construction or contract, but not otherwise, the Council shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for. Provided this shall not apply to street sprinkling, cleaning or building sidewalks.

RIGHT TO SUSPEND WORK.

Section 41.

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

ESTIMATES.

Section 42.

In the course of the proper performance of a contract the Council may, from time to time, not oftener than once a month, as the

work progresses, allow to the contractor estimates of the amounts already earned, less 15 per cent thereof, which, when ordered by the Council, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the whole work has been completed by such contractor to the satisfaction of the Council, the balance due may be audited and allowed by the Council on a final estimate by the Council, and shall be payable out of the moneys applicable to the payment of such work.

GUARANTEE OF DURATION.

Section 43.

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

COUNCIL TO COMPLETE WORK.

Section 44.

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

PROPERTY OWNERS MAY CONSTRUCT STREETS.

Section 45.

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

Chapter 11.

STREETS AND HIGHWAYS.

Section 1.

The Council shall have the custody and control over the Streets, alleys, highways, side walks and other public places within its limits, and may lay out, open, extend, widen, straighten, fill, excavate, grade, level, pave, repave, curb, wall, bridge, gravel, macadamize, plank, ^{or} sprinkle, sweep, and light any such street, alley, highway or sidewalk and keep the same in repair, and may for the purpose of drainage, construction of bridges, or making other necessary public improvements, or the improvement of the health or sanitary condition of the city, enter upon, lower, raise, change the course of, or divert any stream of water, within the limits of the City and may cause to be built, maintained or repaired, bridges across streams or railway tracks.

GRADES.

Section 2.

The Council may, by ordinance, establish the grade of any street or alley when such grade has not been established, and may, by ordinance passed by a vote of three-fifths of the members of the Council, change the grade of any street. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the Clerk.

Provided, however, that when the grade of any street shall have once been established and the record thereof filed with the Clerk, such grade shall not be changed except upon the petition of a majority of the owners of property abutting such street.

SIDEWALK REPAIRS.

Section 3.

If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good and substantial manner and report to the Council the cost of such repairs in each case and a description of the lot or parcel of land abutting the walk, and such report ~~may be~~ shall be filed and preserved by the Clerk; and the Council shall, after giving

the owner Ten (10) days notice personally, if with the City and, if not to be found within the City, then by mailing the same to his last known address, assess and levy upon each of the lots or parcels of land the cost of making such repairs. Such assessment, for all such repairs for the year, may be combined in one assessment roll and be collected as provided for in the Chapter on local improvements of this Charter.

LIABILITY FOR OBSTRUCTION OF STREETS.

Section 4.

All persons who shall, by means of any excavations in or obstructions upon any street not authorized by law, or the ordinances of the City, render such streets unsafe for travel, or who shall by negligence in the management of any excavation or obstruction as may be authorized, or by the failure to maintain proper guards or lights thereat, render such streets insufficient or unsafe for travel, shall be liable for all damages not caused by negligence of the party injured, and no action shall be maintained against the City for such damages, unless such person or persons shall be joined as party defendants; in case of judgment against the defendants execution shall first issue, only against the defendant causing such damage or injury, and the City shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the City shall pay such judgment, it shall become the owner thereof and may enforce payment from the other defendant or defendants and shall be entitled to execution and to take such other proceedings as judgment creditors are entitled to take.

ACTIONS FOR INJURIES.

Section 5.

Every person who claims damages from ^{the} ~~any city, village or town~~ for loss or injury sustained by reason of any defect in a street, road, bridge, or other public place, or who by reason of the negligence of its officers, agents, or servants, shall cause to be presented to its Council or other governing body, within Thirty (30) days after the alleged loss or injury, a written notice stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given, or if commenced within Ten (10) days thereafter, or more than one year after the occurrence of the loss or injury.

PLATS.

Section 6.

Whenever any person shall subdivide any piece of ground within the City, he shall cause the same to be surveyed and platted in accordance with the provisions of Chapter 64 of the Revised Laws of Minnesota for the year 1905, and when so completed the said survey and plat shall be presented to the Council for its approval. The acceptance of such plat or addition shall not make the City liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the same are graded and opened for travel under the direction of the Council.

VACATION OF STREETS.

Section 7.

The Council may, upon petition signed by a majority of the owners of property on the line of that portion of any street, alley, public ground, or highway proposed to be vacated, stating the facts and reasons therefor, order the vacation of any street, alley, public place or highway, "after one week's published notice of the filing of such petition and for sufficient cause shown".

Chapter 12.

INTOXICATING LIQUORS.

Section 1.

All general laws of the State of Minnesota pertaining in any manner to intoxicating liquors shall, so far as applicable, be in force in and apply to the City.

It is provided, however, that the legal voters of the City, shall have the authority and power to vote upon, and determine for themselves, the question whether or not license for the sale of intoxicating liquors as a beverage shall be granted by the Council; and it shall be the duty of the Clerk, upon receiving a petition for that purpose, of ten (10) or more legal voters, at any time not less than Twenty (20) days before any annual election, to give at least ten (10) days notice that the question of granting license for sale of intoxicating liquors as a beverage shall be submitted to the legal voters thereof, at the next ensuing election, which question shall be decided by ballot containing the words, "In favor of license," or "Against

license," as the case may be, provided, however, that the failure or neglect of the clerk to give the notice required herein shall not invalidate the vote and determination made under the provisions of this section, if the petition therefor shall have been duly filed. The votes upon such question shall be on a separate ballot and deposited in a separate box, ^{and} in all other respects it shall be taken, canvassed, returned and announced in the same manner as is provided ~~for the taking, canvassing and returning of~~ for the taking, canvassing and returning of the votes for the election of city officers, which determination so made shall continue until the same shall be revoked at a subsequent election in the same manner; and if such returns show that the majority of the votes cast at such election on said question shall be in favor of license then the Council may grant license to any suitable person of lawful age who is a bona fide resident of this State, for the sale of intoxicating liquors. The Council shall have the exclusive right, within said City, to license persons vending, selling or disposing of intoxicating liquors as a beverage, and no person shall be licensed by the Council to sell or deal in intoxicating liquors as a beverage, unless he shall fully comply with all the requirements and be subject to all the penalties as provided in the ordinances, the general statutes of the State of Minnesota and of the United States; provided, that whenever the people shall have voted against the issuance of license for the sale of intoxicating liquors it shall thereafter be unlawful for any person or corporation to sell, barter or give away the same, at retail or wholesale, in any quantity whatever.

The foregoing is a draft of the proposed charter of the City of Montevideo, in the County of Chippewa, in the State of Minnesota, framed and adopted by the Commission appointed by the judges of the District Court of the Twelfth Judicial District of said State, under and pursuant to Section Thirty-six of Article Four of the Constitution of Minnesota, and Section 748 to 758, and acts amendatory thereof, and said draft of said proposed Charter is hereby returned to the Honorable George H. Claggett, President of the Village Council of the Village of Montevideo, according to law.

Dated at Montevideo this 22nd., day of May, A.D. 1908.

Lyndon Smith President.

C. A. Hassie's Secretary.

W. A. Pappas

Wm. H. Boyer

A. O. Eliason

Chas. H. Budd

Elias Jacobson

F. J. Bueler

S. F. Claggett

J. M. Severens

John O. Anderson

John Sherdahl

W. Pearson

A. R. Rector

A. Johnson

State of Minnesota,)

County of Chippewa,) ss.

Village of Montevideo,)

I, George H. Claggett, President of the Village of Montevideo, in the County of Chippewa and State of Minnesota, do hereby certify, that the foregoing proposed City Charter was, on the 15th day of June 1908, returned and delivered to me, as such President, by the Charter Commission duly appointed under the provisions of Section 36 of Article 4 of the Constitution of Minnesota, and Sections 748 and 749 of the Revised Laws of Minnesota of 1905, and acts amendatory thereof and supplemental thereto, to be submitted to the Voters of the said Village, according to law.

Witness my hand this 1st day of July 1908.

George H. Claggett
President.

State of Minnesota,)

County of Chippewa,) ss.

Village of Montevideo,)

I, J. M. Severens, Clerk of the Village of Montevideo, in the County of Chippewa and State of Minnesota, do hereby certify, that, at a Special Meeting of the Village Council of said Village, held at the Council Room, in the Court House in said Village, on the 17th day of June 1908, pursuant to call duly made and notice duly given, the following resolution was adopted:

"Whereas, The proposed New Charter of the City of Montevideo, in the County of Chippewa and State of Minnesota, has been framed and adopted by the Commission appointed by the Judges of the Twelfth Judicial District of said State, and

Whereas, A draft of said Proposed Charter has been returned and delivered to the President of Said Village pursuant to law, therefore

Be it resolved by the Village Council of said Village of Montevideo, That said Proposed Charter be submitted to the voters of said Village at a Special Election to be held for that purpose, and

Be it further resolved, that a Special Election for that purpose shall be and is hereby ordered to be held on Tuesday, the 30th day of June 1908, at the Fire Department Room in the Public Hall, and

Be it further resolved, that the Village Clerk give, and he is hereby ordered to give, due notice of such Special Election, as required by law."

Dated July 1st 1908.

J. M. Severens
Village Clerk.

State of Minnesota,)

County of Chippewa,) ss.

Village of Montevideo,)

I, George H. Claggett, President of the Village of Montevideo, in the County and State aforesaid, do hereby certify, that the foregoing proposed City Charter was submitted to the qualified electors of said Village of Montevideo by the Village Council of said Village at a Special Election held for that purpose on the 30th day of June 1908, at which said election the said Charter was ratified and adopted by a vote of One Hundred and Fifty Five (155) in favor of the adoption of said Charter and Eighteen (18) against the adoption of said Charter. That four (4) votes cast were thrown out and not counted.

Witness my hand and the seal of said Village this 1st day of July 1908.

Attest
J. M. Severens
Village Clerk.

George H. Claggett
President.

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