

STATE OF MINNESOTA,)
COUNTY OF RICE,) ss.
CITY OF NORTHFIELD.)

I, D. J. Ferguson, Mayor of the City of Northfield, in the county of Rice and state of Minnesota, do hereby certify, that the Board of fifteen freeholders appointed by the Honorable Thomas S. Buckham, Judge of the District Court of the Fifth Judicial District, in and for said state of Minnesota, by order dated November 24th., 1907, to draft a proposed charter for the said city of Northfield, did on the twenty-fifth day of January, A. D. one thousand nine hundred and seven, return to me, as chief magistrate of said city, a draft of said proposed charter, signed by all of the members of said board of fifteen freeholders as follows, viz:-

2390

CHARTER
OF THE
CITY OF NORTHFIELD

Adopted by the Voters of Northfield,
March 12, 1907

CHAPTER I
NAME, POWER AND BOUNDARIES.

NAME AND POWERS.

SECTION 1. All that district of country in the County of Rice and 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 the City of Northfield, 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 thereto all the powers granted to it under the general laws of the State of Minnesota, or by this charter.

BOUNDARIES.

SEC. 2. The district of country constituting the City of Northfield shall include the following described lands and territory situated in the County of Rice, and State of Minnesota, viz: All of Section thirty-six (36) and the north half of the southeast quarter of the southeast quarter, and the southeast quarter of the southeast quarter of the southeast quarter of section thirty-five (35), all in township one hundred twelve (112), range twenty (20), and all of sections one (1) and the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter, and the east half of the northwest quarter of the

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southeast quarter, and the northeast quarter of the southwest quarter of the southeast quarter of section two (2), and the west half of the west half of section twelve (12), township one hundred and eleven (111), range twenty (20); and all of section thirty-one (31), except the northeast quarter of the northeast quarter thereof, and the south half and the south half of the northwest quarter of section thirty-two (32), township one hundred and twelve (112), range nineteen (19); and all of sections five (5) and six (6) and the northeast quarter of section seven (7), and the north half of section eight (8), township one hundred and eleven (111), range nineteen (19).

WARD BOUNDARIES.

SEC. 3. The said city shall comprise and is hereby divided into three wards as follows: The first ward shall comprise all the territory within said city limits contained which lies south and east of the center of the Cannon River and north of a line commencing at the center of the Cannon River one hundred feet north of the center of Fifth street and running thence east to the center of East Water street, thence south to the center of Fifth street, thence east to the eastern boundary of the city; the second ward shall comprise all that portion of said city lying south of the first ward, and south and east of the center of the Cannon River; the third ward shall comprise all that portion of said city lying north and west of the center of the Cannon River.

SUCCESSION.

SEC. 4. When this charter takes effect the City of Northfield shall be and become the legal successor of the City of Northfield under its former charter, and shall be vested with all the rights and immunities formerly vested in said city, except as herein otherwise provided, and all ordinances existing at the time of its adoption shall be in full force and effect until repealed. All property, property rights, and interest of every kind and nature formerly vested in said City of Northfield shall, when this charter takes effect, be and become vested in the City of Northfield, under this charter, and all previously existing indebtedness, obligations and liabilities of said city of Northfield, together with interest accrued or to accrue thereon, shall be assumed and paid by the City of Northfield.

CHAPTER II

OFFICERS AND ELECTIONS.

ELECTIVE OFFICERS.

SECTION 1. The elective officers of the City of Northfield shall be a Mayor, Treasurer, City Recorder, City Attorney, City Assessor, Street Commissioner, City Engineer, Judge of the Municipal Court, Special Judge of the Municipal Court, two Justices of the Peace, and a Board of Aldermen consisting of three aldermen from each of the wards of said city.

TERMS OF OFFICE.

SEC. 2. The term of office of Mayor, Treasurer, City Attorney, City Recorder, City Assessor, Street Commissioner, City Engineer, and Justices of the Peace shall be two years. The term of office of Aldermen shall be three years, and one of said Aldermen shall be elected from each ward of said city each year. The term of office of the Judge of the Municipal Court, and Special Judge of the Municipal Court shall be four years.

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POWERS UNDER THIS CHARTER.

SEC. 3. From and after the time when this charter shall go into effect the various officers of the City of Northfield, whether then in office or subsequently elected or appointed shall exercise and be vested with such powers and functions and such powers and functions only, as are specified and granted in this charter as to their respective offices.

TIME OF ELECTIONS.

SEC. 4. There shall be a city election for electing such officers of said city as are herein or otherwise by law made elective on the second Tuesday in March, 1908, and thereafter a city election shall be held on the second Tuesday in March of each year.

UNEXPIRED TERM.

SEC. 5. The officers of the City of Northfield, in office at the time when this charter goes in effect, shall continue to hold their respective offices until the expiration of their terms of office as such terms existed prior to the adoption of this charter.

VACANCIES—HOW FILLED.

SEC. 6. Whenever any vacancy shall occur in any elective office of said city, such vacancy shall be filled by appointment by the city council, which incumbent so appointed shall hold his office until the next succeeding election and until his successor is elected and qualified.

ELECTION LAWS.

SEC. 7. All general laws of the State of Minnesota relating to elections and the preliminaries thereto, shall so far as applicable apply to and govern all elections under this charter and are hereby adopted as a part of this chapter as though herein specifically enacted. Within one week after any election under this charter the city council of said city shall meet and canvass the returns thereof, and declare the result as it appears from such returns and the city recorder shall forthwith give notice to the officers elected of their respective elections. The city council may pass ordinances not inconsistent with the general laws of the State and the provisions of this charter, for conducting and regulating city elections and the preliminaries thereto and the canvassing of votes thereof.

SPECIAL ELECTIONS.

SEC. 8. The city council may by resolution adopted by the affirmative vote of two-thirds of its members, order a special election of the voters of the city and provide for holding the same. The purpose of such special election shall be clearly stated in such resolution and no other matter shall be submitted thereat.

PLURALITY AND EQUALITY.

SEC. 9. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same elective office, the election shall be determined by the casting of lots in the presence of the city council and at such time and place, and in such manner as it may direct.

COMMENCEMENT OF TERM OF OFFICE.

SEC. 10. The term of office of each officer elected under this charter, shall commence on the third Tuesday in March of the year in which he was elected and shall continue until his successor is elected and qualified.

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APPOINTMENTS BY CITY COUNCIL.

SEC. 11. The appointment of all officers, who under this charter are to be appointed by the city council shall be determined by ballot and it shall require the affirmative vote of a majority of all the members of the city council to appoint such officer.

REMOVALS BY THE CITY COUNCIL.

SEC. 12. Any elective officer under this charter or any officer appointed by the city council may be removed from his office, by the affirmative vote of two-thirds of all the members of the city council, but no such officer shall be removed by the city council except for cause, nor unless he has at first been furnished with a copy of the charges against him, and has had reasonable opportunity to be heard in person or by counsel in his own defense. Continued absence from meetings by an alderman and neglect of duty by an elective or appointive officer of the city shall be deemed sufficient cause for removal from office. The city council shall have the power to fix the time and place of trial of such officer, who shall be given at least ten days' notice thereof; to arrange the mode of trial, to compel the attendance of witnesses and the production of papers, to administer oaths and to hear the proofs and arguments. If such officer shall neglect after due notice to make answer to such charges the same shall be cause for removal without further notice.

ABANDONMENT OF OFFICE.

SEC. 13. Any elective or appointive officer, changing his residence from the city, and any alderman elected from a particular ward changing his residence from such ward, and any elective or appointive officer who shall refuse or without cause neglect to qualify and enter upon the discharge of the duties of his office for ten days after the beginning of the term for which he was elected, and ten days after being notified by the city recorder of his election or appointment, shall be deemed to have vacated or abandoned such office.

RESIGNATION.

SEC. 14. Any elective officer under this charter having entered upon the duties of his office may resign the same, by and with the consent of the city council.

VACANCY.

SEC. 15. Whenever a vacancy shall occur in any office filled by appointment of the city council, such vacancy shall be filled for the unexpired term.

OFFICERS TO QUALIFY.

SEC. 16. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of his office and within ten days after his election or appointment, take and subscribe an oath of office and file the same with the city recorder.

ELIGIBILITY.

SEC. 17. No person shall be eligible to any office under this charter who has ever been convicted of any crime, or who was not at the time of his election or appointment to such office a qualified voter of the city of Northfield.

TRANSFERS.

SEC. 18. Every elective and appointive officer, shall, at the expiration of his term of office, in whatever way terminated, turn over to the city, or his successor in office, on demand, all books, papers, records, files, monies, and other things whatsoever pertaining to his office.

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CHAPTER III DUTIES OF OFFICERS.

POWERS OF MAYOR.

SECTION 1. The mayor shall be the chief magistrate of the city, and shall take care that the laws of the state and ordinances of the city are duly observed and enforced within the city, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. He shall be the head of the police force of said city, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of riot or other disturbance he may appoint as many special policemen as he may deem necessary, and any police officer appointed by the mayor as aforesaid, may be discharged from office by him whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary.

VETO POWER.

SEC. 2. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same; and such as he shall not sign he shall return to the city council with his objections thereto, by depositing with the recorder to be presented to the city council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the vote by which the same was passed may be reconsidered, and if, after such reconsideration, the city council shall pass the same by a vote of two-thirds of the members elected it shall have the same effect as if approved by the mayor; and in such case the vote shall be by yeas and nays, which shall be entered in the record by the recorder. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

DUTIES OF VICE PRESIDENT.

SEC. 3. At the first meeting of the city council in each year they shall proceed to elect by ballot from their number a vice president. The mayor shall preside over the meetings of the city council, and in case of a tie shall cast the deciding vote; during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor shall be absent from any meeting of the city council, the vice president shall act as presiding officer for the time being, and discharge the duties of said mayor. The vice president of the city council or temporary presiding officer while performing the duties of mayor, shall be styled acting mayor, and the acts performed by him while acting mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and the vice president of the city council shall have the right to administer oaths and affirmations.

CITY RECORDER.

SEC. 4. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of the meeting of the city council or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of proceedings of the city council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the city council, certified by him under the corporate seal, shall be evidence in all the

courts as if the original were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations.

REPORT OF CITY RECORDER.

SEC. 5. It shall be the duty of the city recorder to report to the city council the financial condition of the city whenever the council shall require. He shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually to the city council ten days previous to the annual election, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year.

COUNTERSIGNING CONTRACTS AND KEEPING ACCURATE ACCOUNTS.

SEC. 6. He shall countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the city council or by any city officer. And every contract made in behalf of the city or to which the city is a party, shall be void unless signed by the recorder. The recorder shall keep regular books of account in which he shall enter all the indebtedness of the city and which shall at all times show the precise financial condition of the city, the amounts of bonds, orders, certificates or other evidence of indebtedness, which have been redeemed, and the amount of each outstanding. He shall countersign all bonds, orders or other evidence of indebtedness of the city; and keep accurate accounts thereof. He shall keep accurate accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the city council; he shall keep a list of all certificates issued for work or any other purpose, and before the levy by the city council of any special tax, shall report to the city council a schedule of all the lots or parcels of land which may be subject to the proposed special tax or assessment. This schedule shall be certified by the affidavit of the recorder and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall come in question. The city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this charter. If before the first day of January any year, the amount expended, or to be expended chargeable to any city fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall report at once the same to the city council, and he shall not countersign any contract chargeable to such fund until the amount of taxes actually collected be ascertained, and during the fiscal year he shall not countersign any contract the amount of which shall exceed the revenue actually collected for the fund to which such amount is properly chargeable. The recorder shall examine all reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the city council may direct. All claims and demands against the city, before they are allowed by the city council, shall be examined and filed by the recorder, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such record shall be open to the inspection of all parties interested. He shall not be interested, directly or indirectly in any contract or job to which the city is a party. And any such contract in which he may be interested shall be null and void.

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CITY ATTORNEY.

SEC. 7. The city attorney shall be the legal adviser of the city, and shall perform all services incident to that office. He shall appear in and conduct civil suits, prosecutions and proceedings in which the city shall be directly or indirectly interested, and take charge of and conduct all prosecutions for the violation of all ordinances and resolutions of the city, and for the violation of any provisions of this charter. He shall, when requested, furnish a written opinion upon any subject submitted to him by the city council, or the mayor or any officer of said city in respect to their official duties or municipal affairs.

CITY TREASURER.

SEC. 8. The city treasurer shall receive and safely keep all money belonging or accruing to the city, including taxes, license money, and fines, and keep an accurate and detailed account thereof, in such a manner as the city council shall from time to time direct. The treasurer shall furnish to the city council at least fifteen days before the annual election, or sooner, if required by them, a full and detailed account of the receipts and expenditures from the date of the last annual report, and also of the state of the treasury, which account shall be filed with the recorder, and a copy of the same published in the official paper of the city. He shall also report to the city council as it may require.

CHIEF OF POLICE.

SEC. 9. There shall be a chief of police of said city who shall be appointed by the mayor, by and with the consent of the city council, and who shall perform such duties as shall be prescribed by the city council for the preservation of the public peace. All police officers and watchmen of said city shall possess the powers of constables at common law or by the laws of this state, and it shall be their duty to execute and serve any warrant, process, commitment, or writ whatsoever issued by the municipal court for any violation of the laws of the state of Minnesota, or the ordinances or resolutions of said city, and any writ or process whatever issued by the municipal court or by justices of the peace in civil actions, and they shall have authority to pursue and arrest any person fleeing from justice in any part of the state, and when performing the duty of constables aforesaid, shall be entitled to the fees prescribed by statute.

STREET COMMISSIONER.

SEC. 10. The street commissioner, under the direction and control of the city council, shall have the supervision of the constructing, maintaining and repairing of sidewalks and of the grading, maintaining, repairing and cleaning of all streets, alleys and other public places within the city, and he shall be required to execute a bond with sureties satisfactory to the city council, conditioned for the faithful performance of his duties and that he will account for all moneys collected, or received by him in his official capacity or belonging to the city, and shall make monthly written reports to the city council of work done, cost of same, money expended and for what purpose.

CITY ASSESSOR.

SEC. 11. The city assessor shall perform all the duties required of such officers by the general laws of the state, and have all the power, rights and privileges granted by the same to assessors.

BOARD OF EQUALIZATION.

SEC. 12. The city council of said city shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the council room in said city on the fourth Monday in June of each year and at such time, and

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from day to day thereafter as they may adjourn, such board shall proceed to revise, amend and equalize the assessment on the roll of said assessor. It shall be the duty of the assessor to be present at all such meetings of said board of equalization, to present before the board the facts relating to the assessment. Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization under the general laws of the state so far as applicable.

MUNICIPAL COURT AND COURTS OF THE JUSTICES OF THE PEACE.

SEC. 13. All laws of the state of Minnesota, relating to the municipal court, of the city of Northfield, and the judges thereof, and to courts of justices of the peace and the justices thereof, within said city, in force at the time this charter goes into effect, are hereby adopted and made a part of this charter, and shall have the same force and effect as if herein set out in full.

CITY ENGINEER.

SEC. 14. The city engineer, who shall be a practical surveyor and engineer, shall keep his office in some convenient place in said city, and the city council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of said city, and shall be carefully preserved in the office of the engineer, open to the inspection of persons interested and the same together with all books and papers appertaining to said office, shall be delivered over by the engineer at the expiration of his term of office to his successor or the city council.

OTHER OFFICERS—DUTIES AND COMPENSATION.

SEC. 15. The city council shall have the power at any time to require other and further duties to be performed by any officers whose duties are herein prescribed, not inconsistent with this charter, and to appoint such other officers as may be necessary to carry into effect the provisions of this charter, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the city council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified. The city council shall have the power unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this charter, and such compensation shall be fixed by resolution, and in regard to all officers created by this charter, the compensation shall be fixed within three months from the first organization and meeting of the city council. After the first year the compensation of officers shall be fixed for the fiscal year in the month of April except for such officers as may hereafter be created in regard to which the compensation shall be fixed at the time of the creation of such office. Nor shall the compensation of any officer, after having been fixed be increased or diminished during the term for which said officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be a party to, or interested in, any contract in which the city is interested made while such officer is holding office; provided, that the mayor and aldermen shall receive no compensation for their services as such officers, except when acting as a board of equalization.

PEACE OFFICERS.

SEC. 16. The mayor or acting mayor, recorder, and each alderman, the judge and special judge of the municipal court, the justices of the peace, police officers and watchmen shall be officers of the peace with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may com-

mand the assistance of bystanders and if need be, of all the citizens and military companies, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace, when so required, such person shall forfeit and pay a fine, on conviction thereof, not exceeding fifty (50) dollars, and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

OFFICIAL BONDS.

SEC. 17. The city treasurer and chief of police and such other officers as the city council may direct, shall severally before entering upon the duties of their respective offices, execute to the city a bond with at least two sureties (to be approved by the city council) who shall make affidavit that they are each worth a penalty specified in said bond over and above all debts, exemptions and liabilities; and said bond shall contain such penal sum and such conditions as the city council may deem proper, and the city council may from time to time require new or additional bonds and remove from office any officer refusing or neglecting to give the same.

CHAPTER IV

CITY COUNCIL.

GENERAL POWERS.

SECTION 1. The legislative power and authority of the City of Northfield shall be vested in the city council, composed of the aldermen elected by the various wards thereof as in this charter provided.

MEETINGS.

SEC. 2. The city council shall determine the time of its regular meetings and provide for special meetings, and may prescribe rules for its proceedings not inconsistent with this charter. The mayor may, or, upon the written request of five aldermen, shall call special meetings of the city council by giving written notices to each of its members, to be delivered personally, or left at his usual place of abode, and no business shall be transacted at any special meeting unless the subject shall have been specified in said written notice.

QUORUM.

SEC. 3. A majority of the members of the city council, shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a majority may compel the attendance of the absent members.

QUALIFICATION.

SEC. 4. The city council shall be judges of the election and qualification of its members.

ORDINANCES AND RESOLUTIONS.

SEC. 5. Every legislative act of the city council shall be by ordinance or resolution. The style of all ordinances shall be: "The City Council of the City of Northfield ordains." No ordinance or resolution except for general appropriations, shall contain more than one subject, which shall be expressed in the title and no ordinance or resolution shall be amended after its introduction so as to change its original subject or purpose.

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READING AND PASSAGE.

Sec. 6. An affirmative vote of at least a majority of all members of the city council shall be required, to enact any ordinance or resolution, which shall be taken by yeas and nays, and be entered in its journal. It shall forthwith be presented by the city recorder to the mayor for his approval as herein provided. No ordinance, resolution, proposed ordinance, or proposed resolution, shall be reconsidered except at the same or the next regular meeting after its adoption or rejection, and not in such case unless there are then present at least as many members of the city council as were present when said ordinance or resolution was adopted or rejected. No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading, except by unanimous consent, shall be had at a subsequent regular or adjourned regular meeting, occurring not less than one week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading, except by unanimous consent. It shall receive its third reading and may be passed only at a regular or adjourned regular meeting occurring at least one week subsequent to the time of its second reading. No ordinance shall be passed until it has had three readings. Every ordinance shall be published in the official newspaper of the city before it takes effect. Proof of such publication shall be by affidavit of one of the printers, publishers or the foreman of such newspaper which shall be prima facie evidence of the legal passage of such ordinance or resolution in all the courts of this state, or elsewhere.

FAILURE TO VOTE.

Sec. 7. Any member of the city council, who, being present when his name is called, fails to vote on any pending proposition, shall be counted as having voted in the negative.

TWO-THIRDS VOTE.

Sec. 8. The appropriation of money for any purpose, other than the payment of ordinary bills for current expenses, the creation of any liability of the city, the awarding or approving of any contract for the payment of money, ordering any condemnation of private property, or making any public improvements, whether by ordinance, order or resolution, shall require a two-thirds vote of all the members of the city council.

DISQUALIFICATION.

Sec. 9. Except as in this charter otherwise provided, no member of the city council shall, during the time for which he is elected, be eligible to any other elective or appointive office of the city.

FUNDS AND ACCOUNTS.

Sec. 10. The city council may designate the disposition of the funds of the city and by resolution approve all bonds given for the safe keeping thereof, and it shall examine and audit the accounts of all city officers.

SUPERVISION OF PUBLIC PROPERTY.

Sec. 11. The city council shall have the care, control and supervision of all public buildings and grounds of the city, the care and supervision of which are not by this charter vested in any board or officer of the city.

OPENING, VACATING AND IMPROVING STREETS.

Sec. 12. The city council shall have exclusive power to open, vacate, alter and improve the streets, public grounds, alleys and highways of the city as in this charter provided, and shall have and maintain the active care, supervision and

control of all public highways, bridges, streets, alleys and public grounds within the limits of the city.

PUBLIC BUILDINGS.

Sec. 13. The city council shall have power by a two-thirds vote of all the members thereof to erect, provide for, improve and repair all public buildings and works together with such appurtenances, accessories, apparatus, and equipments in connection therewith as may be necessary for the transaction of the business of the city, either within or without its limits; and to acquire by purchase, gift or condemnation all lands necessary as sites for said buildings or works to be used in connection therewith; and to acquire by purchase, gift or condemnation real property for municipal purposes, and to sell or authorize the sale of any of said property.

PLATS.

Sec. 14. The city council shall have the sole power to accept and approve plats of additions to the city, and to prescribe the location and width of streets and alleys required in said additions.

APPOINTMENTS.

Sec. 15. The election of any officer of the city by the city council shall require the affirmative vote of a majority of all its members taken by ballot and recorded by the recorder.

REVOCAION OF LICENSE.

Sec. 16. Any license issued by authority of the city council may be revoked by the mayor and a majority of the city council at any time for sufficient cause, and upon conviction before the municipal court of the city of Northfield of any person holding a license for a violation of the provisions of any ordinance relating to the exercise of a privilege granted by such license, the city council may revoke such license, in addition to the penalties provided by law or ordinance for such violation.

PUNISHMENTS.

Sec. 17. The city council may impose any punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail, city jail or any other place of detention maintained by the city, not exceeding ninety (90) days, and may provide that said punishment shall be cumulative or for an indefinite term, not exceeding ninety (90) days, subject to suspension or termination by reason of, or during good behavior of the person imprisoned; and offenders against such ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months, in a sum not exceeding five hundred dollars (\$500.00). The city council may further provide by ordinance that any person convicted of any offense, before the municipal court of the city, subjecting said person to imprisonment under the ordinances of the city, may be kept at hard labor during the term of such imprisonment, at the place of confinement or upon the public improvements of the city; and the city council shall have full power to establish by ordinance all needful regulations for the security of said persons and to prevent their escape and secure proper discipline.

COMPILATIONS.

Sec. 18. The city council, may, from time to time, provide for the compilation and publication of the charter, ordinances of the city, rules of the city council and such other reports and regulations of the city council, and such statutes of the state as it may designate, and may provide for the distribution, sale or disposal

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of copies of such compilation or publication. Such publication so issued, purporting on the title page to have been published by authority of the city council and to contain the ordinances of the city, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state, and in the absence of evidence to the contrary all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed and adopted. Copies, duly certified by the city recorder of ordinances, rules, regulations and resolutions, or other papers in his official custody, or of any records kept by him in his official capacity, shall also be admitted as prima facie evidence of their contents in all the courts of this state. The municipal court and all other courts of this city shall take judicial notice of all ordinances and resolutions duly passed by the city council.

WITNESSES.

SEC. 19. The city council, and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committees, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigation, to be signed by its president or the chairman of such committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas or any other process.

SPECIFIC POWERS.

SEC. 20. The city council, except as in this charter otherwise provided, shall have the general management and control of the finances and all the property of the city, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and of the public health, comfort and safety, for the suppression of vice and intemperance and for the prevention of crime. It shall have power and authority to declare and impose penalties and punishments for the violation of ordinances and resolutions, and to enforce the same against any person who may violate the same; and all such ordinances and resolutions, not inconsistent with the constitution and laws of this state, nor of the United States, are hereby declared to have the full force of law. For these purposes the city council shall have specific authority by ordinance:

1st. To regulate the use of and to prevent and remove encroachments into, upon or over streets, alleys, avenues, public grounds, public places, public streams and waters and to prevent injury thereto and prohibit the improper use thereof.

2nd. To regulate and prevent the throwing or disposing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction, in or upon any street, alley, public ground, place or public stream or waters.

3rd. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same, free from obstructions and to remove dirt or rubbish therefrom and to authorize the removal thereof at the expense of such owner or occupant and to assess the cost of such removal against said premises.

4th. To regulate the making and maintaining of openings and excavations in streets, alleys, public grounds and public places for the laying of gas and water mains and pipes, constructing subways and conduits, and for other purposes, and to regulate the building and maintaining of sewers, tunnels and drains and the reconstruction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and if it deem necessary, to prohibit the construction and maintaining of coal-

holes, hatchways and other openings in sidewalks, streets and alleys and the coverings and guards thereof.

5th. To require throughout the city or such district or districts as the council may designate, the owner or occupant of any premises to collect, remove, and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night soil, and other vile, unhealthy or offensive matter; to regulate and provide for the collection, removal and disposition of the same throughout the city or in any district thereof, and to authorize and direct such collection, removal and disposition either at the expense of the city or of such owner or occupant.

6th. To provide for, and regulate the construction and use of pavements, sidewalks, crosswalks, curbs and gutters.

7th. To regulate and prevent the use of streets, alleys, sidewalks, and public grounds for signs, signposts, awnings, awning posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, the posting and distributing of hand bills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon the walks, streets, alleys, and public grounds, and regulate and prevent the encumbering of the same with vehicles, boxes, lumber, or other things; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city.

8th. To regulate and prohibit the exhibition or carrying of banners, painting, posting, distributing, or placing of placards, advertisements, handbills, or other articles upon telegraph, telephone or electric light poles or in or upon streets, alleys, sidewalks and public places.

9th. To regulate and prevent the flying of flags, banners, and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property.

10th. To regulate and prohibit traffic and sales upon the streets, sidewalks and public places.

11th. To regulate the speed of horses and other animals, bicycles, cars, locomotives, automobiles and other vehicles within the limits of the city and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, alleys, or public places.

12th. To regulate and prescribe the maximum weight of a load to be drawn over any bridge or street in the city, and to direct upon what streets heavily loaded vehicles or traction engines may be drawn or propelled and from what streets, bridges, alleys and public places the same may be excluded.

13th. To name and change the names of streets, alleys and other public places.

14th. To regulate and prohibit the use of all bridges, drains, sewers, privies and cess-pools within the city, or in such portions of the city, as it may designate, and to compel sewer connections in such portions and to make the same, and to assess the cost thereof on the property so connected.

15th. To regulate the numbering of houses, buildings and lots.

16th. To provide for and change the location, grade and crossing of any railroad, and to require railroad companies to lower and bridge over or raise their tracks and to pay all damages caused thereby, and to fence their respective rights of way, or any portion of the same, and construct cattle guards and to keep the same in repair within the limits of the city.

17th. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys, and other public places by railway trains, cars or engines.

18th. To require railroad companies to raise or lower their tracks to conform to any grade which has been or hereafter may be established in said city, and to keep such tracks on a level with the street surface, and to compel the planking or paving of said tracks by such railroad companies so that they may be crossed at any place on a street, alley or public place.

19th. To require railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks so as not to impede natural drainage and so that stagnant or filthy water may not stand on their grounds or right of way.

20th. To prevent the pollution of the waters of any creek, river, pond or watercourse within or adjacent to the city; to prevent the dumping of refuse or other matter therein or on the banks thereof and to provide for the cleansing and purification of water and watercourses, and the drainage or filling of ponds or pools on private property when necessary to abate or prevent a nuisance, and to compel the owner of any grounds where water is liable to collect and become stagnant, to fill or drain such low places and upon his failure so to do, to authorize such drainage or filling, and to assess the cost thereof upon such ground.

21st. To regulate and prevent the cutting of ice in waters in or adjacent to the city and to compel the erection of fences around all ice cuttings and to prevent the sale of impure ice within the city.

22nd. To fix the amount, terms and manner of issuing licenses not inconsistent with law and subject to the provisions of this charter; provided that no license shall be issued for more than one year.

23rd. To license, regulate or prohibit billiards, pool and pigeon-hole tables, pin alleys, bowling alleys, and shooting galleries.

24th. To license and regulate fire, auction and bankrupt sales, itinerant merchants and transient vendors of merchandise.

25th. To license, regulate or prohibit caravans, menageries, circuses, street exhibitions and all places of amusement.

26th. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such record of their transactions as it shall direct.

27th. To license and regulate peddlers, street hawkers, clairvoyants, fortune tellers and astrologers.

28th. To license and regulate hackmen, draymen, expressmen, porters, and all other persons or corporations engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to provide standing places or stations on the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other than the place prescribed.

29th. To license and regulate breweries and to prohibit their erection in or near any portion of the city which it may designate.

30th. To license and regulate plumbers, and to regulate sewer, water and street connections of all kinds.

31st. To prohibit the carrying of concealed weapons and to provide for the confiscation of the same.

32nd. To license and regulate the keeping of dogs and to prevent their running at large.

33rd. To regulate and prohibit the storage and use of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, guncotton, nitro-glycerine and any products thereof, and other combustible or explosive materials within the city, and of lights in stables, shops and other places, and of the building of bonfires. To regulate and prohibit the use of fire works and fire arms.

34th. To prohibit, punish and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock fights, dog fights, prize fights, sparring matches and all depraving exhibitions.

35th. To prohibit and punish vagrants, mendicants, street beggars and prostitutes, and to regulate bathing and swimming in waters within the city limits, and to prevent and to punish drunkenness, fighting, assaults, batteries, disorderly conduct and obscenity within the city; and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements, illustrations, and printed or pictured matter tending to provoke a breach of the peace, or impair the morals of the community.

36th. To prohibit and suppress bawdy and disorderly houses and houses of ill fame and assignation and all immoral resorts.

37th. To prohibit lotteries and gift enterprises and to prevent all description of gambling and playing of cards, dice, hazard, roulette or other games of chance; the use of black boards, lists, tickers or price quotations for the purpose of betting or gambling; to prohibit all pool rooms, bucket shops and betting rooms, and the selling of pools and making of books on horse races or other contests, real or fictitious; to suppress and prohibit all mechanism 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 betting, gambling or other unlawful purposes.

38th. To establish pounds and pound districts, which shall be under the supervision and control of a single poundmaster; to restrain the running at large or staking out, of horses, mules, cattle, swine, sheep, poultry, and other animals, and to authorize the distraining and sale of the same.

39th. To establish, license or regulate markets and market-houses. To provide for the inspection of, and regulate the making and sale of bread and prescribe the weight and quality of the bread in the loaf and provide for the seizure and forfeiture of bread baked contrary thereto.

40th. To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, fruits and other products and to provide for the taking and summarily destroying of any such products as are unsound, spoiled or unwholesome; and to regulate and prevent the bringing into the city and the having or keeping of such unsound, or unwholesome products.

41st. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling fire-wood and coal.

42nd. To provide for the inspection and sealing of all weights and measures and to enforce the keeping and use by venders of proper weights and measures duly accepted and sealed.

43rd. To regulate the height, construction, materials of all buildings, chimneys, stacks and other structures; to prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks, chimneys or other structures and provide for their summary abatement or destruction; to prescribe the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues, and heating apparatus; to regulate the construction of bath rooms, water closets, privies and vaults; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to regulate the sale and use of lime, cement and plaster.

44th. To prescribe fire limits within which wooden buildings or structures shall not be erected or placed, and to direct that any building within such fire limits when damaged by fire, decay or otherwise, to the extent of fifty per cent of its value, shall be torn down and removed and to prescribe the manner of ascertaining such percentage, and to provide for requiring the owners of buildings or other structures, which have been destroyed or partially destroyed or have become dangerous by fire or otherwise, to take the same or any part thereof down, and in case of refusal or neglect of said owner to take the same down when ordered by the council, then to cause the same to be done at the expense of the owner and to assess the cost thereof upon the land upon which such building or structure stood.

45th. To require the owners or lessees of buildings or structures to place thereon such fire escapes and appliances for protection of life and property and for extinguishment of fires as it may direct.

46th. To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building or structure; to regulate the carrying on of manufactures liable to cause fires; to prevent the depositing of ashes or the accumulation of shavings, rubbish, or other combustible material in unsafe places and to make provisions to guard against fires.

47th. To regulate the operation of blasts and blastings, and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property.

48th. To define what shall constitute a nuisance and to abate the same and to impose fines upon persons who may create, continue or suffer nuisances to exist.

49th. To provide for and compel the reporting and recording of all births and deaths within the city.

50th. To regulate the burial of the dead within the city and to regulate and determine the time and manner in which bodies which have been placed in a vault or tomb or any other place for the purpose of burial may be removed, and to regulate and control the location of cemeteries, and to cause the removal of bodies interred contrary to law.

51st. To regulate the location, construction and management of stock yards, slaughterhouses, packing houses, rendering establishments, tallow chandleries, storing houses for hides or glue houses, gas works, soap factories, dye houses, tanneries, sausage manufactories, and other noisome business within the limits of the city.

52nd. To prohibit offensive or unwholesome business or establishments within the city.

53rd. To compel the owner of any soap and tallow chandlery, sausage manufactory, pig sty, privy, or other unwholesome or noxious house or place, to cleanse, abate, or remove the same.

54th. To regulate the location of lumber yards, and places for piling timber, wood, and other combustible material, and the manner of piling the same, and to require any person maintaining any lumber, shingle or lath piles, or wood yards in the city to remove the same when they become dangerous to buildings, structures, or other property.

55th. To regulate and prevent the playing of games or any other amusements on the streets, alleys, sidewalks, or public places, and to regulate the use of bicycles and other vehicles thereon.

56th. To regulate and prevent the ringing of bells and chimes, the blowing of whistles, beating of drums, and the making of other noises.

57th. To establish and regulate city hospitals or pest houses, and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws and to enforce the same within the city, and to regulate, control, and prevent the landing of persons, baggage, merchandise, or other property from cars or other conveyances infected with contagious diseases, and to make such disposition of such persons or property as to preserve the health of said city, and to prevent infected cars or other conveyances from coming within or near the limits of the city.

58th. To establish and regulate public wells, cisterns, hydrants, reservoirs, fountains, and watering troughs.

59th. To regulate and control the quality and measurement of gas, and to prescribe and enforce rules and regulations for the manufacture and sale of gas, and to provide for the inspection of gas and gas meters, and to regulate and control the measurement and use of electricity and electrical apparatus and other means and agents for furnishing light, heat and power within the city.

60th. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require the same to be put and kept in proper sanitary condition.

61st. To prohibit and punish cruelty to animals and to require the places where animals are kept to be maintained in a healthful condition.

62nd. To compel the owner or owners of vacant property within the city limits to keep the same clear of noxious weeds and of any brush or other material or substance liable to communicate fire to adjoining property.

63rd. To punish injuries to, or interference with, the ornamental trees or shrubbery in the streets and public places of the city, and to provide for the proper trimming of trees which overhang the sidewalks of the city.

64th. To provide for the revocation of licenses.

65th. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kinds of business, not in this chapter expressly referred to and provided for, as in the opinion of the city council may require regulation and in general to adopt all such measures and establish all such regulations, in cases for which no express provision is in this chapter made as the city

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 the public welfare in said city.

66th. To establish and maintain city prisons and other places of confinement, for the imprisonment, punishment and safe keeping of all persons arrested for, charged with or convicted of any offense; to make rules and regulations for the government and management of such prison, and other places of confinement and to prescribe the duties of the keepers and officers of the same, which keepers shall have all the powers and authorities of jailers at common law or under the laws of this state.

67th. To provide for the lighting of the city.

68th. To provide for the investigation of the origin and cause of fires, and compel the attendance of witnesses and the production and giving of evidence upon such investigation.

69th. To regulate and control, in a manner not contrary to any specific provisions on the subject contained in this charter the exercise by any person or corporation, of any public franchise or privilege in any of the streets or public places in the city, whether such franchises or privilege has been granted by said city or by or under the State of Minnesota, or any other authority.

70th. To restrain any person from vending, dealing in or in any way disposing of any spirituous, vinous, fermented, malt, or intoxicating liquors unless duly licensed by the city council; and to license and regulate the sale of spirituous, vinous fermented, malt, or intoxicating liquors and all persons vending, dealing in or disposing of the same; provided it may prohibit vending, dealing or disposal by any person or persons (except regularly licensed druggists, to sell for medicinal, chemical or mechanical purposes not to be used or drunk on the premises) of any spirituous, vinous, fermented, malt, or intoxicating liquors in any district or districts of the city which it may designate; and provided further that in case of the death of the licensee and the discontinuance of the business for which said license was granted, the council may refund to the widow or legal representative that portion of said license money pro rata for the unexpired term of said license.

CHAPTER V

TAXES.

FISCAL YEAR.

SECTION 1. The fiscal year of the city of Northfield shall commence on the first day of March of each year.

GENERAL FUND.

SEC. 2. The city council shall have the power to levy upon all the taxable property of said city taxes to provide for the current expenses of the city government, and for the acquiring, improving and maintaining of public grounds and the construction of buildings and improvements of a public character; Provided, that such taxes shall in no year exceed four-tenths of one per cent of the assessed valuation.

ROAD FUND.

SEC. 3. The city council shall have the power to levy a special tax upon all the taxable property in the city, for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining, and repairing roads,

highways, streets and alleys, and for the construction of reservoirs, sewers, drains and street gutters, and grading of streets, preparing bed for cement sidewalks, and for other purposes conducive to good order, general welfare, health, cleanliness, and protection against crime. Provided, that such tax in no year shall exceed four-tenths of one per cent of the assessed valuation.

POOR FUND.

Sec. 4. The city council shall have the power to levy a special tax for a poor fund not to exceed one-twentieth of one per cent of the assessed valuation in any year.

INCURRING DEBT.

Sec. 5. No debt shall be incurred or created by the city, the city council, or any officers of the city, except pursuant to the authority herein expressly given for that purpose, and no orders shall be issued upon the city treasurer exceeding the amount of tax collected, or assessed, or in process of collection.

BONDS.

Sec. 6. The city council shall have the power to borrow money and issue the bonds of the city therefor to the amount of two thousand (\$2,000.00) dollars, and such further amount as may be authorized by two-thirds of the legal voters of the city voting upon the question; the votes to be polled and returns thereof made and canvassed in conformity with the provisions of the charter respecting city elections, and upon due notice given under the direction of the city council. All bonds shall be redeemable within twenty years from their date, and bear interest at no greater rate than four per cent per annum, and taxes may be levied by the council to pay the interest accruing thereon, and to pay the principal as the bonds mature, and exclusive of the amount so authorized by the voters the bonded debt shall at no time exceed two thousand (\$2,000.00) dollars, and such authorized indebtedness shall never exceed the limit provided by law.

HOW LEVIED.

Sec. 7. Taxes may be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city. If it be a bond or interest tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds or the purchase thereof before due. If it be for improvements, it shall be kept and used for future improvements of the same character.

STATEMENT TO AUDITOR.

Sec. 8. The city council shall cause to be transmitted to the county auditor of Rice County, on or before the tenth day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced in like manner as other taxes. And the county treasurer of said county shall pay such taxes to the treasurer of said city, on the warrant of the county auditor, after the said auditor makes the settlement with the county treasurer required by law.

MONEY, HOW PAID.

Sec. 9. No money shall be paid out of the city treasury unless such payment be authorized by vote of a majority of all the members of the city council, and then shall be drawn out only upon the order of the mayor, countersigned by the recorder, which order shall specify the purpose for which it is drawn, and the

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fund out of which it is payable, and the name of the person in whose favor the same is drawn, and may be made payable to the order of such person, or to the bearer, as the city council may determine.

ORDERS CANCELLED.

SEC. 10. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same in his office, keeping the orders drawn upon each fund separate.

CHAPTER VI

FRANCHISES.

GRANTS.

SECTION 1. The city council shall have the power to grant franchises for the occupation of the streets, alleys and public grounds of said city, for the use of telegraph, telephone and electric light poles and wires, for street car tracks, and for the laying of gas pipes or mains and electric conduits, and for other purposes for the use, convenience and accommodation of the public, and in all cases the city council shall regulate and control the same, so that nothing shall interfere with the construction of common sewers or the lateral branches thereof, or with the proper location of water mains and pipes, and the city council may at any time require the location of any such poles, pipes or 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 and pipes or in any other way inconvenience the public; provided that all such franchises so granted shall be subject to the regulations and restrictions hereinafter contained.

Provided, that no franchise shall become operative until ratified by a majority of those voting at an election held for that purpose.

PERPETUAL OR EXCLUSIVE.

SEC. 2. No perpetual or exclusive franchise shall ever be granted, and no franchise shall be granted for the laying of water mains.

LIMIT OF TIME.

SEC. 3. No franchise shall be granted for a term to exceed twenty years.

CONTROL AND PERCENTAGE.

SEC. 4. Every franchise granted shall be by ordinance, and shall contain a provision reserving to the 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 council shall have the right in its discretion to provide for the payment to the city of a percentage of gross earnings in return for any franchise granted.

ACQUISITION.

SEC. 5. Every franchise granted shall contain a provision giving the city a right to acquire the same and the business for which it is granted at the end of every term of five years, if a majority of the voters of the city vote in favor of such acquisition.

HOW ACQUIRED.

SEC. 6. Whenever the voters of the city are desirous of acquiring any business operated under a franchise granted by the city, such acquisition shall be by purchase at an appraised value, the method of appraising to be determined by the city council by ordinance.

HIGHEST BIDDER.

SEC. 7. Whenever there are two or more applicants for the same franchise if the council determine to grant the same, it shall be sold to the highest bidder, under such regulations as the council may provide.

PRIVATE SEWERS.

SEC. 8. The city council may permit any person, or a number of persons associated together for such purpose, to construct or lay private sewers in any of the streets or alleys in said city, providing the same make proper connections with the public sewers of said city and conform in all respects with such rules, regulations and requirements as may be prescribed by said city council by ordinance; and such sewers shall be constructed under the direction and supervision of the city council or such officers as it may designate for such purpose, provided, that the city shall have the right at any time to connect any public sewer with any such private sewer without the payment of any fee for such connection, and the council shall have the right to prescribe by ordinance the manner and terms upon which any person not joining in its construction may have the right to make subsequent connections with any such sewer; provided further that the city may acquire and take possession of the same at any time when the public welfare demands it.

CHAPTER VII CONTRACTS.

DEFINITION.

SECTION 1. All contracts for commodities, work or service to be furnished or performed for the city or any department or officer thereof, involving an expenditure of more than five hundred (\$500.00) dollars shall be made as in this chapter provided and not otherwise.

Provided, that the city council may by a two-thirds vote of all the members provide that work and material may be procured in the open market or done by day labor.

ESTIMATES AND AMOUNT OF CONTRACT.

SEC. 2. The city council in the first instance shall on its own motion, or may on the recommendation or report of any department or officer of the city, determine in a general way the commodities, and shall fix the estimated cost thereof, and in order to determine such estimated cost may require estimates from any officer or employe of the city.

PLANS AND SPECIFICATIONS.

SEC. 3. Before advertising for bids the city council shall cause to be prepared by the proper department or officer of the city, detailed plans, specifications, and a proposed contract for such commodities, work or service in accordance with its general directions. Duplicates of said plans, specifications and proposed contracts shall be filed with the city recorder and remain in his office.

ADVERTISING.

SEC. 4. After filing the said proposed contract and plans and specifications the city council shall direct the city recorder to advertise for bids for doing or furnishing said commodities, work or service in accordance with said contract, plans and specifications as the city council may direct.

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CERTIFIED CHECKS.

Sec. 5. In advertising for bids the city council shall require each bidder to deliver with his bid an approved certified check payable to the city treasurer for at least five per cent of the total amount of such bid, which check shall be forfeited to the city as liquidated damages, if the bidder, upon letting of the contract to him, shall fail to enter into the contract so let.

All advertisements for bids shall reserve the right to reject any and all bids.

RECEIVING AND OPENING BIDS.

Sec. 6. At the time and place mentioned in the advertisement for bids, the city council shall meet in public session and publicly receive, open and read all bids that may be presented.

LOWEST BID.

Sec. 7. The city council shall never accept any other than the lowest bid, unless for good cause it shall deem it desirable to accept one of the higher bids, but in such case the city council shall not accept a bid higher than the lowest bid by more than the amount of the certified check deposited with the lowest bid.

BOND.

Sec. 8. Every person to whom a contract is awarded shall give bond in such sum as the city council shall direct with such sureties as the mayor may approve, for the faithful performance of such contract. In all cases of contracts coming within the purview of Sections 4535 to 4539 Revised Laws 1905 and the amendments thereto, it shall require such bond as is required by such laws.

EMERGENCY.

Sec. 9. In case of emergency, and when delay would cause great damage to the public interests or endanger the public safety, the head of any department of the city, with the approval of the city council, may make necessary repairs by day labor and procure materials therefor in the open market.

THREE YEAR CONTRACTS.

Sec. 10. The city council may in accordance with the provisions of this chapter authorize the making of lighting contracts and contracts for the removal or disposition of garbage, ashes, street sweepings or other unwholesome or objectionable matter for a term not exceeding three years, but in every such contract there shall be reserved the right of the city council to increase or decrease at any time the service to be rendered thereunder and to correspondingly increase or decrease the amount to be paid by the city thereunder.

OFFICIAL PRINTING.

Sec. 11. The city council shall at its first regular meeting in March in each year direct the city recorder to procure in accordance with the provisions of this chapter, bids for the publishing of ordinances, resolutions and proceedings of the city council and other notices, required to be published by the city. Such publications shall be in some weekly newspaper which is printed in the English language and published in the City of Northfield, and which shall have been printed, published and of general circulation in said city continuously for at least one year prior thereto. Such bids shall include the publication of such pamphlets or bound proceedings of the city council as may be required and any other printing required by the city or any department thereof. The council shall at the time of accepting any bid, designate the newspaper to which the contract is awarded as the official newspaper of the city and all notices and advertisements by this charter required to be published, shall be published in said newspaper, unless in this charter otherwise specifically provided and in case of the suspension of the publication of such newspaper, or the failure or refusal of its pub-

lisher to make publications for the city, or if at any time for any reason there shall be no official newspaper in which publications can be made the city council may designate some other newspaper as the official newspaper of the city until such time as a contract can be made. Immediately after the publication of any notice, ordinance, resolution or other matter which is required to be published, the printer or publisher shall file with the city recorder a copy of such publication with his affidavit or the affidavit of his or their foreman showing the length of time the same has been published.

CHAPTER VIII

FIRE DEPARTMENT.

CHIEF OF FIRE DEPARTMENT.

SECTION 1. There shall be a fire department in the city of Northfield of which the mayor shall have control and supervision. The head of said department shall be known as the chief of the fire department. The mayor shall appoint by and with consent of the council, and at his pleasure may remove, the chief of the fire department.

ASSISTANTS AND EMPLOYES.

SEC. 2. The chief of the fire department shall appoint, subject to the approval of the city council, and at his pleasure may remove, a first and a second assistant chief of the fire department who shall act in place of their superiors in case of their absence from the city or inability to act, and may appoint, discharge or suspend such other assistants, captains, engineers, firemen and other officers and employes as may be necessary for the purposes of said department, whose aggregate salaries, together with the other expenses of said department, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

POWERS AND DUTIES OF THE CHIEF.

SEC. 3. The chief of the fire department, under the direction of the mayor, shall have the general superintendency of the fire department and the custody of all engines and engine houses, hooks and ladders, hose and horses and other property used for the purposes of said department. He shall see that the same are kept in order and that all rules and regulations and all ordinances and provisions of this chapter relative to the fire department and to the prevention and extinguishment of fires are duly executed. He shall superintend the preservation of all property endangered by fires and shall have control and direction, in cases of fire of all persons, organizations or associations engaged in preserving such property.

RULES AND REGULATIONS.

SEC. 4. The mayor and the chief of the fire department are authorized and required to make all needful rules and regulations not inconsistent with the laws of the state, the provisions of this chapter or the ordinances of the city, for the government and control of the fire department and for the prevention and extinguishment of fires. All rules and regulations made in pursuance thereof shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city recorder, and shall be binding upon all persons connected with the said department.

AUTHORITY AT FIRES.

SEC. 5. The city council may by ordinance provide for the removal and keeping away of any and all persons from fires, and may confer powers for that

purpose upon the mayor, the chief, the assistant chief and other officers of the fire department and the police officers of the city. The mayor shall have authority under such provisions as the city council may enact, to send apparatus of the department, with a complete force of employes, to the relief of any other community, or for the preservation of property endangered by fire outside of the limits of the city.

FIRE ALARM AND OTHER PROPERTY.

SEC. 6. The city council may provide for the establishment and maintenance of an efficient fire alarm telegraph and telephone system for the purposes of the fire department, and may provide for the purchase of such apparatus as may be necessary.

The city council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the city treasurer.

DESTRUCTION OF BUILDINGS.

SEC. 7. Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of, the mayor and the chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such buildings, or any buildings, in the vicinity, or any part thereof, that they may deem hazardous or likely to communicate fire; and no action shall be maintained against any person, therefor, or on account thereof.

PENALTIES.

SEC. 8. If any person shall at any fire refuse to obey the orders of the chief of the fire department, or other officer vested with authority at such fire; such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinances of the city, or, in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished under the laws of the State.

CHAPTER IX

PUBLIC HIGHWAYS.

POWERS OF THE CITY AND OF THE CITY COUNCIL.

SECTION 1. The city shall have the custody of and control over the streets, alleys, and public places within its limits. The city council may lay out, open, extend and widen or straighten any streets, alleys or public places within the city. The city council may also, for the purpose of drainage, construction of bridges, or for making other necessary public improvements, or for 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, ditch or drain within the limits of the city, and may cause to be built, maintained or repaired bridges across streams or railway tracks, and may provide for the construction of curbs and gutters and for the pavement of streets, alleys or public places of the city.

GRADES.

SEC. 2. The city council may by ordinance establish the grade of any street when such grade has not been established, and may by ordinance passed by the affirmative vote of two-thirds of the members of the city council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city engineer. The expense of establishing all grades shall, in the first instance, be borne by the city, but after such grade has been established and a profile thereof

filed as aforesaid, the expense of finding such grade for private purposes shall be paid for by the owner of the property.

BRIDGES.

SEC. 3. All bridges in the City of Northfield, together with the guards and embankments connected therewith and the immediate approaches thereto, which form a necessary part of the same, shall be built, maintained and kept in repair by the city as a general city charge, except so far as building, maintaining or keeping in repair of the same may be chargeable to any railway company or other corporation or person.

POWER TO OPEN STREETS AND MAKE OTHER IMPROVEMENTS.

SEC. 4. Whenever the city council shall determine to lay out or open new streets, or alleys in said city, or to widen, straighten and extend any that now exist or may hereafter exist, it may for such purpose, purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement and all damages done to any private property by reason of such improvement.

SIDEWALK REPAIRS.

SEC. 5. 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 substantial and thorough manner, and report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which said repairs are made, and such report shall be filed and preserved by the city recorder; and the city council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by the street commissioner the cost of making such repairs. Such assessments for all repairs within 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.

SEC. 6. All persons who shall by means of excavations in or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendants; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same, and may enforce payment of the same from the other defendant, it shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

ACTIONS FOR INJURIES.

SEC. 7. No action shall be maintained against the City of Northfield on account of any injuries received by means of any defects in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year from the happening of the injuries, nor unless notice shall have first been given in writing to the mayor of said city, or the city recorder thereof,

within thirty days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been graded; nor for any insufficiency of such grounds or sidewalks as are usually constructed when no sidewalk has been ordered by the city.

PROHIBITION AGAINST PILING SNOW.

Sec. 8. No railway company shall have any right, in clearing its tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city, and any such company shall, in addition to all penalties prescribed therefor, be liable to any person who shall be injured by means of any such obstruction caused by such company or its servants for all damages sustained; and in case any damage shall be recovered against the city for injuries caused by such obstructions the city shall have the right to recover the same again from the company by whom the obstructions were caused.

PLATS.

Sec. 9. Whenever any person shall subdivide any piece of ground within said city, he shall cause the same to be surveyed and platted in accordance with the provisions of chapter sixty-four of the Revised Laws 1905, and when the survey and plat are so completed and acknowledged, it shall be presented to the city 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 open for travel under the direction of the city council.

VACATION OF STREETS.

Sec. 10. The city council may upon petition signed by a majority of the citizens who are 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 such street, alley, public place or highway. If the council deem it expedient that the matter should be proceeded with it shall order the city recorder to give notice to all persons interested in such manner as it shall require. The city council after investigating said matter and hearing all persons interested may by resolution passed by two-thirds of all its members order the vacation of such street, alley, public place or highway.

IMPROVEMENTS—HOW MADE.

Sec. 11. All of the improvements herein provided for shall be made under the chapter of this charter relative to local improvements, so far as the same may apply.

CHAPTER X

LOCAL IMPROVEMENTS.

POWER TO ACQUIRE PROPERTY.

SECTION 1. The city of Northfield may acquire by purchase, condemnation or otherwise, either within or without the limits of said city, any property that may be required for any of the purposes of the city. In all said cases the city may acquire the fee title and absolute ownership of any such property and where nothing to the contrary is specified, the city in any acquisition of property, shall

be deemed to have acquired the fee title and absolute ownership of said property except in the case of streets and alleys.

GENERAL IMPROVEMENTS.

SEC. 2. Whenever the city council shall consider it necessary to procure real estate, or any rights in real estate or any other property for public purposes, the city council shall appoint a committee of not less than three of its members, who together with the city engineer, shall make examination and propose to the city council a location and description of land and other property suitable for any of the purposes hereinbefore described, and the most convenient manner of taking and using the same, and present to the city council a plat, plan, survey or description of the land or other property proposed to be taken, and their report shall show, so far as the committee shall deem necessary, what other existing property can be used for the particular purpose under consideration, and any other matters which the committee shall deem proper for the information of the council; and such committee may present for the consideration of the council more than one location, proposition or plan. Any citizen may present for the consideration of the city council any location, plan, or proposition for such purpose.

NOTICE OF REPORT.

SEC. 3. Such committee shall file its report with the city recorder of said city, who shall give notice by publication twice in the official paper of said city that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of said city council to be named in such notice, which shall be the regular meeting of said council which shall occur next after one week from the second publication of such notice. At the meeting named in such notice, the city recorder shall next after the reading of the minutes of the previous meeting, present such report, and the matter may be proceeded with by the city council at the same or any subsequent meeting. The council, under such rules as it may prescribe, may hear any person interested in the matter or refer the matter to a committee to hear such persons and report.

ACTION ON REPORT.

SEC. 4. In all cases where different locations, propositions or plans may be equally available for the purposes specified in section two, the city council may, either before or after appointing said committee, obtain offers for appropriate real estate or other property, and may if it deem advisable, accept the most advantageous of such offers without taking any condemnation proceedings; and in all cases where different locations, propositions or plans may be equally available or advantageous for the purposes under consideration, the committee shall before making its report, advertise for proposals or offers for such locations, propositions or plans.

CONDEMNATION PROCEDURE.

SEC. 5. Whenever the city council shall determine to take and appropriate any lands or other property for any public purpose it shall designate the same as nearly as may be conveniently done, and direct the city engineer or other city officer to make such plat or survey or description as may be necessary to show or explain the same and when made it shall be filed with the city recorder, and the city council shall then or afterwards appoint three commissioners who shall be freeholders of said city and no two of whom shall reside in the same ward, to view the lands or other property to be taken and appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the same.

Two of such commissioners shall be competent to do any act required of such commissioners.

They shall be notified by the city recorder by notice served on them severally, either personally or through the mail, to attend at his office on or before the day fixed by him, not less than two days after the service or mailing of such notice to qualify and enter upon their duties; and in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor of said city may in writing appoint one or more commissioners in the place of such absentees.

The commissioners shall be sworn by the city recorder or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality and make due return of their action to the city council.

They shall give notice by two publications in the official paper of said city that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in such notice on or near the property proposed to be taken and appropriated, and view such property and ascertain and award therefor compensation and damages, and that they will there and then hear such allegation and proofs as interested persons may offer.

After the publication of such notice, and at least six days (Sunday excepted) prior to the meeting designated in said notice, the city recorder shall also cause a copy of the same to be served personally upon some person in possession of each parcel of said property as separately assessed or some part thereof, if the same is actually occupied, in the same manner as is provided for the service of summons in a civil action in the district court of the State of Minnesota.

A copy of all subsequent notices relating to said proceedings which are required to be published, shall be mailed in the manner above specified by the city recorder, immediately after the first publication thereof, to such persons interested in said proceedings as shall have appeared in said proceedings and have requested in writing that such notices be mailed to them.

Such commissioners shall meet and view the property pursuant to such notice, and may adjourn from time to time, and after having viewed the property may, for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city; and such commissioners shall make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or appropriated, and shall forthwith file a report of the same with the city recorder, for presentation by him to the city council and such report shall lie over until the next meeting of the council, which shall occur at least one week after the reception of the same; at which or at any subsequent time the city council may act on such award and hear any objections made thereto, or may refer the matter to a committee to hear such objections and report thereon.

The council may confirm such award or annul the same, or send the same back to the same or a new board of commissioners for further consideration; and such commissioners may in such case, again, on giving notice as before, meet at a time and place to be designated in said notice and hear any evidence that may be adduced by interested persons, and may adjourn from time to time and correct any mistake in such award, and revise and alter the same as they deem just, and again report such award to the city council, which may confirm or annul the same.

When any such award shall be confirmed by the city council the same shall

be final and conclusive upon all parties interested, except as hereinafter provided.

AWARDS.

SEC. 6. Whenever any award of compensation and damages is confirmed by the city council and not appealed from, and whenever the same when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land or property, or rights in property, for which compensation or damages are so awarded; and the city council shall thereupon cause to be paid from the proper fund of said city, to the owners of such property, the amount awarded to each severally.

In case such payment is not made, or the money set apart in the city treasury within one year after the confirmation of the award or the determination of the appeal thereupon, the proceedings shall be deemed to be abandoned.

Before payment of such award the owner of such property, or the claimant of the award, shall furnish an abstract of title or other satisfactory evidence of his right to such award. In case of neglect to furnish such abstract or other evidence, or in case there shall be any doubt as to who is entitled to such compensation or damages or any part of the same, the amount so awarded or the part thereof in dispute, shall be by the city council set apart in the city treasury for whomsoever shall show clear right to receive the same.

The city council may in its discretion require of such claimant a bond with good and sufficient sureties, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims.

Upon the payment of said award or appropriation, or the setting apart of the money in the city treasury to pay the same as aforesaid, the city shall become vested with the title to the property taken and condemned, and may forthwith enter upon and use the same.

This section shall apply to all cases of appropriation of private property for public use, provided for in this charter.

STREETS.

SEC. 7. Whenever the city council shall vote to lay out or open any new street or alley, or to straighten, widen, or extend any that now or hereafter may exist, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way as nearly as may be, the character and extent of the proposed improvement and injury, and shall proceed as near as can be, as provided in Sections 5 and 6, provided that the plat and survey therein required shall show all land contiguous to said improvement, and notices therein required shall be served upon the owners or occupants of all lands shown on said plat, and the commissioners therein provided for shall after viewing the premises and hearing the evidence offered, prepare and make a true and impartial appraisal 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 improvements, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits, if any there be.

The said commissioners shall then assess the amount of such compensation

and damages so awarded, together with the expense and cost of making the improvements upon the land and property benefited by such improvements and in proportion to such benefits, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcel which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award. And if, in the judgment of said commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to such assessment, they shall so indicate in their report, stating the amount of such excess.

Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and costs of such improvement or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed and shall be presented and acted upon as provided in Sections 5 and 6 of this chapter.

Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same which may be in any form the city council may adopt.

OBJECTIONS AND APPEALS.

SEC. 8. Any person whose property is proposed to be taken, interfered with or assessed for benefits, under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council, or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property, or the amount of assessment for benefits to any property affected by such proceedings may at any time before such award or assessment shall be confirmed by the city council, file with the city recorder in writing his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person so objecting shall have the right to appeal from such confirmation of the city council, to the district court of the County of Rice, at any time within twenty days after such confirmation.

Such appeal shall be made by serving a written notice of appeal upon the city recorder of said city, which shall specify the property of the appellant affected by such award, and refer to the objections filed as aforesaid, and by also delivering to the said city recorder a bond to the City of Northfield executed by the appellant or some one in his behalf, with two or more sureties who shall justify in the penal sum of fifty (\$50.00) dollars, conditioned to pay all costs that may be awarded against the appellant.

Thereupon the city recorder shall make out and transmit to the clerk of the

said district court within ten days after the taking of such appeal a copy of the award of said commissioners, as confirmed by the city council and of the action of the council confirming the same, and of the objections filed by the appellant as aforesaid, all certified by said city recorder to be true copies. But if more than one appeal be taken from any award or assessment it shall not be necessary for the recorder, in appeals subsequent to the first, to send up anything except a certified copy of the appellant's objection.

There shall be no pleadings on such appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty, prejudicial to the appellant and specified in said written objection, that as to the appellant the award or assessment of the commissioners ought not to stand, and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight days notice at any general or special term of the court, and shall have precedence of all other civil cases and the judgment of the court, shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits, as described in the written objections.

In case the amount of damages awarded or assessments made for benefits is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, order the cause to be docketed by the clerk, in the name of the person taking such appeal, against the City of Northfield as an appeal from assessments. The cause shall then be at issue in such court and shall have the preference in order of trial over all other civil actions pending in said court. Such appeal shall be tried in district court as are all other civil causes, except no pleading shall be required and as to the owner, the only questions to be passed upon shall be whether the valuation of the property specified in the objections is a fair valuation and the assessments of damages, so far as it affects said property, is fair and impartial. The judgment of the court shall be such as to confirm or annul said assessment or to modify said assessment to conform to the verdict or finding of the jury, so far as the same affects the property appropriated of said appellant, from which judgment no appeal or writ of error shall lie, and if the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge costs against the appellant in a sum not exceeding twenty-five dollars; otherwise no costs shall be recovered by either party.

ABANDONMENT.

SEC. 9. The city council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty days after the final order of the court on any appeal from such proceedings, to abandon all such proceedings or any part of the same, whenever it shall deem it for the best interest of the city to do so.

ASSESSMENTS FOR PAVEMENTS AND SEWERS.

SEC. 10. Whenever the city council shall determine to cause to be paved, repaved or macadamized any street, lane or alley in said city, or to lay, relay or extend any sewer pipes in or through such streets, lanes or alleys or any portion thereof, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the improvements and the material to be used therein, and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvements, stating therein the proportion of such estimated cost which shall be required to con-

struct such improvements in front of abutting lands, which cost shall not in case of sewers exceed the cost of eight-inch sewers in front of any such abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys, and in front of lands not subject to assessment, and also the excess of cost in case of sewers over and above the cost of such ordinary sewers, also a list of the several lots and parcels of land fronting upon such proposed improvements, with the number of feet front extending along such improvements, together with the names of the owners of the several parcels as nearly as the city engineer can determine; a record of the reception of such report shall be made in the official proceedings of the city council, and there shall be published in the official paper a brief statement of the proposed improvements over the signature of the city recorder, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the council, which shall not occur for at least one (1) week after the reception of such report and publishing of such notice; but the city council, in its discretion, may direct the city recorder to advertise for and receive, in the meantime, bids for doing work and furnishing the material required to construct and complete such improvement, and report the same to the city council at such meeting as it may designate or to which report is laid over; the city council may consider such estimate and list and any further communications from the city engineer respecting the matter, and under such rules as it shall make hear persons interested in the matter of such improvements who may desire to be heard and the council may adhere to its resolution of making the improvements or may modify the character of the same or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements, estimate and fix upon the cost thereof, and the proportion or amount of such cost which is required to construct such improvements, not exceeding, in case of sewer, the cost of eight-inch sewer when larger sewers are constructed, and may assess and levy such proportion, or amount of such cost, upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements, and the city council shall cause to be made, and shall adopt, an assessment roll thereof, which may be in any form which the city council may deem proper.

CORNER LOTS.

SEC. 11. The city council may in its discretion, in case where any lot fronting on two streets has been previously assessed and the assessment paid for laying any sewer pipe upon a different street from the one through which such proposed improvement is to be extended, remit from the assessment of such corner lots such portion of such second assessment, not exceeding the amount of assessment for frontage of sixty-six feet on such lot, as it may deem just under all the circumstances of the case; but the discretion of the city council in such matter shall be final, and the refusal or failure of said council to make such omission shall not be ground for setting aside such assessment in any court proceedings.

SIDEWALKS.

SEC. 12. Whenever the city council shall have ordered the construction or reconstruction of any sidewalk, it shall be the duty of the street committee to report to the city council a list of the several lots and parcels of land with the number of feet front of each extending along such improvement and the name of the owner or owners of the several lots and parcels as nearly as they can

readily ascertain the same, and their estimate of the cost of constructing or reconstructing such sidewalk.

The city recorder shall give notice by publication twice in the official paper of the city and in such other manner as the city council may direct, that such report is on file in his office for inspection of all persons interested and that the same will be presented to the city council for action thereon at a meeting of said council to be named in said notice, which shall be the regular meeting of said council occurring next after one week from the second publication of said notice.

At the meeting named in said notice, or at any future meeting, the city council may order the building of such sidewalks and thereupon after the building of such sidewalks, or the letting of the contract therefor, the city council shall assess and levy upon and against each lot and parcel of land along which such sidewalk is to be or has been built, such sum as will cover the cost of building such sidewalk along and fronting upon the various lots or parcels of land respectively, excepting therefrom the cost of foundation bed provided for in Section three of Chapter five, and cause to be made an assessment roll of the same; provided, that nothing in this section contained shall apply to cases where the owner of the property shall construct his own sidewalk as hereinafter provided.

No person shall construct any sidewalk curb or curb and gutter on any street, lane or alley in the City of Northfield where the same has not been ordered by the city council unless he shall first obtain a permit from the city council for doing such work, such permit shall regulate the manner of constructing such improvement and shall also include whatever bond or bonds the city council may deem necessary to protect the interest of said city.

TWO-THIRDS VOTE NECESSARY.

SEC. 13. No improvement to be paid for by special assessment shall be undertaken without the consent in writing, of a majority in interest and number of the owners of the property to be taxed or assessed, unless the ordinance therefor shall receive, on final passage, the affirmative vote of two-thirds of all the members of the city council.

PAYMENT IN INSTALLMENTS.

SEC. 14. Whenever the city shall have adopted any assessment roll whereby it shall assess and levy any special assessment against the lots and parcels of land abutting on any street, avenue, alley or public ground in the city of Northfield, to lay, relay or extend any sewer pipes in or through any such street, lane or alley or other public grounds or any portion thereof, and when any such assessment roll shall have been delivered to the county auditor of the county of Rice, said county auditor shall divide each assessment for any such improvement into five equal parts as nearly as the same can be divided, and shall in proper books to be provided and kept by the auditor of said Rice county, extend the same in proper columns in such manner that said assessment shall extend over five successive years next succeeding the year in which said assessment shall have been so ordered, that is to say: Said assessments are to be paid in five equal annual payments, with interest to be paid annually on each one of said installments after the first installment, at the rate of five per cent per annum, and the owner or owners or other person whose duty or right it may be to pay such special assessment shall have the right to either pay the same at any time after the first year's installment becomes due, or they may pay the same in said five annual installments, with interest on each one of said deferred installments to be paid annually at the time of paying the installment due each year.

STREET SPRINKLING.

Sec. 15. Whenever the city council is petitioned by a majority of the owners and occupants along any street, or any portion thereof, not less than one block, to sprinkle such streets or parts of streets the council may, by ordinance or resolution, determine what territory in said city shall be sprinkled and the time and manner in which the same shall be done. If, however, the council shall deem it impracticable to designate the exact length of time during which such sprinkling shall be done in any season, such council may reserve the right to designate the beginning and ending of such sprinkling season, and shall have the power to order the beginning of said work on three days' notice, and shall likewise have power to order said work to cease for the season.

Prior to the passage of any resolution for the letting of a contract for sprinkling, the expense of any part of which is to be assessed upon abutting lots, pieces or parcels of land, the city council shall designate a time not less than twenty days' distant, and a place at which it will meet and take action in relation to the doing of the proposed work, and shall direct that notice be given, by the city recorder of the time and place of such meeting by publishing such notice once in each week for two weeks in the official city paper, and that in the meantime sealed proposals for the doing of such work will be received by such recorder. Such notice shall state the streets or parts of streets proposed to be sprinkled and the length of time for which it is proposed to sprinkle them; at such time and place of hearing opportunity shall be given to all persons interested, to be heard for or against such proposed work, and in the presence of the council the city recorder shall open and read all sealed proposals which have been received for the doing of such work, and the furnishing of labor, appliances and water therefor, and the city council shall then act upon said matter, and may, by a majority vote of all its members, authorize and order the doing of the proposed work or any part thereof, and may accept the bid of the lowest responsible bidder for the doing of such work and direct that a written contract be made with him or them therefor, or may reject any or all proposed offers and re-advertise for bids for the doing of such work, or may, in its discretion, postpone the consideration and decision of the whole matter or any part thereof to a future time. Provided, that nothing herein contained shall prevent the city council from furnishing the water and doing the sprinkling by and through its own water plant and employes whenever in the judgment of the council it will be cheaper and to the better interest of the people affected thereby so to do, but if it is proposed by the city council to do such sprinkling through its own employes and to furnish the water therefor, the intention of the council so to do shall be stated in the notice provided to be given to the persons affected by such sprinkling, and they shall have an opportunity be heard in relation thereto.

The expense of such sprinkling shall be chargeable to and assessed upon and against the lots, pieces and parcels of land abutting upon the streets, lanes, alleys, avenues and public grounds in which sprinkling is done; such assessment to be apportioned among the several lots or parcels of land as hereinafter provided. Provided, that the city council may, by resolution or otherwise, determine what proportion of the cost of such sprinkling shall be borne by the city, to cover the cost of sprinkling street crossings and public grounds, and in such case the proportion to be designated shall not be included in the assessment and shall be paid out of the general fund of the city. Upon the approach of the completion of the season's sprinkling, the city council, or a committee appointed by it for that purpose, shall determine what part of the cost of such sprinkling shall

be borne by each lot, piece or parcel of land and make an assessment thereof in writing, giving a description of each lot, piece or parcel so assessed and the amount so assessed against each lot or tract, and shall present the same to said council at its next regular meeting, which shall not be later than the first regular meeting of said council in September of each year, and in making such assessment the council shall take into consideration the benefits accruing to each piece or parcel of land so assessed.

Upon receipt of said assessment the council shall direct the same to be placed on file with the city recorder and notice may be given to all persons interested, either by mail or by one publication in the official city paper, that such assessment list is on file and all persons interested in the same may inspect the roll, and may make payment of the amount assessed against their respective pieces or parcels of property at any time prior to the third Friday in September of each year.

On the third Friday of September of each year the city council shall meet in its accustomed place and consider said assessment, and listen to any objections that may be made thereto and correct such errors, if any, as may be pointed out to the city council, and immediately proceed to confirm the assessment so corrected as to all lots, pieces or parcels of land which may not have paid, and said assessments so confirmed and established shall be final, conclusive and binding upon all persons interested, and no appeal shall lie in any case from such confirmation. All assessments levied hereunder shall be a specific lien upon the real estate upon which the same are imposed and shall be taxed as any other special improvement, and the assessment for sprinkling may be in any form which the city council may adopt.

PROCEEDINGS WHEN AWARDS ARE SET ASIDE.

SEC. 16. Whenever any portion of any award made by commissioners and confirmed by the council under the provisions of section six of this chapter, shall be annulled by the court upon appeal as hereinbefore provided, the city council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had so far as applicable, as described in said section 6, except that such commissioners shall make no new assessment of costs and expenses. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits, which, in their judgment, the contemplated improvements will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the city council, whereupon the same proceedings may be had, as far as applicable, as upon an original award, and if such award shall again upon appeal, be annulled by the court, still another commission may be appointed and award made in the same manner, and so on until a valid award shall be made, but no new assessments for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages, and any sum which may be lacking to pay the award shall be paid from the general fund.

RE-ASSESSMENT.

SEC. 17. If any special assessment heretofore made by the city council or under its direction, to defray the expense of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the city council shall have omitted to make such assessment at or before

the making of such improvement when it might or should have been done, the city council shall anew, or thereafter compute or determine upon the cost of making such improvement in a gross amount, upon such data as it shall deem sufficient, not exceeding in the case of sewers the cost of an eight inch sewer pipe; and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting such improvements or on the property benefited by such improvements according to the character of such improvements, following as nearly as may be the provisions of the city charter in force at the time of making such improvements in determining the property to be assessed, and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled, the city council may proceed to make other assessments until a valid assessment shall be made; but nothing in this section shall authorize any new assessment in cases where the court shall determine that the lots and lands are not subject thereto. After such a new assessment roll shall have been completed the city recorder shall note thereon, against any piece or parcel of land upon which a former assessment for the same improvement has been made the words, "paid on former assessment," which shall cancel such assessment on that parcel.

HOW ASSESSMENT ROLLS SHALL BE RECORDED AND RETURNED.

SEC. 18. The city recorder shall record all assessment rolls of special assessments in books to be kept by him for that purpose; and shall, on or before the first day of October of every year, deliver to the county auditor of the county of Rice, all such assessment rolls, and the said county auditor shall extend the assessment in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payment thereof enforced; such assessment when collected shall be paid over by the county treasurer to the treasurer of the city, together with all costs, penalties, and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

NO INFORMALITIES TO AFFECT THE VALIDITY OF ASSESSMENTS.

SEC. 19. No omission, informality or irregularity in proceedings in, or preliminary to, the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city recorder shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted; and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed as required by this chapter. And no failure of the city recorder to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or deed by him required, shall in any way invalidate any assessment; and no variance from the directions herein contained as to the form or manner of any proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

ASSESSMENTS MAY BE PAID TO CITY TREASURER.

SEC. 20. After a special assessment shall have been adopted by the city council, and before the same shall have been delivered to the county auditor for assessment and collection, any assessment thereon may be paid direct to the city treasurer; and upon the production of the city treasurer's receipt therefor, the city recorder shall enter upon the assessment roll, opposite the assessment

so paid the words, "paid to the city treasurer," which entry shall cancel the assessment so paid. If interest shall have been included in such assessment, so much thereof as shall not have accrued on such assessment at the time of payment shall be deducted therefrom.

BALANCE OF COST PAID BY CITY—WHEN.

SEC. 21. When the damage to be paid for the condemnation or appropriation of any property or improvements made in pursuance to the provisions of this charter shall have been ascertained and determined in the manner herein prescribed, or in case an appeal shall have been taken as provided in this chapter, and such damages shall have been made upon the real property deemed to have been especially benefited by the doing of the work or the making of the improvement in proportion as nearly as may be to the benefits resulting thereto, the balance of the cost of such improvement over and above the amount realized by such assessment shall be chargeable upon and paid by the city at large.

CHAPTER XI
MISCELLANEOUS PROVISIONS.

RECONSIDERATIONS.

SECTION 1. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there shall be present as large a number of aldermen as were present when the vote was taken, and no such motion shall be made more than once.

REMITTING PENALTY.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted, except by the vote of two-thirds of the members of the city council.

PROSECUTIONS.

SEC. 3. In all prosecutions for any violation of the provisions of this charter, the first process shall be by warrant, on complaint being made; provided, no warrant shall be necessary in any case for the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the city, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant.

Any warrant, process or writ issued by the municipal court for the violation of any ordinance of said city, shall be directed to the chief of police, or any police officer of said city.

PENALTIES.

SEC. 4. In all cases of the imposition of any fine or penalties, or the rendering of judgment by the Municipal court of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance of said city, as punishment for any offence, or for the violation of any ordinance, aforesaid, the offender shall be forthwith committed to the city prison, the common jail of the county, or any other place of detention provided by the city and be there imprisoned for a term not exceeding ninety (90) days in the discretion of the municipal court unless the said fine or penalty be sooner paid or satisfied, and from the time of arrest of any person or persons for any offence whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the county jail of the county; provided, that nothing herein contained shall prevent the city council from providing by ordinance for subjecting any male offender to be kept at hard labor upon the public streets.

CITY CHARTER

ELIGIBILITY.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

PURCHASES.

SEC. 6. The city may purchase and hold real and personal estate, for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

LIBRARY BOARD.

SEC. 7. All the provisions of the General Statutes of Minnesota, shall apply to the library of the City of Northfield.

AMENDMENTS.

SEC. 8. This charter may be amended at any time by the commission proposing an amendment to the people, which shall be published as provided by law, and if accepted by three-fifths of the qualified voters of said city, voting at the next election, shall be declared adopted and shall thereupon become a part of this charter. Upon the application of five per cent of the legal voters of said city by written petition addressed to and filed with the charter commission of said city, as provided by the constitution of the State of Minnesota, such commission shall submit to a vote of the people any amendment to this charter endorsed by such application and petition, which submission shall be made in the manner provided by law.

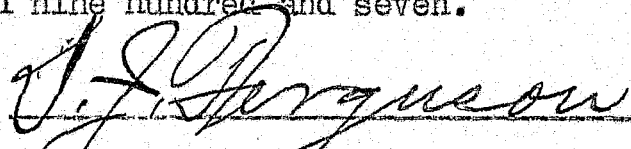
The foregoing is a draft of the proposed charter of the City of Northfield, Minnesota, made, framed and adopted by the commission appointed by the District Court of the Fifth Judicial District of the State of Minnesota, under and pursuant to section thirty-six, article four of the constitution of the State of Minnesota, as amended by that certain amendment proposed by the Legislature of the State of Minnesota in the act of said Legislature known as Chapter 280 of the General Laws of the State of Minnesota for 1897, and duly adopted by the people at the General Election of said state held in 1898, and Sections 746 to 758 inclusive of the Revised Laws 1905 and acts amendatory thereof; and said draft of said proposed charter of the City of Northfield, is hereby returned to the Hon. D. J. Ferguson, Mayor of the City of Northfield, according to law, signed by the undersigned members of said commission.

Dated this 24th day of January, 1907.

HORACE GOODHUE, President.
 WILLIAM W. PYE, Secretary.
 C. H. BULLOCK.
 C. P. CARPENTER.
 J. H. CHILD.
 J. C. COUPER.
 I. F. GROSE.
 JOEL P. HEATWOLE.
 A. B. KELLY.
 G. M. PHILLIPS.
 EDWIN G. RIDDELL.
 W. T. REILLY.
 H. REIKMANN.
 J. M. WALDEN.
 J. F. WYMAN.

I hereby further certify that at a duly called special election held in and for said city of Northfield, on the twelvth day of March A. D. One thousand nine hundred and seven, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon said proposed charter was duly submitted to the voters of the said city of Northfield, that the said vote was duly returned to the Common Council of said city and duly canvassed by them and that the said charter was duly adopted and ratified by the voters of said city.

IN TESTIMONY WHEREOF, I have hereunto set my hand to this certificate in duplicate and have caused the corporate seal of said City of Northfield to be hereunto affixed this ninth day of April, A. D. One thousand nine hundred and seven.



Mayor of the City of Northfield, Rice
County, Minnesota.

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