

PROPOSED CHARTER OF THE CITY  
OF TWO HARBORS,  
DRAFTED PURSUANT TO THE CONSTITUTION OF MINNESOTA, ARTICLE IV, SECTION  
36, AND OF CHAPTER 238 OF THE GENERAL LAWS OF MINNESOTA FOR 1903, AND  
AMENDMENTS THEREOF.

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CHAPTER I

NAME, POWERS AND BOUNDARIES

NAME AND POWERS.

Section 1. All that part of the county of Lake, in the State of Minnesota, contained within the limits and boundaries in the next section described, and all the people now inhabiting, and those who shall hereafter inhabit, the said territory, shall be a city and shall form a municipal corporation, under the name and style of "CITY OF TWO HARBORS." The said corporation shall have the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted. It shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law or equity; and it shall have a corporate seal, which it may alter at pleasure; and it may purchase, lease, take, hold, sell and convey all such real, personal and mixed property, within or without the limits of said city, as the purposes and uses of the corporation may require or the transaction or exigencies of its business may render necessary or convenient.

BOUNDARIES.

Section 2. The boundaries of said city shall be as follows:  
"Beginning at the north shore of Lake Superior, at Burlington Bay, where the same is intersected by the north and south quarter line running through the center of Section 51, Township 53 North, Range

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10 West of the 4th Principal Meridian; thence north along said north and south quarter line to the quarter post on the north side of said section 31; thence west along the section line between sections 31 and 30 of Township 53, Range 10, and between sections 36 and 25, 35 and 26, of Township 53, Range 11, to the quarter post on the north line of said section 35; thence south on the north and south quarter line through said section 35, Township 53, Range 11, and section 2, Township 52, range 11, to a point five hundred thirty-two (532) feet north of the center of said section 2; thence east, parallel with and 532 feet distant northerly from, measured at right angles to, the east and west quarter line through said section 2 and section 1, Township 52, Range 11, to a point in the south-west quarter of the north-east quarter, which point is at the intersection of the said line with the west line of Pine Street of the Village of Two Harbors, according to the recorded plat thereof; thence south, following the direction of the west line of said Pine Street extended to the shore of Agate Bay of Lake Superior, in Government Lot 2 of said section 1, Township 52, Range 11, above named; thence easterly and northerly, following the shore line of the north shore of Lake Superior, to the point of beginning.<sup>66</sup>

#### WARD BOUNDARIES.

Section 3. Said city shall be divided into four wards, as follows:

##### FIRST WARD.

All that part thereof which lies west of the center line of Poplar Street produced south to the southerly limits of said city and lying south of the center line of Fourth Avenue produced west to the west boundary line of said city, shall constitute the First ward.

##### SECOND WARD

All that part of said city which lies east of the center line of Poplar Street produced south to the south boundary line of said city and lying south of the center line of Fourth Avenue produced

east to the east boundary line of said city, shall constitute the second ward.

#### THIRD WARD.

All that part of said city which lies between the center line of Fourth Avenue produced west to the west boundary line of said city and produced east to the east boundary line of said city, and the center line of Seventh Avenue produced west to the west boundary line of said city and produced east to the east boundary line of said city, shall constitute the third ward.

#### FOURTH WARD.

All that part of said city which lies north of the center line of Seventh Avenue produced west to the west boundary line of said city and produced east to the east boundary line of said city, shall constitute the fourth ward.

The streets and avenues above referred to are the streets and avenues designated and laid out upon the original map or plat of the Town of Two Harbors and the maps or plats of the various additions thereto, which maps or plats are on file and of record in the office of the Register of Deeds of Lake County, Minnesota.

Provided, that the boundaries of the said wards may be changed or new wards may be created by ordinance adopted by an affirmative vote of three-fourths of all the members of the City Council. Provided further, that, in any such redivision or re-districting it shall be the duty of the City Council to provide for an equal population, as near as may be, in each ward.

#### ALDERMANIC DISTRICTS.

Section 4. Said city shall be and is hereby divided into four Aldermanic districts, and each ward shall constitute an aldermanic district. Said aldermanic districts shall be numbered to correspond with the wards. Each of said aldermanic districts so above described and constituted, shall form a separate election

precinct of said city for the holding of all general elections, provided for under the laws of this state, and for the election of all corporate officers to be elected as provided for in this Charter, or in any amendments thereof.

Provided, however, that the City Council of said City may, by a vote of three-fourths of all the members elect of said Council, divide such of said aldermanic districts as may contain over two hundred resident electors into two or more election precincts of said district, and from time to time designate, by resolution or ordinance, such election districts as may be deemed necessary, as aforesaid, in order to provide for the convenience of electors and to prevent illegal voting, such districts to be designated by numbers or otherwise as said City Council may determine.

Provided, further, that said City Council may, by a three-fourths vote of all the members elect of said Council, change the boundaries of said aldermanic districts in this Charter defined; but such change shall not be made within forty (40) days next preceding any general or special election.

#### SUCCESSION.

Section 5. When this Charter takes effect the City of Two Harbors shall be and become the legal successor of the Village of Two Harbors, and shall be vested with all the rights and immunities formerly vested in said Village of Two Harbors, except as herein otherwise provided, and all ordinances existing at the time of its adoption shall be in full force and effect until repealed or modified. All property, property rights, and interests of every kind and nature, formerly vested in said Village of Two Harbors, shall, when this Charter takes effect, be and become vested in the City of Two Harbors under this Charter; and all previously existing indebtedness, obligations and liabilities of said Village of Two Harbors, together with interest accrued or to accrue thereon, shall be assumed and paid by the City of Two Harbors.



## CHAPTER II.

### ELECTIONS, APPOINTMENTS AND GENERAL PROVISIONS CONCERNING OFFICERS.

#### Time of Elections.

Section 1. There shall be biennial elections by the qualified electors of the said city for the elective officers herein provided for, held on the Third Tuesday of March, 190~~9~~<sup>7</sup>, and on every *odd* numbered year thereafter, in each aldermanic district in said city, and in such election precincts in such districts as may be established by resolution or ordinance of the city council, and at such place and places therein as the city council may by resolution or otherwise designate, and ten (10) days previous notice of such election shall be given by the city council of the time and place of holding such election and of the officers to be elected.

Provided, that the Village officers of the Village of Two Harbors, constituting the law making body of said village at the time of the adoption of this charter, shall, as soon as may be thereafter, make suitable provision for the calling and holding of the first city election after the adoption of this charter, which election shall be held not later than thirty days after the date of the adoption of this charter, and all village officers shall remain in office, performing the duties of municipal officers until the city officers that may be elected at said first election of city officers and the respective appointive officers to be by them elected or appointed, accept and qualify for the office to which they have been respectively elected or appointed and such city officers so elected and qualified and their appointees in office shall, except as otherwise provided in this charter, continue to hold office until the first Monday in April, ~~29x~~ 190<sup>7</sup>, and until their successors are elected and qualified.

**Elective Officers.**

Section 2. The elective officers of the city shall be a Mayor, City Treasurer, Municipal Judge and Special Municipal Judge when a Municipal court shall have been previously provided for, Assessor, two Justices of the Peace, the term of office of which Justices of the Peace shall terminate upon the organization of a Municipal Court in the city, one Alderman from each Ward or Aldermanic district, and three Aldermen at large. Each of said ward aldermen to be hereafter elected shall be a qualified elector and actual resident of the ward for which he may be elected, and shall continue to reside in such ward during such time as he shall serve as such alderman. All of the other officers above specified shall be residents and qualified electors of said city. The City Clerk, City Attorney, and all other officers necessary for the proper management of the affairs of said city, not otherwise provided for in this charter, shall be elected by the city council, except as to the mode of appointment of such officers as is herein otherwise provided for, and the term of each officer elected by the people or appointed by the appointive power under this charter, except as herein otherwise provided, shall be two years.

**Commencement of Term of Office.**

Section 3. The term of each elective officer shall commence on the first Monday in April next succeeding his election, and all officers, elective and appointive, shall serve to the expiration of

their respective terms and until their successors are elected or appointed and have qualified, except when removed, as herein provided.

Section 4. Removal of officers.-- Any person appointed to any office under the provisions of this Charter may be removed from such office by a vote of two-thirds of all the members of the City Council, except as otherwise provided for in this Charter; but no such officer shall be removed except for cause, and unless he has first been furnished with a copy of the charges, nor until he shall have had reasonable opportunity to be heard in person or by counsel in his own defense. The City Council shall have power to fix the time and place for the trial of such officer, of which he shall be given not less than ten (10) days notice, to compel the attendance of witnesses and the production of papers, and to hear and determine the case. If such officer shall neglect to answer ~~to~~ such charge, the same shall be cause for removal.

Section 5. Vacancy-How filled.-- When a vacancy shall occur in the office of any officer elected by the people or ~~chosen~~ <sup>appointed</sup> by the City Council, such vacancy shall be filled by appointment by the City Council for the unexpired term.

Section 6. What shall constitute an election.-- A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the City Council, at such place and in such manner as they may direct. Officers appointed by the City Council shall receive a majority vote of all its members to constitute an appointment.

Section 7. All persons entitled to vote for state and county officers, and who shall have resided for thirty (30) days next preceding the election in the election precinct where they offer their votes, shall be entitled to vote for any officer elected under this Charter and to hold any office hereby created. Said election shall

be held and conducted in the manner and under the same penalties as required by the laws of the state regarding elections; except that the returns for all city elections shall be made to the city clerk, and the city council shall, within one week after said election, either at a regular or special meeting, canvass the returns and declare the result thereof, as it appears from such returns, and order certificates of election issued, by the city clerk, to the persons elected.

Section 8. Special elections for any purpose shall be held and conducted by the officers appointed in accordance with the preceding section, in the same manner, and the returns thereof shall be made in the same form and manner as general and biennial elections, and within such time as may be prescribed by resolution.

Section 9. Removal, Refusal or failure to act. Any officer removing from the city or ward for which he was elected or appointed, and any officer elected under the provisions of this charter, who shall refuse, or without cause, neglect to enter upon the discharge of the duties of his office for ten (10) days after the beginning of the term which he has been elected to fill, he having at least ten days prior thereto been notified by the city clerk of his election, or any officer appointed under the provisions of this charter who shall refuse or neglect, to enter upon the discharge of the duties of his office for ten (10) days after receiving notice from the city clerk of his appointment, shall be deemed to have vacated or abandoned the same.

Section 10. Resignation. Any person having entered upon the duties of his office may resign the same by and with the consent of the city council.

Section 11. Oaths and Bonds. Every person elected or appointed, to any office under this charter, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, municipal judge, special municipal judge, and clerk of the municipal court, and such other officers as the city council shall require, shall severally, before they enter upon the duties of their office, execute to the city, bonds, in such amounts and upon such conditions as the city council may prescribe. Such bonds shall be approved by the

city council, and it may from time to time require new or additional bonds, and it may remove from office any officer neglecting or refusing to give same.

Section 12. Interest in city contracts disqualifies for holding office. No mayor, member of the city council, or other officer, shall, while such mayor, member of the city council, or other officer, vote for or make any contract in behalf of the city or any department of the city with himself or with any firm of which he is a member, or with any corporation or association of which he is an officer or director, nor shall he be in any manner directly or indirectly interested in any contract with the city, and any contract in which said mayor, member of the city council, or other city officer, is or becomes directly or indirectly interested, shall be and become absolutely void, and any officer by said act shall forfeit his said office.

Section 13. Penalty for failure to observe duties imposed. Any officer or employe of the city who shall offend against any of the provisions of this charter or thing required to be done by him, or by wrongfully doing the same or who shall wilfully violate any of the provisions of this charter, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, or by gross and culpable neglect allow the same to be lost to the city, shall be guilty of a misdemeanor and shall be punished therefor as misdemeanors are punished by the criminal laws of the state, and shall, as a consequence thereof, forfeit his office and be forever disqualified from holding any office of trust or profit under the city government, and shall be liable to the city for any amount lost, or damage suffered by reason of such wrongful act or violation of law.

Section 14. Salaries of officers and employes. The salary of the mayor of said city shall be fifty (\$50.00) dollars per year, and the salary of each alderman shall be one (\$1.00) dollar per



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meeting for each meeting actually attended by such alderman, not exceeding however the sum of fifty-two (52) <sup>Dollars</sup> ~~meetings~~ in any one year; the salaries of all other officers and employes shall be fixed by resolution passed by a majority vote of all the members of the city council, and the salaries of the officers and employes shall be paid monthly out of the <sup>treasury</sup> ~~treasury~~ of the city.

Section 15. Every elective and appointive officer, except members of the council, and all boards provided for in this charter, shall annually, on or before the <sup>Second</sup> ~~last~~ Tuesday in <sup>March</sup> ~~February~~, make and transmit to the council full and detailed reports, properly verified by affidavit, of the business of such officer or department for the current fiscal year, together with a true and full inventory of all money, property and other effects of the city in the possession of such officer or board, or under his or its control. Such officers and boards shall likewise make to the council similar reports, and exhibit all their books and accounts, papers and other records kept by them, whenever requested by the council so to do. Every elective and appointive officer and board, and member thereof, provided for in this charter, shall, at the expiration of his term of office, in whatsoever way terminated, turn over to the city or to his successor in office, all the books, papers, files, records, money and other property and things whatsoever, pertaining to his office, which may be in his possession or under his control.

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Section 16. The Initiative. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in numbers to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding municipal election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 17 of this Chapter); and if the ordinance shall be passed by the council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five per cent, but less than fifteen per cent, of the entire vote cast for all candidates for Mayor at the last preceding municipal election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next regular municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance.) . If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

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Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; provided that there shall not be held under this section of the charter, more than one special election in any period of six months.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding regular city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

Section 17. The Referendum. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast

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for all candidates for mayor at the last preceding regular municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in Section 16 of this chapter, to the vote of the electors of the city, either at the next regular municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 16, of this chapter,, except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

Section 18. The Recall. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; provided, that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine

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signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be ~~announced~~ declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed

removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

### CHAPTER III

#### THE MAYOR.

Section 1. Powers.- The Mayor shall be the chief executive officer of the city. He shall take care that the laws of the state, the provisions of this charter, and the ordinances of the city, are duly observed and enforced within the city, and that all other officers discharge their respective duties, and to that end may

maintain an action of mandamus or other appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the City Council such information and recommend such measures as he shall deem advantageous to the city. He shall be the chief magistrate of the city and shall have command and control of its entire force of police.

Section 2. - Acting Mayor. During the absence of the Mayor from the city, or in case of his disability for any reason to discharge the duties of his office, the President of the City Council, or in case of his absence or disability, the ~~President~~ <sup>Vice</sup> President thereof, shall, for the time being, exercise all the powers and ~~discharge~~ <sup>discharge</sup> all the duties of the Mayor. The President or ~~President~~ <sup>Vice</sup> President so performing the duties of the Mayor shall be styled "Acting Mayor", and his acts while so acting as Mayor, shall have the same force and validity as if performed by the Mayor.

Section 3. - Mayor to sign contracts. - He shall sign all bonds and obligations on behalf of the city, and all warrants and orders drawn on the City Treasurer, unless otherwise provided by law. He shall also sign all contracts on the part of the city, except as otherwise provided in this charter.

Section 4. - Mayor shall communicate service of process. He shall, upon service of notice, summons or process upon him in any action or proceeding against the city, forthwith inform the city attorney and the city council thereof.

#### CHAPTER IV.

##### THE TREASURER.

Section 1. To receive and keep moneys belonging to the City. - The Treasurer shall receive and safely keep all moneys belonging or accruing to the city, including license money and fines, and shall keep accurate and detailed accounts thereof, and he shall be entitled to and shall demand and receive of the Treasurer of Lake County, at the times specified by law, all moneys due the city for taxes,

assessments, and interest and penalties thereon, on account of levies and assessments made by the city or its predecessor for any local improvement. He shall be the custodian of all bonds, certificates of indebtedness or other securities held by the city, or in the sinking funds of the city.

Section 2. To credit moneys received to various funds and deposit same.- The Treasurer shall, upon the receipt of any moneys, forthwith credit the same to the separate funds to which they same respectively belong or for which they are levied, and shall deposit the same daily, in the name of the city, to the order of the Treasurer, in the various depositories which shall have been designated by the City Council, but shall not deposit with any such depository an amount in excess of one half of the penalty of the bond furnished by such depository; and all interest that may accrue upon any such ~~deposits~~ moneys shall be credited to the general fund.

Section 3. City Depositories.- Any bank, banking house or trust company, having its principal place of business in the state of Minnesota, may be designated as a depository of the moneys in the city treasury as hereinafter provided. Such banks, banking houses or trust companies shall be designated by the city council of the city, by a resolution, after advertising in the official paper of the city, once in each week for two consecutive weeks, for proposals stating what security will be given to said city for such funds so deposited, upon condition that such funds, with accrued interest, shall be held subject to draft and payment at all times on demand, and when so designated shall execute to the city a surety company bond in double the amount it may desire or agree to receive on deposit, which surety company executing said bond shall be duly authorized and licensed to act as sole surety on bonds in the State of Minnesota, conditioned for the safe keeping and payment of the funds so deposited, and interest thereon, all of which bonds shall

C H A P T E R VII.

POWERS AND DUTIES OF CITY COUNCIL.

Section 1. Legislative power vested in City Council.

The legislative power and authority of the city shall be vested in a city council, composed of the aldermen of such city as herein provided.

Section 2. Organization. The city council shall, on the <sup>of the month next</sup> first Monday following the first election under this charter, and thereafter, biennially, on the First Monday in April next succeeding the regular municipal election, organize, and at the time of its organization, proceed to elect from their own number a President and Vice President for the ensuing two years, and such other officers as may be necessary for the transaction of its business. Such election shall be by ballot, and the affirmative vote of the majority of all members elect shall be necessary to elect.

Section 3. Duties of President.- The President, and in case of the absence of the president, the vice president, shall preside over the meetings of the City Council, and shall sign all resolutions and ordinances passed by the city council, and during the absence of the Mayor from the city, or his inability for any reason to discharge the duties of his office, shall have and exercise all the powers and duties of mayor, under the style of "acting mayor". The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

Section 4. Rules and special meetings. The city council shall prescribe rules for its own guidance and the time for its regular meetings, and provide for the calling of special meetings. No business shall be transacted at a special meeting unless the same shall have been specified in the call therefor.

Section 5. Quorum.- A majority of the members 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 absent members.



Section 6. Canvassing votes.-- The city council shall have power to, and it shall, canvass the returns of votes cast at all city elections and declare the results thereof, and shall be the judge of the election and qualifications of its own members.

Section 7. Ordinances and resolutions.-- 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 Two Harbors do ordain as follows:" No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

Section 8. Readings of an ordinance.-- No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be had at subsequent regular or adjourned regular meetings occurring not less than one (1) week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading and be passed only at a regular or adjourned regular meeting occurring at least one (1) week subsequent to the time at which the second reading was had.

Section 9. Passage of ordinances and resolutions.- Every ordinance, order and resolution, except as in this charter otherwise provided, shall be passed by a majority vote of the members of the city council, taken by yeas and nays, which shall be entered upon its journal. It shall then forthwith, before it takes effect, be presented to the mayor for his approval as herein provided. Every ordinance, order and resolution shall be published once in the official newspaper of the city before it takes effect. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting unless at such a meeting there are present as large a number of its members as were present when said vote was taken.

The proof of such publication of ordinances and resolutions by the affidavit of the foreman of or one of the publishers of such newspaper, with a printed copy of the ordinance or resolution annexed thereto, or any other competent proof of such publication, shall be prima facie evidence of the legal passage, enactment, publication and promulgation of such ordinance or resolution, in any court in this state.

All ordinances shall be recorded, by the City Clerk, in books to be provided for that purpose.

In the publication of resolutions that may be included in the publication of the proceedings of the council, such resolutions shall be printed with the dates of their approval without appending in such publication the signatures to such resolution.

In all notices, prosecutions and proceedings of every kind before the municipal court or any justice court in this city, such court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinance in such court.

Section 10. Contracts awarded and warrants drawn pursuant to resolution. In all matters, except those provided for in Section 27 of this Chapter, and any other cases mentioned in this Charter in which action is required to be by ordinance, the City Council may act by resolution in writing, or in cases in which it is not otherwise provided in this Charter the city council may act by mere motion to be entered on the minutes; provided, however, that every appropriation to the amount of five hundred (\$500.00) dollars or more to be paid to any one person, firm or corporation (exclusive of salaries and compensation of officers and employees of said city, and bond interest and other fixed charges, or sums heretofore authorized or contracted to be paid, which sums, including the payroll of city officers or employees whose salaries or compensation have been fixed by law or resolution, may be passed and warrants

ordered hereunder, by motion as provided in section fourteen (14) of Chapter Five (5) of this Charter) and the letting of any job of work, or the authorizing of any contract or purchase involving an expenditure from the city treasury of five hundred (\$500.00) dollars or more, and any provision for the sale of any real estate of the city, or of any of its personal property, of the value of five hundred (\$500.00) dollars or more, and every determination to make any improvement the expense whereof is to be assessed upon abutting property or property found to be benefitted, or to take private property for public use, and every determination to issue bonds of the city or in any way to contract indebtedness exceeding five hundred (\$500.00) dollars (except as herein otherwise provided), shall be by ordinance or resolution in writing.

Every ordinance whatever, and every resolution in writing such as is mentioned in the proviso of this section, which may be passed by the council, shall be signed by the President of the council and attested by the Clerk; and on the next day after the passage thereof the same shall be transmitted, by the Clerk, to the Mayor for his approval. If the Mayor approves the same he shall append his signature with the date of his approval thereto, and return the same to the city clerk within five days, Sundays excepted, from the date of its transmission to him; and if he declines to approve the same he shall, within said period of five days, return the same to the city clerk with a statement of his objections thereto, to be presented to the council at its next meeting thereafter. Upon the return of an ordinance or resolution to the council without the Mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote, which shall be taken by a call of the ayes and nays, two-thirds of all the members of the council shall vote in favor of such ordinance or resolution the same shall be declared enacted and shall have the same force and effect as if approved by the Mayor. If any ordinance or resolution so submitted to the Mayor shall not be returned by him to the clerk within five days,

~~35~~ 35

Sundays excepted, after the presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk on demand.

Section 11. Two-thirds vote required. Every ordinance, order and resolution appropriating money or creating any liability (or for the issuance of certificates of indebtedness in anticipation of tax or assessment levies), awarding or approving any contract for the payment of money, except as provided in Section 14, Chapter 5 hereof, ordering any condemnation of private property, or the making of any local improvements, shall require a two-thirds ( $2/3$ ) vote of all the members of the city council.

Section 12. Issuance of bonds and incurring of indebtedness. Any ordinance or resolution authorizing the issuance of any bonds of the city shall require the affirmative vote of two thirds ( $2/3$ ) of all the members of the city council.

Provided, however, that before such bonds shall be issued the question shall be submitted for ratification to the electors of the city at the next regular city election, or at a special election called for that purpose, the form of ballot to be used at which, shall be prescribed by the city council. If two-thirds of all the electors voting upon such question shall vote in favor of the issuance of such bonds, then said ordinance or resolution shall take effect and be in force, otherwise the same shall become null and void.

Provided, however, that upon the petition of twenty-five per cent of all the electors voting at the last preceding election, the city council shall submit the question of issuing bonds for any purpose, to a vote of the people as above provided.

Provided, however, that a majority vote of the members of the city council shall be sufficient to pass any ordinance or resolution authorizing the issuance of bonds for the purpose of paying maturing

bonds of the city without submission to the electors.

Provided further, that the amount of all such bonds, except as hereinafter provided, shall be controlled by the limitations herein made on the power to issue bonds, and the city council shall not in any manner, either with or without the vote of the people, authorize the issuance of any bonds or create any indebtedness of the city in excess of the said limit herein prescribed, except as hereinafter provided.

Section 13. Whenever a special or private ordinance is enacted, the city council shall require a bond from the beneficiary thereof to protect the city against any claims/ or damages resulting from the grant of right or privilege under such ordinance, the amount of such bond and the conditions thereof to be fixed and determined by the city council, and further security may be required at any time, and the terms of the grant shall so provide.

Section 14. Aldermen not to solicit appointment.- No member of the city council shall demand, request or solicit any board, officer or employe, connected with the city, to engage or appoint any person to a position in said city, except <sup>that</sup> ~~the~~ aldermen in open ~~may make such request or solicitation,~~ council meeting, and upon proof of the violation of this provision the office of such member shall become and be declared vacant by the city council.

Section 15. Witnesses before city council.- 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 committee, 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 and other processes.

Section 16. Punishment for refusal to testify.- If any witness shall refuse to testify to the facts, within his knowledge,



or to produce any books or papers in his possession, or under his control, the city council shall have the power to fine or commit him for contempt.

Section 17. Witnesses not to be excused. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such proceeding or inquiry before the city council or any committee thereof, or before any officer of the city having power to conduct the investigation; but such testimony shall not be used against him in any criminal prosecution except for perjury.

Section 18. City Council to control finances-- Limit on bond issue. The city council shall control the finances of the city, and shall have power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes and to issue bonds therefor, as hereinbefore provided; to issue bonds in place of, or to supply means for paying maturing bonds or to consolidate or fund same.

Provided, that the total indebtedness of the city, except as hereinafter provided, shall not thereby be made to exceed ten (10) per cent of the total value of the taxable property of the city according to the last preceding assessment for the purpose of taxation.

Provided, however, that the certificates of indebtedness or bonds issued for the creation and maintenance of the permanent improvement revolving fund shall not be considered as a part of the bonded indebtedness ~~of~~ of the city, for the purposes of this section.

Provided, further, that the certificates of indebtedness issued for the purpose of anticipating the collection of general taxes for the year in which they may be issued, shall not be considered as a portion of the bonded indebtedness of the city for the purposes of this section.

Provided, further, that the certificates of indebtedness or bonds issued for the purpose of purchasing, constructing, regulating, maintaining, extending, enlarging or improving water and light plants, or either of such plants, owned, maintained and operated by the city, or for the purpose of acquiring any real or other property needed in connection with such plant or plants, or any refundment of such certificates or bonds, shall not be considered as a portion of the indebtedness of the city for the purposes of this section.

Provided, further, that the city council may set aside annually such portion of the gross income from any water and light works, or either, of the city as they shall determine, to create a sinking fund for the payment of any water and light bonds, or either, as they become due.

Section 19. Power to levy taxes and make assessments.--

It shall have the power to fix the rate of, subject to the restrictions in this Charter contained, and levy and collect general and special taxes for municipal purposes on real and personal property in the city, and to levy assessments for local improvements, and to prescribe the procedure in making improvements and assessments therefor, in so far as the same is not fixed and prescribed by the terms of this Charter.

Section 20. Condemnation.-- It shall have power to acquire, by condemnation, dedication or otherwise, lands for and to lay out, open, widen and extend streets, alleys, avenues, bridge approaches, parks and public grounds, and to establish the grade and width of such streets, alleys and avenues, and to change the same; and to acquire by condemnation or otherwise easements for slopes, cuts and fills; by condemnation or otherwise to extend or widen any street, alley or highway over or across or to construct any sewer under or through any railroad track, right of way or land of any railroad or other corporation, and to acquire, by condemnation or otherwise,

the right to take, use or divert water from any lake, stream or water course for water supply of said city.

Section 21. Improvement and vacation of streets.-- It shall have power to extend, widen, straighten, grade, drain, pave, repave, macadamize or otherwise improve any street, alley or public ground, and to lay or order laid sidewalks, curb and gutter thereon, also to establish a building line for any residence avenue or street, and to prevent the erection of buildings in front of such line, but no such building line shall be established on any street or avenue until a majority of the owners of the ~~property~~ property affected thereby fronting on such street or avenue have petitioned the city council therefor.

Section 22. Maintaining and altering water courses and lakes.-- It shall have the power to build and maintain bridges and viaducts, to deepen, widen, dock and cover, wall, alter or change the channel of any water course within the city, and by condemnation or otherwise, to acquire the lands and rights necessary therefor, and may remove any obstructions or unsightly structures from any pond or water course in the city and to prevent the dumping of any garbage therein.

Section 23. Approval of plats.-- It shall have the sole power to accept and approve plats of additions within or adjoining the city, and to prescribe the width and location of streets and alleys required in such plats of property.

Section 24. Light, water and transportation plants.-- It shall have power to provide for the lighting of streets, avenues and public grounds and buildings, and to purchase, acquire ~~and~~ or establish gas, electric and other lighting plants and to furnish gas, heat and electricity to persons within the city limits on such terms as it may provide; to purchase, procure or establish water works and to provide water for the use and convenience of the inhabitants of the city, <sup>or others,</sup> and to prescribe and fix the charges for

the same and the manner in which they same shall be paid; and to provide for systems of public transportation within the city and to regulate the operation thereof. It shall also have the power to make contracts with individuals, firms or corporations for the use of water for protection against fire and other purposes. It shall also have the power to contract~~s~~ with individuals, firms or corporations for the use of electric or gas light for street lighting and other purposes. Such contracts for water and electricity and gas to be made for such time as the city council may deem for the best interests of the city, not to exceed ten ~~years~~ (10) years for water and not to exceed five (5) years for gas or electricity for street lighting and other public purposes.

Section 25. Power to maintain buildings.-- It shall have power by a two-thirds ( $2/3$ ) vote of all the members thereof, to erect, provide for, ~~and~~ improve and repair a city hall, <sup>Fire Halls,</sup> police stations, armories, jail, work-house, poorhouse, hospitals, public cemeteries, libraries, markets, and market houses, public pounds, pest houses, quarantine hospitals, dumping places, dumping stations, sewer stations and other 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, for its government, or the operation of its departments; and to acquire by purchase, gift or condemnation lands for sites for said buildings or to be used in connection therewith; and to acquire by purchase, condemnation or otherwise, any real property for municipal purposes, and by resolution passed by a two-thirds ( $2/3$ ) vote of all its members, to sell or authorize the sale of any of the same.

Section 26. Depositing of funds and auditing of accounts.-- It shall designate the depositories of the funds of the city treasurer, and by resolution approve all bonds given for the safe-keeping thereof, and it shall examine and audit the accounts of all city officers.

## S P E C I F I C P O W E R S .

Section 27. The city council, except as in this charter otherwise provided, shall have the general management and control of the finances and all 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~~ expedient for the government and good order of the city, for the protection of the public and public health, comfort and safety, for the suppression of vice and intemperance and the prevention of crime. It shall have power and authority to declare and impose penalties and punishments for 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 full force of law. For these purposes the city council shall have specific authority, by ordinance;

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

Second. To regulate and prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage, or any other offensive matter or obstructions in or upon any street, avenue, alley, public ground, place or public stream or waters.

Third. 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 snow, 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.



Fourth. 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, construction of sub-ways and conduits, and for other purposes; and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures, conduits and electric conductors of every kind, underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and, if it is deemed necessary, to prohibit the construction and maintaining of coal holes, man holes and hatch-ways and other openings in the sidewalks, streets and alleys and the coverings and guards thereof.

Fifth. To regulate and provide for the removal or destruction throughout the city or in such districts or on such streets and avenues and in such manner as the council may direct, of any and all swill, offal, garbage, ashes, street sweepings, barn-yard litter, manure, rubbish, and the contents of privy vaults, cess pools and sinks, decaying animal matter and dead animals, or any other foul or unhealthy material, and to provide for the removal, to a point beyond the city limits, of any and all such matter or things; and the city council is hereby authorized and empowered to make and enter into contracts with persons or corporations for such removal of such material and substances or any of them, upon such terms and conditions as it may deem best and for any time not to exceed two years.

Sixth. To provide for and regulate the construction and use of pavements, sidewalks, cross-walks, curbs and gutters.

Seventh. To regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric light 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 any 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.

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

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

Tenth. To regulate and prohibit traffic and sale upon the streets, sidewalks and public places.

Eleventh. To regulate ~~the~~ <sup>the</sup> 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 ~~xxxxxx~~ places.

Twelfth. 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 heavy loaded vehicles or traction engines may be drawn or propelled, and from what streets, bridges, alleys and public places the same may be excluded.

Thirteenth. To regulate and control or prohibit the placing of poles and the stringing of wires along or across the streets and alleys, and to require any and all wires within prescribed limits within the city to be placed, as it may designate, beneath the surface of the streets or sidewalks, and to require any poles already erected or wires already suspended to be removed and the wires likewise to be placed in conduits beneath the surface of the streets,

and to compel any and all such wires, pipe and other constructions and conduits to be placed in a common area beneath the surface upon such terms as it may designate.

Fourteenth. To name and change the name of streets, alleys and other public places.

Fifteenth. To regulate and prohibit the use of all ditches, drains, sewers, privies and cess-pools within the city, or in such portion 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.

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

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

Eighteenth. To provide for and change the location, grade and crossing of any railroad, and compel 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 on the streets and public roads and to keep the same in repair within the limits of the city.

be approved by the City Council. Such bonds shall be filed and recorded in the office of the City Clerk, and whenever required so to do by the City Council such depositories shall furnish new bonds and other sureties to be likewise approved, and the record of any such bond, as well as the original, shall be evidence of the contents and execution thereof; and when the moneys in the hands of the treasurer shall be deposited with any such depository, as herein provided, the treasurer, and his sureties upon his official bond, shall be exempt from all liability by reason of the loss of said money while so deposited.

Section 4. When ~~to~~ pay money out of the City Treasury.- The treasurer shall pay no money out of the City Treasury except in the following cases: First,- In the payment of the principal and interest of bonds or of certificates of indebtedness. ~~Second~~ Second,- Upon an order properly drawn and countersigned which has been first duly authorized and allowed, and which shall specify the purpose for which it is drawn, and the funds out of which <sup>and</sup> ~~the~~ the person to whom it is payable; upon the payment and receipt by him of any such order the treasurer shall cancel and file the same and it shall not be again issued; and he shall keep separate, orders drawn upon each particular fund. Third,- In the duly authorized payment of the employes of any department of the city on pay-rolls, in which case he shall make such payment to each employe, taking his receipt therefor. Fourth,- In the payment out of the moneys appropriated for the contingent expenses of the Mayor upon warrants drawn on such appropriations, signed by the Mayor and countersigned by the Clerk, not exceeding the amount appropriated by the City Council for such purpose in any fiscal year.

Section 5. Treasurer to make monthly statements.- The Treasurer shall, at the first meeting of each month, make statements to the City Council of the amount received and distributed on account of each fund controlled by the City Council, and a

statement of the amount of money in the various funds deposited with each depository and in his hands, at the same time he shall report to the City Council the total amount of city funds and where placed or deposited. He shall, whenever notified so to do by the City Council, withdraw all funds from any depository designated as hereinbefore provided, and notify the City Council of such withdrawal, and shall thenceforth deposit no more therein until authorized so to do by the City Council.

Section 6. Funds not to be loaned or unlawfully disposed of.- The funds of the city shall not be loaned by the Treasurer to any city officer or other person, or otherwise disposed of except in accordance with the law. Any violation of any of the provisions of this section shall, unless otherwise punishable by the criminal laws of the state, be punishable by a fine not exceeding one thousand (\$1000.00) dollars or by imprisonment not exceeding one year.

Section 7. Bond of Treasurer.- The Treasurer, before entering upon the duties of his office, shall give a surety company bond in an amount not less than the largest estimated amount of money he will have in his hands at any one time, according to estimates made by the City Council, and the amount of which bond to be designated by the City Council, the premium on said bond to be paid out of the city treasury.

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CHAPTER V  
CITY FINANCES.

Section 1. The fiscal year of the city shall begin on the last Tuesday of ~~March~~<sup>February</sup> and terminate on the Monday next preceding said last Tuesday of ~~March~~<sup>February</sup> each year.

Section 2. Property subject to taxation. All property in the City of Two Harbors taxable under the laws of the state shall be ~~subject~~ subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law and this Chapter.

There shall be maintained in the City Treasury the respective funds hereinafter in this chapter provided, and the city council, by a majority vote of the authorized membership thereof, may levy an annual tax upon all taxable property in said city for the support of such funds and purposes.

Section 3. General Fund. There shall be maintained in the city Treasury a fund to be designated as the General Fund, into which shall be paid all moneys not specifically designated as belonging to any particular fund, and from which there may be drawn to be credited to any such fund, or for such other purposes as may be designated by law or authorized by the city council.

Section 4. Permanent Improvement Fund. There shall be created, when not already existing and maintained in the city treasury, a fund to be designated as the Permanent Improvement Fund, into which shall be paid all the moneys received from the sale of any property or permanent improvements of the city not otherwise provided, and such amounts from time to time as may be realized from the sale of any bonds or ~~certificates~~ certificates of indebtedness issued on account of such fund, and all amounts collected on special assessments advanced in first instance out of such fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax levy to be made by the city council of an amount necessary. And out of such fund shall be paid

the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements which shall not be otherwise provided for out of other funds, and also the cost of all local improvements, unless the city council maintains a permanent improvement revolving fund; and the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this Charter provided.

Section 5. Permanent Improvement Revolving Fund. There shall be created, if necessary, and maintained in the city treasury, if the city council shall so direct by ordinance, a fund to be designated as the "Permanent Improvement Revolving Fund", into which shall be paid all accounts realized from the sale of certificates of indebtedness issued on account of such fund, and the principal sum of all special assessments and benefits assessed and levied on account of any local improvements, as well as all taxes levied on account of such fund, and there shall be paid out of such fund that portion of all local improvements for which special assessments are levied, and such amount of excess assessments as may in any instance be refunded, and for no other purpose whatever. And the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this Charter provided. And the city council may from time to time by ordinance by a three-fourths ( $3/4$ ) vote, issue, negotiate and sell certificates of indebtedness for the creating or maintaining of such fund, and such certificates shall not be sold for less than par and accrued interest, and shall bear interest at a rate not to exceed five (5) per cent per annum, and shall be made payable from said fund and at such times as the city council may determine; provided HOWEVER, that the amount of certificates so issued shall not exceed at any one time two-fifths ( $2/5$ ) of one (1) per cent of the total value of taxable property of such city, according to the last preceding assessment for purposes of taxation; ~~PROVIDED, HOWEVER, that cities already having created~~

~~a permanent improvement revolving fund, by the issuance of bonds up to the limit prescribed by existing laws, shall not have authority to issue certificates of indebtedness as permitted by this section.~~

Section 6. Water and Light Plant Fund. A water and light plant fund, to provide for the support and maintenance of any plant owned, or operated by the city for furnishing to the city <sup>(or)</sup> its inhabitants, water or light, and to provide for the payment of the interest on any bonds which may be a lien upon such plants or either of them. There shall also be paid into this fund all moneys derived from the sale of any property acquired for or used in connection with the water or light plant of the city, and the proceeds of all special assessments levied on account of or in connection with such water and light plants or either of them; and also such amounts as may from time to time be realized from the sale of bonds, issued on account of said water and light plants, or either of them, and also moneys received from the operation of said plants, or either of them, including water rates, rentals and penalties.

The city treasurer shall keep a separate account of the proceeds of the sale of bonds issued by the city for the construction, extension or purchase of a water or light plant, or both, and no part of the moneys in said separate account shall be used in the maintenance, operation or repair of either of the said plants.

There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of said water plant and said light plant, and the interest upon all bonds which may be a lien upon such plants or either of them. <sup>there</sup> Should <sup>^</sup> be any accumulation of moneys in this fund beyond the needs thereof, the city council may, by resolution, direct such accumulation or any part thereof, to be paid and transferred to the sinking fund or general fund of the city.

Section 7. Library Fund. There shall be maintained in the city treasury of this city a fund to be designated as the Library

Fund, which shall be under the control of <sup>the</sup> Library Board and subject to be paid out upon its order, and into such fund shall be paid all amounts received from the sale of any property under the control of such board, and appropriations thereto and the proceeds received from the sale of any property under the control of such board, and all taxes, interests and penalties accruing thereto, by reason of the levy of any taxes for such board, and the proceeds of all gifts made to said library board, and out of such fund shall be paid the expenses of such board and all salaries, and the cost of the acquisition, maintenance and operation of the system of public libraries of the city, and of the property under the control of such board.

Section 8. Interest fund. There shall be maintained in the city treasury a fund to be designated as the interest fund, which shall be maintained by an annual levy upon all the taxable property of the city of an amount which, in addition to any balance remaining in said fund, shall be sufficient to pay the interest to become due during the next fiscal year, upon all the bonds or debts of the city. There shall be maintained in the city treasury such other funds, and the city treasurer shall perform such other duties as are prescribed by law or ordinances.

Section 9. Sinking Fund. 1st. In order to provide for the certain payment of the bonds of the city, the city council shall provide and maintain a sinking fund. It shall provide by ordinance for the care, investment and security of such fund, but shall have no authority to abolish same until all bonds of the city are fully paid, nor shall it divert such fund, nor any revenue nor increase thereof for any purposes unless and until all bonds of the city are fully paid.

2nd. Such fund shall be maintained by an annual tax levy of one-tenth(1/10) of one per cent of the assessed valuation of all the taxable property in the city which shall be made by the city council at the time of levying taxes for other purposes. There shall also

be placed in such fund any and all amounts of taxes collected to pay the interest on the bonds of the city in excess of the amount of such interest, if any there be. There may be also placed in said fund moneys set aside in accordance with the fifth and final provision of Section 18 of Chapter 7 of this charter.

3rd. The Mayor, Clerk and Treasurer shall constitute a board of sinking fund commissioners, and the city council shall define such of their duties as are not herein enumerated. Such commissioners shall have charge of such sinking fund, and by and with the consent of the city council may invest the same in the bonds and certificates of the city and such other bonds as are permitted for the investment of the permanent school fund of the state of Minnesota, and in the bonds of any city in the state of Minnesota, and such county and school bonds in the state of Minnesota as may be approved by the city council, and not otherwise.

4th. ~~When~~ In case of investment in the bonds or certificates of the city for whose benefit the <sup>Said</sup> sinking fund is established, such bonds or certificates shall not be cancelled before the maturity thereof, but shall be held by said commissioners, and the interest thereon paid over and applied to the increase of such sinking fund.

5th. Whenever the principal of any bonds or certificates of the city shall become due such commissioners shall, by and with the consent of the city council, dispose of such of the bonds or certificates belonging to such funds as, with the money on hand belonging to the same, shall be necessary to pay such bonds or certificates.

6th. Whenever the amount of such sinking fund, shall, with the interest or revenue thereof computed to the time of the maturity of the bonds of the city, be sufficient to pay all of said bonds at the maturity thereof, the levy of the one (1) mill above provided for shall be omitted, but in case, by reason of decrease of interest or depreciation of investment or other cause, such fund shall become insufficient, said levy shall be resumed.

7th. In case the sinking fund commissioners, or other city officers shall violate or neglect to perform any of the provisions



of this Section, any tax-payer of the city or any owner of any of its bonds shall have the right to maintain, in any court of competent jurisdiction, any proper action to enforce compliance therewith. The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds of the city is hereby declared to be part of the contract with the holder of any bonds or certificates of indebtedness of the city that may hereafter be issued, and ~~xxx~~ shall be kept inviolate.

5th. Whenever such sinking fund shall be insufficient to pay all the bonds of the city that may at any time become due, or when it shall by the city council be deemed advisable and for the interest of the city to take up any outstanding bonds of the city not due, which may be offered for sale by the holders thereof, the city council may issue the bonds of the city, to run not to exceed thirty (30) ~~xxxxxx~~ years on such terms as to place of payment and rate of interest as may be deemed advisable, to such an amount as may be necessary, to meet such deficiency, or to take up and refund such bonds not due; PROVIDED That the refunded bonds shall in no case draw a higher rate of interest than the bonds so taken up.

Section 10. Board of Tax Levy. There shall be a board of tax levy in and for the City of Two Harbors which shall consist of the Mayor, Clerk and President of the City Council. Said board of tax levy shall meet at the office of the Mayor of said city on the second Monday in September in each year and may adjourn from time to time as may be made necessary by the duties hereby required, but not later than the first Tuesday in October. A majority vote of said board shall decide all questions coming before said board. The said board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the city council of said city is authorized to levy taxes for such year, and it shall be the duty of the said board to reduce the maximum rate of taxation for the various purposes to the lowest practical limit. The City Clerk shall on or before the first Tuesday in October in each year certify

and transmit to the city council the maximum rate of taxation for the various purposes for which said council is authorized to levy taxes, as fixed and determined by said board of tax levy, and no taxes shall be levied for said year by said council in excess of the maximum rate so fixed and determined by said board.

Section 11. Report of Estimates. The City Clerk shall, at the time of the certifying of the report of the board of tax levy, as above provided, report to the city council an estimate of the current expenses of the city for the fiscal year commencing on the last Tuesday of ~~January~~ <sup>March</sup> next ensuing, together with a statement of the amount of all revenues received by the city for the then current year.

Section 12. Annual Tax Levy. The city council shall, on or before the 10th day of October of each year, upon the coming in of the said reports of the board of tax levy and the City Clerk, levy on annual tax upon all property in such city, taxable under the laws of this state, for the purpose of defraying and paying all the expenses, obligations and liabilities existing or authorized by this ~~charter~~ charter, and the said levy so made, as aforesaid, shall be reported by the city clerk forthwith to the county auditor of Lake County and shall be entered upon the tax duplicate of such county and collected annually in like manner as county and state taxes are collected.

Section 13. Limit of Debt or Liability. ~~Neither the city council of the city nor any officer or officers of said city shall, except as in this charter provided, have authority to issue any bonds or create any debt or any liabilities against said city in excess of the amount of revenue actually levied and applicable to the payment of such liability.~~

Section 14. Money--How paid out--City Orders. All moneys belonging to the city, except as otherwise provided in this charter, shall be under the control of the city council, and shall be paid out

only upon the order of the Mayor, countersigned by the Clerk, duly authorized by virtue of a resolution of the city council, by an affirmative vote of a majority of the whole number of the city council.

Provided, that all sums of money due or to become due upon monthly pay-rolls, or as salaries for compensation of city officers and employes regularly elected or appointed and receiving a fixed salary or compensation, and all sums due or to become due for interest on bonds and other fixed charges, may be allowed and ordered paid on mere motion duly carried by an affirmative vote of a majority of all members present.

Every order drawn upon the Treasurer shall designate the specific purpose for which it is drawn, and the fund upon which drawn, and shall be payable only out of such fund belonging to the city as is named in the resolution providing for its payment, if same is authorized by resolution. Each order shall be payable to the order of the person in whose favor it is drawn and it may be transferred by endorsement.

Taxpayer's and Claimant's appeal.

Section 15. No order shall be issued or signed for the payment of any claim allowed in whole or in part by the city council, except the salary or wages of an employe or officer of the city, until five days after the allowance thereof, within which time any five taxpayers of the city may appeal from such allowance to the District Court of the County. To effect such appeal, they shall pay to the clerk a fee of fifty cents, and serve upon him a notice setting forth the fact of the appeal, the claim referred to, and the amount and date of its allowance, and thereafter no order shall issue until the appeal is determined. The clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court, the original affidavit claim, with a certified copy of the minutes of all council proceedings relating thereto. Upon proof being filed with said clerk of the service of said notice, the court shall have jurisdiction of said claim, and of the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board.

Provided, that whenever the city council of this city shall refuse to pay the claim of any person against the city for anything except the salary or wages of an employe or officer thereof, such person may appeal from such decision of the city council to the District Court of Lake County, Minnesota, by causing a written notice of such appeal to be filed in the office of the clerk of said court, after having served such notice on the city clerk of said city; such service and filing to be made within fifteen days after the city council has rejected or refused to pay such claim, and like proceedings shall be had therein as are herein provided for in the case of appeals from the allowance of a bill by the said city council, except that in this instance the person aggrieved and not the taxpayers mentioned in this section, shall take the initial steps and cause said notice of appeal to be served upon the city clerk.

CHAPTER VI  
CITY CLERK- DUTIES.

Section 1. At the time of the organization of the city council, after each regular municipal election thereof, or as soon thereafter as may be, the city council shall appoint a city clerk, who shall qualify as hereinafter provided, and who shall serve for the term of two years and until his successor is appointed and qualified, unless removed for cause as in this charter provided.

The City clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council at whose meetings it shall be his duty to be present. The city clerk shall have power to take acknowledgements, administer oaths and affirmations, and copies of all papers filed in his office and transcripts of any records in his office certified to by him under the corporate seal shall be evidence in all courts

in like manner as if the originals were produced by the clerk at the trial. He shall perform all other services by law required of ~~the clerk~~ of cities and townships ~~within this city~~, <sup>State</sup> and when services are required of him by public law for which compensation is provided such services shall not be regarded as services for the city and he may retain such compensation in addition to the salary paid to him by the city.

Section 2. Warrant Accounts.- He shall keep accounts of warrants drawn on the treasurer in separate books, and shall note thereon the cancellation thereof whenever the same shall be cancelled and shall keep such other books and records as shall be necessary for the preservation of the accounts of the transactions and business of the city, and all books, lists, and records heretofore kept, or which shall be kept in the city clerk's office, and copies thereof by him certified, shall be competent evidence of all matters shown by them.

Section 3. He shall keep accounts with the city treasurer and all other receiving or disbursing officers of said city; in such accounts he shall charge such officers with all amounts received by them from all sources of revenue and with all city property in their hands or control, as such officers,, and credit them with all amounts disbursed, or property disposed of on proper authority, and with all money or property <sup>u</sup>turned over to the city or to their successors in office.

Section 4. To countersign bonds and other evidences of indebtedness.- He shall countersign all bonds, warrants or other evidences of indebtedness of the city; and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

Section 5. To examine accounts of other officers.- He shall examine the reports, books, papers and vouchers of the treasurer and of other receiving and disbursing officers, and perform such other duties pertaining to his office as the city council may



prescribe, and it shall be the duty of the City Clerk to make a report of the financial condition of the city to the City Council at any time the same may be required by the City Council.

Section 6. To report financial condition to the city council. He shall, within <sup>two weeks</sup> ~~ten days~~ after the close of each fiscal year, report to the city council the financial condition of the city, and shall at the end of each fiscal year, or within <sup>two weeks</sup> ~~ten days~~ thereafter, make out and cause to be published in the official paper of the city, a summary and detailed statement showing the financial condition of the city, the amount of moneys received for the year and from what sources, and also the amount disbursed and for what purpose.

Section 7. To countersign all contracts.- He shall countersign all contracts made in behalf of said city, and no such contract shall be valid for any purpose until so countersigned, and he shall be the custodian of all such contracts. He shall keep a book in which he shall record all contracts, which shall be open to the inspection of all parties interested.

Section 8. Auditing and adjusting claims.- It shall be the duty of the City Clerk to draw all warrants on the city treasurer for all claims and accounts against the city audited and allowed by the City Council and to designate and specify upon each claim and account so audited and adjusted the particular fund out of which the same shall be paid.

Section 9. Supervision of official publications.- The City Clerk shall have the supervision of all printing and official publications ordered by the City Council. He shall cause to be published in the official paper the minutes of all proceedings of the city council as soon after each meeting as practicable.

Section 10. Assistants.- The City Clerk shall have power to appoint a deputy city clerk who shall hold his office during the pleasure of the city clerk, and shall have authority under the direction of the city clerk to perform all the duties of the city clerk. The City Clerk shall be responsible for the acts of his

(10) 30

deputy and shall compensate such deputy for his services; and the City Clerk is hereby authorized to require his said deputy to give a bond to the said City Clerk conditioned for the faithful performance of the duties of his office.

Section 11. It shall be the duty of the City Clerk to perform such services, additional to those above prescribed, as may be incidental to his office, or required elsewhere in this charter, or by city ordinance, or by direction of the City Council, and to discharge such other duties in connection with the finances of the city as are, or may be required of him by this charter, by the city council, or by the general laws of the state applicable to this city.

Section 12. The City Clerk, before entering upon the duties of his office, shall execute a surety company bond to the city in an amount to be determined by the city council, not less than five hundred (\$500.00) dollars, conditioned for the faithful performance of the duties of his office. Such bond shall be subject to the approval of the City Council, and the premium on said bond shall be paid out of the city treasury.

~~Twenty~~. 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 railroad trains, cars or engines, and to provide protection against injury to persons and property in the use of such railroad.

Twenty~~One~~<sup>1</sup>. To compel and require railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy and stagnant water cannot stand on their ground or right of way and so that the natural drainage of adjacent property shall not be impeded .

Twenty~~Second~~<sup>2</sup>. To restrain the pollution of the waters of any creek, river, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein, and to provide for the cleansing and purification of water, water courses and canals and the draining and filling of ponds or pools on private property whenever necessary to prevent or abate nuisances and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or the Board of Health may direct, and upon his default to authorize the removal or destruction thereof by some officer of the city at the expense of said owner or occupant.

Twenty~~Third~~<sup>3</sup>. To compel the owner of low ground where water is liable to collect or become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or removal of such substance specified in subdivision 2~~1~~, or expense of filling or draining any such low ground, a lien upon the property from which such substances are removed or destroyed, or in which said low ground is filled or drained, and to make a

special assessment for the same upon such property, to be collected as other special assessments are collected.

~~Twenty-Fourth~~ <sup>23</sup>. To fix the amount, terms and manner of issuing licenses not inconsistent with the law and subject to the provisions of this Charter; provided, that no license shall be issued for a longer term than one year.

~~Twenty-Five~~ <sup>24</sup>. To license and regulate or prohibit conductors of gifts, fire, auction or bankrupt sales, itinerant merchants and transient vendors of merchandise, and tax the proceeds of their sales, and to license and regulate runners, agents and solicitors for stages, cars, vessels, public houses or other things or persons.

~~Twenty-Sixth~~ <sup>25</sup>. To license and regulate or prohibit and to suppress billiard, pool, pigeon hole tables, pin alleys, bowling alleys, shooting galleries, taverns and victualing houses.

~~Twenty-Seventh~~ <sup>26</sup>. To license and regulate the exhibition of common show men and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, skating rinks and all places of amusements and museums for entrance into which money is charged.

~~Twenty-Eighth~~ <sup>27</sup>. To license and regulate auctioneers, pawn brokers, second hand dealers and junk dealers and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof.

~~Twenty-Ninth~~ <sup>28</sup>. To license and regulate news boys, boot blacks, fortune tellers, clairvoyants, astrologists, and massage doctors.

~~Thirtieth~~ <sup>29</sup>. To license and regulate or prohibit hack men, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe standing places or stations within 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 place than the places so prescribed.

30  
Thirty-First. To license and regulate all peddlers, book agents, canvassers, street hawkers, vendors and public cryers doing business in the city.

31  
Thirty-Second. To tax, license and regulate distillers, ~~brewers~~ breweries and pawn brokers.

32  
Thirty-Third. To regulate all traffic in spirituous, vinous, fermented, malt or intoxicating liquors in said city; to define and establish the territorial limits within which and the number of saloons at which such traffic may be carried on; to prohibit all persons from vending or otherwise disposing of or dealing in such liquors in said city without first obtaining a city license so to do; to prescribe the manner in which and the conditions under which such licenses may be granted and issued; to regulate all saloons and other places where any such liquors are sold or kept for sale and the manner of doing business therein; and to prescribe days and hours during which such saloons or other places shall be kept closed and during which no such liquor shall be sold or disposed of therein or elsewhere in said city, and the powers conferred upon said city council in and by this subdivision shall be exclusive.

33  
Thirty-Fourth. To license and regulate butchers stalls and shops, and stands for the sale of game, poultry, meat, fish and perishable provisions.

34  
Thirty-Fifth. To license and regulate plumbers and to regulate sewers and water connections of all kinds and the laying of branch sewer and waterpipes.

35  
Thirty-Sixth. To license, regulate and control or prohibit the carrying of concealed weapons and to provide for the confiscation of the same.

36  
Thirty-Seventh. To regulate and license the keeping of dogs, and to prevent the same running at large, and to authorize the destruction thereof in a summary manner.



37  
Thirty-Eighth. To regulate and prevent the storage of gun powder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitroglycerine, or any product thereof, and other combustible or explosive materials within the city, and the use thereof, and of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, sky rockets, and other fire works; to prohibit the discharge of fire arms, fire crackers, rockets or other similiar projectiles within the limits to be defined by the city council, and to designate limits within which no exhibition or display of fire works shall be made.

38  
Thirty-Ninth. To provide for the licensing of house movers and to prescribe the time and manner of moving buildings in the public streets of the city.

39  
Forty. To prevent and suppress ~~riots~~ <sup>riots</sup>, bouts, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparing matches and all brutal or depraving exhibitions or sports.

40  
Forty-One. To restrain and punish vagrants, mendicants, street beggars, and prostitutes, and to regulate bathing and swimming in waters within the city limits, and to prevent and punish drunkenness, fighting, assaults, batteries and disorderly conduct and obscenity in the city; and to prohibit within the city the circulation, sale or exhibition of libelous, ~~immoral~~ obscene and immoral publications, prints, pictures, advertisements and illustrations, and any printed matter naturally tending to provoke a breach of the peace or impair the morals of the community.

41  
Forty-Two. To prohibit and suppress bawdy ~~houses~~ and disorderly houses and houses of ill fame and assignation within the limits of the city, and to provide for the arrest and punishment of the keepers, inmates, and patrons thereof, and persons who visit the same for lewd or immoral purposes.

42  
Forty-Third. To restrain and prohibit lotteries, and to prohibit all descriptions of gambling and playing cards, dice, hazard, roulette, slot machines and other games of ~~chance~~ chance; the use of blackboards, lists and tickets for the purpose of gambling; all pool rooms and betting rooms; and the selling of pools and making of books on horse races or other contests real or fictitious; to suppress and prohibit all mechanisms and devices used for gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling, or other unlawful purposes aforesaid.

43  
Forty-Fourth. To prevent the running at large of horses, mules, sheep, cattle, swine and poultry, and authorize the impounding and sale of such animals or poultry when found running at large contrary to ordinance, and to fix the limits within which no swine shall be kept.

44  
Forty-Fifth. 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.

45  
Forty-Sixth. To establish and regulate the location of markets and market houses and to provide for the use thereof.

46  
Forty-Seventh. To regulate the sale and making of bread, and prescribe the weight and quality of the bread in the loaf, and to provide for the seizure and forfeiture of bread baked contrary thereto.

47  
Forty-Eighth. To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, fruits and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome.

~~Forty-ninth.~~ To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime.

~~Fiftieth.~~ To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the keeping and use by vendors of proper weights and

Fifty-first. To regulate the construction of all buildings within the fire limits of said city, and by such regulations to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls and area walls, the manner of ~~the~~ construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size, material and construction of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, and all other parts of the structure, and to appertain and adjust such regulations to the size and height of the buildings to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings within said limits not conforming to the prescribed regulations; to provide for the appointment of an inspector or inspectors of buildings within said limits, and to require all persons intending to erect buildings therein first to submit to such inspector or inspectors the plans and specifications thereof, and to obtain from him or them a permit for the erection thereof; and to authorize such inspector or inspectors to enter, examine and inspect any building in process of construction within said limits, and to direct the suspension of work on any such building, the construction or material whereof does not conform to the prescribed regulations. Provided, however, that neither said council nor any inspector of said city shall have the power to control or regulate the construction of any building erected by the <sup>U</sup>nited States or the State of Minnesota. ~~anyway; that no ground was seen to be removed or placed in a safe~~ condition when considered dangerous; to regulate and prevent the

~~Forty-Ninth.~~ To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime.

~~Fiftieth.~~ To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the keeping and use by vendors of proper weights and measures duly tested and ~~examined~~ sealed.

~~Fifty-First.~~ To prescribe the limits within which wooden buildings shall not be erected or placed, nor repaired without permission; and to direct that all and any buildings within such fire limits, when damaged by fire, decay or otherwise to the extent of fifty (50) per cent of the value shall be torn down and removed, and to prescribe the manner of ascertaining such damages; and to provide for ~~the~~ requiring the owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down, to prevent accident, and in case of refusal or neglect of said owners to so take the same down when ordered by the officers designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made a special assessment on the land on which said buildings stand, and collected as other special assessments.

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

Fifty-Third. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens and boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the

carrying on of manufactures, dangerous in causing, <sup>or</sup> permitting fires. To prevent the depositing of ashes, or accumulation of shavings, rubbish or other combustible material in unsafe places. And to cause all such buildings and enclosures as may be in a dangerous state to be placed in a safe condition, and to make provisions to guard against fire and to prevent ~~xx~~ the spreading of fires.

Fifty-Fourth. To regulate the ~~operation~~ <sup>and the</sup> construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus or operations hazardous to life ~~xxx~~ or property.

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

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

Fifty-Seventh. To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies, <sup>long</sup> ~~have~~ been buried in a vault or tomb or other place for the purpose of burial, may be removed, and to regulate and control the location of cemeteries and crematories, and to vacate and cause the removal of bodies interred in any cemetery not existing according to law.

Fifty-Eighth. To direct the location and regulate the management and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandlers, storehouses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, within the limits of the city, or within a distance of one mile without the limits thereof.



Fifty-Ninth. To direct the location and regulate the use and construction of breweries, dispensaries, stables, livery stables, blacksmith shops and founderies within the city limits.

Sixtieth. To declare what is a nuisance and to prohibit any offensive or unwholesome business or establishment within one mile of the limits of the city.

Sixty-First. To compel the owner of any grocery, cellar, or soap and tallow chandlery, pig sty, privy, or other unwholesome or noxious house or place, to cleanse, abate or remove the same, and to regulate and prescribe the location thereof.

Sixty-Second. To regulate or prohibit the keeping of any lumber yard, and the places of piling timber, wood, and other combustible material within the fire limits of said city and to require any person maintaining any lumber, shingles or lath piles or mill wood yards in the city to remove the same when they become dangerous to any building or buildings or other property near the same.

Sixty-Third. To establish and enforce rules for the use and regulations of all buildings maintained by the city.

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

Sixty-Fifth. To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases in the city, and to make quarantine laws, and to enforce the same within the city, and to regulate, prevent and control the landing of persons, baggage, merchandise or property from cars, boats or other conveyances, whereon are infectious or contagious diseases or

disorders, and to make such disposition of such person or property as to preserve the health of the city, and to prevent infected cars, boats or other conveyances from coming within or near the limits of the city,

Sixty-Sixth. To establish and regulate public wells, cisterns, hydrants and reservoirs.

Sixty-Seventh. To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and distribution of gas, and to inspect gas and gas meters, and to control and regulate the measurement and use of electricity and electrical apparatus for the furnishing of light, heat and power in the city .

Sixty-Eighth. To establish offices for inspectors, weighers, gaugers, scalers, electricians, market masters, wharf masters, quarantine masters and such other officers as may be necessary to carry into effect the inspection laws of the city and the powers herein granted; and to regulate the duties of said officers and to authorize and direct said officers to enforce and carry into effect the provisions of any ordinance passed hereunder.

Sixty-Ninth. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition; and to inspect and regulate dairies and dairy products, and to regulate persons engaged in selling milk within the city.

Seventieth. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kind of business not herein before 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 to establish all such regulations, in cases where no express provision is hereinbefore made, as the city council shall from time to time deem necessary

for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice and the enhancement of public welfare in said city.

Seventy-First. To license regulate and control the employment of occupation of minors on the public streets and other places.

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

Seventy-Third. To provide for the levy and collection of poll tax within the city.

Section 28. Other Powers.--The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this charter, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (\$100.00) dollars, or to be confined and kept at hard labor in the work house of the city, or upon the public works, or to be confined in any place of confinement maintained by the city, or in case there is no such place, then to be confined in the county jail of Lake County, not to exceed the term of ninety(90) days, and may provide that such imprisonment may be <sup>Cumulative</sup> ~~alternative~~ or for an indefinite term, not to exceed ninety(90)days subject to suspension or termination by reason of or ~~during~~ during good behavior of the person so imprisoned.

Section 29. Revocation of license.--The city council shall have power to revoke any license granted by it.

Section 30. No perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of the city and adopted by a majority voting at such election on the question, nor in such case for a longer period than ten years.

Section 31. Protection of streets and city property.--It shall have the power to punish any person wilfully damaging any sidewalk, pavement or appurtenance to the water works or sewerage system, or to any other property in or upon the public works of the city, and shall have power to punish interference with or the withholding any property of the city by any officer thereof, or any party, and to require any officer, member or employee of any department to produce the books and accounts thereof at any time for inspection and examination, and at the expiration of the time for which elected, appointed

or employed, to turn over the same and all property in his possession to the proper custodian thereof or to his successor in office, and to require reports at any time from any person of the condition or operation of the business under his management.

Section 32. Appointment by ballot.--The appointment of any officer by the city council shall require the affirmative vote of a ~~two-thirds~~ majority of all its members, taken by <sup>Ballot or by</sup> roll call and recorded by the clerk.

Section 33. Letting of contracts.--It shall have power to let contracts for the erection, improvement and repair of any of the public works or buildings of the city, and for the performance of any work required to be done, and material to be furnished in carrying into execution its powers and the operations of its departments.

Provided, however, that the city council may authorize the doing of the same by the employes of the city under the direction of the department in charge of such work or building when cost thereof shall not exceed three hundred(\$300.00)dollars.

And provided, that where proposals have been received for the doing of any public work, if the lowest of such proposals is higher than the estimate of the cost of such work, the city council may, if it deem it for the best interests of the city so to do, by a two-thirds vote of all its members elect, direct such work to be done by day's labor.

Section 34. Advertisements.--It shall let no contract for the performance of work or the furnishing of material or supplies or property or lighting service involving the expenditure of more than one hundred(\$100.00)dollars by the city, nor authorize the purchase, or sale of any property of a greater value than three hundred(\$300.00) dollars, nor grant any public franchise, nor authorize the sale or negotiation of any bond or evidence of indebtedness issued by the city, nor designate any depository for the public money of the city, except upon advertisements for proposals thereof as provided by law.

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Section 35. Contract to lowest bidders.--It shall let all such contracts to the lowest responsible bidder <sup>(except as provided in Section 8, Chapter 16, of this ~~Charter~~ Charter)</sup> who will enter into the contract and give security for the performance thereof, and shall let no contracts to any party in default to the city in the performance or by reason of any other contract. It shall sell all property, bonds and other evidences of indebtedness only to the highest bidder for cash therefor, and shall not sell or negotiate any such bond or evidence of indebtedness below its par value, the same being its face value and accrued interest. It shall designate as city depositories only such duly incorporated banks or trust companies in this state as shall furnish the bonds required by law, and shall be satisfactory to the city council.

Section 36. Bonds of contractors.--It shall require of every party entering into a contract with the city or any of its departments or accepting any license, immunity, privilege or franchise from or under the city pursuant to any power or authority herein vested, a bond to be approved by the city council for the full and faithful performance of such contracts or the just and lawful exercise of the powers and privileges conferred, which bond shall be sufficient in amount to indemnify the city against any loss or damage that may be sustained by a breach of contract, or any wrong committed in the exercise of such power or privilege.

Section 37. Advertising for proposals.--Every advertisement for proposals shall be made by publication in the official newspaper of the city, at least twice, of a notice containing a general description of the contract to be let or the property to be purchased ~~xxxx~~ or sold, or bond or other indebtedness to be negotiated, or funds to be deposited, or franchise to be granted, and shall invite sealed proposals therefor, which proposals shall be filed with the city clerk at such time as shall be designated in said advertisement, not less than one (1) week, after the last publication. All

proposals shall be opened and read by the city clerk in the presence of the city council before any of the same are acted on or accepted.

Section 38. Designation of official papers.--The city council shall ~~be~~ biennially, at its second regular meeting, or as soon thereafter as practicable, designate some newspaper printed in the English language, which is, and shall have been printed, published and of general circulation in the city, for one(1) year prior to its designation as the official paper of the city, and shall let the contract for publishing the ordinances and proceedings of the council, and other public notices required by law to such newspaper, as other contracts are required to be let. The compensation paid for printing shall never exceed two-thirds( $2/3$ ) of the amount allowed by law for legal advertising. Whenever in the city no newspaper is published any paper printed in the English language and published in Lake county may be designated as the official paper.

Provided that if each and all proposals shall fix a price in excess of the maximum as herein provided, or if no proposal shall be received, then in either event the city council may adopt such other methods for publication of ordinances, proceedings and other matters as it may determine, the compensation in no event to exceed the amount herein provided.

Section 39. Power to enter private property.--It may authorize the entry into any lands or tenements for the purpose of carrying into effects its inspection laws and may enter upon any land to lay any branch sewer or water main, or drain any marsh, or make any changes or erections in, upon or about any water course.

Section 40. Vacation of streets.--The city council of the city shall have the sole and exclusive power to vacate and discontinue public grounds, streets, alleys, or highways within the city, and also all county, territorial and state roads, whether actually traveled and used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered

by the city council, except upon the petition of a majority of the owners of property on the line of such public ground, street, alley or highway, resident within the city, which petition provided for in this section shall state the facts and reasons for such vacations and be accompanied by a plat of such public grounds, streets, alley or highway, county, territorial or state road proposed to be vacated and shall be verified by the oath of one(1) of the petitioners. The city council, if it deem it expedient, that the matter be proceeded with, shall order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four(4)weeks at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council at a certain time and place therein specified, and *not* less than ten(10)days from the expiration of said publication, the city council at the time and place appointed, shall investigate and consider such matters, and shall hear the testimony and evidence on the part of the parties interested, and thereupon, after hearing the same, may by resolution passed by a two-thirds(2/3) vote of all the members elect declare such public grounds, streets, alley or highway, county, territorial or state road vacated, which resolution shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall, before the same shall take effect, be filed for record and duly recorded in the office of the register of deeds of the county wherein the property is situated.

Section 41. Vacation to take effect--when--No vacation shall take effect until the value of the premises so vacated shall have been deposited in the treasury of the city, which value shall be fixed by a resolution of the city council by a two-thirds(2/3) vote of all the members elect, and in no case shall be less than the proportionate average value of the abutting property according to the last

previous assessment for taxation. K

Provided, in case the city council shall have approved a plat embracing the premises proposed to be vacated, which plat indicates to the public use, in the opinion of the city council land equivalent in area and value to the premises sought to be vacated, then the city council may by a two-thirds(2/3) vote of all its members, accept said plat and pass said resolution of vacation, and after said plat and resolution have been recorded in said register of deeds' office said vacation shall be valid without the payment of any money into said city treasury.

Provided further, however, that vacations and discontinuances of such county, territorial or state road may be granted upon a petition of a majority of the owners of property through which the same or portions thereof sought to be vacated exist, when such owners shall have platted the same and shall have provided in lieu of such road sufficient street in the opinion of the city council, of which fact the approval and acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

Section 42. Prohibiting any relief from assessment, etc.--The city council shall not have the power to relieve any citizen from the payment of any lawful tax, assessment judgment, fine or license, bond or security, nor to exempt him from any burden imposed upon him by law or ordinance or to ordain the payment of any demand not authorized and audited according to law. The city council shall not have power to ordain or authorize any compromise of any disputed demand arising under contracts, nor any allowance therefore or therein, except as provided in the contract therefor. The city council shall not have authority nor power to authorize or ordain the payment of any damages or claim for alleged injuries to person or property except by resolution, adopted by a vote of two-thirds(2/3) of all the members elect.

Section 43. Compilation of laws and ordinances. The city council may from time to time provide for the compilation and publication, in book or pamphlet form, of this charter, the ordinances and regulations of the city, rules of the city council, police rules, regulations adopted by the board of health, and such resolutions of the city council as it may designate; and may provide for the distribution by sale or otherwise of copies of such compilation and publication; and such books or pamphlets 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 absence of evidence to the contrary, all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed, promulgated or adopted. Copies duly certified by the city clerk of this city, of this charter, ordinances, or rules, regulations or resolutions in writing or other papers in his official custody, or any records kept by him in his official capacity, shall also be received as prima facie evidence of their contents in all courts of this state. The District Court of the county of Lake, the Municipal Court of the city of Two Harbors, and all Justice Courts of Lake County, shall take judicial notice of this charter and all ordinances duly passed by the city council.

Section 44. Care of Streets. The city council shall have and maintain an active care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, as in this charter provided, and all other public improvements and public property within the limits of the city, and shall cause all streets which have been opened and graded under the authority of the city or with its assent, to be kept open and in repair and free from nuisances.

Section 45. City exempt from liability for injuries caused by railway cars. The city shall be exempt from all liability or damages



caused by railroads either to person or property, when said railroads or engine or cars are passing along, across, under, over or upon any street, lane, alley or other public way within the limits of the city.

## CHAPTER VIII (8)

### POLICE DEPARTMENT.

Section 1. Organization.--There shall be maintained in the city a police department of which the mayor shall have control and supervision and shall be the chief executive officer and head, and shall consist of a Chief of Police and such other officers of police, patrolmen and employes as may from time to time be authorized by the city council. Such Chief of Police and all other officers of police, patrolmen and employes so authorized shall be appointed and may be removed by the mayor of the city.

Section 2. Eligibility.--No person shall be eligible to appointment as Chief of Police or other officer of police, or patrolman, who is not a citizen of the United States and able to read and write the English language, and all officers, patrolmen and chief of police shall have been for at least one(1) year residents of the city before they are eligible to such appointments.

Section 3. Extra police.--On occasions of large public gatherings or in case of riot, unlawful assemblages or disturbances requiring additional police force the mayor may appoint such number of special or temporary police officers at a compensation not exceeding three(\$3.00) dollars a day, as he may deem necessary; but such special or temporary appointment shall not continue in force for more than one(1) week, without consent of the city council.

Section 4. Mayor and Chief of Police to make rules.--The mayor and chief of police are authorized and required to make all needful rules and regulations not inconsistent with this charter, the laws of the state, or the ordinances of the city, for the government and control of the police department, and with a view of making said

department and all the officers and agents appointed under it, efficient, vigilant, prompt and useful to the city. All rules and regulations made in pursuance hereof shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk, and shall be binding upon all persons connected with this department. A book containing this chapter, and such provisions of this charter, ordinances and regulations relating to the police department as may be adopted, shall be printed in legible type, and securely bound; the Chief of Police shall deliver one of said books to each member of the department, who shall always have the same in his possession.

Section 5. Gratutities and rewards prohibited.--Any member of the police department who shall accept from any person while in his custody, or after he shall have been discharged, or from any of his friends, or any other person, any gratutity or reward, or any description of intoxicating drink, or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained in the discharge of his duties, shall be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed one hundred(\$100.00)dollars or imprisonment not to exceed ninety(90)days.

Section 6. Police officers to be conservators of the peace.-- The mayor, or acting mayor, the chief of police, the captains of police, the sheriff of the county, and all police officers shall be conservators of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits, and for such purpose may require the assistance of all bystanders, and if need be, of all citizens; and in suppressing any riotous and disorderly behavior or proceedings, the supreme authority to command or direct shall reside in the senior or superior officer present, in the order in this section above named.

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Section 7. Penalty for refusing to assist in preserving the peace. If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto requested as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty (\$50.00) dollars or imprisonment of not more than thirty (30) days.

Section 8. Penalty for falsely assuming to act as police officer. If any person shall, without lawful authority, assume to act as a police officer of the city, or falsely pretend to be authorized so to act, or wear a badge of a police officer within the city, he shall be liable to a fine not exceeding one hundred (\$100.00) dollars or to imprisonment for a term not exceeding ninety (90) days.

Section 9. Penalty for failing to assist in, or obstruction of arrest. If any person shall wilfully refuse or neglect to assist the chief of police or any policeman in making a lawful arrest, when requested by such chief or policeman so to do, or shall wilfully resist, impede or obstruct such chief of police or policeman in making or attempting to make a lawful arrest, or in the performance of any other ~~official~~ official duty, such person so offending shall be liable to a fine not exceeding one hundred (\$100.00) dollars or to imprisonment for a term not exceeding ninety (90) days.

Section 10. Compensation to be fixed by city council. Except as otherwise herein provided, the compensation of the Chief of Police, the officers, patrolmen, detectives and other employes of the police department shall be fixed for the ensuing year by the city council, by resolution passed on the first Monday of April of each ~~even~~ odd numbered year, or as soon thereafter as may be.

Provided that on the date of the organization of the city council first elected under this charter, or as soon thereafter as may be, the compensation of all officers referred to in this section shall be fixed by such council.

CHAPTER IX.

F I R E D E P A R T M E N T.

Section 1. Chief of the Fire Department. There shall be a fire department in the city of Two Harbors, 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 the consent of the city council, and by and with like consent, may remove, the Chief of the Fire Department.

Section 2. Assistants and employes.--The Chief of the Fire Department shall appoint, and at his pleasure may remove, a First Assistant Chief of the Fire Department, who shall act as chief in case of his absence from the city or inability to act; and shall appoint, and at his pleasure may discharge or suspend, such other subordinates or employes as may be necessary for the purpose of said department; whose aggregate salaries, together with other expenses of said department, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

Section 3. Powers and duties of the Chief.-- 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, 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 charter, relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire, and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property.

Section 4. Rules and Regulations.--The mayor and 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 charter, 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 clerk, and shall be binding upon all persons connected with said department.

Section 5. Authority at Fires.--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 and 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 complete force of employees, to the relief of any other community, or for the preservation of property endangered by fire, outside the limits of the city.

Section 6. Fire alarm and other property.--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.

Section 7. Destruction of buildings.--Whenever any building in the city shall be a 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 building or any other building 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, or the city, therefor, or on account thereof.

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Section 8. Penalties.--If any person shall, at a 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 such misdemeanors are punished under the laws of the State.

## CHAPTER X

### CITY ASSESSOR AND BOARD OF EQUALIZATION.

Section 1.--Duties.--The city assessor shall qualify in the manner and form prescribed by the general law. The city assessor shall perform all the duties required by the general laws of the State, respecting the listing of property for taxation, and shall commence his duties on the first day of May each year.

Section 2. Deputy assessors and clerks.--The city assessor shall, each year, appoint such number of deputies as may be required to enable him to properly perform the duties of his office, who shall serve during the time of the making of the list of property for taxation, but only so long as their services may be needed. The city assessor shall discharge such deputies from time to time as he can spare, and the city council may order said deputies, or any of them, to be discharged at any time. The city assessor shall present to the city council at the second regular meeting thereof in April in each year the names of such persons as he shall desire to have for deputies, designating in each case the time when the appointees shall, with the approval of the city council, commence to serve as such deputies, which time shall be long enough before May 1st so that each may, before that day, be assigned to his portion of the work and be properly prepared and instructed to do the same. The city assessor may also employ such clerks as may be necessary, their number to be reduced or increased as occasion may require, or the

city council may direct, and all deputy assessors shall qualify in accordance with and perform all the duties required by the general laws of the State respecting the listing of property for taxation.

Section 3. Compensation.--The compensation of the city assessor shall be three(\$3.00)dollars per day for all time actually employed as such assessor, provided that said city assessor shall not receive to exceed one hundred fifty(\$150.00)dollars in any one year for services as such city assessor; deputy assessors and clerks shall receive as compensation three (\$3.00) dollars per day for the time actually employed, provided that no greater sum than seventy-five (\$75.00)dollars shall be expended for the services of deputy assessors and clerks in any one year.

Section 4. Board of Equalization.--The Board of Equalization shall consist of the city clerk and one alderman from each ward to be chosen by the city council, who shall be sworn according to law as such board, shall select one of their number to act as chairman, and shall meet at the city council chamber on the fourth Monday in June of each year and shall continue in session until the Friday next preceeding the first Monday in July, to review, amend and equalize the work of the city assessor, pursuant to the general laws of the State. Such board of equalization shall receive as compensation for their services the sum of three (\$3.00)<sup>dollars</sup> per day for each member for the actual time employed. It shall be the duty of the city assessor to attend all meetings of the board of equalization, and the city clerk shall keep the minutes of their proceedings.

Section 5. Powers of the Board.--Such board shall be vested with all the powers which are or may be vested in County Boards of Equalization so far as applicable, but shall not be restricted in reducing the aggregate sum of the real or personal property as returned by the assessor, and when its work of revision is completed the same shall be certified to the County Auditor by the Board of Equalization.

Section 6. Grievances.--Any person deeming himself aggrieved by any assessment may appear before such board personally or by counsel

and present his grievance for consideration, and the said board shall have power to compel the attendance of witnesses and the production of papers, and examine any person as to any taxable property in said city.

CHAPTER XI  
CITY ATTORNEY.

Section 1. Appointment. At the time of the organization of the city council after each regular municipal election thereof, or as soon thereafter as may be, the city council shall appoint a City Attorney who shall be a person learned in the law and duly admitted to practice in courts of record in this state, and who shall be a resident and qualified voter of the city, and who shall serve for the term of two years and until his successor is appointed and qualified, unless removed for cause as in this charter provided.

Section 2. Duties. He shall be the legal adviser of the city and shall perform all the services incident to the office, and shall appear in and conduct all civil suits, prosecutions and proceedings in which the city shall be directly or indirectly interested, except as otherwise provided in this charter, and, when necessary, take charge of and conduct all prosecutions for violation of the city ordinances, and perform all such other duties as may be required by law.

Section 3. Opinions. He shall, when so required, furnish opinions, in writing or otherwise as requested, upon any subject submitted to him by the city council or any of the committees or boards thereof. He shall advise the city council and all city officers in respect to their official duties. He shall personally, or by assistant, attend all the meetings of the city council and such of its committees or boards as shall request his attendance, and no board, department or officer of the city shall have or employ any other attorney in connection with their official business.

Section 4. Appeals. The city attorney, unless otherwise ordered by the city council, shall have the right to decide whether or not, in any case in which the city is a party in any court, to take an appeal from any order, judgment or determination of the court, and in case of any such appeal, or in case of suing out a writ of error,

certiorari, mandamus, attachment or any writ from any court, the city shall be required to give any bonds, either for costs, super-sedeas or any other purpose whatever. The city attorney shall notify the city council of the result of all actions in which the city is a party, or in which it is interested. When from absence, sickness or other cause, he shall be unable to attend to any of his official duties he may appoint some one to act in his place for the time being, but at his own expense.

#### CHAPTER XII (12)

##### WEIGHMASTER.

Section 1. Appointment. The city council, at the meeting of its organization, or as soon thereafter as may be, shall appoint a city weighmaster whose term of office shall be two years.

Section 2. Duties.--The city weigh master shall have charge and control of all public scales, weights and measures owned by the city and all appliances and tests of every kind and nature pertaining to weighing and measuring. It shall be his duty to perform all services in connection with the weighing and measuring of hay, grain, seed, pork, coal, wood, and all other gross commodities offered and exposed for sale or sold in the city, as the city council may from time to time by ordinance prescribe and require, and shall receive such compensation for services rendered as the city council may from time to time prescribe.

#### CHAPTER XIII (13)

##### STREET COMMISSIONER--CITY ENGINEER.

Section 1. Appointment.--The city council shall at the meeting for its organization, or within thirty days thereafter, appoint a street commissioner who shall have, under the direction of the city council, charge and control of the streets, alleys and highways of the city, and shall perform such other duties as the city council may order. The term of office of the street commissioner shall be

for two years. The city council may also employ, from time to time, a civil engineer to perform such civil engineering for the city as may be necessary, and when such civil engineer is employed by the city council he shall be known and designated, during the term of such employment, as "City Engineer", and the city council shall prescribe the duties and fix the compensation of such Street Commissioner and City Engineer.

Section 2. Duties--City Engineer.--The City Engineer shall perform all duties within the scope of his employment that may be assigned to him by the city council.

Section 3. Duties--Street Commissioner.--The street commissioner shall have supervision and general charge of all work done on any street, highway or alley in the city; may direct the manner of performing such work and the manner of the construction of all sidewalks, street crossings, bridges or other structures in or upon ~~said~~ <sup>said</sup> streets; may suspend any such work when the construction thereof shall ~~xx~~ not conform to, and shall take care that the terms of all contracts for any work or construction on behalf of the city, are fully complied with, unless such duties are otherwise assigned to the City Engineer.

Section 4. Surveys, etc.--All surveys, profiles, plans and estimates made by the street commissioner or the city engineer shall be carefully preserved in the office of the city clerk and be published ~~in~~ records of the city.



CHAPTER XIV.  
LIBRARY BOARD.

Section 1. Power to maintain Libraries.-

The city council shall have power and authority to establish and maintain, within the city, libraries, reading rooms, galleries of art and museums for the use and benefit of the inhabitants thereof, and for such purpose may levy a tax not to exceed two mills of the dollar annually on the assessed valuation of all the taxable property in the city, such tax to be levied and collected in like manner as other general taxes of the city.

Section 2. Library Board.

There shall be maintained in the city a Library Board which shall consist of nine directors who shall hold office for the term of three years from and after the first day of May of the year in which they shall have been appointed and until their successors are elected or appointed and duly qualified; provided, that the directors of the library board heretofore existing in the Village of Two Harbers and who shall be such directors at the time of the adoption of this Charter, shall continue to serve as such directors as follows: The term of office of the three directors whose term would have expired on the third Saturday of July, 1907, shall expire on the first day of May, 1907; the term of office of the three directors whose term would have expired on the third Saturday of July, 1908, shall expire on the first day of May, 1908; the term of office of the three directors whose term would have expired on the third Saturday of July, 1909, shall expire on the first day of May, 1909.

Annually during the month of April, and after the first Monday thereof, the Mayor, by and with the advice and consent of the city council, shall appoint three directors as members of the library board to serve for the period of three years from and after the first day of May next succeeding their appointment. Said directors

shall be chosen from the citizens of the city at large, without reference to sex or political opinions but with reference to their fitness for said office, and not more than one member of the city council shall at any time be a member of said library board.

Section 3. Removals, Vacancies, Compensation.

The Mayor, by and with the consent of the council, may remove any director for misconduct or neglect of duty, and vacancies in the board of directors occasioned by removals, resignations, death or otherwise, shall be reported to the Mayor and be filled in like manner as original appointments, but appointments to fill vacancies shall be for the unexpired term. No director shall receive any compensation as such.

Section 4. Organization of Board.-

On the first Wednesday in May of each year the members of said Library Board shall meet and organize by the election, from their own number, of a President, a Vice President, a Secretary, and such other officers as the board may deem necessary, whose duties shall be such as usually devolve upon like officers; provided, that with the concurrence of two-thirds of all the members of said board the Secretary selected need not be a member of said board.

Section 5. Manage and control funds.-

The Library Board shall be a department of the city government and shall have the exclusive management and control of the expenditure of all moneys collected and received on account of the library fund from taxation or otherwise. No moneys shall be paid out of such fund except upon the warrant or orders of said board.

Section 6. To have custody of library building and property.-

Such board shall also have exclusive control and supervision of the construction of any library building as well as the control, care and custody of all grounds, rooms or buildings held, leased, constructed or set apart for such purpose, and the books, papers and

other personal property there placed and kept; shall have the power to lease and provide appropriate rooms for the use of said library; shall have the power to appoint a suitable librarian and necessary assistants and fix their compensation. Said board shall have power, when authorized by the city council, to purchase grounds and erect thereon a suitable building for the use of said library.

Section 7. Orders for the payment of money.-

All orders for the payment of money for this department shall be authorized and allowed by said board by a majority vote of all its members, taken by yeas and nays, and entered upon the record of its proceedings, and shall be signed by the president and attested by the secretary, and thereupon such orders shall be paid by the city ~~treasurer~~ treasurer. Such orders shall be made payable to the order of the payee therein named and shall not be paid without his endorsement.

Section 8. Report. Said board shall make, on or before the 15th day of January in each year, an annual report to the city council stating the condition of their trust at the close of the day on the 31st day of December next preceding; the various sums of money received from the library fund and other sources, and how much moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing<sup>or</sup>; the number of persons attending; the <sup>n</sup>umber of books loaned out and the general character and kind of such books, and such other statistics, information and suggestions as they may deem of general interest, and shall send one copy of such report to the Minnesota State Public Library Commission.

Section 9. Libraries and Reading Rooms Free.

Every library and reading room, or either of them, established under this charter, shall be forever free to the use of the inhabitants of the city, where located, always subject to such reasonable rules

and regulations as the library board may adopt; and said board may exclude from the use of said library and reading rooms, or either of them, any and all persons who shall wilfully violate such rules.

Section 10. Ordinances. The city council shall have the power to pass ordinances imposing penalties for the punishment of persons committing injury upon such library or other property.

Section 11. Donations and Bequests.

Any persons desiring to make donations or bequests of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money, property or real estate so donated, in the city, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the city shall be held and considered to be a special trustee, such trust to be managed and administered through and by the library board as a department thereof.

Section 12. Transfer of Libraries Now Existing.

Any library already existing or hereafter established in the city, may be transferred by any society or association, or individual owning the same, to such city, on such terms, not inconsistent with this charter, as may be agreed upon with said board; and of such property the city shall be held and considered to be a special trustee; such trust to be managed and administered through and by the library board as a department thereof, provided also, that the city may establish one or more reading rooms, in different parts of the city, in pursuance of the provisions of this chapter.

Section 13. Association with Independent Societies.-

Said library board may enter into association with any independent society or organization owning libraries or museums, or existing for purposes kindred to those contemplated in this charter, upon such terms and conditions as shall best promote the object for which said board is created.

Section 14. Property Now Belonging to Library Board.--

Any and all property, whether real or personal, including all uncollected taxes, the title to which is vested in the existing library board of the city at the time this charter becomes fully operative upon the city, shall then forthwith become and be vested in the city, as the corporate successor of such board, with the same rights and subject to the same obligations and burdens, to be managed and cared for, however, by the library board created by this charter. And in all cases where such previously existing library board shall at that time be charged with any special trust, the city shall be and is hereby substituted and appointed special trustee for such person in place thereof, such trust, however, to be managed and ~~administered~~ executed by and through the library board hereby created as an administrative department of the city. And all rights and obligations existing at that time against said former library board shall be enforceable against the city.

CHAPTER XV~~II~~. (15)

BOARD OF HEALTH.

Section 1. Appointment, Qualifications.--The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled health officer.



Each member of said department shall be a resident and elector of the city at the time of his appointment. They shall be appointed as other officers for the term of two years.

Section 2. General powers, duties.--Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and power and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said State governing such local boards shall, so far as applicable, apply and be in force in this city.

Section 3. Special powers and duties.--The members of said department, in addition to the powers and duties mentioned in section 2, of this chapter, shall have the ~~power~~ following and additional powers:

To enforce the laws of the State and the ordinances of the city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have, and be vested with, all the powers of police officers of the city. Said health officer, shall, in addition to other powers and duties heretofore vested in and required of him, be required:

1. Professional advice. The health officer shall give to the mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same and adopt measures to arrest its progress.

2. To make a circuit of observation. It shall be the duty of the health officer to make a circuit of observation of every part of the city and environs, from time to time, and in all cases wherein he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the city council, accompanied by his

written opinion of the necessity of extraordinary or particular action.

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

4. Right to enter buildings. For the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

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

6. To provide books for keeping a record. It shall be the duty of the health officer to provide, at the expense of the city, the necessary books for keeping a record of all transactions of the health department, including the proper registration of births and deaths, and such other statistical information necessary for such official work of said department.

7. To visit and examine the sick. It shall be the further duty of the health officer to visit and examine or cause to be visited and examined, all sick persons who shall be reported to him as suffering from any infectious or contagious disease, and to cause such person to be removed to the hospital or such other ~~ether~~ place as he may think proper, and cause him to be provided with suitable

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nurses and attendants at his own expense, if he is able to pay for the same, but if not, then at the expense of the city.

8. To provide equipment and medicine. To provide, under the direction of the city council, furniture, <sup>food,</sup> fuel, medicine and such other articles as may be necessary for the equipment and maintenance of any hospital for the prevention and control of infectious or contagious diseases, among men or animals. To control all such hospitals and to secure the decent and prompt burial of bodies of all persons dying at such hospitals.

9. He shall, when directed by the Poor Committee of the city council or the board of health, attend any indigent sick person in the city, and furnish, at city expense, medicine for such person.

Section 4. Penalties. Any person who, without a permit from the health officer, shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of any infectious or contagious disease within twenty-four hours after death when ordered by such health officer so to do, or who shall refuse or neglect to abate any nuisance for the existence of which, as owner, occupant or agent, of the place upon or within which such nuisance exists, he is responsible, after having received a notice from the health officer so to do; or who shall neglect to report the occurrence or existence of any birth, death or case of contagious or infectious disease as provided for in this charter, the ordinances of the city or the laws of the state; or who shall import or bring into the limits of the city knowingly, any person or animal sick of contagious or infectious disease, or who shall remove or cause to be removed, without permission from the health officer, any placard, announcing any contagious or infectious disease, attached to any house or building, or enclosure, by said health officer or his subordinates, or who shall disobey or wilfully avoid quarantine

regulations imposed by the health officer, or who shall interfere with the health officer or his subordinates in the exercise of his of their duty; or who shall violate any of the provisions of this charter or the laws of the State, or the ordinances of the city relating to the public health shall, upon conviction, be deemed guilty of a misdemeanor and punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors under the criminal laws of the State.

XVI  
CHAPTER XVI (16)

LOCAL IMPROVEMENTS.

Section 1. The city council is authorized and empowered to fill, grade, curb, pave, gravel, macadamize, and otherwise permanently improve the surface of the streets and public ways of the city and to establish grass plats on that portion of the same not then deemed necessary for public travel; to construct, relay enlarge, and repair sidewalks, retaining walls, area walls, gutters, sewers and drains; to build and place protection fences and railings along the streets and public ways for the safety of pedestrians; to abate nuisances and to drain swamps, marshes and ponds, and to fill the same; to build and construct dams and dikes within and without the limits of the city for the prevention of floods and over-flows in the city and to acquire lands and privileges therefor; to plant shade or ornamental trees along the streets and public ways; and to sprinkle the streets and public ways and grounds of the city, and to levy assessment for the cost of any of the improvements mentioned above, upon property benefited by such improvement, in the manner and as hereinafter designated.

Section 2. The expense of any improvement mentioned in the foregoing section, except as otherwise specifically provided in this charter, shall be defrayed by an assessment upon the real estate benefited thereby, to be levied, enforced and collected in the manner

in this chapter provided; provided that when a street <sup>or avenue</sup> is graded, paved, repaved, graveled or macadamized, or the surface of the driveway otherwise permanently improved, the cost of so improving the space on such street or avenue occupied by the intersections of driveways shall be paid out of the general fund of the city, and all the balance of the cost of so improving all avenues in said city, being the entire cost of improving such avenues less the cost of ~~tax~~ improving such intersections, shall be assessed directly upon the abutting property. The cost of so improving all streets running north and south in said city, less the cost of improving intersections as hereinbefore provided, shall be paid as follows: fifty percent thereof out of the general fund of the city and the remaining fifty per cent of the cost of so improving said north and south streets, less intersections as aforesaid, shall be assessed upon the property of one half of the abutting blocks nearest to the street so improved, provided that the same shall be distributed upon the respective lots constituting the half of such abutting blocks in such manner as the city council shall, by ordinance or resolution, provide, regard being had to the benefits accruing to the respective lots lying within the area upon which such assessment is made.

Section 3. All the expenses of improving, repairing and cleaning streets, avenues and highways for which no provision is made herein for assessing the same against property benefited, shall be paid out of the general fund.

Section 4. Two or more improvements upon one or more streets, either of paving, curbing, graveled, macadamizing; grading, or filling, or of constructing retaining ~~walls~~ walls, grass plats, protection fences, area walls, sewers, gutters or drains, or either or any of them, and the building of any number of walks on one or more streets, may be done at the same time under one resolution and may be included in one contract if deemed advisable by the city council so to do.





thereof, or may be for the doing of the work alone, the city furnishing the necessary material therefor, as the city council may deem to the best interests of the city; and the city council may also, at its discretion, cause the making of such improvements by separate contracts for different portions thereof or by separate contracts for the labor, material and machinery required for the making of such improvements. In each such instance the notice, prescribed by Section 5 of this chapter, shall contain a distinct statement of the nature and extent of such separate contracts, and shall definitely describe such separate portions of such improvements.

Whenever any machinery or mechanical appliance shall form a part of any improvement authorized by this chapter, the city council may award a contract for the same after taking into consideration the efficiency, duty, cost of operation and maintenance, and the construction, workmanship and operation generally of the several machines or appliances designated in the several bids, without regard to the amount of such bids.

Section 7. Before any proceedings are had by the city council for the sprinkling of any of the streets, lanes, alleys or public grounds in the city, the city council shall each year, by resolution in writing, determine what territory shall be sprinkled during such year, and may divide such territory into two or more sprinkling districts, describing the boundary lines of each such district; each district so determined shall be designated by number, and thereafter all reference to such district by number in any notice required by this chapter, or in any other proceedings having reference thereto, shall be deemed a sufficient designation; such resolution shall be published once in the official paper of the city.

The contract price to be paid by the city for the doing of such work shall be paid in the first instance by the city, and collected from the owners or occupants of property benefited in manner to be determined by the city council by ordinance or otherwise, and if remaining unpaid, to be levied, assessed and collected as costs of other local improvements are collected.

Section 8. At the time and place designated in the notice prescribed by section 5 of this chapter, an opportunity shall be

given by the city council to any and all interested parties to be heard for or against the proposed work designated in such notice; and the city clerk shall, in the presence of the said council, open and read all sealed proposals which may have been received for the doing of such work or the furnishing of material, if any, therefor, or both, as the case may be, and the city council may then, by an affirmative vote of a majority of all its members, by resolution in writing, accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by such resolution authorize the doing of the proposed work or any part thereof, by the person or persons whose proposal shall have been accepted; or may reject any or all proposals offered and refuse to authorize such work or any particular part thereof; or if it is deemed by said council to be to the best interests of the city, and the estimate of the city engineer is less than the lowest bid for said work and material, may reject all proposals offered and authorize the doing of such work under the direction of the Street Commissioner or City Engineer without contract; or may, in its discretion, from lack of quorum or any other reason, postpone the consideration and decision of the whole matter, or any branch thereof, to a future definite time, of which postponement all parties interested shall be required and deemed to take notice.

Such resolution, after the same has been duly adopted by the council, shall be signed by the president of the council and attested by the city clerk, and on the next day after the adoption thereof the same shall be transmitted by the city clerk to the mayor for his approval. If the mayor approves the same he shall append his signature with the date of his approval thereto, and return the same to the city clerk within five (5) days, Sundays excepted, from the date of its transmission to him; and if he declines to approve the same he shall, within said period of five days, Sunday excepted, return the same to the city clerk with a statement of his objections

thereto, to be presented to the council at its next meeting thereafter.

Upon the return of said resolution to the city council without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and if upon such vote, which shall be taken by a call of the eyes and noses, two-thirds ( $2/3$ ) of all the members of said council shall vote in favor of the adoption of such resolution, the same shall be declared adopted and shall have the same force and effect as if approved by the mayor.

If such resolution, transmitted to the mayor, shall not be returned by him to the said city clerk within said five days, Sundays excepted, after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the city clerk on demand.

Section 9. All contracts authorized by this chapter for any of the improvements therein designated, shall be executed on behalf of the city by the mayor and attested by the city clerk.

Section 10. The city council may whenever a contract is let for the paving or macadamizing of any of the streets, avenues or alleys, include in such contract, when deemed expedient or necessary, the construction and laying, as far as the property line, of all lateral sewers, water mains and drain connections that may be deemed expedient or necessary, and in such case the cost of such work shall be assessed by said council upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided in this chapter for other local improvements in the city.

Section 11. In making any improvements herein authorized, the city council may select patented appliances and material to enter into such construction, if the cost, maintenance and duty thereof is deemed relatively the lowest or most satisfactory, all things considered, and the decision of said council shall be final.

Section 12. The city council is hereby authorized to provide, establish, equip, and maintain, and cause to be operated for the city, under the supervision of the Street Commissioner or City Engineer, municipal quarries for the purpose of providing stone, rock and macadam for ~~xxxxxxx~~ municipal improvements and uses; and suitable works, apparatus and other facilities for the manufacture, construction and laying of macadam, asphalt, or other kinds of street pavements and sidewalks.

Whenever any material is furnished by or obtained from any such municipal quarries, works, apparatus, or other facilities, and employed in the construction or making of any public improvements provided for in this chapter, the cost of which is to be assessed upon property benefited thereby, the street commissioner or city engineer shall immediately upon the completion of said improvement certify the cost of such material so furnished and employed in the making of said improvement, and all work in connection therewith, to the city council, and such certificate shall be placed on file with the city clerk for the inspection of all parties interested; the amount so certified shall be deemed a part of the cost of the improvement so to be assessed, and an assessment shall be made therefor, levied and collected in the same manner as though said work had been performed and said material delivered by contract, as hereinbefore provided.

Section 13. Whenever the board of health shall report to the city council that stagnant or impure water stands upon any lot, lots or parcels of land within the city, thereby creating a nuisance injurious to public health, said council ~~mayxxxxxxx~~ shall immediately proceed to investigate the same, and if it shall determine that a nuisance does exist by reason of any stagnant or impure water standing up on any lot, lots or parcels of land, and that the same is injurious to public health it shall instruct the street commissioner or city engineer to prepare and recommend a plan and



specifications for the abatement of said nuisance, together with an estimate of the expense, which shall be submitted to said council and filed with the city clerk, the same as other public improvements designated in this chapter, and if said council deems that sufficient real estate can be found benefited to the extent of the damages, costs and expense necessary to be incurred thereby, it shall order the doing of said work in the manner hereinbefore provided, and the same proceedings shall be had in relation thereto by the city council and other city officers as in case of other local improvements provided for in this chapter, and the cost thereof shall be assessed upon the property benefited as hereinafter provided.

Section 14. If the city council, in carrying out any of the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving or abating nuisances, or in constructing sewers or drains, not provided for, it may by resolution order such change or modification in such improvement to meet such unforeseen obstacles, as it may deem equitable and just, upon the recommendation of the street commissioner or city engineer in change of such work, at any time before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by an affirmative vote of two-thirds( $2/3$ ) of all the members of the council; and any additional expense occasioned by such change, addition or modification of the improvement may be included in the assessment therefor upon the property benefited by such improvement, but no additional expense shall be incurred other than may be necessary to overcome such unforeseen obstacle; provided, that if the expense required to overcome such unforeseen obstacle will materially increase the cost which would be incurred in the work, if such unforeseen obstacle had not occurred, then the city council shall have power, by resolution in writing, adopted by an affirmative vote of two-thirds( $2/3$ ) of all the members of the council, to rescind the contract therefor so far as the uncompleted part of the work is concerned, and may, in its discretion, after such rescision,

order the work to be re-let as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to contract price, as nearly as the same can be ascertained, and no more.

Section 15. If, in the opinion of the council and the street commissioner or engineer in charge, any work under ~~xxxx~~ any contract authorized by this chapter, does not proceed each month so as to insure its completion within the time named in the contract, the street commissioner or city engineer in charge of such work shall have power, when authorized by resolution of the city council, to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor, or may be collected from him in a suit by said city.

Section 16. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be superseded before final completion, or the contractor shall abandon his work under his said contract, or shall fail to perform the same for any cause, or if at any time the work or any part thereof is unnecessarily delayed, or the contractor is violating any of the conditions of his contract or executing any of the same in bad faith, then at the option of the city, and by an affirmative vote of a majority of all the members of the city council, the contractor may be excluded from further control and superintendence of the work required by his said contract, and the city may then assume such control and superintendence and proceed to complete the work on improvement, either by authorizing the street commissioner or city engineer in charge to procure and furnish all necessary labor and material and complete the same by day work, or as the city council may determine, re-let the unfinished portion of such work or improvement in the same manner, as nearly as may be, as provided in this chapter for the

letting of contracts in the first instance for such improvements, and in every case of such new contract the work shall be carried to completion and shall be paid for in the same manner <sup>as</sup> ~~as~~ other ~~like~~ like improvements, and any and all damages and increased cost of the work to the city, including both labor and material, shall be a charge against the original contractor and shall be deducted from any moneys remaining unpaid to, or to become due to, such contractor, and the balance, if any, may be collected by the city from him and his sureties as provided by law.

Section 17. Any contractor or person who accepts a contract authorized by this chapter, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury which may arise, or in any way, directly or indirectly, be suffered by the city by reason of any occurrence while the work is going on, and before acceptance thereof by the city caused by any negligence or misconduct on his part or on the part of his servants or employes in doing the same, and every such contractor shall guard all such work by suitable guards by day and with lights by night, so as to prevent any loss, damage or accident.

Section 18. Before any contract whatever for the doing of any work or furnishing any skill or material contemplated in this chapter, for the making of any improvement herein authorized, shall be valid for any purpose, the contractor therefor shall execute a bond to the city, with two or more sufficient sureties, or a surety company <sup>as the City Council may prescribe,</sup> bond, <sup>A.</sup> to be approved by the mayor, in such amount as the council may direct, not less than the contract price agreed to be paid for the performance of such contract, and in no event less than one thousand (\$1,000) dollars, conditioned as provided by the general laws of Minnesota requiring the giving of bonds by contractors for public work and improvements, and conditioned further, that such contractor will indemnify and hold harmless the city against any damage, loss or injury which may arise or in any way, directly or indirectly, be

suffered by said city by reason of any occurrence while the work is going on and before acceptance thereof by the city, caused by any negligence or misconduct on the part of such contractor, his servants or employees, in doing the same. Such bond shall in all respects be executed as required by the general laws, and all provisions in such laws contained, shall be applicable, as near as may be to contracts herein authorized. Every such bond shall be filed together with the contracts in the office of the city clerk.

Section 19. The city council shall have power to require all bids for the doing of all work or the furnishing of all skill or material, authorized by this chapter, to be accompanied by a bond, on the part of the bidder, in such sum and with such surties as said council may prescribe, or in lieu of such bond a certified check payable to the city upon a bank located in the city, or cash of the same amount, conditioned that he will enter into a contract with the city for the doing of the work or the furnishing of the skill or material for the price mentioned in his bid, and according to the plans and specifications therefor in case the contract shall be awarded to him; and in case of default on his part to sign and enter into such contract or of failure to furnish the required bond therefor, within the time prescribed by the city council in and by the specifications therefor, the same shall be deemed forfeited, and if a check or cash be so deposited the same shall be the property of the city absolutely, and in case of a bond the same may be sued and a judgment recovered thereon by the city for the full amount in any court having jurisdiction of the amount.

Section 20. It is hereby made the duty of the city council to make without unnecessary delay, at the proper time or times, all assessments for local improvements authorized by this chapter.

Section 21. Upon the completion of any improvement authorized under the provisions of this chapter, whether heretofore or hereafter made, the city council shall proceed without delay to apportion

and assess the cost of such improvement, when not herein otherwise provided, upon the real estate by it deemed benefited, to the extent of the benefits received, and in proportion, as near as may be, to the benefits resulting thereto from the improvement; and it shall constitute no objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the city council, or that the city has not fully adjusted all matters with the contractor for said work, or approved his final estimate therefor, or that the council has refused at that time to relieve the said contractor from further duties in connection therewith.

In all proceedings and advertisements for the making and collection of any assessment under this chapter, letters, figures, and the usual and customary abbreviation may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year, and the amount; such assessment shall be in writing, in which shall be given a description of each lot or parcel so assessed, the name of the owner thereof, if known, and the exact amount assessed thereon.

Section 22. Upon the completion of any assessment authorized by this chapter, the said council shall direct that the same be placed on file with the city clerk and shall appoint a time not less than ten(10) days distant, and a place when and where it will meet to consider and act upon such assessment, and the city clerk shall thereupon cause notice of such meeting, and the time, place and purpose thereof, to be given by one publication of such notice in the official news paper of the city, at least five(5) days prior to the time so appointed for said hearing; in such notice shall be given a brief description of the improvement for which the assessment has been made and the territory embraced in such assessment, and shall be to the effect that such assessment is on file with the city clerk and open to the inspection of all interested parties, and that all



objections to the same must be filed in writing with the city clerk at least one day, Sundays and legal holidays excepted, prior to said meeting, and that unless sufficient cause is shown to the contrary the same will be confirmed; PROVIDED, that if such assessment be for sprinkling, such notice need not contain a description of the territory embraced in such assessment, and a reference to the number of the district, for the ~~sprinkling~~ sprinkling of which the assessment is made, shall be deemed sufficiently definite.

Section 25. At the time and place so appointed, as provided in the last preceding section, the said council shall proceed to consider said assessment and hear all objections which parties interested may desire to make thereto, and may adjourn as often as deemed expedient to a future time and place, and if none of the members is present the city clerk may adjourn to some other convenient time and place, of which postponement all parties interested shall be required to take notice. All objections to said assessment shall be in writing and filed with said city clerk at least one (1) day, Sundays and legal holidays excepted, prior to said meeting of the council; PROVIDED, however, that said council may, in its discretion, allow <sup>has</sup> any party interested, who ~~is~~ accidentally or inadvertently omitted to file his objection aforesaid, to do so at the time of meeting of said council. The council may give a new notice of such hearing if the previous notice shall be found imperfect, or for any other reason.

The city council shall, after due consideration, make such correction or changes in said assessment, and may revise the same, as it may deem necessary to perfect and equalize the same on the basis prescribed in this chapter, and shall confirm and establish the assessment when so corrected and equalized. Said assessment, when so confirmed and established, shall be final, conclusive and binding upon all parties interested therein, and the several amounts charged in such assessment, as so confirmed and established, against the several lots and parcels of land therein designated, shall be enforced

and collected as hereinafter provided. If any assessment be annulled or set aside, the city council shall proceed de novo to make another and new assessment in like manner, and like notice shall be given as herein required in relation to the first, and all parties interested shall have the like rights. In all cases where an assessment has heretofore been made to defray the cost of an improvement specified in this chapter, and which has been heretofore or shall be hereafter annulled or set aside for any cause, the city council shall without delay, make a new assessment in like manner as in this chapter required for a first assessment.

Section 24. When, in any case, any portion of the cost and expense of making any improvement mentioned in this chapter, shall by virtue of any valid law or ordinance, or by virtue of any contract, be chargeable upon any railway company in the city, the amount or amounts so chargeable may be assessed upon such railroad company, and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed upon said railway company, by distress and sale of personal property in the manner provided for in the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; PROVIDED, however, that any real estate belonging to such railway company subject to assessment under the general laws of this state or any valid ordinance or contract, and deemed benefited by said improvements, shall be assessed as in other cases.

Section 25. All assessments levied under the provisions of this chapter shall be a paramount lien on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment.

Section 26. The city clerk shall keep in his office, in books to be provided for that purpose, a correct record of all assessments confirmed by the city council and authorized by this chapter; the said books to be properly ruled and headed so as to show at all times

a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments as hereinafter provided and whether paid to the city or county treasurer or remaining unpaid.

Section 27. When any special assessment authorized by this chapter shall be confirmed and established by the city council, as herein provided for, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the seal of the city and signed by the mayor and city clerk, and shall contain a printed or written copy of the assessment roll as confirmed as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case.

Section 28. All warrants issued for the collection of any special assessment, and herein authorized, shall be delivered by the city clerk to the city treasurer as soon as practicable after the said assessment has been confirmed and established.

Section 29. Upon the receipt of any warrant for the collection of any special assessment authorized by this chapter, the city treasurer shall forthwith give notice, by one publication in the official news paper, that such warrant is in his hands for collection, briefly describing its nature and the improvement for which such assessment has been made, and the territory embraced in such assessment; PROVIDED, that when such assessment is for sprinkling, a reference in such notice to the number of the sprinkling district for the sprinkling of which such assessment has been made, shall be deemed a sufficient reference to the territory embraced in such assessment. Such notice shall require all persons interested to make payments within thirty (30) days from the date of such notice, at his office, or, at the option of said treasurer, at some bank in the city acting for such treasurer.

Section 30. If the assessments charged in any special assessment warrant made for any improvement what-so-ever under the provisions

of this chapter, shall not be paid within thirty(30)days after the publication of the notice by the city treasurer that he has received such warrant for collection, said treasurer shall return to the city clerk a list, duly certified by him, said treasurer, of the assessment so made which still remain unpaid, giving in such list the description of the several lots and parcels on which the assessment had not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereon.

The city clerk shall thereupon add to each delinquent and unpaid assessment a penalty of ten per cent, and before the first day of November following, transmit a duly certified list of such unpaid assessments, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to the Auditor of Lake County, who shall enter the several amounts of said unpaid assessment on the tax list for said city for the next ensuing year, and levy the same upon the several lots and parcels of land to which the same are respectively chargeable, and the same shall thereupon be enforced and collected as other taxes on real estate are enforced and collected under the general laws of this State.

Section 21. No assessment in this chapter provided for shall be set aside or be invalid by reason of any informality in the proceedings prior to the entry thereof on the tax list by the Auditor of said County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the party or parties claiming to be aggrieved.

Section 22. If for any cause the proceedings of the city council, or any of its officers, may be found irregular or defective, whether jurisdictional or otherwise, the said council may make a new assessment from time to time, and as often as needs be, upon the real estate benefited and on which no payment has been made for said improvement, until the full amount of all benefits assessed have been



realized from the real estate benefited by such improvement.

Section 33. The city council shall have power and authority and may, by resolution in writing, adopted by an affirmative vote of a majority of all its members, extend the time for the payment of any assessment made and confirmed by it for the purpose and as in this chapter designated, against any lot or parcel of land, and may provide that such assessment may be paid in annual installments of any number not exceeding <sup>five</sup> ~~ten~~. When such assessment is fully completed and has been confirmed and established the city council shall, by resolution, determine the number of annual installments, if any, in which such assessment may be paid, which resolution shall be attached to and form a part of such assessment roll.

Section 34. If the city council shall adopt the resolution, specified in the foregoing section, the city treasurer shall in his notice that the warrants are in his hands for collection required by section 29 of this chapter, include a notice that the owner, or any person interested in any lot or parcel so assessed and described in such assessment, may at his election and written request pay the sum assessed in installments, as provided in said resolution.

Section 35. Any person desiring so to pay such assessment in installments, as a condition precedent to the exercising of such right, shall file, in duplicate, a written notice of his election and request for permission so to pay in annual installments, within thirty (30) days after such publication, and before such assessment becomes delinquent, with the city treasurer, and at the same time pay the first installment then due and payable. Upon failure so to file such notice and request and to pay said first installment, the whole amount of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice and request by the person interested, the treasurer shall divide the said assessments into the



proper installments, make proper record of the same, and transmit one of such duplicate notices to the city clerk, who shall make note thereof in his record book of assessments.

Section 36. The city council may at any time after an assessment becomes delinquent, upon a written application to it, waive the neglect so to elect within the proper time, and may permit any assessment which has become delinquent to be paid in installments as herein provided.

Section 37. Each of said installments so ~~provided~~ extended shall bear interest payable annually at a rate to be determined in and by such resolution, not exceeding six (6) per cent per annum from the expiration of such thirty (30) days after the publication of the notice provided in section twenty-nine (29) of this chapter.

Section 38. No assessment of less than ten (\$10) dollars against any one lot or parcel of land shall be divided into installments, and no assessment shall be divided so that the amount of any of the installments into which it is divided shall be less than five (\$5) dollars, and the several installments may be of different amounts as the said council may determine.

The time for payment of the installments, and for the enforcement of the same against the property affected by the assessment, shall be extended so that the several amounts shall become due and payable as follows: The first installment at the time the assessment would have been payable if the time of payment had not been extended, as provided in section twenty-nine (29) of this chapter; the second installment on October first of the succeeding year, the third installment on October first of the second succeeding year, and so on; each installment, excepting the first, shall be made due and payable on the first day of October in the year when payable.

Section 39. After the time of payment of any assessment has been so extended and divided into installments as aforesaid, if any installment so extended shall not be paid when it becomes due and payable, together with interest to that time on all future install-

ments, the city treasurer shall on the fifth day of October, in each year, certify to the city clerk, such ~~extended~~ installment which has become due and payable on the first day of October in that year and which has not been paid, together with all interest then due and unpaid on the whole assessment, as a special tax on said property, in the same manner as other delinquent assessments in his hands for collection; the city clerk shall thereupon certify the same to the county auditor in the same manner, at the same time, and with the same penalty added thereto as in case of other delinquent assessments and in all respects as provided in and by section thirty(30) of this chapter; the said county auditor, on receipt thereof, shall enter and carry out the same upon the proper tax list for that year, in the same manner as in other cases of unpaid assessments certified to him under the provisions of this chapter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced, and when collected paid over to the treasurer.

Section 40. Upon application in writing of any owner or person interested in any lot or parcel of land against which any assessment has been heretofore made, and has heretofore been confirmed by the city council, said council shall have power and authority and may by resolution in writing, adopted by an affirmative vote of a majority of all its members, extend the time for the payment of such assessment as to said lot or parcel, and may provide that such assessment may be paid thereafter in annual installments of any number not exceeding five(5), providing such assessment, so made prior to the date thereof, exceeds the sum of twenty(20)dollars, against such lot or parcel of land.

Whenever any assessment, heretofore made be so divided into installments, and the time of payment thereof extended, all provisions of this chapter applicable to extending the time of payments of assessments, shall apply thereto and control the collection and enforcement of the same.

Section 41. Any Owner or person interested in any piece or parcel of land against which an assessment is levied, may, after such assessment has been divided into installments, pay all of the installments at any time before maturity, with interest thereon to date of payment.

Section 42. Every installment, the time of payment of which as been extended under this chapter, shall continue to be and shall be and constitute a paramount lien in favor of the city and against each of the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel, and until the same is fully paid.

Section 43. When such application, election or request for an extension of time of payment in installments of an assessment shall have been made and filed as herein provided, the owner or person interested and so filing the same, and his or their heirs, personal representatives or assigns, of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment and of all proceedings had thereon prior to the granting of said application, and shall be thereby forever estopped from denying the validity of said assessment or the amount thereof.

Section 44. Any person desiring to construct, lay or re-lay his or her own sidewalk shall first obtain a permit therefor from the street commissioner or city engineer; such permit shall state the location of such walk, the material out of which the same is to be constructed, laid or relaid, and the time when the same will be completed, and there shall also be attached to such permit a general plan and specification for the doing of the work.

No work shall be begun thereon until the contractor therefor, or the owner thereof, if he shall do the work himself, shall first execute a bond to the city, with two or more sufficient sureties, or a surety company bond, to be approved by the mayor in the penal sum of not less than one hundred(\$100)dollars, conditioned that he will

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do said work, subject to the supervision and approval of the street commissioner or city engineer, and as required by the ordinances of the city, and will indemnify and hold harmless the city against any damage or loss which may arise, or in any way, directly or indirectly, be suffered by the city by reason of any occurrence while the work is going on and before acceptance thereof by the street commissioner or city engineer, caused by any negligence or misconduct on the part of such contractor or owner, as the case may be, his or their servants or employees, in doing the same; such bond shall be filed with the city clerk and may be enforced by the city the same as other bonds of like nature, as required by law.

The city council may by ordinance regulate the manner of constructing, laying, relaying, and repairing sidewalks by the owners of property in the city, not inconsistent with the provisions of this chapter, and may authorize the filing of a like bond as herein before in this section provided, in such penal sum as the council may direct, by persons engaged in and carrying on the business of constructing, laying or relaying sidewalks, to include and cover the construction and relaying of all walks for property owners in the city, for a period of one year, and such bonds shall have the same force and effect as though given for each walk separately, as above provided.

When an owner constructs, lays or relays his or her own walk, the same shall be constructed, laid or relaid under the supervision and direction of the street commissioner or city engineer, and such street commissioner or city engineer shall, upon the full and satisfactory completion of such walks, deliver to the contractor a certificate of his acceptance, if demanded.

No property owner shall have any authority whatsoever to construct or lay his or her own walk after the city council shall have awarded a contract for its construction, but the said city council shall not so order the building of any walk after a permit

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has been issued therefor by the street commissioner or city engineer, and before the expiration of the time designated therein, within which the same is to be built.

Section 45.--Whenever the street commissioner shall report to the city council the necessity of repairing certain walks in the city, deemed by him dangerous to pedestrians, and shall estimate the cost of such repairs to be not less than ten(10)dollars adjacent to one lot or parcel of land, the ~~city~~ said council may authorize such street commissioner to make such repairs, if the owner or agent thereof fails to make such repairs within forty-eight(48) hours after notice to that effect from said street commissioner, if such owner or agent be known and can be found in the city by him.

In case any sidewalk shall become so out of repair or broken as to become dangerous, ~~whenever~~ it shall be the duty of the street commissioner to immediately repair the same in a good and substantial manner. The said street commissioner shall keep a written record of all such repairs, and shall at least once in each month report and certify to the city council the cost in each case of all repairs made to sidewalks in the city as specified in this section, with a description of each lot or parcel of land abutting each case of repairs.

Each such report shall be filed and preserved by the city clerk for the instruction of all parties interested; the city council shall once in each year, as near as conveniently may be to the time of the annual tax levy for the city, assess and levy the cost of making such repairs upon the lots and parcels of land found benefited by such repairs in the same manner provided in this chapter for assessing the costs of other improvements herein designated. In each case such assessment, for all such repairs within the year, and since the making of the last assessment for such repairs, may be combined in one assessment roll; and such assessment shall be collected and enforced in the same manner as other assessments provided for in



this chapter, except that the same shall not be first transmitted to the city treasurer for collection, but shall be directly certified to the county auditor of such county by said city clerk, to be placed upon the tax list for that year by said auditor, *and a duplicate thereof shall at same time be transmitted to the city treasurer.*

Section 46.--Any owner of, or any party interested in, any piece or parcel of land against which an assessment is levied, as herein provided, may pay such assessment to the city treasurer at any time before the first Monday in January following the date on which the same has been certified to the city clerk or county auditor, as hereinbefore provided, and said treasurer shall thereupon give his receipt in duplicate for the same, which shall be sufficient authority for the cancellation of such assessment by the county auditor or county treasurer on his books, or by the city clerk, as the case may be. After the first Monday in January following the date on which any delinquent assessment shall have been certified to the county auditor, the same must be paid to the county treasurer the same as other state or county taxes.

Upon the presentation of one of said duplicate receipts by such owner or person interested, to the county auditor or county treasurer of Lake County, as the case may be, he shall cancel such assessment on his books, or if the same has not yet been transmitted to the county auditor by the city clerk, said city clerk shall thereupon cancel such assessment on the delinquent list containing the same, and after that time the lien on such land shall cease to the amount of such payment, and the said county auditor, if such receipt be filed with him, shall report the same in the next settlement thereafter with said city treasurer, for taxes collected and payable to the city treasurer.

On the first Monday of each year the city treasurer shall certify to the city clerk all payments made to him, said treasurer, of assessments certified to the county auditor for collection, and said city clerk shall enter all such payments in the proper records thereof.

Section 47.--The county auditor shall not issue his certificate that taxes are paid on any piece or parcel of land on which any delinquent assessment authorized by this chapter, or any portion thereof, has been certified to him, until such assessment, or portion, or extended installment thereof, with penalties and interest thereon, has been paid and canceled, as provided in this chapter, and the general laws of the state governing the collection of taxes.

Section 48.--The city council may assess in accordance with the provisions of this chapter the cost of any improvement heretofore authorized by the city council and either fully or partially completed at the date this <sup>chapter</sup> takes effect.

CHAPTER XVII (17)

Taking of Private Property for Public Use---

Assessment of Benefits, etc.

Section 1.--Whenever the city council shall deem it necessary to acquire land within the city for the purpose of establishing public wharves, or levees, or of erecting and maintaining a market house, engine house, prison, work house, city hall, grabage crematory or reduction plant, or other public building thereon for use in any department of the city or for any other public purpose except the laying out and opening, straightening, widening, or enlarging of public streets, roads, alleys, squares or parks, which are otherwise in this chapter provided for, it shall have power to cause private property to be taken and appropriated therefor, and the damage for such <sup>property so</sup> taken shall be ascertained and determined in the manner in this chapter prescribed, and shall be paid out of the general fund in the city treasury.

Section 2.--Whenever th city council shall deem it necessary to use private property for the purpose of laying out and opening, widening, straightening, or enlarging any public street, road or alley in said city, it shall have power to cause such private property to be taken and appropriated for such purpose, and the compensation or damage to the owner or owners of such private property shall be ascertained and determined, and the amount of such compensation or damage shall, as far as may be practicable and just, be assessed and charged upon other private property which is benefited by the improvement, in the manner and by means of the proceedings in this chapter prescribed.

Section 3.--When private property is to be taken for any purpose above mentioned the city council shall, as a preliminary step, determine in a general way by resolution the amount, description and location of such property and define the purpose for which the same is to be appropriated, and shall direct the city engineer to make an

accurate survey and plat of such property and of the public streets, alleys, roads, and grounds in its immediate vicinity, and in any case referred to in Section 2 of this chapter, of the improvement proposed, and to file such plat with the city clerk within a certain time to be fixed by such resolution.

Section 4.--At its first regular meeting after the filing of the plat provided ~~for~~ in the last preceding section, the city council shall consider and approve the same or refer the same back to the city engineer for alterations therein as the council may think necessary or expedient; and in the latter case the said engineer shall prepare and shall file with the city clerk before the next regular meeting of the council, or within such time as may have been fixed by the council, a new or revised plat incorporating the required alterations, and such new or revised plat shall be submitted to the council for approval at its next regular meeting after the same is filed.

Section 5.--On finally approving a plat prepared and presented as aforesaid, the city council, if it decides to proceed further in the matter, shall appoint a time, not less than twenty(20) days distant, and a place when and where it will meet and definitely determine the question of taking private property for the purpose contemplated, and the city clerk shall thereupon give notice of such meeting and of the time, place and object thereof, by publishing such notice in the official newspaper of the city at least once in each week for two(2) successive weeks prior to such meeting, in which notice shall be given a brief description of the private property proposed to be taken and a brief statement of the improvement or purpose for which it is to be appropriated, and in said notice it shall be stated that at the meeting so appointed, all persons interested may appear before the council and make such objections as they may desire to make to the carrying out of the contemplated project, and reference shall also be made in the notice to the plat which may

have been approved by the council and which shall be kept on file in the office of the city clerk subject to public inspection.

Section 6.--At the meeting provided for in the last preceding section, or at any time thereafter to which the council may adjourn for further consideration and decision in the matter, of which adjournment, if ordered, the record thereof shall be held sufficient public notice, the council, if it decides to cause the taking and appropriation of the private property previously designated for the proposed improvement or purpose, shall incorporate such decision in an ordinance or a resolution in writing, and shall also in and by such ordinance or resolution appoint three commissioners, who shall be free holders and qualified electors in the city, and whose duty it shall be to view the private property so to be taken and appropriated, and, in any case mentioned in said section ~~two~~(2), other real estate which they may consider as within the reach of benefit from the proposed improvement, and to estimate and award to the person or persons entitled thereto the damage which may be occasioned by the taking of such private property, and if the case is one requiring it, to designate the several lots and parcels of real estate which will be benefited by the proposed improvement, and, as far as may be practicable and just, to charge and assess the damages so awarded to and upon such lots and parcels of real estate so to be benefited, in proportion to the benefits which may be conferred upon such lots and parcels respectively.

Section 7.--The city clerk shall, as soon as may be practicable, notify in writing the persons so appointed of their appointment as such commissioners and request them to qualify and enter upon the performance of their duties within ten(10)days from the receipt of such notice.

In case any person so appointed as commissioner shall, after being so notified and requested, refuse or neglect to qualify and enter upon his duties within ten(10)days after the date of such notice, the city council shall have power to declare his position



vacant and fill the vacancy by a new appointment, and the person so appointed to fill such vacancy shall be immediately notified in writing by the city clerk of his appointment, and shall qualify and enter upon his duties within five (5) days after receiving such notice.

Section 8.--The commissioners shall qualify by taking, subscribing and filing with the city clerk an oath to discharge their duties as such commissioners with impartiality and fidelity, and to make due report of their proceedings and their assessments to the city council.

Section 9.--The city engineer shall furnish the commissioners with a true copy of the plat by him prepared and by the city council approved as aforesaid; and the commissioners shall thereupon proceed to view the private property proposed to be taken, and, in case referred to in said Section Two(2), the vicinity thereof so far as to include within such view all lots and parcels of real estate which will in their judgment be benefited by the intended improvement, and may continue such view from day to day until the same is completed.

Section 10.--Having completed their said view and having, if the case is one to which said Section Two(2) is applicable, determine in a general way what lots and parcels of land will be benefited more or less by the projected improvement, they shall give notice by publication in the official newspaper of the city at least once in each week for two successive weeks of a time, which shall be not less than fifteen (15) days from the first publication of the notice, and a place when and where they will meet to assess the damage which will be occasioned by the taking of the private property proposed to be taken and also, if required in the particular case, to assess, as far as may be, the damage so to be determined upon such lots or parcels of other real estate as may in their judgment be benefited by such improvement, and ~~ix~~ besides referring in their said notice intelligibly to the general matter in which they are acting and describing the property so to be taken, shall state therein with

reasonable certainty the area within which may be located the lots and parcels of real estate to which such damage will be assessed and apportioned upon the basis of benefits thereto resulting from the improvement.

Section 11.--At their meeting so appointed and announced as in the last preceding section prescribed, the commissioners shall hear all persons who may desire to be heard upon the question of damages and benefits which are to be determined by the commissioners and may continue such hearing from day to day as long as may be necessary, not exceeding five (5) days, and they may administer the usual oath to all persons who may appear before them as witnesses.

When such hearing is ended, the commissioners shall proceed to estimate, determine and assess the damages which will be occasioned by the taking of the private property proposed to be taken and to award the same to the persons interested in such property or holding mortgage, or other liens thereon, in proportion to the extent of their respective interests therein or liens thereon, as far as such persons and their respective interests or liens may be known to the commissioners; and shall, if the case requires it, also assess, as far as may be practicable and just, the amount of damages so awarded, to the several lots or parcels of real estate which will be benefited by the proposed improvement in proportion to the actual benefit which in the judgment of the commissioners will result to such lots or parcels respectively.

In estimating the damages to be awarded for the taking of property as aforesaid the commissioners shall take into consideration the reasonable value of the property so to be taken and the injury which may be incident to such taking, but shall also consider the advantages, if any, which will accrue to the owner or owners of such property so taken or to persons interested therein or having liens thereon, from the proposed improvement.

If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collected of them or paid by them.

It shall be lawful for the commissioners, in their discretion, in making such assessment for the laying out, widening or extending of streets, to take into consideration the value of lands theretofore donated for such street, for the purpose of estimating the benefits to be paid by the person or persons having made or then making such donation or those claiming under them; a refusal by the commissioners to take any such donation into consideration shall be final and not subject to a review.

Section 12.--If there should be any building or buildings standing, in whole or in part upon any of the lands to be taken, they commissioners shall in such case determine and assess the amount of damages which should be paid in case such building, or as much thereof as may be necessary, should be appropriated, and also the amount of damages to be paid in case the owner or owners should elect to remove such building or buildings.

If such land and building belong to different persons, the damages to such persons respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

Section 13.--Said commissioners having ascertained and assessed the damages as aforesaid and, if the particular case requires it, having also assessed in the manner aforesaid the amount of such damages, as far as may be practicable and just, to the several lots and parcels of real estate benefited by the proposed improvement, shall as early as possible, make and file with the city clerk a written

and formal report to the city council of their action in the premises, embracing a schedule of their assessment of damages to be paid on account of the taking of the land or buildings, and the benefits to be collected by reason of the proposed improvement, with a description of the several lots or parcels of land upon which their assessment may be made, and the names, as far as known, of the respective owners thereof or of interest therein or liens thereon, and shall accompany such report with a minute of their fees and the other expenses of their proceedings.

Section 14.--Upon such report being filed in the office of the city clerk he shall cause to be published once in the official newspaper of the city a notice that such report and assessments have been so filed, giving in connection with the notice an intelligible description of the land and buildings on account of the taking of which damages have been awarded and the area within which may be located the lots and parcels of real estate upon which such damages or part thereof have been assessed, and that the same will be presented to the city council for confirmation at a meeting the time and place whereof shall be specified in the notice, which time shall not be less than ten(10)days after the publication of the notice, and requiring all persons interested to file with said city clerk in writing and in detail before such meeting, all objections which they may desire to make to such assessments, which in the meantime shall be open to their inspection.

Any persons interested in buildings standing in whole or in part upon any land required to be taken, shall at the time of or before said meeting, of which notice is so given, notify the council in writing of their election, if made, to remove such buildings from such lands.

The city council at the meeting which for the consideration of the said report of the commissioners, or at any subsequent meeting to which the consideration thereof may be postponed, of which postponement, if made, the record thereof shall be deemed sufficient

notice, shall have power to confirm, revise or annul the assessments as made by the commissioners, giving due consideration to the objections, if any, filed by interested parties as aforesaid; and unless such assessments are entirely annulled, shall confirm and establish the same as appearing in the report or as revised. If the council shall annul the assessments, it may, in its discretion, by resolution appoint three new commissioners, who shall be free holders and lawful voters in the city and shall qualify and perform their duties in the same manner as if they had been appointed in the first instance.

Section 15.--When the assessment and award of damages to be paid for the taking of private property in any case herein provided for shall have been finally confirmed and established by the city council as aforesaid, such damages so ascertained shall be paid or tendered, or deposited and set apart in the treasury of said city to or for the parties entitled thereto, within one year from such confirmation of such assessment and award, and the land required to be taken shall not be appropriated until such damages shall be paid or tendered to the parties entitled thereto, or deposited and set apart for their use as aforesaid, and in case ~~the~~ the city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto the damages in such case may be deposited by order of the city council in the district court of Lake County, in the same manner as moneys are paid into Court in similar cases, and there remain until the parties shall substantiate their claims to the same; notice of such deposit shall be given to all such claimants, and if at the time of making such tender or deposit more than twenty (20) days shall have elapsed since the confirmation of the original or revised assessment as aforesaid without appeal having been taken therefrom as hereinafter provided; the council may cause the property for the taking of which such damages may have been awarded, to be appropriated and used for the improvement or purposes already determined upon;



PROVIDED, however, that in any case in which such damages or part thereof shall have been assessed and charged to other property deemed benefited by the intended <sup>m</sup>improvement, the council may cause the payment, tender or deposit above provided for to be delayed until such assessments shall have been levied and collected or shall have become an established tax lien upon the property upon which such assessment may have been made, not exceeding eighteen (18) months, and in such case shall have the right to cause such ~~tax~~ payment, tender or deposit to be made and to cause the property for the taking of which the damages may have been awarded, to be appropriated and used for the intended improvement or purpose, at any time within said period of eighteen (18) months; AND PROVIDED FURTHER, that when any appeal shall have been taken from any award or assessment as herein-after provided, such limited period of one year or eighteen (18) months, as the case may be, shall not begin to run until such appeal shall have been finally decided in the District Court.

Section 16.--In case the owner or owners of any buildings as aforesaid shall have elected, in the manner aforesaid, to remove such buildings, he or they shall remove the same within thirty (30) days from the date of the council's action in confirming and establishing the assessments as aforesaid, or within such further time as the city council may allow for such purpose, and shall thereupon be entitled within the period hereinbefore limited of one (1) year or eighteen (18) months, as the case may be, to payment from the city of the amount of damage awarded in such case, in case of removal.

When such person or persons shall not have elected to remove such buildings or shall have neglected, after such election, to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, may upon payment or deposit of the damages awarded for the taking thereof in the manner aforesaid and within the period limited as aforesaid, be taken or appropriated, sold or disposed of in such manner as the city council shall direct,

and the same or the proceeds thereof shall belong to the city.

Section 17.--Any person feeling aggrieved by any award or assessment made as aforesaid, may, by notice in writing served on the mayor of the city, a copy whereof with the proof of service shall be filed in the office of the clerk of the District Court in Lake County within twenty(20)days after the confirmation and establishment by the city council, as aforesaid, of such award or assessment, appeal from such award or assessment to the District Court aforesaid.

Such appeal shall be entered and brought on for trial by the district court or jury as in ordinary cases, but no pleading shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such award or assessment, and shall not be entitled to have any other objection than those specified considered; and a transcript of the record of the proceedings of the council in the matter of such award or assessment, and of such award or assessment itself, and of any objections filed with the city clerk by the appellant, as provided in Section 14 of this chapter, certified by the city clerk, shall be procured by the appellant and filed with his notice of appeal in the office of the clerk of said district court, and such transcript shall be prima facie evidence of the facts therein stated; and no proceedings shall be had or taken, and no award or assessment made in any case arising under this chapter shall be vitiated or held invalid by reason of any ~~informality~~ informality or irregularity in such proceedings or in or about the making of such award or assessment, unless it shall appear that by reason of such informality or irregularity substantial injury or prejudice has resulted to the party claiming to be aggrieved, and no objections on account of alleged irregularity or informalities in the proceedings occurring before the confirmation and establishment of such award or assessments by the council shall be considered on appeal, unless such objections shall have been presented to the council or filed with the city clerk as prescribed in Section 14 of this chapter.

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Section 18.--The final decision of every appeal taken to said district court as hereinabove provided shall be certified to the council by the clerk of said district court within ten(10) days after such final decision is made, by filing a certificate thereof with the city clerk of said city; and no appeal shall lie from such final decision, or from any intermediate order or decision of said district court in the case.

Section 19.--At the time prescribed in Chapter V of this charter for the certifying to the auditor of Lake County of the ordinary levies of taxes ordered by the city council, the city clerk shall also transmit to said auditor a transcript of all assessments, made since the last preceding levy of taxes ordered by the council and from which no appeal is pending of the expense of improvements upon property benefited, as in this chapter provided, and the said auditor shall thereupon at the proper time enter such assessments against the proper lots and parcels of land in the tax list for said city, and the same shall be collected, accounted for and paid over in the same manner and at the same time to the city treasurer as other taxes collected for said city and when received shall be placed to the credit of the general fund.

Section 20.--Upon the decision of any appeal taken as aforesaid or at any other stage of any proceedings under this chapter the city council may, when in its opinion public interest requires such action, order that such proceedings be abandoned; and in such case may withhold payment of any damages which may have been awarded and revoke any assessments which may have been determined upon; and if any such assessments shall already have been certified to the county auditor of said county, may direct the said auditor to cancel the same, or if any such assessment shall have been collected, shall order that the amounts thereof be refunded from the general fund in the city treasury to the persons respectively entitled thereto.

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XVIII  
CHAPTER XVIII (18)

Miscellaneous Provisions.

Section 1.--All civil actions to recover any penalty or forfeiture under this charter or under any ordinance or regulations passed in pursuance thereof or for any other authorized purpose, and all prosecutions for the violation of any penal provisions in this charter or of any ordinance or regulation adopted in pursuance of this charter, shall be brought in the corporate name of the city.

Section 2.--The municipal court of the city of Two Harbors shall, except as otherwise provided in this charter, have exclusive jurisdiction to hear, try and determine all civil actions brought to recover any pecuniary penalty provided for in this charter not exceeding ~~five~~ <sup>five</sup> hundred (\$500) dollars, and all prosecutions for the violations of the provisions of this charter or the ordinances and regulations of the city to which punishment by fine or imprisonment or both is attached, with power to impose and enforce the prescribed penalties; and all proceedings in such cases in said municipal court shall be as prescribed by the Act of the Legislature creating said Court and by the several acts amendatory thereof. The office of

Justice of the Peace in the city is hereby expressly abolished, *from and after the establishing and organization of a municipal court in said city.*

Section 3.--In any complaint for the violation of any ordinance of the city relating to the offense of vagrancy, it shall be sufficient to charge the defendant with being a vagrant, and evidence of all facts constituting the said offense in the particular case may be given under such general charge.

In any complaint charging the sale or disposal of any spirituous, vinous, fermented, malt, or intoxicating liquors contrary to any ordinance of the city, it shall be sufficient to allege a sale or disposal of intoxicating liquor, and evidence may be given under such allegation showing or tending to show the sale or disposal by the defendant of liquor of any one or more of the kinds above mentioned; and when the proof shows a sale or disposal of beer,

such liquor shall, in the absence of evidence to the contrary, be presumed to have been the kind of beer ordinarily sold over the bar and to have been intoxicating, and proof of the sale of what appeared to be intoxicating liquor shall be prima facie proof of the sale of such liquor.

Section 4.--No person shall be an incompetent judge, witness, juror, referee, or commissioner in any action or proceedings to which the city is a party by reason of his being an inhabitant thereof.

Section 5.--No judgment in favor of the city in either a civil or criminal action shall be remitted or discharged, except by a vote of three-fourths (3/4) of all the members of the city council.

Section 6.--The district court in and for the County of Lake shall have jurisdiction and authority upon application from the city, to enjoin and prohibit any threatened or attempted violation of any ordinance of the city that shall be passed in pursuance of or authorized by subdivision ~~Fiftieth~~ *Fifty-first* of Section ~~Twenty-Six~~ *Twenty-Six* in Chapter ~~Seven~~ *Seven* of this charter, or any threatened or attempted violation of any ordinance of the city prohibiting obstructions or incumbrance of public streets, roads, alleys, parks, or other public grounds in the city, or to enjoin and prohibit the maintenance or continuance of any such obstruction or incumbrance, or the creation, maintenance or continuance of any public nuisance of any sort in the city; and the fact that any ordinance in this section above referred to prescribes a penalty for the violation thereof, or the fact that any person guilty of such violation, or of any act, attempt or offense in this section referred to, may be liable to fine, imprisonment or other penalty therefor, shall not bar any action in said district court to enjoin such violation, act, attempt, or defense or abridge to any extent whatever the jurisdiction or authority in this section conferred upon said district court.



Section 7.--No action shall be maintained against the city of Two Harbors on account of or to recover damages for any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, public building, ferry boat, or public works of any kind; or by reason of any alleged negligence or misconduct of any officer, agent, servant, or employee of the city, at any time or place, unless the person claiming to have sustained such injury or loss, or his lawful representatives, shall, within thirty(30)days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty(60)days, after the happening of such injury or loss present his or their claim to compensation, damages or other relief on account thereof to the city council in writing, stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said council ten(10)days time after such claim is so presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one(1)year after the happening of such alleged injury or loss.

Section 8.--All deeds, leases or other conveyances, or other written transfers of property made, and all written contracts entered into by the city, and all bonds or other evidences of debt issued by the city, shall, on behalf of the city, be signed by the mayor and attested by the city clerk.

Section 9.--Service of process and writs in any action or other judicial proceedings against the city, may be made upon the mayor, and upon such service being made the mayor shall immediately inform the city council thereof, and shall take such other steps in relation to the action or proceedings in which such process or writs were issued, as may be required by ordinance in such case provided, or by resolution of the city council. ~~1004~~ 118

Section 10.-- All real estate and appurtenances thereto, all buildings, engines, trucks, carts, appliances, and apparatus, all machinery, boats, pumping works, and all other property of any kind or description, owned or held by the city for ~~the~~ city or public uses or purposes, shall be exempt from taxation and from seizure or sale under or by virtue of any execution or ~~x~~ other writ, or by virtue of any action or proceeding.

Section 11.--When any final judgment shall be recovered in any competent court against the city, the same shall be paid out of any money in the general fund in the city treasury not appropriated or required for other purposes. If there are no moneys in said fund which can be devoted to the payment of such judgment without injury to other interests of the city, the amount of such judgment with interest thereon shall be included in the next levy of taxes ordered by the council, and when collected shall be paid to the holder of such judgment.

Section 12.--All officers of the city while in office, and all employes of the city, while in service, and all officers and active members of the fire department in the city shall be exempt from duty as jurors in any court or tribunal of this state.

Section 13.--Any failure to hold any election in the city at the time or in the manner in this charter prescribed or any failure on the part of the city council or of any city officer or officers to perform any duty prescribed by this charter at the time when or in the manner in which it should be performed, shall not operate to dissolve or suspend the city as a municipal corporation, or to diminish or affect the city's municipal or corporate ~~rights~~ rights, powers or privileges, but such election may be held or such duty may be performed at a subsequent time with full force and effect.

Section 14.--The powers conferred by this charter upon the city council or upon any officer or officers of the city for the abatement or removal of nuisances or for the arrest and punishment of persons

~~Section~~ 119.

creating or maintaining the same, shall not operate as a bar to private actions or proceedings in the courts to abate the same.

Buildings wherein is deposited any greater amount of gun powder or other explosive materials or agent than may be authorized by city ordinance, gambling houses or places, houses of ill fame or of assignation, disorderly houses, saloons or other places where traffic in intoxicating liquors is carried on without city license required therefor, and all unauthorized incumbrances or obstructions on public streets, roads, alleys or bridges in said city, are hereby declared public or common nuisances.

Section 15.--The city shall have the right to make and to prosecute an appeal to the district court of Lake County, or to the supreme court of this state, in any action or proceeding to which it may be a party, if the judgment, order or decree from which it may desire to appeal is one from which an appeal will lie under the general statutes of this state. And whenever such an appeal is taken by the city the requisite bonds on appeal shall be executed in the name of the city by the mayor, and attested by the clerk, who shall affix the corporate seal of the city thereto; but no sureties or justification shall be required on such bond.

The provisions of this section respecting bonds on appeal shall also apply to all bonds which it may become necessary for the city to furnish in actions or other judicial proceedings.

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Section 17.--Whenever any plat of any parcel of land within the limits of the city, showing divisions and subdivisions of such parcel into lots, blocks and streets, shall be submitted to the city council for approval pursuant to the provisions of chapter sixty-four (64) of the revised laws of 1905 of this state, with intention to dedicate such streets to public use, such plat shall be accompanied with a delineation of a sufficient part of other platted portions of the city to indicate how the streets marked on such plat correspond and connect with streets already in use in the city; and the council may require such alterations to be made in the streets as shown on the plat so presented as in its opinion are necessary to preserve uniformity and regularity in the public streets of the city, and may withhold approval of the plat presented until such alterations shall be made; and should any lot or block outlined in such plat be sold or offered for sale as such lot or block before such alterations are made or before approval of the plat by the council, the person selling or offering <sup>the same</sup> for sale shall be liable to the penalty prescribed in section three thousand three hundred sixty-eight (3368) of the revised laws of 1905 of this state.

Section 18.--When any public street, road or alley, or part thereof, or any public park grounds shall be laid out and opened in the city pursuant to the provisions of this charter, or shall be dedicated to public use by deed, the city engineer shall make and file an accurate plat thereof in the office of the register of deeds of Lake County, and the same shall be there recorded.

Section 19.--If any person or company shall place and leave any unauthorized obstruction, or make any unauthorized excavation in any street, road or alley in the city, or leave such obstruction or excavation unguarded when authorized, such person or company shall be liable to any person who may be personally injured or whose property may be injured or destroyed without his fault by means of such obstruction or excavation; and in case any damage shall be recovered in any action against the city for injuries caused by such obstruction or excavation, the city shall have the right to recover the ~~(25)~~ <sup>12/1</sup>

amount of such damages in turn from the person or company placing such obstruction or making such excavation; PROVIDED, that upon the commencement of such action against the city, notice thereof shall be immediately given in writing to such person or company so liable, with a statement that the city will look to such person or company to pay the amount of any judgment against the city which may be recovered in such action, and an opportunity given to such person or company to defend such action; and such person or company may upon his or its own application, or upon the application of the city, be made a party defendant to such action, in which case, if judgment be recovered against the defendant, execution thereon shall be first issued against such person or company only, and the city shall not be required to pay such judgment until such execution shall be returned unsatisfied.

Section <sup>19</sup> 20.-- The city council may by ordinance adopt and establish a uniform system of bookkeeping for all departments of the city government pertaining to the finances of the city, and prescribe the form to be used therefor, and when so established it shall be used in, and adopted by, all departments and boards of the city government; and the annual estimate of the city clerk required by section ~~6~~ of Chapter <sup>Five</sup> ~~Five~~ of this Charter on the subject of finances shall be made to conform thereto.

Section <sup>20</sup> 21.-- Chapter one hundred forty-eight (148) of the General Laws of Minnesota for the year (1893) eighteen hundred ninety-three as amended by Chapter one hundred sixty-three (163) of the General Laws for the year nineteen hundred and one (1901); Chapter three hundred fifty-four (354) of the General Laws of Minnesota for the year eighteen hundred ninety-five (1895), and all acts of the legislature amendatory thereof; Chapter two hundred twenty six (226) of the General laws of Minnesota for the year nineteen hundred and one (1901); are hereby expressly excepted from repeal and each and every one shall remain in full force the same



as if recited in full herein and be and remain unaffected by the adoption of this charter.

Section 21. All provisions of law now in force and which are also contained in this charter shall be regarded as being continued in force, and all provisions of law now in force which are changed, modified or amended shall be regarded as continued in force as so changed, modified or amended.

Section 22. No general law of this state hereafter passed shall be deemed to repeal, amend or modify any of the provisions of this charter, unless an intention so to do be expressly set forth in such general law.

Section 23. All matters of procedure, including election procedure, not provided for in this charter or in the particular laws referred to and specifically ~~mentioned~~ excepted from repeal by this charter and thus made a part of this charter, shall be governed by the general laws of the state of Minnesota applicable thereto.

Section 24. All general laws of the state of Minnesota, relating to elections, and all preliminaries thereto, shall, as far as applicable, apply to and govern all elections under this charter, whether general or special, and are hereby adopted as a part of this charter the same as if herein specifically re-enacted, except as herein otherwise expressly provided and by this charter modified; Provided, that the "Primary Election Law" for nominating candidates for city offices, shall not apply to this city

The foregoing is a draft of the proposed Charter of the City of Two Harbors, Minnesota; made, framed, and adopted by the Commission appointed by the District Court of the Eleventh Judicial District of the state of Minnesota, under and pursuant to Section 36, Article IV, of the Constitution of the State of Minnesota, and Chapter 238 of the General Laws of Minnesota for the year 1903; and said draft of said proposed charter of the City of Two Harbors is hereby returned to the Honorable C. G. Rothfus, President of the Village of Two Harbors, according to law, signed by a majority of the members of said Commission.

Dated this 16th day of January A. D. 1907.

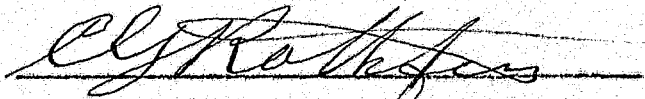
John Dwan President.  
M. B. Woodward Secretary  
Thomas Owen  
& Charles M. Fleeth  
James H. Smith  
C. A. Daniels  
Albert Headley  
W. A. Evers  
L. J. Ross  
George W. Newford  
H. H. Maudsloni  
David H. Lawrence

Charter Commission, duly appointed and consisting of freeholders of the Village of Two Harbors, Minnesota.

State of Minnesota )  
County of Lake, )ss  
Village of Two Harbors

I, C. G. Rothfus, President of the Village of Two Harbors, Lake County, Minnesota, do hereby certify that the foregoing proposed charter was, on this 18th day of January, A. D. 1907, returned to me, as President of the Village of Two Harbors, by the Charter Commission duly appointed under authority of Section 36, of Article IV of the Constitution of the State of Minnesota, and Chapter 238 of the General Laws of Minnesota for 1903, to be submitted to the voters of the Village of Two Harbors, according to law.

Witness my hand this 18th day of January, A. D. 1907.

  
Village President.

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RESOLVED, By the Village Council of the Village of Two Harbors:  
That, in accordance with Chapter 238, General Laws of the state of Minnesota for 1903, and acts amendatory thereof, said proposed charter for the City of Two Harbors duly prepared and submitted by the Charter Commission duly and regularly appointed for that purpose in accordance with law, shall be submitted to the qualified voters of the village of Two Harbors, at a Special Election to be held on Tuesday the 26th day of February, in the year of our Lord, Nineteen Hundred and Seven.

Attest:



Village Recorder.

*Adopted January 18th 1907*

ORDER APPOINTING CHARTER COMMISSION FOR  
PROPOSED CITY OF TWO HARBORS.

STATE OF MINNESOTA, )  
                          ) SS.  
COUNTY ST. LOUIS.   )

The undersigned, Judges of the District Court of the Eleventh Judicial District of the State of Minnesota, having received a petition signed by more than Ten Per Cent (10%) of the legal voters of the Village of Two Harbors, proposed to be incorporated as a City, as shown by the election returns of the last election held therein, to-wit: The Annual Village Election held in said Village on the 8th day of March, A.D.1904, praying for the appointment of a commission to prepare and return a proposed Charter for the proposed City of Two Harbors, which is to embrace everything in the said Village of Two Harbors, under the provisions of Chapter 232 of the Laws of Minnesota for the year 1903 and Acts amendatory thereof and supplementary thereto.

And we, the said Judges, deeming it advisable for the best interests of said Village and for the inhabitants of said proposed City, that said commission should be appointed, and having confidence in the ability, integrity and patriotism of the persons named herein, who are freeholders of said Village and who, for the past Five (5) years, have been qualified voters of said Village, have appointed and do hereby appoint

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|------------------------|---------------------|
| 1. John Dwan,          | 9. Albert Headley,  |
| 2. M. O. Aubolee       | 10. L. D. Rose,     |
| 3. James H. Lunz,      | 11. W. B. Woodward, |
| 4. M. T. Hannon,       | 12. Thomas Owens,   |
| 5. E. A. Daniels,      | 13. W. N. Moulton,  |
| 6. David H. Lawrence,  | 14. John Olson,     |
| 7. Charles M. Floathe. | 15. W. A. Doerr.    |
| 8. George Munford,     |                     |

As such commission to prepare such proposed Charter for said proposed City, in the manner and within the time provided by said Act. The said members of said Board of Freeholders to hold their said offices for a term of four (4) years from and after the date hereof.

Dated at Duluth, Minnesota, in said Eleventh Judicial District, this 4th day of February, 1905.

J. D. Ensign,

W. A. Cant,

Homer B. Dibell,

Judges of the District Court  
Eleventh Judicial District,  
Minnesota.

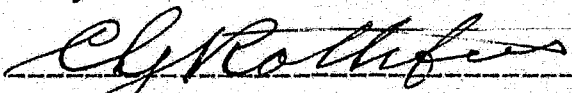
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STATE OF MINNESOTA )  
COUNTY OF LAKE (SS.  
VILLAGE OF TWO HARBORS. )

I, G. G. Rothfus, President of the Village of Two Harbors Lake County, Minnesota, do hereby certify that the annexed and foregoing Charter of the City of Two Harbors, was, on the 18th day of January, A. D. 1907, returned to me, as President of the Village of Two Harbors, by the Charter Commission duly appointed by the Judges of the District Court for the Eleventh Judicial District, State of Minnesota, under authority of Section 36, Article IV. of the Constitution of the State of Minnesota, and Chapter 238 of the General Laws of Minnesota for 1903, as a draft of the proposed Charter for the said proposed City of Two Harbors to be submitted to the qualified voters of said Village of Two Harbors, at the next election thereof; that said Charter was, under the provisions of said Chapter 238 of the General Laws of Minnesota for 1903, duly submitted to the qualified voters of said Village of Two Harbors, at the next election thereof, which was held on the 26th day of February, A. D. 1907, and was duly ratified by four-sevenths (4-7) of the qualified voters voting thereat.

And I further certify that the foregoing and annexed presentation of the Charter by the Charter Board, or Commission as well as the above order of the Court appointing said Charter Commission, and the said Charter, are, each and every, respectively, true and correct copies of the original drafts of the same deposited and on file in the office of the Village Recorder of the said Village of Two Harbors.

In Witness Whereof, I have signed this certificate and caused it to be authenticated by the Corporate Seal of the Village of Two Harbors, in duplicate, this *Fourth* day of *March*, A.D. 1907.

  
Village President of Village of  
Two Harbors, Minnesota.

(CORPORATE SEAL)