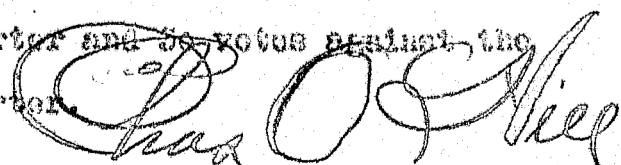


State of Minnesota )  
County of Lac qui Parle ) SS.  
Village of Dawson )

I hereby certify that the within Charter of the City of Dawson, Lac qui Parle County, Minnesota, is a true and correct copy of the original charter framed and proposed by the Board of Freeholders appointed by the Judges of the Twelfth Judicial District of Minnesota to frame and propose a charter for the organization and government of the Village of Dawson, Minnesota, as a city, and I further certify that the question of the adoption of the said proposed charter was duly submitted to the voters of the said Village of Dawson at a special election held in said Village on the 26th day of Sept. 1911 and that at said election said charter was ratified and adopted by the voters of said Village, 125 votes being cast in favor of the adoption and ratification of said charter and 50 votes against the adoption and ratification of said charter.



.....  
President of the Village Council  
of the Village of Dawson, Lac qui  
Parle County, Minnesota.

2395

CHARTER OF THE CITY OF DAWSON FRAMED UNDER AND PURSUANT TO SECTION 56  
OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF MINNESOTA AND SECTIONS  
748 TO 758 INCLUSIVE, REVISED LAWS OF 1905 AND THE ACTS SUPPLEMENTAL  
THEREOF.

CHAPTER I.

NAMES, POWERS AND BOUNDARIES.

NAMES AND POWERS.

SECTION 1. All that part of the county of Lac qui Parle, in the state of Minnesota, within the boundaries hereinafter described, shall be a city and the people now inhabiting it, who shall hereafter inhabit said territory, shall form a municipal corporation under the name and style of "City of Dawson", and by that name shall have perpetual succession; may sue and be sued, complain and defend, plead and be impleaded in any court or tribunal, make and use its common seal, and alter the same at pleasure; take, hold, acquire by gift, devise, purchase, lease or condemnation any and all such real, personal and mixed property as its purpose may require or the transaction or the exigencies of its business may render convenient whether the same be within or without corporate limits of the city, and may convey such property for such purposes; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by the municipal corporation at common law, and in addition thereto all the powers granted to it under the general laws of the state of Minnesota, as well as all powers herein granted.

SUCCESSION.

SECTION 2. When this charter takes effect, the city of Dawson shall be and become the legal successor of the Village of Dawson, and shall be vested with all rights and immunities formerly vested in said village of Dawson, except as herein otherwise provided, and all ordinances existing at the time of the adoption of this charter, and not inconsistent therewith, shall be and remain in full force until repealed or modified. All property, property rights and interest of every kind and nature, and formerly vested in the village of Dawson, shall, when this charter takes effect, be and become vested in the city of Dawson under this charter, and all previously existing indebtedness and obligations and liabilities of said village of Dawson, together with interest accrued or to accrue thereon, shall be assumed and paid by the city of Dawson under this charter.

CITY BOUNDARIES.

SECTION 3. The said city of Dawson shall consist of and include all the following described territory, to-wit: All of section numbered twenty-one (21), township one hundred seventeen (117), range forty-three (43); all of Block A, all of block B, and

out lots numbered one (1), two (2), three (3), four (4) and five (5) of Volstead's first addition to Landon, in the northwest quarter of section numbered twenty (20), township one hundred seventeen (117), range forty-three (43), according to the original plat thereof on file and of record in the office of the Register of Deeds of said county, all situated in the county of Le Sueur and State of Minnesota.

THIRD PARAGRAPH.

FIRST PART.

SECTION 4. Beginning at the northeast corner of section numbered twenty one (21), township one hundred seventeen (117), range forty three (43), thence running east on the north line of said section to its intersection with the center line of sixth street in the original townsite of Landon, according to the original plat thereof on file and of record in the office of the Register of Deeds of said county, thence south on the center line of said sixth street to its intersection with the center line of nine street in said townsite, thence east on the center line of said nine street and the center line of said nine street street extended, to the intersection of said center line of nine street, as so extended, with the east line of said section,

thence north on the east line of said section to the place of beginning, and the following described tract of land, to wit: Beginning at the northeast corner of lot numbered thirteen (13) in block sixty (60) in the original townsite of Landon, according to the original plat thereof on file and of record in the office of the Register of Deeds of the Le Sueur County and State of Minnesota, thence east along the east line of said lot numbered thirteen (13) and lot numbered fourteen (14) in said block for a distance of thirty-one (31) feet, thence east and parallel with the north line of said lot numbered thirteen for a distance of twenty six (26) feet, thence north and parallel with the east line of said lot numbered thirteen (13) for a distance of thirty one (31) feet, thence east along the north line of said lot numbered thirteen (13) to the place of beginning, all that portion of the city lying within the above bounded shall constitute the first ward of said city.

SECOND PART.

SECTION 5. commencing at the northwest corner of section numbered

one into numerical one, (2), two, (3), three, (4), four (5), and five

twenty-one (21), township one hundred seventeen (117), range forty three (43), running thence east on the north line of said section to its intersection with Sixth street in said original townsite of Hanson, thence south along on the center line of said Sixth street to its intersection with Fifth street in said townsite, thence west on the center line of said Fifth street to its intersection with the west line of said section twenty one (21), thence north on the west line of said section twenty one (21) to the place of beginning, all that portion of the city lying within the above described boundaries shall constitute the second ward of said city.

ARTICLE VII.

SECTION 6. Beginning at the intersection of the center line of Fifth street in the original townsite of Hanson, according to the original plat thereof on file and of record in the office of the Register of deeds of said county, with the west line of section numbered twenty one, (21) township one hundred seventeen (117), range forty three (43), in the County of the said State and State of Minnesota, thence easterly on the center line of said Fifth street and the center line of said Fifth street extended to the intersection of said extended line with the east line of said section twenty-one (21), thence south on the east line of said section twenty-one (21) to the southeast corner of said section twenty one (21), thence west on the south line of said section twenty one (21) to the southwest corner thereof, thence north on the west line of said section twenty-one (21) to the place of beginning; and all of block A, all of block B, and out lots 1, 2, 3, 4, and 5 of lot block A and addition to the village of Hanson, in section numbered twenty (20) township one hundred seventeen (117) range forty three (43), according to the original plat thereof on file and of record in the office of the Register of deeds in and for the said State and State of Minnesota; all of that portion of the city lying within the above described boundaries, except that portion of lots numbered thirteen (13) and fourteen (14) of block sixty (60) of said townsite of Hanson which is heretofore been a part of the first ward, shall constitute the third ward of said city.

ARTICLE 7.

SECTION 7. Whenever the owner of land abutting upon this city, or a majority of the owners of land so abutting, or a majority of the owners of separate but adjoining tracts of land, any one or more of which shall adjoin the city, shall petition the council to have such land included within the city and made a part thereof, the council, by ordinance, may so extend the city boundaries as to include the same. The city council shall have the sole power to accept and approve plats of additions to the city, and to prescribe the location and width of streets and alleys in said additions.

The width of all streets and alleys of all additions to such shall be graded in the same manner, and they shall conform to the grades and the width of the existing streets and alleys of this city, and no plot of any addition to this city shall be accepted or approved by the city council until the grades of all streets and alleys therein shall have been duly established under the direction of the city council, and all filling, grading and excavation required to make such new streets and alleys conform to the grades so established shall be done by the owner of such new addition and without expense to the city, but the city council may by a unanimous vote of all its members cause such grading, filling or excavation to be made at the expense of the city, or such part of such grading, filling and excavation as they may deem necessary and just.

Whenever any person shall subdivide any piece of ground within the city, he shall cause the same to be surveyed and plotted in accordance with the provisions of Chapter 54 Revised Code of 1905, and acts amendatory or supplementary thereto.

CHAPTER 11.

SECTION 1. ARTICLE 11, CHAPTER 11, REVISIONS OF CODES, 1905.

SECTION 1. A biennial election shall be held on the second Monday in April of each even numbered year for the

election of such officers as are herein provided for. Such election shall be held at such place in each ward as shall be designated by the council, and each ward shall constitute one election district for all elections under this charter and under the Revised Code of the State of Minnesota.

Ten days posted notice of such election, and of the officers to be elected, and of the subjects to be voted upon, shall be given by the city clerk, by posting the same in some public place in each ward, provided, however, that the failure to give such notice shall invalidate such election.

All village officers shall continue in office, and perform the duties of their respective offices until city officers under this charter shall have been elected and qualified.

The village council of the village of Dawson, shall, within thirty days after the adoption of this charter, call a special election for the election of city officers under this charter, which said special election shall be held and conducted under the law governing special elections in the village of Dawson. Such officers elected at said special election, shall, except as otherwise provided in this charter, continue to hold their respective offices until the second Tuesday in April, 1914, and until their successors are elected and qualified.

**ELECTIVE OFFICERS- SECTION 2.** The elective officers of the city shall be a mayor, clerk, treasurer, one justice of the peace, two constables and three aldermen, all of whom shall be elected at large, provided, however, that the three aldermen, so elected at large, shall be one from each ward. Each of said aldermen shall be a qualified voter and actual resident of the ward from which he is elected, and all other elective officers shall be residents and qualified voters of the city.

The following officers may be appointed by the mayor, by and with the approval of the council, to-wit: city attorney, city assessor, a board of health, to consist of three members, a street commissioner, city marshall, and such other officers or employees as may be necessary for the proper conduct and management of the affairs of the city, and provided for by resolution of the city council, and all such appointive officers or employees shall hold their respective offices and positions during the pleasure of the appointing power.

**VACANCY- HOW FILLED- SECTION 3.** When a vacancy shall occur in any office, the same shall, except as otherwise provided herein, be filled by appointment by the city council for the unexpired term.

**WHAT SHALL CONSTITUTE AN ELECTION - SECTION 4.** A plurality of votes for elective officers shall constitute an election, and when two or more persons shall receive an equal number, and the highest number of votes for any office, the election shall be determined by the casting of lots, under the supervision of the city council, at such time,

not exceeding five days after the election, place and in such manner as the city council shall direct. Officers appointed by the city council shall receive a majority vote of all its members to constitute an election.

WHO ARE ENTITLED TO VOTE.- SECTION 5. All persons entitled to vote for state and county officers shall be entitled to vote for any officer to be elected under this charter, and to vote on any subject which may properly come before the voters of said city. Any qualified voter, except as otherwise provided, by law relating to judges of the municipal court, shall be qualified to hold any office created under this charter.

ELECTION - SECTION 7. Except as otherwise provided in this charter, all general laws of the state of Minnesota relating to elections shall apply to and govern all elections under this charter, and the same are hereby adopted as fully as if the same were incorporated herein and made a part hereof, but the General Laws of the state of Minnesota, known as the "Primary Election Law" shall not apply to this city in the election of officers. The returns for all city elections shall be made to the city clerk, and the city council shall, within three days after said election, either at a special or regular meeting canvass the returns and declare the result thereof, and the city clerk shall on the next day after such canvass, Sundays and legal holidays excepted, notify, in writing, by mail, all persons elected to any office, and if any person refuses or neglects to qualify for said office within ten days after such notice is given, he shall not be entitled to qualify for such office by reason of such election.

TERM OF OFFICE - SECTION 8. After the second Tuesday in April, 1914, all elective officers shall be elected for a period of two years and until their successors are elected and qualified.

SPECIAL ELECTION - SECTION 9. The city council may at any time by resolution, and on petition of not less than fifty (50) freeholders who are legal voters, shall, order a special election of the voters of the city, and provide for holding the same. The purpose shall be clearly stated in such resolution or petition, and no other matter shall be submitted thereat. At least twenty days notice shall be given in the same manner as provided herein for biennial elections and such special election shall be conducted in the same manner as biennial city elections.

BALLOTS - SECTION 10. All elections shall be by ballot, and each ballot shall contain the names of the persons voted for, with the proper designation of the office, and the



question voted upon, if any, and such ballots may be written or printed, or partly written and partly printed. The names of all officers voted for, and all questions voted upon, shall be upon separate ballots.

VACANCIES - SECTION 11. Every city office shall become vacant on the happening of either of the events set forth in Section 2667, Revised Laws of 1905, before the termination of his term of office.

RESIGNATION - SECTION 12. Any person having entered upon the duties of his office may resign the same with the consent of the city council.

CITY CONTRACTS - OFFICERS NOT TO BE INTERESTED. - SECTION 13. No officer of said city shall, during his term of office, be or become in any manner interested in any contract in behalf of the city, or any department thereof, with himself or with any firm of which he is a member, or any association, corporation, or firm of which he is an officer, manager or managing agent, and any such contract shall be absolutely void.

OATH AND BONDS OF OFFICERS - SECTION 16. Every person elected or appointed to any office under the provisions of this charter shall, before he enters upon the duties of his office, and within the time during which an officer may qualify under this charter, take and subscribe an oath of office for the faithful discharge of his duties as such officer

and file the same with the city clerk, who shall preserve the same, and such officers as are required to give bonds shall also within the time aforesaid execute such bonds in the manner required by this charter, and file the same with their oaths of office for approval by the city council.

THE INITIATIVE. - SECTION 17. Any proposed ordinance may be submitted to the city council for adoption, by a petition signed by qualified electors of said city equal in number to the percentages hereinafter required.

The signatures to such petition need not be all appended to one paper, but each signer shall add to his signature the number of the ward in which he resides.

One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statement therein made are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the filing of such petition the city clerk shall examine the same and from the poll lists of the last city election ascertain whether or not said petition is signed by the requisite number of qualified electors.

If, by the clerk's certificate, the petition is shown to be insufficient in regard to the number of signers thereon, it may be amended within ten days from the date of such certificate.

The clerk shall, within ten days after the filing with him of such amended petition, make like examination of such 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, or the amended petition, shall be found sufficient, the clerk shall submit the same to the city council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general city election at which a mayor was elected, and contains a request that said ordinance be submitted to a vote of the electors of said city, if not passed by the council, then the council shall either:

(a) Pass said ordinance without alteration within forty days after the attachment of the clerk's certificate as to sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 17 of this chapter); and if such 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 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 ten per cent, but less than fifteen per cent, of the entire vote cast for all candidates for mayor at the last preceding election, at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the electors at the next general city 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.

(Provided, that in all cases, a copy of such proposed ordinance shall be attached to and accompany such petition, and provided, such proposed ordinance shall not be inconsistent with the constitution of the state of Minnesota, nor the laws thereof, nor with any provision of this charter).

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 the 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 said city;

And any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

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 this charter more than one special election in a 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 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, in some paper published in said city. Such printing and publication shall be not less than five nor more than 20 days before the submission of such ordinance

or proposition to be voted upon.

THE REFERENDUM.- SECTION 18. No ordinance passed by the city council, except when otherwise provided by the general laws of the state, or by provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public health, peace 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, and no ordinance vacating any street or alley, shall be considered an urgency measure, 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 the electors of the city equal in number to at least fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding city 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 required in this chapter, to the vote of the electors of the city, either at the next general city election, or at a special <sup>city</sup> election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the electors voting on the same shall vote in favor thereof.

Said petition shall be in all respects in accordance with provisions of said section 17 of this chapter, except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

THE RECALL.- SECTION 19. 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 any elective officer 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 cent of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general city election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk and which petition shall contain a general statement of the grounds for which such removal is sought.

The signatures to such petition need not all be appended to one paper, but each signer shall add to his residence, the number of the ward in which he resides.

One of the signers to each of such papers shall make oath before some officer authorized to administer oaths, that the statements therein made are true, and that each

signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the filing of such petition, the city clerk shall examine and from the poll lists of the last preceding general city election, ascertain whether or not said petition is signed by the requisite number of electors, and he shall attach to said petition his certificate showing the result of such 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 such 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 or the amended petition, shall be found sufficient, the clerk shall submit the same to the city 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.

Such election shall be held and conducted under the same rules and regulations, and the same notice thereof shall be given as in 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 declared elected.

If, at such election, some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor.

In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notice of his election, the office shall be deemed vacant.

If the incumbent receives the highest number of votes, he shall continue in office.

Provided that no special election shall be held under this section within ninety days of a general city election.

That any elector of said city may carry on and maintain any appropriate action, in his own name, to enforce any of the provisions of sections 22, 23, 24, and 25 of this chapter, or to enforce the performance of his duties by any officer of the city under said sections.

CHAPTER

DUTY OF OFFICERS.

POWERS.

Sec.1. From and after the time when this charter shall go into effect, the various officers of the city of Dawson, whether then in office or subsequently elected or appointed, shall exercise and be vested with such powers and function only, as are specified and granted in this charter as to their respective offices.

APPOINTMENT.

Sec.2. All officers, who, under this charter, are to be appointed, shall be appointed by the mayor and confirmed by an affirmative vote of a majority of all the members of the city council, taken by ballot and recorded by the clerk.

MAJOR.

Sec.3. The mayor shall be the chief executive officer of the city. He shall take care that the laws of the state and the ordinances and resolutions of the city council are duly observed and enforced, and that appointive officers of the city shall discharge their respective duties.

He shall from time to time give the city council such information and recommend such measures as he may deem of advantage to the city.

SIGN ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions shall, before they take effect, be presented to the mayor for his approval or rejection, and if he approves the same, he shall endorse his approval upon and sign the same, and such as he shall not approve, he shall return to the city council with his objections thereto by depositing the same with the city clerk to be presented to the city council at the next regular or special meeting thereof, and upon the return of any ordinance or resolution, without the approval of the mayor, to the city council, the vote by which the same was passed shall be re-considered, and if, after reconsideration, it shall be passed by a unanimous vote of the city council, it shall have the same effect as if approved by the mayor, and in such case, any ordinance or resolution not returned by the mayor within five (5) days, Sunday excepted, after it shall have been presented to him, shall have the same effect as if approved by him, provided that no ordinance shall be approved or signed by the mayor within forty-eight hours after its passage.

RESERVED PAGE.

#### APPOINTED OFFICER.

The mayor shall be the chief executive officer and head of the police of the city, and any police officer appointed by the mayor as aforesaid, may be discharged from office by him, whenever in his opinion the welfare of the city may demand it. He is clothed with the power to call upon any male inhabitant over the age of eighteen years, and upon organized or unorganized force of armed citizens of said city to aid in the enforcement of the laws of the state and city, and any person who is directed, who shall not obey such call or render such aid, shall, upon conviction before the city justice of judge of the municipal court or other magistrate having jurisdiction thereof, be fined not less than five nor more than one hundred dollars. In case of riot, large public gatherings or disturbances, he may appoint as many special policemen or watchmen as he may deem necessary, and discharge the same when he sees fit, but such special appointments shall not continue for more than three days without the consent of the city council.

#### CITY CLERK.

Sec. 4. The city clerk shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine.

He shall be the custodian of the corporate seal and all papers and records of the city, and keep a record of all proceedings of the city council.

He shall draw and countersign all orders on the city treasury in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

#### BOND.

The city clerk shall give a bond with sureties in the sum of not less than one thousand dollars (\$1,000.00) at the discretion of the city council, and file the same with the clerk of the district court of said county.

The city clerk shall have power to administer oaths and affirmations, and to take the acknowledgment of deeds, mortgages and other instruments in writing.

#### BEFORE FINANCIAL COMMISSION OF CITY.

It shall be his duty to report to the city council the financial condition of the city whenever the council requires. He shall take and keep a list of the city bonds, to whom issued, for what purpose, when and where payable, and rate of interest they respectively bear and shall recommend such action to the city council as will in his judgment secure the payment of the interest on such bonds, <sup>and</sup> on or about the first day of September, or before the time of levy in each year, estimate the expenses of the city and revenue to be raised for the ensuing year.

He shall countersign all contracts made in behalf of the city and all certificates of work authorized by the city council.

KEEP CITY ACCOUNTS.

The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city, ~~including all bonds, orders, certificates and which shall at all times show the precise condition of the city, the amount of bonds, orders, certificates or indebtedness which have been redeemed, and the amount of each outstanding; countersign all bonds, orders and other evidence of indebtedness of the city, and keep accurate accounts thereof; stating to whom and for what purposes issued and the amounts thereof; and keep account of all receipts and disbursements of officers of the city, showing the amount that they have received from the different sources of revenue, and the amount they have disbursed under the direction of the city council, and shall keep separate and distinct the various funds provided for in the charter.~~

KEEP CITY RECORDS.

The city clerk shall examine all the reports, books, vouchers and accounts of the city treasurer and from time to time perform such other duties as the city council may direct, and shall keep a record of all his acts and doings and keep a book in which he shall file all contracts. Such records shall be open to the inspection of the public.

MAKE LIST BIRTHS AND DEATHS.

He shall also make an accurate list annually of the births and deaths occurring within the city limits and report the same at the time and in the manner required by law of town clerks, and for the same compensation to be paid as provided by law.

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

Sec. 5.

EMERGENCY CITY CLERK.

Sec. 5. The city council may, at its first regular meeting, appoint, upon the nomination of the clerk, a deputy clerk, for such period as may be deemed necessary. Whenever the clerk or deputy clerk are absent, or are for any reason unable to act, the council may appoint a clerk pro tempore, and said clerk so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers, and be subject to the same restrictions and liabilities as the city clerk.



PRESENCE OF CITY COUNCIL.

Sec.6. At the first meeting of the city council in April following election, they shall proceed to elect by ballot from their number, a president of the council. The mayor shall preside over the meetings of the city council, and in case of a tie shall cast the deciding vote; during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the said president of the council shall exercise all the powers and discharge all the duties of the mayor. In case the mayor shall be absent from any meeting of the city council, the president shall act as presiding officer for the time being, and discharge the duties of said mayor. The president of the city council or temporary presiding officer, while performing the duties of the mayor, shall be styled acting mayor, and the acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and the president of the city council shall have the right to administer oaths and affirmations.

CITY ATTORNEY.

Sec.7. The city attorney shall be a person admitted to practice in all courts in this state, at least three years <sup>prior</sup> to his appointment, and shall be the legal adviser of all officers of said city upon all subjects arising by virtue of this charter, and ordinances adopted in accordance therewith. He shall attend, and prosecute and defend, all suits, actions or proceedings, either civil or criminal, for and on behalf of said city, or in which the city may be a party. He shall, when required, furnish a written opinion upon any subject, arising by virtue thereof, submitted to him by the city council or any of its committees, or by the mayor, attend the meetings of the city council when requested, draw all contracts and agreements between said city and other parties, and such other legal instruments and papers as may be required in connection with the administration of city affairs, and perform such other professional services as shall properly pertain to his office. He shall hold his office for the term of two years, at the pleasure of the council appointing him, and his compensation shall be fixed by the city council.

ADDITIONAL COUNSEL.

Sec.8. When from absence, sickness or other cause, the city attorney shall be unable to attend to any of his official duties, he may designate some one to act in his stead for the time being, but at his own expense. Provided, the city council shall have the right and authority to employ additional counsel to assist the city attorney in the prosecution or

defense of any proceeding or action at law, in which the city is interested, or to discharge the duties of the city attorney when there is none.

#### THE TREASURER.

Sec. 9. The city treasurer shall receive and safely keep all moneys belonging to or accruing to the city, including license money and fines, keep accurate and detailed accounts thereof, credit the amount so received to the proper fund and give receipt therefor, and shall, without delay, transfer to the city clerk a duplicate of his receipt herefor.

#### ANNUAL REPORT.

The treasurer shall report to the city council on or before the first day of April of each year, a detailed statement of the receipts of money by him received, and a gross statement of the city orders paid during the fiscal year ending the first day of April of the previous year, together with the condition of the treasury on such date, which statement shall be filed with the city clerk.

#### PERIODIC REPORTS.

The treasurer shall report to the city council at such time and in such manner as said council may prescribe.

#### BOND.

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

#### NO LOANING OF CITY FUNDS.

Sec. 10. No funds of the city shall be loaned to any person, or in any manner disposed of, except as in this charter provided.

The city treasurer shall receive no benefit or emolument whatever, (except his salary or fees) connected with or in any way derived from the position and keeping of the money of the city.

#### THE CITY CLERK.

Sec. 11. All warrants and orders for the payment of funds of the city shall be signed by the mayor or acting mayor ~~thereof~~ and countersigned by the city clerk, and shall

designate the fund upon which they are drawn, and the city treasurer shall not pay out any money of said city except upon such warrants. Upon the payment of any warrant, the city treasurer shall file and cancel the same and it shall not again issue.

He shall keep separately the warrants drawn upon each particular fund.

All payments for license to sell intoxicating liquors or beer shall be paid in lawful money of the United States.

#### CLERK.

Sec. 12. The city treasurer shall have a compensation to be fixed by the city council at the first meeting thereof after his election, or as soon as possible thereafter, and they shall not change, increase or diminish the same during the term for which he was elected or appointed, provided, however, that such salary or fees shall not in any event exceed the sum of one hundred dollars per year.

#### CHIEF CLERK OF THE CITY COUNCIL.

Sec. 13. The city marshal shall be street commissioner unless the city council shall appoint another person as street commissioner, and when a city marshal shall be appointed, he shall, before entering upon his office, take his oath and file his bond with sureties, and in such amount as the city council shall direct, with the city clerk.

#### CHIEF OF POLICE.

(a) As city marshal, he shall be chief of police of said city, and shall perform such duties as shall be prescribed by the mayor or the city council for the preservation of the public peace, and as may be required of him by ordinance.

#### STREET COMMISSIONER.

(b) As street commissioner, he shall take the personal inspection and supervision of the public streets, roads, alleys and sidewalks, and the opening, grading and repair of streets, roads and alleys, the building and repair of bridges, sidewalks, culverts and street crossings, the opening and building of waterways and gutters, street drainage and sewers, and the collecting of the poll tax as levied by the city council, and turn the same over to the city treasurer and take receipt therefor. He shall have charge of laborers and teams deemed necessary. He shall keep an accurate account of all expenses incurred in the performance of his duties, authorized by the council, and report the same from time to time, as required, to the city clerk, but he shall have no power to incur any expense or obligate the city in any way except as authorized by the city council. He shall receive such compensation for his services as shall be fixed by the city council, but he shall not give his personal attention to any other business during the term of his office, nor be interested in any contract with

the city, other than street commissioners.

OTHER DUTIES OF THE CITY COUNCIL.

Sec. 14. The city council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed and not inconsistent with this charter, and to appoint such other officers as may be necessary to carry into effect the provisions of this charter, and to prescribe their duties unless otherwise provided for. No officer elected or appointed by the council shall be elected or appointed for a longer time than the next election of officers and until his successor is elected or appointed and qualified.

COUNCIL MAY FIX COMPENSATION OF OFFICERS - MAYOR AND COUNCIL WORK.

Sec. 15. The city council shall have the power, unless otherwise herein provided, to fix the compensation of all officers elected or appointed under this charter, which compensation shall be fixed by resolution, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except as herein otherwise provided; provided that no member of the city council or the mayor shall receive any compensation for his service as such officer.

DELIVER BOOKS AND PAPERS TO SUCCESSOR.

Sec. 16. Every elective or appointive officer and every member of any board, at the expiration of his term of office in whatsoever way determined, shall turn over to his successor in office, or some other properly authorized officer on demand, all the books, papers, records, money <sup>OR</sup> other property and thing whatsoever pertaining to his office or belonging to the city.

EACH OFFICER.

Sec. 17. The mayor, city marshal, the sheriff of the county, or his deputy or deputies, the coroner, each police officer and watchman shall be officers of the peace, may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of bystanders, and, if need be, of all citizens, <sup>and</sup> if any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty dollars, and in default of the payment thereof, be imprisoned not to exceed thirty days. In cases where the civil power may be required to suppress riots or disorderly behavior, a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

~~Section 18~~

REMOVAL OF OFFICER.

Sec. 18. Any officer or employe of the city, who shall wilfully or negligently violate any of the provisions of this charter, or commit any fraud upon the city, or convert any of the property of said city to his own use, or knowingly permit any such fraud or conversion, shall be guilty of a misdemeanor and upon the punishment hereafter in not otherwise provided by this charter, shall be subject to the penalties prescribed for a misdemeanor by the criminal laws of the state, in addition to such penalties, any such act shall constitute a forfeiture of office and shall be cause for the removal of such officer or employe.

REPORTS OF CITY OFFICERS.

Sec. 19. The city clerk, treasurer and superintendent of public works shall each make and cause to be published in the official paper of the city, not less than ten nor more than twenty days prior to the biennial election, a clear, concise and classified report of all moneys and property received by them or either of them during the preceding two years, showing from what source received, how expended and disposed of, which reports shall be verified by the oath of the officer making the same, to the effect that the same is true, but the council, by unanimous vote, may dispense with the publication of any or all such reports.

MAJORITY OF COUNCIL.

Sec. 20. Whenever in this charter it is provided that acts shall be done by a majority or a certain proportion of the members of the city council, less than all, the mayor shall not be counted as one of their number.

ARTICLE

CHAPTER

SECTION

Sec.1. The legislative power and authority of the city of Dawson shall be vested in the city council, composed of the mayor and aldermen.

MEETINGS.

Sec.2. The city council shall hold a stated meeting on the *third Tuesday*.....  
*in April*.....following the biennial election, at.....*8*.....o'clock p.m., when one of  
their number shall be elected president; other stated meetings shall be held on the  
*first Tuesday*.....of each month, at such hour as shall be prescribed by the rules  
and resolutions of the council, and the mayor and any four members of the city council  
may call special meetings of the council, by a written notice of one day to each of the  
members, to be delivered personally, or left at their usual place of abode, which notice shall  
contain a statement of the business for which the meeting is called; and no other business  
shall be transacted at such special meeting, except such as is designated in such notice.

QUORUM.

Sec.3. A majority of the council shall constitute a quorum, but a less number  
may meet at the time of any stated meeting and adjourn, and all business transacted at such  
adjourned meeting shall have the same validity as if done at a stated meeting, and a  
minority as well as a majority may compel attendance of absent members.

UNLAWFUL VOLES.

Sec.4. The city council shall be judge of the election and qualification of its  
members, and in such cases shall have the power to send for persons and papers; it shall  
determine the rules and regulations of its own proceedings.

ORDINANCES AND RESOLUTIONS.

Sec.5. Every legislative act of the city council shall be by ordinance. The style  
of all ordinances shall be: "The City Council of the City of Dawson do ordain" No  
ordinance or resolution except for general appropriations, shall contain more than one  
subject, which shall be expressed in the title, and no ordinance or resolution shall be  
amended after its introduction so as to change its original subject or purpose.  
Ministerial acts may be, by resolution, passed by such vote as provided by this charter.

READING AND JOURNAL.

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

Sec.7. All ordinances after being published, shall be signed by the presiding officer of the city council and the city clerk, and shall be recorded by the latter in a book to be kept for that purpose, before they shall take effect.

SAINTLY NO VOTE.

Sec.8. Any member of the city council, who, being present when his name is called, fails to vote on any pending proposition, shall be counted as having voted in the negative.

UNANIMOUS VOTE.

Sec.9. No appropriation shall be made without a vote of <sup>2/3</sup>majority of all the members of the city council in its favor; which vote shall be taken by yeas and nays as they shall appear by roll call and entered of record in the proceedings of the city council.

DISTRICTS.

Sec.10. Except as in this charter otherwise provided, no member of the city council shall, during the time for which he is elected, be eligible to any other elective or appointive office of the city.

FUNDS AND ACCOUNTS.

Sec. 11. The city council shall designate the depositories for, and disposition of, the funds of the city as provided by section 778 of the Revised Code of 1906 of this state, and by resolution approve all bonds given for the safe keeping thereof.

ADVERTISE FOR BIDS ON CITY DEPOSITS.

Article (A) Before so designating such depository, said council shall advertise in the official paper of said city for at least one week for proposals. Such proposals shall state what security will be given to said city for the funds so deposited, and what interest will be allowed on such deposits, together with such other matters as the council may designate.

The proposals received by the council for such bids, shall be considered by said council, and thereupon they shall designate as the city depositories, the banks offering to pay the highest rate of interest for said funds; the financial standing of such banks, and the security offered for the safe keeping of said funds, is satisfactory to said council.

The interest accruing to said city on such deposit shall be credited on the first... day of each month, and on said first day of each month, such depositories shall file with the city clerk, true and itemized statement of the treasurer's account, which statement shall be presented to said city council, at the first regular meeting thereafter and filed and preserved in the office of the city clerk.

AUDIT TREASURER'S ACCOUNT.

(b) The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city, at such times as they shall deem proper, and also at the end of each year and before the terms for which the officers of the city were elected or appointed shall have expired; and if any officer shall refuse his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties, in pursuance of this section, the city council shall declare his office vacant; and the city council shall institute suits and proceedings at law against any officer or agent of the city who may be found delinquent, or in default in his accounts, or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

MONTHLY REPORTS.

(c) The city council shall have the authority to require the city clerk and the city treasurer to make monthly reports or statements of the receipts and disbursements, and of the financial condition of said city, to the city council, and require such report or



statement to be made and submitted, before his salary for the preceding month be paid, and to withhold his salary until such report or statement is made and submitted.

#### PUBLIC BUILDINGS.

Sec. 13. The city council shall have the care, control and supervision of all public buildings and grounds of the city, the care and supervision of which are not by this charter vested in any board or officer of the city.

#### PUBLIC WORKS.

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

#### PUBLIC BUILDINGS.

Sec. 14. The city council shall have power by a majority vote of all the members thereof, to erect, provide for, improve and repair all public buildings and works together with such appurtenances, accessories, apparatus and equipments in connection therewith, as may be necessary for the transaction of the business of the city, either within or without its limits; and to acquire by purchase, gift or condemnation, all lands necessary as sites for said building, or works to be used in connection therewith; and to acquire by purchase, gift or condemnation, real property for municipal purposes, and to sell or authorize the sale of any of said property.

#### WITNESSES.

Sec. 15. The city council, and any of its committees authorized by it so to do, shall have power to compel the attendance of witnesses, and the production of books, papers and other evidences at any of its meetings, or before such committees, and for that purpose may issue subpoenas, or attachments, in any case of inquiry or investigation, to be signed by its presiding officer, or the chairman of such committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas or any other process.

#### PUNISHMENTS.

Sec. 16. The city council may provide by ordinance any punishment for the breach of this charter, or any ordinance of the city, to the extent of a fine not exceeding one hundred dollars, or imprisonment in the county jail, or any other place of detention maintained by the city, not exceeding ninety days, and may provide that such imprisonment shall be cumulative for an indefinite term, not exceeding ninety days, subject to suspension or termination

by reason of or having good behavior of the person imprisoned, and offenders against such ordinance may be required to give security to keep the peace and for good behavior for a period of not exceeding six months, in a sum not exceeding five hundred dollars. The city council may further provide by ordinance that any person, convicted of any offense before the municipal court, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established by said city for that purpose, or in case of a male offender may be kept at hard labor during his term of imprisonment in such workhouse or upon the public streets and improvements of said city, or both; and may also provide by ordinance that anyone convicted of an offense before the municipal court as aforesaid, and convicted upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city, as aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public streets and improvements, or both, until such persons shall work out the amount of such fine at such rate of compensation as said city council may prescribe, for a time not exceeding the term of such commitment, and the city council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape and insure proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid, and under such regulations as the city council may provide.

#### CONTINUED.

Sec. 17. The city council may, from time to time, provide for the compilation and publication of the charter, ordinances of the city, rules of the city council and such statutes of the state as it may designate, and may provide for the distribution, sale or disposal of copies of such compilation or publication. Such publication so issued, purporting on the title page to have been published by the authority of the city and to contain the ordinances of the city, or other matters in this section above expressly 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 and adopted. Copies, duly certified by city clerk, of ordinances, rules, regulations and resolutions, or other papers in his official custody, or of any records kept by him in his official capacity, shall also be admitted as prima facie evidence of their contents in all courts of this state. All courts of this city shall take judicial notice of all ordinances and resolutions duly passed by the city council.

#### SALE OF PROPERTY.

Sec.18. The city council shall have the management and control of the finances and of all property of the city, both real and personal, may provide for the sale of any personal property of the city, in such manner as it shall consider for the best interest of the city; the real estate belonging to said city shall only be sold upon the vote of the legal voters therein given at a regular or special election of said city, upon a notice duly given, which shall specify the real estate to be sold.

#### SPRINKLING.

Sec.19. The city council may by a majority vote, cause to be sprinkled, the streets, avenues or public places, or any of them, and may in accordance with the provisions of the chapter relating to contracts, authorize such sprinkling, and when any of such streets, avenues or public places are sprinkled under and by virtue of the authority granted by this section, one-half of the cost of the same shall be paid by the city council out of the general fund of said city, of Dawson, and the other one-half by the persons owning lots abutting in such streets, avenues or public places so sprinkled, and upon the failure of the persons so owning the lots abutting upon the streets, avenues or public places, to pay the one-half of the cost of said sprinkling as aforesaid, on or before November 1st, of each and every year, they shall be deemed delinquent, and the sum or sums shall be taxed and extended against the said lots and become a lien thereon, and said sums shall be returned to the county auditor and collected in the same manner that all other village, county and state taxes are collected, provided, that notice shall be given once, in the official paper, of the time and place where action will be taken in regard to said sprinkling, and opportunity given to all parties interested, to be heard for or against such work.

#### LICENSE TO SELL INTOXICATING LIQUORS.

Sec.20. All general laws of the state of Minnesota pertaining in any manner to intoxicating liquors, shall so far as applicable, be in force in and apply to the city.

It is provided, however, that the legal voters of the city shall have the authority and power to vote upon and determine for themselves, the question whether or not, license for the sale of intoxicating liquors, as a beverage, shall be granted by the council; and it shall be the duty of the clerk, upon receiving a petition for that purpose, of twenty-five per cent or more of the legal voters of said city, based upon the vote cast at the last preceding biennial election, at any time not less than twenty days before any annual election to give at least ten days notice that the question of granting license for the sale of

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

#### MAY REFUSE LICENSE.

And provided further that nothing herein shall be construed so as to require the city council to grant license to sell spirituous, vinous, malt, fermented or other intoxicating liquors, even if the people of the city shall vote to grant license, but the said council shall have the right to refuse to issue a license to all or any persons, whomsoever, for any cause which shall be deemed by a majority of the city council sufficient.

CITY ENGINEER.

Sec. 21. The city council shall have the power to appoint a city surveyor or engineer, prescribe his duties and fix his compensation; said officer shall be a practical surveyor or engineer; he shall file with the city clerk all surveys, plats, plans and estimates made by him for the city, and receive thereon a book provided by the city for that purpose; he shall receive proper compensation for such recording; and such plats, books, notes and surveys shall be the property of said city, and shall be open for the inspection of all parties interested, provided, that grades shall in all cases be established before streets and alleys or sidewalks are built.

CLAIMS OF OFFICERS.

Sec. 22. All bills, claims and accounts presented to the city council for auditing, allowance, adjustment or payment, except salaries and fees of officers fixed by law, shall be first verified by the claimant or some one in his behalf, as just and correct, and such verification shall be subscribed to by the affiant, sworn to and filed with such claim. Each claim allowed shall also bear the number of the order drawn for its payment. Orders presented to the treasurer and not paid for want of funds, shall be so endorsed by the treasurer and paid in the order of their presentation, and shall bear interest at the rate of six percent from the date of such presentation.

APPEAL FROM ANY ORDER OF CLAIM.

Sec. 23. No order shall be issued or signed for the payment of any claim until ten days after the allowance thereof, within which time, the city attorney may in any case if the amount allowed exceeds twenty five dollars, and upon the request in writing of five tax payers, shall, appeal from such allowance on behalf of and in the name of said city to the District Court of the said county. To perfect such appeal he shall serve a written notice upon the city clerk and upon the common paymaster whose claim is appealed from or his agent, setting forth the date of the appeal and the ground thereof. The claim referred to, and the date and amount of its allowance, and thereupon no order shall be issued until the appeal is determined. The city clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court the original affidavit and 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 the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board, as provided by sections 415 to 418 inclusive of Chapter 7 Revised Laws of 1905 and amendments thereto.

CHAPTER

GENEAL GOVERNMENT.

Sec. 1. The city council except as in this charter otherwise provided, shall have the general management and control of the finances and of all the property of the city, and shall also have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all ordinances and resolutions for the government of the city, and to promote the good order of the same, for the suppression of vice and intemperance, and shall make such ordinances for the benefit of the inhabitants thereof and for the prevention of crime, as they shall deem expedient.

All such ordinances and resolutions are hereby declared to have the force of the law within said city, provided they be not repugnant to the constitution of the United States, or that of this state or the general laws thereof, and for these purposes, the said city council shall have specific authority by ordinances:

LEISURE AND AMUSEMENT, TRADE, ETC.

First: To license and regulate the exhibition of carnal shows and shows and circuses of all kinds; concerts and theatrical performances; merry-go-rounds, auctions, auctions, gift, fire and bankrupt sales, itinerant doctors, physicians and surgeons, merchants and transient vendors of merchandise, billiard and pool halls, bowling alleys, skating rinks, water toboggan slides, shooting galleries, butcher shops and stalls, vendors of butchers, rents, pawn brokers, bucket shops, brokers and stock brokers, saloons, clairvoyants, fortune tellers and astrologers, hawkers, peddlers, street vendors and canvassers doing business in said city, and all places of public amusement where money is charged for entrance, and all dealers in second hand goods, junk dealers, all intelligence offices and employment offices, all draymen and hackmen, and to prohibit pawn brokers and junk or second hand dealers purchasing or receiving from minors without the written consent of their parents or guardians; and to compel all such persons to keep such records of their transactions as it may direct.

GALES OF FORTUNE.

(a) To prohibit lotteries and gift enterprises, and to prevent all description of gambling and playing dice, hazard, roulette or other games of chance; the use of black-boards, lists, tickets or price quotations for the purpose of betting or gambling; to prohibit all pool rooms, bucket shops and betting rooms, and the selling of pools and making of books on horse races or other contests, real or fictitious, to suppress and prohibit all mechanism and other devices used for gambling or betting; to prohibit all fraudulent

devices, and to authorize the destruction of all instruments used for the purpose of betting, gambling, or other unlawful purposes.

#### PUBLIC GAMES.

Second: To restrain and prohibit all descriptions of fraudulent devices and practices, and all playing of cards, slot machines, roulette or otherwise, and other games of chance, for the purpose of gambling, and all lotteries within the city.

#### FIGHTING, HOUSES OF ILL-FAME, ETC.

Third: To prevent any fighting, brawling, assault, battery, disorderly noise, riot or disorderly assemblage in said city, and to provide for the punishment of any person or persons, who shall be guilty of the same; and to suppress disorderly houses and houses of ill-fame, or assignation, tents, wagons and other places or structures used for immoral purposes, gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gambling; to prohibit, punish and suppress cock-fights, dog-fights, sparring matches and all brutal or degrading exhibitions, punish any who shall disturb any place where public and private schools are held, either on week or Sabbath days, or places where religious worship is held.

#### UNHEALTHY PLACES.

Fourth: To compel the owners or occupants of any cellar, sausage or soap factory, tannery, hide warehouse, stable, barn, pig sty, privy, sewer, drain, cess-pool, laundry, cold storage house, or establishment, and butter packing establishment or institution, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health and comfort of the inhabitants of said city, or in such portions of the city as it may designate, and to compel sewer connection in such portions, and to make the same and assess the cost thereof on the property so connected.

#### STOCK YARDS, SLAUGHTER HOUSES, ETC.

Fifth: To direct the location and management of stock yards, slaughter houses, markets, manure and offal dumps, breweries and distilleries, to prevent dumping into the rivers, streams or other waters, in said city, and pollution of their waters, and to prohibit offenses or unwholesome business or establishments within the limits of the city.

#### ENCUMBERING AND OBSTRUCTIVE BUSINESS.

Sixth: To prevent and control the encumbering and obstructing of streets, sidewalks, alleys, lanes and public grounds with carriages, automobiles, rail-road cars or locomotive, carts, wagons, sleds, bicycles and other vehicles, boxes, lumber, firewood, awnings, signs, posts or any other materials, whatever, and to prevent games and other amusements in such places.



REGULATING AND COMPPELLING RAILROADS.

Seventh: To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair objects through which their tracks may run, and to construct and keep in repair sidewalks across the right of way, in said streets for the convenience of the public, also suitable crossings properly graded at the intersections of the streets or alleys, to the full width and length of their right of way in said streets, alleys and highways, where the railroads cross the same in said city; to require the construction of sewers, ditches, and culverts when the council shall deem necessary, and the construction and maintenance of bridges, culverts, drains and sewers across and in the streets, alleys and highways, and to compel them to maintain overhead crossings and bridges across their right of way along the full width of their right of way or yards in said city, when and where the same shall be deemed necessary, for public safety or convenience, by the council; to provide for and change the location, grade and crossing of any railroad, and to require 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 to construct cattle guards within the limits of the city.

To regulate or prohibit the whistling of locomotive engines; to regulate and prohibit the unnecessary discharge of steam therefrom, and the causing or permitting steam to escape therefrom unnecessarily.

To require the railroad companies to raise or lower their tracks to conform to any grade, which has been or hereafter may be established in said city, and to keep such tracks on a level with the street surface, and to compel the planking or paving of such tracks by such railroad companies so that they may be crossed at any place on a street, alley or public place. To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flags, lights or the construction and maintenance of gates at the crossings of railway tracks over such streets, alleys and avenues of the city, as the city council shall deem to require such precautions; to prevent any railway company from unnecessarily obstructing the streets or crossings at any time, and in no event exceeding five minutes, accident excepted, and any conductor, engineer, or any other person in charge of any railroad train, locomotive or car, who shall obstruct any street or crossing in said city, contrary to the provisions of any ordinance, shall be guilty of a misdemeanor, and on conviction, be punished as provided by ordinances relating thereto.

**PUNISH AND PENAL DISTRICTS.**

**Sixth:** To establish pound and pound districts, which shall be under the supervision of a single pound master, to be appointed by the city council, and these fees shall be fixed by them. To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and ducks, or other animals or fowl, and to prevent the staking out of any such animal either upon and within public streets and alleys, or upon private grounds, so that such animal can trample upon, over or across any sidewalk or upon any public grounds in said city, and to authorize the detaining and sale of the same, when at large contrary to the ordinances, and to impose penalties upon the owner of such animals, for violation of such ordinance, provided, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expense of detaining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city for the use and benefit of the owners thereof, if called for by such owners within six (6) months from the date of such sale.

**DOG LICENSES.**

**Seventh:** To prevent the running at large of dogs and to require a license for keeping the same, and to provide for and authorize the muzzling, impounding and destruction, in summary manner, of all dogs when at large, contrary to the ordinance.

**PREVENTION OF UNWHOLESALE SUBSTANCE.**

**Eighth:** To prevent any person from bringing, depositing or leaving within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises such substance or putrid or unwholesome beef, pork, fish, hides or kind of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of such offenders.

**DISPOSAL OF STUMPS, SANDS, ETC.**

**Ninth:** To regulate or prevent processions or parades, the flying of flags, banners and signs, and distributing of hand bills and advertisements in or upon the streets, alleys and public places of said city; to regulate and prevent the throwing, depositing or sweeping papers, refuse, offal, dirt, garbage or any offensive matter in or upon any street, alley, public ground or place, and to regulate, license and prohibit construction and use of bill boards and signs, adjacent to or near streets, alleys and public places, or upon any vacant lot or other property; and to prohibit painting or placing placards, signs, advertisements or other articles upon sidewalks, posts or poles in or upon streets, alleys or public places.

BOARD OF HEALTH, 1911.

Twelfth: To establish and regulate boards of health, private hospitals and hospital grounds, and for the registration of births and deaths, and the return of bills of mortality, and regulate or prevent the burial of the dead within the city limits. Boards of health shall consist of not more than three members, who shall be appointed by the city council.

USE OF PUBLIC HIGHWAYS, HIGHWAYS, ETC.

Thirteenth: To prevent any person from riding or driving any horse, mule, cattle or other animal, bicycles, tri-cycles, automobiles or similar device on any sidewalk, park, boulevard or other public grounds in said city, or in any way doing damage to any trees, grounds, boulevards, public grounds or sidewalks within the streets, and to prevent and provide for the punishment of horse racing, immoderate riding or driving in streets, and to regulate the use and speed of automobiles, bicycles and all other vehicles, and to compel persons using the same to carry a light at night in said city.

FIRE ARMS, FIRE ARMS, ETC.

Fourteenth: To prevent the shooting of fire arms or fire crackers, and to prevent any exhibition of fire-works or the building of bon-fires in any location which may be considered by the city council, dangerous to the city or any property therein, or annoying to any citizen thereof.

PROTECTION OF PUBLIC PLACES.

Fifteenth: To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, or other public places within the city, (and all places to which the public are invited for the purposes of business or pleasure or any other purposes, are in addition to all other public places, to be considered public within the meaning of this act), and to provide for the arrest and punishment of all persons who shall be guilty of the same.

USE OF PUBLIC PLACES.

Sixteenth: To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot or lots owned and occupied by them, all such substances as the board of health or the city council shall direct, and in his or their default, to authorize the removal and destruction thereof by some officer at the expense of the owners or occupants; also to compel the owner or owners of low grounds, including railway companies, where water is liable to collect or become stagnant, to fill or drain such low places, and in their default, to authorize such filling or draining at the expense of

such owner or owners, and to provide that such expense to enforce this section, shall become a lien upon the lot or property involved.

#### THE HOSPITAL OF THE CITY.

Seventeenth: To regulate and establish a city hospital or pest house, and to make and make all regulations which may be necessary and expedient for the preservation of the health and the suppression of disease of and among the inhabitants of the city; and make, regulate and provide means to prevent the introduction or spread of contagious diseases in the city; to make quarantine laws, and to provide for the punishment of the violation thereof.

#### PERSONS AND PERSONS.

Eighteenth: To regulate and prevent the landing of persons from railroad cars, or other conveyances, infected or with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city; and also to regulate, control and prevent the landing of paupers and persons in destitute conditions, of persons not having a legal residence or settlement therein, and to require that such persons be taken back to the place from whence they may have been brought by the person or persons bringing, conveying or having them in said city, and to prevent infected cars or other conveyances from coming into the city.

Nineteenth: To regulate the time, manner and place of holding public auctions and vendues, and to regulate and prohibit traffic and sales upon the streets, sidewalks and public places.

Twentieth: To provide for watchmen, and prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and regulate the same, except as herein otherwise provided.

#### MARKETS AND REGULATIONS.

Twenty-first: To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whiskey and other liquors and provisions, and to authorize the seizure and destruction of any impure or adulterated articles sold or offered for sale that are dangerous to the public health, and to provide for the punishment for the use of false weights and measures, and to regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread sold offered for sale contrary thereto.

#### LANDS, PARKS, BIRDS, AND.

Twenty-second: To purchase or acquire by gift, devise or condemnation, lands within the city limits, or to take and hold by lease such lands for the purpose of parks or public

grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation and removal of ornamental or shade trees in the streets, alleys, parks or public grounds or all lands of said city and provide for trimming trees along sidewalks thereon, and to appoint a suitable person to inspect and take charge of the same, and to fix his compensation and prescribe his duties. And to provide for the payment of planting and caring for the same by taxing the abutting property or from the general fund.

Twenty-third: To regulate and control the species of trees that may be grown in said city or planted in the streets, alleys, parks or public places of the city.

MISCELLANEOUS.

Twenty-fourth: To remove and abate any nuisance injurious to the public health or morals; and the city council shall have the power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect or maintain the same.

Twenty-fifth: To remove and abate any nuisance, obstruction or encroachment on any of the streets, alleys, or public grounds or highways leading out of the city.

PROBATION.

Twenty-sixth: To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes, and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements, illustrations, and printed or pictured matter tending to provoke a breach of the peace or impair the morals of the community.

LICENSES: GENERAL BUSINESS TICKETS, ETC.

Twenty-seventh: To license or regulate runners, agents, solicitors for stages, cars, public houses or other places, druggists, mechanics, carpenters and other persons engaged in the carriage of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and marshal of the city to regulate and direct the location of vehicles standing upon the streets and public grounds in the city.

PROBATION: POLICE, ETC.

Twenty-eighth: To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals, or to prohibit the same in any portion of the city; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets and fixing the time limit for the same to remain standing in one place.

SEWER REGULATIONS, 1913.

Twenty-ninth: To regulate the making and maintaining of openings and excavations, in the streets, alleys, public grounds and public places, for the laying of gas and water mains and pipes, construction of sewers and conduits, and for other purposes; and to regulate the making and maintaining of covers, manholes and drains, and the construction and use of all structures and conduits of every kind, under or over 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, manholes, chutes, and other openings in sidewalks, streets and alleys and the coverings and guards thereof.

NUMBERING LOTS.

Thirtieth: To regulate the numbering of houses and lots, and to compel owners of houses or buildings of other sorts, to have such numbers designated thereon and to name, change and regulate the names of the streets, avenues and highways of said city.

FIRE ESCAPES, 1913.

Thirty-first: To require the owner or lessee of any building or structure now or hereafter erected in the city or within any limits in the city designated by the city council, to place thereon such fire escapes and such appliances for protection against or extinguishment of fires as it may direct, and to do each and every act, which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident and to require the owner or occupant of any lot or parcel of land within the city limits to clear and keep clean the same of all dead wood, weeds or other combustible or inflammable rubbish likely to increase danger from fire, or to facilitate the spread of fire and to provide for the doing of such work upon the failure of the owners or occupants as to do, and to assess the cost thereof as a special tax upon the land so cleared, such tax to be returned and collected in the same manner as other city taxes.

REGULATION OF TELEPHONE WIRES.

Thirty-second: To regulate, control or prohibit the placing of poles for the suspension of electric, telephone and telegraph wires, or other wires, along or across any of the streets of said city, or the suspension of such wires; and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the streets or sidewalks of the city, and to compel the proper insulation of all electric wires in use within the city, and to prohibit bare wires near any sidewalk.

Thirty-third: To regulate or prohibit the poisoning, herding and treatment of all animals within the city; to prohibit and punish cruelty to animals, and to require the places where animals are kept, to be maintained in a healthful condition and to protect birds and mammals with animals.

CHAPTER XXIII (IN PART) PUBLIC WORKS.

Thirty-fourth: To lay out, open, change, widen or extend streets, avenues, lanes, alleys, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue some or any part thereof; to establish, open, maintain, repair, make, amend or secure, curbs, and gutters, to alter, widen or straighten water courses, to raise, widen, alter or otherwise improve, keep in repair, vacate or discontinue sidewalks or crosswalks.

Thirty-fifth: To divide the city into wards and to number the same, wherever the number of voters in any one ward shall exceed three hundred.

Thirty-sixth: To restrain, control and regulate the selling and disposing of spirituous, wine, malt, fermented or any intoxicating liquors within the said city, and may enforce the same by appropriate ordinances.

Thirty-seventh: To establish and maintain a public library and reading room and purchase therefor, books, periodicals and papers, and make all needful rules and regulations for the use and safe keeping of the same.

Thirty-eighth: To prevent the sale of cigarettes to minors and limit the hours when the children shall remain upon the streets, which restrictions said city council shall provide penalties for enforcing.

CHAPTER XXIV (IN PART) PUBLIC UTILITIES.

Thirty-ninth: To regulate the cutting of ice on the Charles River within the city of Boston, and to compel any person or persons taking ice therefrom, to leave no open places therefrom ice may have been taken, but to compel all such person or persons to build fences or guards around the same, and to license and regulate ice dealers; to regulate fishing or hunting within the limits and within the waters and streams of said city; and to regulate places of bathing and swimming in the waters within the city limits.

Fortieth: To provide for lighting the city and to establish and regulate public wells, distilleries, breweries, cooperages and icehouses.

Forty-first: To provide for the inspection of steam-boilers, and all persons used for the storage of explosive or inflammable substances or materials, and to locate and regulate the same, and to prescribe the necessary means and regulations to secure the public against accidents and injuries therefrom, and to assess the costs and expense of such proceedings against the property and owners thereof.

ROADS, BRIDGES, 1931.

Forty-second: To appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads upon its boundaries and leading into it, and of bridges thereon, whether they are within or without the territory in which it is situated.

Forty-third: To regulate or prohibit the carrying or wearing by any person of concealed, dangerous or deadly weapons, and to provide for the confiscation thereof to the city.

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

Forty-fifth: To regulate and control, in a manner not contrary to any specific provision of this charter on the subject, the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places of the city, whether such franchises or privileges have been granted by said city, or under the laws of the state of Minnesota, or any other authority.

Forty-sixth: To regulate the operation of blasts and blastings and the construction, location and operation of derricks, winches, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property.

Forty-seventh: To regulate and prevent the ringing of bells and chimes, the blowing of whistles, beating of drums, discharge from gasoline engines, and the making of other noises, to regulate or prohibit the whistling of traction engines and designate what streets they shall be permitted to use in said city.

MILK INSPECTION.

Forty-eighth: To provide for the regulation and inspection of dairies and milk cows furnishing milk in said city, wherever said dairy or cows may be located, and to forbid the sale of any milk from diseased cows or from or by any dairy or milk man refusing to permit such inspection and fulfill the requirements of the inspector.

Forty-ninth: To regulate lodging, tenement and apartment houses, hotels and restaurants, and to prevent the overcrowding of the same, and to require the same to be put and kept in a proper sanitary condition.

Fiftieth: To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures; to prevent the emission of dense smoke, the erection and maintenance of insecure and unsafe buildings, walls, stacks, chimneys or other structures; and to provide for their summary abatement or destruction; to prescribe the material and methods



of construction of foundations and foundation walls, the manner of construction and the location of drains and sewer pipes, the thickness, materials and construction of party walls, partitions and outside walls, the size and material of floor beams, joists, floors, columns, roofs, chimney flues and heating apparatus; to regulate the construction of both rooms, water closets, privies and vaults; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of any such building as does not conform to such regulations.

REGULATIONS FOR CHIMNEYS, ETC.

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

Fifty-second: To prevent the construction, and to cause the removal of dangerous chimneys, stove pipes, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building or structure; to regulate the carrying on of manufactures liable to cause fires; to prevent the depositing of ashes or the accumulation of shavings, rubbish, other combustible materials in waste places, and to make provisions to guard against fires.

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

Fifty-fourth: To establish and maintain city prisons and other places of confinement, for the imprisonment, punishment and safe keeping of all persons arrested for, charged with,

or convicted of any offense; make rules and regulations for the government and management of such prison and other places of confinement, and to prescribe the duties of the keepers and officers of the same, which keepers shall have all powers and authorities of jailors not granted law, or under the laws of this state.

Fifty-fifth: To provide for the lighting of the streets, alleys and other public places within the city.

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

LEGISLATIVE, JUDICIAL, EXECUTIVE, ETC.

Fifty-seventh: To license and regulate barbers, and to regulate sewer, water, and street connections of all kinds.

Fifty-eighth: To provide for licensing electricians and for the revocation of licenses so granted, and to fix the fee and the amount, terms and conditions of the bond for any such license, and the length of time such license shall remain in force; to prohibit any person not a licensed electrician from handling or placing any electric light, telephone, telegraph, messenger service or power wires in said city, either in or out of any building therein, or setting up or putting in place any apparatus for generation, conveying or using electricity for light, telephone, telegraph, messenger service or power purposes; to prescribe rules and regulations for installing or passing any such wiring or apparatus; to provide for inspecting the same, and for issuance of permits for any job or jobs of the same, and to prohibit the doing of the same without first obtaining the approval of such electrical inspectors as the city council may appoint; to prescribe the terms and conditions upon which such permit may be issued, by whom the same may be revoked and what additional terms and conditions may be added to such permit by the officer issuing the same; and to prescribe penalties for the violation of any of the terms or conditions of any such license or permit.

WEIGHTS, MEASURES, ETC.

Fifty-ninth: To establish and regulate scales and to provide for the measuring and weighing of merchandise offered for sale and the place and manner of weighing and selling hay, straw, and other substances, and the measuring, weighing and selling of firewood and other fuel, and to appoint a suitable person to superintend and conduct the same, and to fix their compensation.

Sixtieth: To provide 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 accepted and sealed.

Sixty-first: To regulate and control the quality and measurement of gas, to prescribe and enforce rules and regulations for the manufacture and sale of gas and electricity, to provide for the inspection of gas, water and electric meters, and to appoint an inspector and prescribe his duties. And the city council may grant permission to any person, persons or corporation, to lay gas, heating or other pipes in any or all the streets, alleys, sidewalks and public grounds, subject to the conditions required herein for the granting of franchises, but in all cases the city council shall regulate the laying thereof so as not to interfere with water mains, sewers or lateral branches thereof, whether heretofore constructed or to be constructed, or with the proper drainage of the city.

Sixty-second: To prescribe the limits within which wood, lumber, bark, limbs, logs, hay, straw or of or combustible materials, may be piled or stored, and further yards established or maintained, and to require any person maintaining any lumber, shingle or limb or wood yards in the city to remove the same, when they become dangerous to building structures or other property.

ARTICLE, SEVENTH, NEW CHARTER, 1911.

Sixty-third: To direct the location, regulate and prescribe the construction of privies, vaults, cess-pools, and require and provide for the removal and disposition of their contents, and of all mill, offal, garbage, ashes, hayward litter, manure, yard cleanings, feed cuttings, foul and unhealthy stuff and obnoxious weeds throughout the city, with authority to assess and levy upon, and compel the payment of the expense of such removal upon the property owner or occupant thereof, upon which such above named matter or thing could be taken; provided that notice be first served upon the owner or occupant hereof to remove said matter or thing above named, within the time to be fixed, in the notice.

Sixty-fourth: To permit the construction and operation of street railways, telephones, telegraph lines and heating plants within said city, and to prescribe the street, or streets and alleys on which said street railway may be constructed, and upon which the telephone and telegraph lines and conduits, and pipes for heating, may be placed; and the city council may, and it shall be their duty to impose such regulations and limitations upon the use and enjoyment of such privileges as the council may deem proper. Provided, that no such franchise shall be granted until there has theretofore shall have been voted by the electors of said city, as provided in this charter, and no franchise shall be granted except subject to the control and regulation of the city council.

ARTICLE III.

Sixty-fifth: The city council may also provide for the laying out and construction of a general system of sewerage within said city, and to tax the cost of building and construction of such sewer to the property owners fronting along the streets, alleys or highways within which such sewer is built and constructed, as is more particularly provided in this charter.

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

ARTICLE IV.

Sec. 6. The city council may exercise all further power requisite and proper to carry into effect the express power in this charter specified, and the authority herein in general also conferred upon the said council, shall not be limited or qualified by any specifically granted power herein.

ARTICLE V.

Sec. 7. If, in case, any of the powers granted to the city council to be exercised by ordinance named in Section 1 of this chapter, or other provision of this act, cannot be well exercised by the passage of ordinances, then, and in that case, the said city council may exercise any of said powers by means of the passage of resolutions.

CHAPTER  
WATER AND LIGHT DEPT.  
SUPERINTENDENT.

Sec. 1. The city council shall have the general management and control of the water works and electric lighting plant in said city. At its first meeting after organizing and annually thereafter, the city council shall appoint a proper person, not a member of the city council as superintendent, subject to removal, who shall, before he enters upon his duties, give bond with sufficient sureties to the city in double the amount that will probably come into his hands, to be approved by said city council, and filed with the city clerk and entered upon his records, and whose annual salary shall be fixed by the city council, payable monthly. He shall, under the direction of the city council, have supervision of the construction, operation and repair of the water and electric light systems of the city, and of all reservoirs, pumps, pumping stations, machinery, intakes, water mains, pipes, standpipes, hydrant extensions and apparatus used in the operation of the water system of the city, and shall have supervision of the erection, operation, maintenance and repair of the electric light works and apparatus for lighting streets, alleys, public and private grounds and buildings of said city; the laying of pipelines and wires into, through, under and across the streets, alleys and public grounds of said city, and the erection of poles, masts and towers, and the running of wires thereon, over, under and across the streets, alleys and public and private grounds of said city; provided, that the city council shall have full authority to contract for and incur all expense for fuel to operate the said water and electric light plant, and also to provide and contract for such skilled and ordinary labor as deemed necessary to operate the said plant and system, and also to contract for and incur any expense for improvements and repairs on the same that may be necessary.

SUPERINTENDENT TO COLLECT RENTS AND LIGHT RENTS.

Sec. 2. The superintendent or such other person, as the council may select, shall keep all records and accounts pertaining to matters within his department; he shall receive and receipt for all water and electric light rents and other moneys accruing to the city for the use of water and electric lighting, and deposit the same as collected with the city treasurer; and report the same to the city council monthly; said superintendent shall keep separate accounts of all rents or rates collected, and of all rents or rates due and uncollected, and of all moneys received; he shall also keep separate accounts of all disbursements for running expenses and ordinary repairs in his department for additions, extensions or new constructions.

PAYMENT OF RENTS.

Sec.3. The superintendent shall require payment in advance of the rents or rates for the use of the water or light furnished in or upon any buildings, lands, place or premises, except where such water or light is furnished through a meter, and in such cases shall require payments not later than ten days after such meter is inspected and a statement of account rendered. In all cases where prompt payment for said rents or rates shall not be made, said superintendent shall shut off the water or light from such place, building or premises, and shall not again supply the said building, place or premises with water, nor the delinquent party with light until the unpaid rents or rates for water or light used have been paid.

COUNCIL TO FIX RENTS, ETC.

Sec.4. The city council shall by ordinance establish such rules and regulations as it may deem necessary for supplying of water and light for the use of the inhabitants of said city, both public and private parties, and shall from time to time fix the rents or rates for the use of water and electric lighting, and the periods for which advance payments shall be required, and the period when the meters shall be inspected and accounts rendered for water and lighting.

COUNCIL TO REGULATE ELECTRIC WIRING.

The city council may make all necessary rules and regulations concerning the tapping of any mains, branches or pipes, or making connections therewith by private parties, licensed plumbers or other persons, or concerning the connecting, laying, installing of electric light wires and establishing both water and light meters; they may require all consumers to use proper meters, and no person shall connect with said light plant or water system, or use any light or water therefrom without having permission from the city council to do so. And said city council may require that all connections with said lighting plant and water system shall be made only under the direction of its own engineer or servants, and regulate the placing of all meters.

OWNER AND LESSEE BOTH LIABLE.

Sec.5. The owner of private property, which has upon it pipes connected with the city water works, to convey water thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for all rents or rates for all water from said water system, used upon said premises, and such rents or rates may be recovered in an action against such owner, lessee and occupant, or against one or more of them.

PRIORITY LIEN FOR RENTS.

Sec.6. Such water and light rents or rates shall constitute and be a lien upon

all premises where the same may be furnished either to owner, lessee or occupant, and all such amounts remaining unpaid on the first day of October each year shall be levied and assessed by the city council upon and against each tract or parcel of property where such water or light may have been furnished, and collected as provided for in chapter on local improvements in this charter, or such lien may be foreclosed by action in district court in and for Lee and Harjo County.

#### FINANCIAL LIEN.

Sec. 7. When the city of Dawson shall furnish any labor or material to connect any property with the light or water system of said city, or have done any wiring or supplied any electric light fixtures or furnishings or work in connection therewith, whether under contract with the owner of such real estate, or at the instance of any agent, trustee, contractor, or sub-contractor, or such owner, or one holding possession of such premises under contract for purchase thereof, it shall have a lien upon the lot or tract of land where labor or material are furnished for the price or value of such contribution. Any such amounts unpaid on the first day of October each year may be levied or assessed by the city council upon the property benefited, and collected as provided by this chapter, or such lien may be foreclosed, as provided by chapter 69 Revised Laws of 1905 as to Mechanic Liens, except that said city need file no lien statement as set forth in section 5511 of said chapter 69, but may proceed to foreclose at any time within one year of furnishing the last item of such accounts.

#### CHIEF TO PAY FOR WATER AND LIGHTS.

Sec. 8. The superintendent shall as nearly as possible ascertain and keep account of the water and electricity used by the city and for each public purpose of the city, and payment for such water and electricity shall be made into the water and electric light fund out of the proper fund of the city, in four equal quarterly payments, viz., on the first day of January, the first day of April, the first day of July and the first day of October in each year.

In case the amount of water and electricity used by the city or for any public purpose of the city cannot be exactly ascertained, the city council shall determine and fix the charge to be made for the water and electricity furnished, and shall as nearly as possible determine and fix the charge for such water and electricity at the same rental or rates at which water and electricity are furnished to private consumers.

#### REMARKS.

Sec. 9. The city council shall, by ordinance, provide punishment and penalties for all

injuries to and interferences with said water and electric light system or anything connected therewith. Any person who shall without authority, wilfully break, remove or in any way injure or damage any main, branch water pipe, hydrant, dam, ball head, intake pipe gate, gate-house, cock pit or vent box or box corner, main pipe or cover of hydrant or any part of machinery or property of the water and electric light system of the city of Dawson, or open any water-gate or perforate or bore, or cause to be bored or perforated, any water main or pipe, or shall without proper permit, make connection with any main or pipe; and any person who shall without authority, wilfully destroy, injure, cut, disconnect, break, ground, or in any way interfere with any wires or poles, lamp, switch, instrument, meter, or any electrical apparatus, plant machinery, line or system, or make any connection therewith for the purpose of taking, using, or wasting electricity or the electric current, or prevent any electric or water meter from duly registering the quantity of electricity or water supplied, or in any wise wilfully use or cause to be used, without the consent of the proper authority, any electricity manufactured or distributed by the electric plant of said city, or who, being authorized to take water from any main or service pipe into any specified building, or upon any specified premises, or to be used for any specified purpose, shall, without authority, use such water for any other than such specified purpose, or permit any other person to use the same for any other than such specified purpose, or to take the same out of such building; and such other persons as using or taking such water; and one who without lawful authority, shall dig or excavate within six (6) feet of any main, water or gas pipe, gate, hydrant or blow-off, or said works, shall be guilty of a misdemeanor, and punished as prescribed in the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors are punished by the criminal laws of the state.

Sec. 10. The superintendent and each of his assistants and employees, who shall knowingly omit any person or property from his or its proper assessment for water or electric light, rents or rates, or neglect or refuse to collect the same, or who shall discriminate in favor of or against any person or property in regard thereto, shall be guilty of a misdemeanor, and be punished therefor, as provided in section nine (9) of this chapter.

NO LEASE ON THE.

Sec. 11. No lease or other disposal of the water and light plant shall be made except by a two-thirds vote of the qualified electors of said city.

IMPROVEMENTS.

Sec. 12. The city council, may from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of Dawson, extend said water works, or make new lines of works, to any new water from any lake, spring or creek by means of pipes, drains,



~~ARTICLE 10.~~

~~Sec. 11. Whenever watermain shall be laid, relaid or extended through~~

conduits, aqueducts, or other means of conducting water, so as to connect with such lakes, springs or creeks, with its water works, and may erect and construct dams, bulkheads, gates and other needed structures and means for controlling of water and its protection; and may also for the purpose of furnishing electricity for lighting the streets of the city, and for commercial lighting and power, extend its electric lines, poles and wires, and erect such poles, lines and wires, and purchase such new or additional machinery as it may deem necessary for the purpose of furnishing electricity for uses in said city, both for lighting and power purposes; and may also, for the purpose of furnishing gas for lighting or heat, for streets or commercial use, build and construct a gas plant, lay and extend pipes and mains for conducting gas, and purchase such machinery, pipes and other material, as may be necessary for such construction, extension and operation; and may also for heating purposes, in connection with the water works and electric plant, construct pipe lines for conducting hot water to the various parts of the city, and to that end purchase pipe, machinery and appliances, necessary for such construction, extension and operation, and in general do any other act necessary or convenient for accomplishing the purpose contemplated by this charter.

~~ARTICLE 10.~~

Sec. 13. Whenever watermain shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the city council shall have the power, and it shall be its duty to levy and collect by special assessment such portion of the cost or expense thereof as shall not exceed the estimated cost of laying a six inch main, including pipe, hydrants, valves, and all necessary specials, by special assessment upon the property on both sides of such street or alley fronting upon such improvement of an equal sum per front foot without regard to cash valuation. The cost not provided for by such assessment, including the increased cost of larger mains, and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the water fund. Provided, however, that the owner of any property assessed as herein provided for the cost of laying, relaying or extending and watermain shall receive from the city, water, at the regular rates which may be established from time to time by the council, to the amount of such assessment, provided all tapping fees are paid. Such water shall be taken at the property assessed, but the council may, in case any

portion in the corner of several adjoining lots be assessed, permit such owner to take water for the use of the assessments made against such adjoining lots from a connection to the main pipe to any one of such adjoining lots.

CORNER TAX ASSISTANCE.

Sec. 14. The city council may, in its discretion, in cases where any lots, fronting on two streets, have been previously assessed, and the assessment paid for laying any watermain or sewer pipe upon a different street from the one through which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of the second assessment as it may be deemed just under all the circumstances of the case, but the discretion of the city council in such matter shall be final, and the refusal or failure of the council to make remission shall not be grounds for setting aside such assessment in any court or proceeding.

CHAPTER

CALCULATIONS AND PERIODS.

FISCAL YEAR.

Sec. 1. The fiscal year of the city of Dawson shall be from April first to April first of the succeeding year.

TAX LEVY.

Sec. 2. The city council shall have the power to levy an annual tax upon all property in said city, taxable under the laws of this state, but no such tax shall exceed two per cent of the assessed valuation of said property. All taxes so levied and collected shall be paid into the city treasury and become part of the fund for which all or part thereof was levied, and may be used for any lawful city purpose in the discretion of the city council.

POLL TAX.

Sec. 3. The city council shall have the power to assess and levy a poll tax upon all the male inhabitants in said city between the ages of twenty-one and fifty years, except such as are exempt by law, of not to exceed two days work upon the streets, highways, alleys or public grounds of said city; such poll tax shall be assessed and levied by said city council on or before its first meeting in <sup>May</sup> ~~each~~ of each year, and the city clerk of said city shall as soon thereafter as practicable, issue a warrant to the street commissioner of said city containing the names of all persons in said city liable to poll tax and the number of days each is assessed; all persons liable to poll tax may commute and pay the same to the street commissioner at the rate of \$1.50 per day. All moneys received by the street commissioner for poll tax and fines shall be paid to the city treasurer, with a monthly report of the same, and such moneys shall be expended upon the streets, highways, alleys, sidewalks or public places, at such times as the city council may direct, and they shall have full power to direct to direct the street commissioner when, where and how to expend such poll tax and labor. All the general laws of the state relating to the levy, assessment, collecting, working and suing for poll tax in townships in this state now in existence or hereafter enacted, and all penalties therein provided shall apply to all poll tax levied and assessed in this city, except as herein expressly provided.

HOW LEVIED.

Sec. 4. Taxes may be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount shall exceed the amount required to be raised for the special purpose for which same is levied but in such case the surplus shall, if the tax be general tax, go into the general fund of the

city. If it be a bond or interest tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds or the purchase thereof before due. If it be for improvements, it shall be kept and used for ~~future~~ future improvements of the same character.

#### STATEMENTS TO COUNTY AUDITOR.

Sec.5. The city council shall cause to be transmitted to the county auditor of Lee and Parle County on or before October tenth of each year, a statement of all taxes levied by them, and such taxes shall be entered and collected, and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced; and the county treasurer of the county of Lee and Parle shall pay over to the treasurer of the city, all taxes collected by him for such city, as provided by general laws of the state.

#### MONEY - HOW PAID.

Sec.6. No money shall be paid out of the city treasury, except library fund, unless such payment be authorized by a vote of a majority of all the members of the city council, and then shall be drawn out only upon the order of the mayor, countersigned by the clerk, which order shall specify the purpose for which it is drawn, and the fund out of which it is payable, and the name of the person in whose favor the same is drawn, and may be made payable to the order of such person, or bearer, as the city council may determine.

#### BONDS.

Sec.7. The city council of said city shall have power and authority to issue bonds of said city sufficient to pay, fund and refund the floating indebtedness of said village of Dawson existing at the time of the adoption of this charter, the proceeds of which bonds shall be used solely for the purpose of paying such indebtedness, and thereafter said city council shall not be authorized to issue any bonds except hereinafter provided. The city council of said city shall have the power to issue bonds in the place of and to supply the means for paying matured and maturing bonds of said city, and to consolidate and fund the same.

(a) No other bonds of said city shall be issued by said city or by the city council thereof unless first authorized by fifty per cent of the legal voters present, and voting at any general or special city election, of which election, due public notice as to time, place and object of the election has been given, as in this charter provided.

(b) All bonds of said city hereafter issued shall run not more than twenty years and shall bear interest at the rate not to exceed six per cent per annum, principal and interest

payable at such time and places as may be fixed by resolution of the city council, and such bonds shall be signed by the mayor, and attested by the clerk; such bonds shall not be sold for less than par value, and the proceeds from the sale thereof shall not be expended for any other purpose than that for which they were issued.

#### FIVE PER CENT LIMIT.

Sec. 8. The total indebtedness of the city shall not at any time exceed five per cent, of the total value of the taxable property of said city according to the last preceding assessment for the purpose of taxation, except as hereinafter provided.

#### WATER AND LIGHT BONDS.

Sec. 9. Provided that all bonds issued prior to the adoption of this charter for the purposes of constructing, regulating, maintaining or extending or improving suitable water and electric light plants, or either of said plants in said city, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such water or light plants, or either of them, for the protection of the purity of the water supply or otherwise, shall not be deemed to be a part of the five per cent total indebtedness of this city as hereinafter provided; and thereafter said city may issue such additional bonds as may be necessary to extend and enlarge or improve such water and light plant, or either of such plants, and such additional bonds so issued for such purposes, shall also not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five per cent of the total value of the assessed valuation of the property in said city; such bonds shall be authorized, issued, negotiated and sold in the same manner as other city bonds, and shall be a first lien upon all water and light plants and structures of either kind, if issued for both; if issued for only one, then upon the appliances and structure thereof, and all the property acquired in connection therewith erected or purchased by said city, and the proceeds of said bonds shall not be expended for any other purpose, than that for which they were issued.

#### ISSUING DEBT.

Sec. 10. No debt shall be incurred or created by the city, the city council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose, and no orders shall be issued upon the city treasurer exceeding the amount of tax collected, or assessed, or in process of collection.

HERE.

Sec.11. The money and securities in the city treasury shall be divided into the following funds to-wit:

GENERAL FUND.

Sec.12. The general fund, into which shall be paid, and in which shall be kept, in addition to such moneys as may be raised therefor by taxation, all receipts by the city from license, fees, fines and costs, sales of city property, all moneys received from any source except such as may be expressly devoted for special funds, and from which shall be paid all the ordinary and current expenses, debts and liabilities of the city, including salaries of officers, fire and health departments, street lighting, printing, stationery and other purposes not otherwise expressly provided for.

ELECTRIC LIGHT FUND.

Sec.13. The electric light fund is created for the purpose of purchasing, constructing, maintaining, extending, enlarging, improving and operating a city light and power plant, or plants. The electric light fund shall not be supported by taxation, except as in this charter provided, but there shall be paid into such fund all income from the operation and maintaining of such plant or plants, all income from the sale of supplies, labor and materials in connection therewith, all income that shall be set apart from the general fund on account of lighting and power for public purposes, the principal and premium derived from the moneys paid into such fund to meet outstanding bonds or indebtedness against the same.

WATER WORKS FUND.

Sec.14. The waterworks fund is created for the purpose of purchasing, constructing, maintaining, extending, enlarging, improving and operating a city water works and power plant, or plants. The water works fund shall not be supported by taxation, except as in this charter provided, but there shall be paid into such fund all income from the operation and maintaining of such plant or plants, all income from the sale of supplies, labor and materials in connection therewith, all income that shall be set apart from the general fund on account of water and power for public purposes, the principal and premium derived from the moneys paid into such fund to meet outstanding bonds or indebtedness against the same.

LIBRARY FUND.

Sec.15. The library fund, into which shall be paid, and in which shall be kept, all moneys raised, by taxation or otherwise, for the support or benefit of the free public library of the city, and which shall be subject to the order of the proper officers of said

library for the payment of the expenses thereof.

And such other special funds as may hereafter be established, by any statute of the state, or by order of the council.

#### SECTIONS 16 AND 17.

Sec. 16. The said different funds, mentioned in the last preceding section, shall be kept separate and distinct, and the city treasurer shall keep separate and distinct accounts of receipts therein and disbursements therefrom. Each of said funds shall be devoted only to the particular purpose or purposes for which it is created, and the city treasurer is expressly prohibited from making any disbursements from either of said funds <sup>from</sup> permitting the same to be to any extent depleted, for any other purpose than such particular purpose or purposes, any attempted appropriation of the city council or any order to the contrary notwithstanding. The city treasurer shall pay no order, or part of any order, drawn on either of said funds, unless the same be drawn upon contains money or securities sufficient to cover the amount of such order or such part thereof, and he shall pay no orders unless the order recites upon its face, the fund or funds to which it is chargeable, and in case he shall make payment on any order drawn on either of said funds in excess of the balance existing to the credit of such fund at the time of such payment, he shall be personally responsible therefor, and the city shall not be liable or accountable to him for the excess so paid; it shall be the duty of the city treasurer, as soon as any one of said funds is exhausted, to immediately notify the city clerk and the city council of such fact.

The city treasurer shall not make or permit any transfer of money from either of said funds to another, except in cases mentioned and provided for in this charter.

#### NO LIMITATION HEREIN.

Sec. 17. No limitation or restriction, herein contained, shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city. In case of failure to collect taxes, or other cause, and when such levy shall prove insufficient to pay such judgment, new taxes shall be levied, until the whole of said judgment shall be paid. Any excess of the amount so levied and collected, over the payment of such judgment, shall go into the general fund of said city.

SINKING FUND.

Sec.10. It shall be the duty of the city council, within sixty days after the first election held under this charter, to ascertain and determine the total amount of all the outstanding indebtedness owing by the village of Dawson when this charter goes into effect, and to establish a sinking fund for the purpose of providing for the payment of the same, at such time and in such manner as it may deem for the best interest of said city. It may levy a special tax for that purpose, if deemed advisable, not to exceed five mills on the dollar of the assessed valuation of said city in any year, the proceeds to go into said fund.

Any surplus money remaining in said fund, for which there is no present need, may at the discretion of the city council, be loaned to any other fund, by the purchase of the warrants of such other fund, when within the legal limit, for the benefit of the sinking fund; but such warrants shall be repaid to, and accounted for, to such sinking fund, the same as other money due such fund.



Chapter

FRANCHISES.

ORDINANCE / ~~PRESIDENT~~ FRANCHISES.

Sec.1. Every ordinance by which the council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted, that the maximum price for the service or charge shall be stated in the grant thereof, and before any such ordinance shall be in force, it shall be submitted to the qualified voters of the city at some general or special election in the manner that other ordinances are submitted under the provisions of ~~section 100~~ of this charter.

ART. 10.

Sec.2. No exclusive franchise shall ever be granted; and no franchise shall be granted for a term to exceed thirty (30) years, nor shall any franchise be granted for the laying of water mains.

APPLICATION AND VOTE.

Sec.3. The person, firm or corporation desiring any franchise, right or privilege shall make written application therefor and file such application together with the form of franchise, right or privilege desired, with the city clerk, and at the same time deposit with the clerk the sum of Fifty dollars to cover the cost of the election thereon and the publication of such application and form, if the council direct the publication thereof. Upon the filing of such application and the deposit of such Fifty dollars, the city council shall submit the question of granting such franchise to the vote of the legal voters of said city at any general <sup>or</sup> special election.

GENERAL AND CONTROL.

Sec.4. Every franchise shall contain a provision reserving to the city council the right to regulate and control the business for which said franchise shall be granted, and to limit the rates to be charged for any service to be rendered, and the city council shall have the right in its discretion to provide for the payment, to the city, of a percentage of gross earnings. The city council shall have and possess full power and authority to make and enact all needful ordinances, rules and regulations that may be requisite and necessary to give full force and effect to the provisions hereof.

REGULATIONS OF FRANCHISES.

Sec.5. The city of Dawson shall have the right and power to regulate, and control, from time to time, the exercise of any person or corporation, of any franchise, whether such franchise has been granted by the city of Dawson, or by and under the state of Minnesota.

and the exercise of such power of regulating and controlling shall be vested in the city council. Said city council may, from time to time, enact resolutions and ordinances in relation thereto, except as is otherwise in this charter provided. Such right of regulation and control shall never be surrendered or entailed.

#### ACQUISITION.

Sec. 6. Every franchise granted shall contain a provision granting the city the right to acquire the same and the business for which it is granted at the end of every term of ten (10) years, if a majority of the voters of the city vote in favor of such acquisition.

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

#### RIGHT OF REFUSAL USE BY COMPETING LINES.

Sec. 7. The city council shall have the right and power at all times to regulate and provide for the use, by any competing line or lines of any telephone exchange and switch-board operated in said city, and to require the company operating the same to allow connection therewith, on such reasonable terms as said city council may in absence of agreement of the parties prescribe, by any long distance or telephone system that may reach the city limits of said city or be constructed therein or by any competing line or lines, and make all needful and reasonable rules and regulations therefor.

#### PRIVATE SEWERS.

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

REPORT.

Sec. 9. Every corporation or person exercising any franchise in the city of Denver, shall file annually, on the first Monday in February, in the office of the clerk, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party; the actual incurrence, debts and obligations thereon, if any; the amount of stock issued, and to whom; the gross earnings; the expenses and the net income; and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

CHARTER TO BE MADE OF FRANCHISE.

Sec. 10. The acceptance of a charter or privilege from said city by any person, company or corporation, shall be an acceptance of all the provisions of this charter, whether the same are specifically referred to or not, and all the provisions herein shall constitute and be a part of such franchise or privilege without any express reference being made thereto.

RESTRICTIONS AND LIMITATIONS.

Sec. 11. In granting any franchise or privilege, the council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and the best interests of the public may require.

THE "FRANCHISE" DEFINED.

Sec. 12. The term "franchise" or "privilege" whenever the same is used or employed in this charter, shall mean special privileges conferred by the city upon any individual, company or corporation, which do not belong to citizens of the country of common right.

CHAPTER

CONTRACTS.

GENERAL CONTRACTS.

Sec.1. The city council shall at their first meeting after each biennial election, or as soon thereafter as may be, advertise for proposals to do the city printing, giving notice of not less than one week, in such manner as the council may direct, that sealed bids will be received by the city clerk, to do such printing. The bid or bids shall be publicly opened and read by the city clerk at such time and place as the council shall appoint, and the person or persons offering to do such printing at the lowest sum of money or price, in any legal newspaper, printed and published in said city, and who shall give satisfactory security for the performance of the work, shall be declared the city printer, and such newspaper, the official newspaper of said city for the ensuing two years, provided that the city council shall have the right to reject any and all bids, PROVIDED FURTHER, that the council shall have the power, if no contract can be secured for prices reasonable in the judgment of the council, to publish any or all of the matters required by this charter to be published, by posting the same in three (3) public places in said city, or having the same printed and published in pamphlet form, for general circulation in said city at such intervals of time and in such manner as it shall direct, except that all matters required to be published in local assessments, shall in all cases be published in some legal newspaper as herein described.

NO PAY TILL AFFIDAVIT OF PUBLICATION IS FILED - EVIDENCE.

Sec.2. The publisher or publishers of said official paper, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman or clerk, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. No compensation for any such publication shall be made or allowed by the city council, until such proof of publication has been made or filed.

GENERAL CONTRACTS.

Sec.3. All contracts for commodities or service to be furnished or performed for the city or any department thereof shall be made as in this charter provided and not otherwise.

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

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

All action in this chapter required or authorized to be taken by the city council shall be by resolution or ordinance.

#### DETERMINING, MAKING OR CHANGING.

Sec. 4. The council, in the first instance shall, on its own motion, or may on the recommendation or report of any department or officer of the city, determine in a general way the commodities, work or service to be done or furnished, and shall fix the estimate costs thereof, and in order to determine such estimate cost, may require estimates from any officer or employee of the city.

#### ADVERTISING.

Sec. 5. Whenever it is proposed or determined by the city council to contract for the purchase of any commodities or any services to be performed, the estimated cost <sup>of</sup> which shall exceed the sum of three hundred dollars, the council shall advertise for proposals or bids to furnish such commodities or perform such services, provided, however that this provision shall not in any manner apply to purchase of fuel or supplies for the light plant or services required in connection therewith. Such advertisements shall be published in the columns of the official paper for two weeks and in such other papers and at such times and places and in such manner as the council may direct. All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the council, in the council chamber, upon a certain day and hour.

#### RECEIVING AND OPENING BIDS.

Sec. 6. At the time and place mentioned in the advertisement for bids, the council shall meet in public session, publicly receive, open and read all bids that may be presented. Before any of said bids are opened, they shall be numbered consecutively, and no further bids shall be received, after any bid has been opened, but the council shall have power to reject any or all bids received, and then and there may ~~receive~~ open bids, any or all of which they

may reject. The council shall give all persons who desire the same, an opportunity to inspect all bids when they are opened.

AGREED BY COUNCIL.

Sec. 7. The council shall act upon such bids, and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements; provided, that the council may reject any bids, which it may deem unreasonable or unreliable, and the council in determining the reliability of the bidder, and his ability to perform his contract, without any reference to the responsibilities of the sureties of his bond, and any person who shall have defaulted in any contract awarded by the city (except as to time), or who shall have refused to enter into a contract, after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the council may reject all bids, and abandon the proposed contract, or it may require the clerk to re-advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature, and if not executed by him in said time, he shall be deemed to have abandoned the same. No contract shall continue more than one year, unless otherwise provided in this charter.

Debts, Orders, Execution and Record of

CONTRACTS.

Sec. 8. No debt or liability shall be incurred or created by the city, the city council, or any officer of the city, except pursuant to authority, expressly given for that purpose; and no order or orders shall be issued upon the city treasurer exceeding in amount the tax collected or assessed, or in process of collection, except as otherwise provided. All contracts to which the city is a party shall be signed on behalf of the city by the mayor and countersigned by the city clerk, and no contract shall be valid unless signed by both of said officers. All contracts with the city shall be filed with the city clerk in a proper book for that purpose, and he shall keep an index thereto. Said record or a certified copy thereof shall have the same force and effect as evidence as is given to the original contracts.

#### BOND WHEN REQUIRED, CONDITIONS.

Sec.9. Whenever the city council shall make any contract, involving an estimated expenditure of more than three hundred dollars (\$300.00), said council shall require from the contractor or contractors a bond to the city of Dawson in such sum and such sureties as said council or any officer or officers designated by it, may approve, conditioned for the faithful performance of said contract, and all and singular its terms and conditions; and in case such contract is for the doing of any work or the making of any improvement, said contract shall also be conditioned to hold said city harmless from all expenses, claims, demands and liabilities caused by any acts or negligence of said contractors and their employees, or any of them, and shall also be conditioned to pay all just claims for labor or work performed or materials furnished for such contractors and in and about such contract. Such bond shall insure to the benefit of any and all persons holding such claims, and they may maintain several actions thereon for the collection of their respective claims. In case any such bond shall be insufficient to pay all claims secured by it, the claim of said city or for which said city is liable shall be first paid.

#### DEPOSIT FORBIDDEN, WHEN, REJECTION OF BIDS.

Sec.10. Whenever the city council shall receive bids for the letting of any contract and shall require such bids to be accompanied by a bond, certified check or other deposit, and said contract shall be awarded to any of said bidders, if such bidder shall not execute the proper contract and bonds within such reasonable time thereafter as said council may allow, such deposit or the amount of such bond shall be forfeited to the city of Dawson as liquidated damages, and said city may have any appropriate action for the recovery thereof. Said city shall in all cases have the right to reject any and all bids, and shall so state in their proposals therefor.

#### EMERGENCIES.

Sec.11. In case of emergency, and when the delays provided for in this chapter will cause great damage to the public interest, or endanger public safety, the head of any department, with the written approval of the mayor, may make necessary repairs by day labor and procure materials therefor in the open market.

#### CONTRACTS NOT TO BE ASSIGNED.

Sec.12. No contract for which a bond or deposit is required as provided in this chapter shall be assigned or transferred in any manner, and any assignment or transfer thereof, except by operation of law, and except by consent of council expressed by resolution, shall fully end and determine such contract, and shall make the same null and void as to

ARTICLE 10, CHAPTER 210, CITY CHARTER,

Sec. 16. Any employee, officer or member of the council of this city who shall become interested, directly or indirectly, in the profits of any contract, job, work or service for the city, or acts as examinationer, architect, superintendent or engineer in any work undertaken or prosecuted by the city, during the term for which he was elected or appointed and for one year thereafter, shall be fined not more than five hundred or less than one hundred dollars, or imprisoned not more than three months nor less than one month, or both, and shall forfeit his office.

CHAPTER

SEVENTH.

Sec. 1. Chapter 218 of the General Laws of the State of Massachusetts for the year 1903 and all acts amendatory and supplementary thereto shall constitute and be a part of this charter and govern all proceedings in relation to sewers in this city, except as otherwise provided in this charter.



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

**AFFIDAVITS THAT CLAIMS ARE PAID.**

Sec.15. Before any contractor or his person<sup>al</sup> representatives shall receive any payment on any estimates on any contract for which bond or deposit is required, as provided in this chapter, said contractor or his representative shall make and file with the clerk, an affidavit that all claims for all work and labor to date, on the work for which an estimate is asked, have been fully paid.

**VIOLATION.**

Sec.16. Any contract made in violation of the provisions of this chapter shall be absolutely void, and any money paid on account of such contract by the city, or any department or officer thereof, may be recovered by the city, or for it at suit of any taxpayer without restitution of the property or the benefits received or obtained by the city thereunder.

Any officer of the city violating any provision of this chapter shall thereby forfeit his office, in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the courts of the state or by action of the council, as provided for in this charter.

**CONTRACT VOID BY OFFICER INTERESTED.**

Sec.15. No alderman, or other officer or employee, nor any corporation in which any of them are officers or share holders, shall be a party to, or interested in, directly or indirectly, in any job or contract with the city, any<sup>al</sup> contract in which any alderman or other officer or employee shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the amount so paid may be recovered by a joint or several action from the parties to such contract and the alderman or employee interested in the same.

~~**PENALTIES, OFFICERS OR MEMBERS.**~~

~~Sec.16. An officer or member of the council of any municipal corporation, who is interested, directly or indirectly, in the profits of any contract, job, work or service for the corporation, or acts as commissioner, architect, superintendent or engineer in any work undertaken or prosecuted by the corporation, during the term of which he was elected, for one year thereafter, shall be fined not more than five hundred or less than one hundred dollars, or imprisoned not more than three months nor less than thirty days, or both, and shall forfeit his office.~~

CHAPTER  
STREETS AND ALLEYS  
SECTION 11

Sec. 1. The city shall have the custody of and control over the streets, alleys and public places within its limits. The city council may lay out, open, extend and widen or straighten any streets, alleys or public places within the city. The city council may also, for the purpose of drainage, construction of bridges or for making other necessary public improvements, or for the improvement of the health or sanitary conditions of the city, enter upon, lower, raise, change the course of, or divert any stream of water, lake or basin within the limits of the city, and may cause to be built, maintained or repaired, bridges across streams or military roads, and may provide for the construction of curbs and gutters, and for the pavement of streets, alleys or public places within the city.

SECTION 2

Sec. 2. The city council, may, by ordinance, establish the grade of any street, when such grade has not been established, and may by ordinance, raised by the unanimous vote of all the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city clerk. The expense of establishing all grades shall in the first instance, be borne by the city, but after such grade has been established, and a profile thereof filed as aforesaid, the expense of finding such grade for private purpose shall be paid by the owners of the property.

SECTION 3

Sec. 3. Whenever the city council shall determine by a unanimous vote of all its members, to lay out or open any new streets, highways or alleys in said city, or to widen, straighten, alter or extend any that now exist (or may hereafter exist), it may for such purposes, purchase or condemn any real estate or interest therein, held in private property, and provide for the payment of the value of such property as may be taken for such improvements, and all damages, done to any private property by reason of such improvements, and the expense of making such improvements, by assessing, levying and collecting the whole expense of such improvements, or any such part thereof, as may be considered equitable, upon the property to be benefited by such improvements, without regard to such valuations; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvements shall exceed the benefit accruing therefrom to any specific property, the excess of such expense shall

to make a general city charge, to be paid as current expenses of the city. Nothing in this section contained shall be construed as permitting the condemnation of any sanitary ground or burial place, and not occupied for such purposes, without the consent of the owners of such ground.

ARTICLE III.

Sec. 4. The city council shall have the power to designate districts or portions of streets, alleys and alleys of said city, for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract, or otherwise, on such terms as may be deemed advisable.

ARTICLE IV.

Sec. 5. All work done, or constructions, or improvements made pursuant to the provisions or requirements of this chapter may, and when it causes an expenditure of ~~the~~ <sup>Three</sup> hundred dollars (\$300.00) or more, shall be done by contract, let to the lowest responsible bidder, and in the latter case, public notice shall be given and proposals invited for the same in such manner as the city council shall direct.

ARTICLE V.

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

ARTICLE VI.

Sec. 7. No action shall be maintained against the city of Lawrence for any defect in any street, until the same shall have been graded; nor for any insufficiency of such grounds, where sidewalks are usually constructed, where no sidewalk is built.

SECTION 8. OBSTRUCTIONS TO TRAFFIC.

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

SECTION 9. REPAIRS TO STREETS AND ALLEYS.

Sec. 9. The city council shall have the power to construct and repair roads and streets in the unplatted portion of said city, and tax the expense thereof against the property abutting said road or street, and collect the same as other taxes.

SECTION 10. VACATION OF STREETS, AVENUES, ALLEYS AND HIGHWAYS.

Sec. 10. The city council of said city shall have power to vacate or discontinue all streets, avenues, alleys and highways within said city. No such vacation or discontinuance shall be granted or entered by the city council except upon petition of all of the owners of the property on the line of such street, avenue, alley or highway, existing in said city, accompanied by a plat of such street, avenue, alley or highway proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners. The city council shall thereupon order the petition to be filed and recorded with the city clerk, he shall thereupon give notice, by publication in the official paper of the city, for three 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, or a committee appointed by them, at a certain time and place specified therein, not less than ten (10) days from the expiration of such publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested.

Sec. 11. The city council, after hearing the case, or upon the report of such committee in favor of granting such petition, may by resolution of a unanimous vote of all the members, elect, declare such street, avenue, alley or highway vacated, which resolution, before the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of LaSalle County.

Section

Whenever any person feeling himself aggrieved by such violation or discontinuance or refusal to do so, within twenty (20) days after the publication of such resolution, or after such refusal, by notice in writing, served upon the mayor or clerk of said city, a copy of which, with proof of service, shall be filed in the office of the clerk of the district court of the said county, appeal to said court from such violation or discontinuance, or such refusal; when such appeal shall be tried by the court, as in ordinary cases, and the judgment of said court shall not be appealable here. It shall be the duty of the city clerk, as soon as made a part of the record, to transmit to the proper court a certified copy of the record and files of all proceedings in the case, at the request of the appellant, and such appeal shall be entered and heard as for trial and governed by the same rules as appeals from judgments of the lower in civil suits, except that no pleading shall be required; provided that this chapter shall not be construed to confer jurisdiction on said court, or jurisdiction to vacate any such street, avenue, alley or highway in said city as provided by the general laws of this state; but in all such cases, notice of such application must be served in writing upon such city authorities, by delivering to said authority, with the mayor or city clerk of said city, a true and correct copy of such application and notice of hearing, at least twenty (20) days before the day of hearing.

CHAPTER

LOCAL IMPROVEMENTS.

SIDEWALKS AND GRADING.

Sec.1. All sidewalks shall be of cement, stone or paving bricks. The city council shall have the power in all cases relating to sidewalks in this charter, to determine the grade upon which such sidewalk is to be built or rebuilt.

THE DUTY AND MAINTENANCE.

Sec.2. It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city, to construct, reconstruct, and maintain in good order and repair such sidewalks along the said street, lane, alley or highway next to and adjoining the land of such owners, respectively, as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, in such manner and width, and upon such line and grade as the city council may by ordinance or otherwise prescribe.

GRANT ORDERS & NOTICE OF ORDER.

Sec.3. Whenever the city council shall deem it necessary to build any new sidewalk, either where no sidewalk has been previously built, or to replace any old sidewalk which has become rotten, unsafe or otherwise objectionable, or to repair any sidewalk, they shall adopt an order or resolution therefor, which order may be substantially in the following form:

"Whereas the City Council of the City of Dawson, in the county of Lac qui Parle, Minnesota, deem it necessary to build (or repair) a sidewalk on the.....side of.....street in said City adjoining lot (lot or parcels).....in block (or tract).....in said City, in the county of Lac qui Parle, Minnesota. Therefore the owner, (or owners) of said lot (lots or parcels) is (are) hereby notified that said City will build (or repair) said sidewalk and assess the cost and expense thereof to said adjoining lot (lots or tracts). Said sidewalk to be.....feet wide and to be built of..... and built in the following manner....."

Adopted by the City Council this.....day of..... Approved,

Attest.

..... City Clerk.

..... Mayor.

Such order or resolution shall be published once in the official paper of said City, and be recorded in the minutes of the City Council.

Whenever the City Council shall let the work of building or repairing said

sidewalk by contract to the lowest responsible bidder. In case the construction or repairs be ordered amount to less than one hundred (100) dollars, the City Council may let the same by contract as aforesaid, or also direct the Street Commissioner of said City to have the sidewalk built or repaired. As soon as the contract for such work is let or in case said work is done by the Street Commissioner, then as soon as the cost is known the City Council shall fix a time and place when and where they will meet to assess the costs of such building or repairing to the lots and parcels adjoining the same, and shall cause notice of such meeting and assessment to be made out by the City Clerk. Such notice shall be served upon the owners of the lots or lands to be assessed at least ten (10) days before such meeting in the same manner as a summons in the District Court in this State, but may be served by any Police Officer of said City, or by a private person. If any owner to be served is not a resident of the City of Dawson, or is unknown, such notice shall be served upon such non-resident or unknown owner by publication thereof in the official paper of said City, for two consecutive weeks, at least once a week, prior to said meeting. ~~At~~ After the time and place so fixed, the City Council shall meet and consider the assessment and hear all evidence offered in relation thereto by all parties interested, and shall proceed to assess the cost and expense of building or repairing said sidewalk, according to frontage thereon upon lots and land adjoining such sidewalk; provided that no lot or tract shall be assessed for any greater sum than the amount necessary to build or repair that portion of such sidewalk which adjoins such lot or parcel, and the City Council shall make out an assessment therefor, which assessment may be substantially in the following form:

"The City Council of the City of Dawson, does hereby levy and assess upon and against the several lots and tracts of land below described, the respective sums of money set opposite each lot or parcel of land. This assessment is made to defray the cost and expense of building (or repairing) of sidewalk adjoining said lots or parcels of land pursuant to the order and resolution of the City Council passed.....day of..... The amount assessed against each lot or parcel being the amount necessary to build (or repair) such sidewalk along and fronting upon same lot or parcel".

Name of Owner, if known	Description	Lot	Block	Amount.	
				Dollars	Cents.

The cost and expense of building and repairing any sidewalk adjoining any public ground or city property and of building cross walks across the streets and alleys, shall be borne by the City at large, provided, that nothing in this section contained shall apply to cases where the owner of the property shall construct his own sidewalk as hereafter provided.

No sidewalk shall be ordered except upon recommendation of the street committee. No person shall construct any sidewalk, curb and gutter, on any street, lane or alley, in the City of Dawson, where the same has not been ordered by the City Council; unless he first

shall have obtained a permit from the City Council for doing such work; such permit shall regulate the manner of constructing such improvement, and shall also include whatever bond or bonds the City Council may deem necessary to protect the interest of said City.

REPAIR OF SIDEWALKS.

Sec. 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and firm manner, and report to the Council the cost of such repairs, in each case, with a description of the lot or parcel of land abutting upon the sidewalk, on which such repairs are made, and such report shall be carefully filed and preserved by the clerk, and it shall be the duty of the commissioners to assess the cost and expense of making such repairs against said lots, as above provided.

REMOVAL OF SIDEWALKS.

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

PAVING, CURBING AND GUTTERS.

Sec. 5. Whenever the City Council shall determine to pave, repave, macadamize or grade any street or alley, or to construct or rebuild any gutter or curbing on any street in said city, or to repair any thereof, they shall adopt an order or resolution therefor, which may be substantially in the following form:

"Whereas the City Council of the City of Dawson, in the county of Lac qui Parle, Minnesota, deem it necessary to pave (or repave or macadamize, or grade, or to build, or to rebuild a gutter or curb, or repair any thereof, as the case may be) on.....Street (or alley) (or on.....side or both sides of.....Street) (or alley as the case may be) from.....to.....in said City, adjoining lot (lots or parcels).....in Block (or tract).....in said City of Dawson, county of Lac qui Parle, Minnesota.

Therefore the owner (or owners) of said lot (lots or parcels) is (or are) hereby notified that said City will build, make and construct such pavement (macadamizing, grading, gutters, curbing or repairs, as the case may be) and assess the cost and expense thereof.

Adopted by the City Council this.....day of.....

Approved,

.....

Mayor.

Attest:

.....  
City Clerk.

Such order shall be published once in the official paper of said City, and be recorded in the minutes of the City Council.

Thereupon the City Council shall let the contract for the making of such improvements to the lowest responsible bidder. Or in case the construction or repairs



so ordered amounts to less than one hundred (100) dollars, the City Council may let the same by contract as aforesaid, or direct the street commissioner of said City to have the said improvement made. As soon as the contract for such improvement is let, or in case the work is done by the street commissioner, then as soon as the work is done, the City Council shall fix a time and place when and where they will meet to assess the costs and expenses of such construction or repairs upon the lots and parcels adjoining the same, and shall cause notice of such meeting and assessment to be made out by the City Clerk. Such notice shall be served upon the owner or owners of the lots or lands to be assessed, at least ten days before such meeting in the same manner as a summons in the District Court of this state, but same may be served by an police officer of said City, or by a private person. If any owner to be served is not a resident of the City of Houston, or is unknown, such notice shall be served upon such non-resident or unknown owner by publication thereof in the official paper of said City, for two consecutive weeks, at least once a week prior to such meeting.

At the time and place so fixed, the City Council shall meet and consider such assessment, and hear all evidence offered in relation thereto by all parties interested, and shall proceed to assess the cost and expense of making such improvement or repairs according to the benefits thereon upon the lots and lands specially benefited thereby and adjoining the same. And said Council shall make out an assessment thereon, which assessment may be substantially in the following form:

"The City Council of the City of Houston, does hereby levy and assess upon and against the several lots and tracts of land below described, the respective sums of money set opposite each lot or parcel of land.

This assessment is made to defray the cost and expense of: (.....) (Here state the nature and location of improvement.) ..... adjoining said lots and parcels of land, pursuant to order and resolution of the City Council, passed the ..... day of ..... The amount assessed against each lot or parcel being the amount necessary to make such improvement along and fronting upon the same lot or parcel, (and to the center of the street or alley).

Name of Owner	Description	Amount	
		Dollars	Cents

In making such assessment, the City Council shall not assess upon any lot or parcel any greater part of the cost and expense of making said improvement than the cost and expense of making that part of such improvement adjoining said lot or parcel and lying between the lot or parcel line thereof and center of the street or alley so improved. The cost and expense of making such improvement or repairs adjoining any public ground or City property shall be borne by the City at large.

II-ASSESSMENTS.

Sec. 6. If any special assessment heretofore made by the city council, or under its direction, to defray the expense of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular or defective, that the same cannot be enforced or collected, or if the city council shall have omitted to make such assessment at or before the making of such improvement, when it might or should have been made, the city council shall cause, or the auditor certify and determine upon the cost of making such improvement in a gross amount, upon such data as it shall deem sufficient, not exceeding in the case of water mains, the cost of laying a six inch pipe, when a larger pipe was used, and in the case of lateral sewers, the cost of an eight-inch sewer pipe; and the city council may then proceed to cause a new assessment of the cost of such improvements to be made, either on the property fronting such improvements or on the property benefited by such improvements according to the character of such improvement, following as nearly as may be the provisions of the city charter in force at the time of making such improvements in determining the property to be assessed, and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled, the city council may proceed to make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where such courts shall determine that the lots and lands are not subject thereto.

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

III-ASSESSMENT ROLLS SHALL BE RECEIVED AND RETURNED.

Sec. 7. The City Clerk shall receive all assessment rolls of special assessment in books to be kept by him for that purpose, and shall, on or before the tenth day of October of every year, deliver to the county auditor of the County of Los Angeles, all such assessment rolls, and the said county auditor shall extend the assessment in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payment thereof enforced, <sup>and</sup> such assessment when collected shall be paid over by the county treasurer to the treasurer of the city together with all costs, penalties and interest collected thereon at the time of making payment of city taxes to the city treasurer.

NO IMPROVEMENT TO BE MADE UNLESS THE CITY COUNCIL HAS APPROVED.

Sec. 8. No omission, informality or irregularity in proceedings in, or preliminary to, the making of any special assessment shall affect the validity of the same, where the assessment roll, has been adopted by the city council, and the assessment roll, and the receipt thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly made and taken and performed, as required by this charter. And no failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor, on or before the time prescribed for such delivery, or to do any other act or deed by him required, shall in any way invalidate any assessments; and no variance from the directions herein contained as to the form or manner of any proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

ASSESSMENTS MAY BE PAID TO CITY TREASURER.

Sec. 9. After a special assessment shall have been adopted by the City Council, and before the same shall have been delivered to the county auditor for assessment and collection, any assessment thereon may be paid direct to the city treasurer; and, upon the production of the city treasurer's receipt therefor, the city clerk shall enter upon the assessment roll, opposite the assessment so paid, the words: "Paid to the City Treasurer", which entry shall cancel the assessment paid.

FORM OF RECEIPT OF ASSESSMENT.

Sec. 10. No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. Upon any assessment roll or other paper made or used in any of the proceedings, it shall not be necessary that the words shall be written out in full, but abbreviations, letters, figures, and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of the property shall be regarded as material in the proceedings under this act.

ASSESSMENTS - WHEN MADE MAY BE PAID TO CITY.

Sec. 11. The City Council, may, in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates as herein before provided for, wait until the letting of the contract of such improvement, or until such improvement has been made, before determining and fixing upon the cost and expense of such improvement, and making assessments.

COUNCIL MAY RE-ASSESS.

Sec. 12. If in any case, the first assessment to pay for any local improvement, either before or after such improvement is completed shall prove <sup>to be</sup> insufficient to fully pay for the same, the City Council may assess and re-assess the same upon the property benefited, or which will be benefited, until a sufficient sum is realized, to pay for the same. If too large an amount shall at any time be realized, the excess shall be returned ratably to those by whom it was paid, if the council shall order, it being the true intent and meaning of this act to assess and re-assess upon the real estate benefited to the extent of such benefits for any deficiency over and above the first assessment which said improvement may cost.

CITY MAY CHARGE RAILWAY COMPANY.

Sec. 13. When in any case, any portion of the costs and expenses of making an improvement mentioned in this chapter shall by virtue of any valid law or ordinance or by virtue of any valid contract be chargeable upon any railway company, the amount so charged to may be assessed upon and against such railway 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, or by suit brought for the purpose; provided, however, that any real estate belonging to such railway company and actual benefited by said improvement shall be assessed as in other cases.

CHAPTER  
FIRE DEPARTMENT.  
GENERAL PROVISIONS.

Sec. 1. There shall be a fire department, of which the mayor shall have general supervision. The head of said department shall be known as the chief of the fire department. Said department shall be either volunteer or paid, but a fire department shall not be established except by an ordinance passed by an ~~unanimous~~ unanimous vote of all members of the council, which ordinance, before it takes effect, shall be submitted to and adopted by the voters of the city, under the provisions of section ~~of~~, ~~of~~ of this charter.

SECTION OF ORDINANCE.

Sec. 2. If the city maintain a paid fire department, the mayor shall nominate and the council shall elect the chief and such other officers and members of the department as may be deemed expedient.

If a volunteer fire department is maintained, the members thereof shall elect their own chief, assistant chief and other officers, subject to confirmation and approval by the council, but all elections of officers by the fire department shall be considered confirmed, unless objected to by the mayor and all the aldermen, in writing.

Such volunteer department may adopt a constitution and by-laws, not inconsistent with the laws of the state, and subject to the approval and confirmation of the council.

Such department is also authorized and required to make and submit to the council a draft of all <sup>not</sup> necessary rules and regulations, inconsistent with the laws of the state, the provisions of this charter or the ordinances of the city, for the government and control of such department and the prevention and extinguishment of fires. Thereupon the council may consider the same, and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

Provided, however, that the members of a voluntary fire department may be paid under regulation by the council, not to exceed one dollar for the first hour and fifty cents per hour thereafter while in actual service.

POWER AND DUTY OF CHIEF.

Sec. 3. The chief of the fire department, under the direction of the mayor and council, shall have general superintendence of the fire department and the custody of all engines, hooks and ladders, trucks, hose, horses, and other property used and maintained for the purpose of said department. He shall see that the same are kept in proper order, and that all rules

and regulations and all provisions of this charter relative to the fire department and to the prevention and extinguishment of fires are fully enacted. He shall superintend the preservation of all property endangered by fire and shall have control and direction in case of fire of all persons, organizations or associations engaged in preserving such property. In case of absence or disability of the chief for any cause, the assistant chief shall exercise all the powers, perform all the duties, and be subject to all the responsibilities of chief.

#### ARTICLE IV. FIRE.

Sec. 4. The 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, assistant chief, fire marshal and assistant marshals and other officers of the fire department and the police officers of the city; and for such purposes, the chief or assistant chief shall be vested with police powers. The mayor shall have authority, under such provisions as the council may enact, to send fire engines and other apparatus of the department, with a competent force of employees to the relief of any other community, or for the preservation of property endangered by fire, outside of the limits of the city.

#### ARTICLE V. FIRE ALARM SYSTEM, ETC.

Sec. 5. The council may provide for the establishment and maintenance of an efficient fire alarm telegraph and telephone system, for the purpose of the fire department, and shall provide for the purchase or lease of such fire engines and other apparatus for the fire protection, as may be necessary to secure the highest efficiency of the department.

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

The powers of this section granted, are subject to the general restrictions contained in this charter.

#### ARTICLE VI. DESTRUCTION OF BUILDINGS.

Sec. 6. Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the mayor or the chief of the fire department, to order and direct the destruction and removal thereof, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or

or likely to contribute fire, and no action shall be maintained against any person, or  
said city, therefor, or on account thereof.

ARTICLE III.

Sec. 7. If any person shall, at any fire, refuse to obey the orders of the chief of  
the fire department, or other officer vested with authority at such fire, such person shall  
be guilty of a misdemeanor, and shall be punished as prescribed by the ordinances of  
this city; or, in case the offense is not punishable under the ordinances of the city,  
then as misdemeanors are punished under the laws of the state.

FIRE DEPARTMENT AID.

Sec. 8. The fire department aid provided by sections 1650 to 1654 inclusive, of the  
Revised Laws of 1905, and amendments thereto, shall be paid to the treasurer of the fire  
department, by the city treasurer, as long as a volunteer fire department exists in the  
city, and whose organization shall entitle the city to receive the fire department aid.

CITY OF  
MINNEAPOLIS  
MINNESOTA

Sec. 3. 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, with good standing in his profession, and who shall have been <sup>in</sup> 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.

GENERAL POWERS AND DUTIES.

Sec. 4. Except as otherwise provided in this chapter, the members of said department shall have and exercise all the authority and powers and perform all the duties granted to or imposed upon local boards of health by the General Laws of the State of Minnesota and such laws governing such local boards shall so far as applicable apply and be in force in this city.

Sec. 5. The members of said department, in addition to the powers and duties mentioned in the preceding section, shall have the following and additional powers and duties; to enforce the laws of the state, and the ordinances of the City, and the provisions of this charter relative to public health; and for the enforcement of all such laws, ordinances and provisions they and each of them shall have and be vested with all the powers of police officers of the City.

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

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

(2) It shall be the duty of the members of the health department to make or cause to be made, a personal inspection of every part of the City from time to time, not less than once a month during the period from April first to October first each year, and in all cases, where they may discover the urgent existence of any agent, the presence of which might prove dangerous to the health of the City, to cause the same to be removed in accordance with the ordinances of the City, or should there be no ordinance competent for the correction of the evil, they shall immediately report the same to the City Council accompanied by their written opinion of the necessity of extraordinary or particular action.



QUARANTINE STATIONS.

Sec. 4. The health department, by and with the approval of the City Council, may select such sites, places and buildings for quarantine stations and purposes as may be necessary.

RIGHT OF HEALTH DEPARTMENT.

Sec. 5. For the purpose of carrying out the foregoing requirements, the health department 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 swept, if they shall deem it necessary, for the purpose of a thorough examination of cellars, vaults, stairs, or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other unwholesome things to be buried, removed or disposed of as they may direct.

NOTICE TO BE GIVEN.

Sec. 6. It shall be the duty of the health department, 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 or serve the same by the health department, or such notice may be given by one publication thereof in the official paper of said city.

Sec. 7. 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 other statistical information necessary for the official work of said department.

PREVENTING AND REMOVING THE SICK.

Sec. 8. 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 persons to be sufficiently quarantined, and cause him to be provided with suitable nurses and attendance at the expense of such person, if he is able to pay for the same, but if not, then at the expense of the city or county, chargeable therefor.

PROVIDING EQUIPMENT AND MATERIALS.

Sec. 9. The health officer shall provide under the direction of the City Council or the proper County Board, or Commission, Furniture, Fuel, Food, Medicine and such other articles as may be necessary for the equipment and maintenance of any hospital for the prevention and control of infectious or contagious disease among men and animals; and

control such hospitals and secure the decent and prompt burial of all persons dying at such hospitals. He shall, when directed by the City Council or the board of health, attend poor and indigent sick in the city, and furnish of the expense of the proper city or county, medicines for said persons.

#### ARTICLE 10.

Sec. 19. Any person, without a permit from the health officer, shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of any infectious or contagious disease, within twenty-four hours after death, when ordered by the health officer so to do; or shall refuse or neglect to abate any nuisance for the existence of which, as owner, occupant or agent of the place upon or within which such nuisance exists, he is responsible, after having received notice from the health officer so to do; or who shall neglect to report the occurrence or existence of any birth or death, or case of contagious or infectious disease, as provided for in this charter, the ordinances of this City or laws of the State of Minnesota, or who shall import or bring within the limits of the city, knowingly, any person or animal sick with contagious or infectious diseases, or who shall remove or cause to be removed without permission from the health officer, any placard announcing any contagious or infectious disease, and attached to any house or building or place by the health officer, or his subordinates, or who shall refuse to be vaccinated or to receive the vaccination of any minor child for whom he may be responsible; or who shall disobey or willfully evade quarantine regulations, imposed by the health officer, or who shall interfere with the health officer, or his subordinates, in the exercise of his or their duties; or who shall violate any of the provisions of this charter, the laws of the state, or the ordinances of the city relating to the public health, shall upon conviction, be guilty of a misdemeanor, and punished as prescribed by the ordinances of the city, or in case the offense be not punishable under the ordinances of the city, then as misdemeanors under the laws of the state of Minnesota.

Whenever the owner or occupant of any building, structure or premises within the City shall neglect or refuse, after reasonable notice by the board of health or health officer, to observe and comply with respect to the sanitary condition of such building, structure or premises, the requirements of the laws of the state, the ordinances of the City and provisions of this charter or the rules and regulations of the board of health, or health officer, relative to the public health and sanitary conditions of the City, then the board of health or health officer, shall cause to be done in and upon such building, structure or premises, whatever may be reasonably necessary to remove any cause of offense.

and put the same into suitable sanitary condition in accordance with the requirements of law and the rules and regulations of the board of health or directors of the health officer, and assess the expense thereof against the property, in and upon which such expense has been incurred in the premises.

Before proceeding, however, in any case in accordance with the foregoing paragraph of this section, the City Council shall give at least five days notice to such owner or occupant of its intention to take such action and to assess the cost thereof upon said property; which notice may be served upon such owner or occupant, personally, if found within the City; if not occupied, and the owner does not reside within the City, then said notice may be served by mailing a copy thereof to said owner at his last known post office address. At a meeting of the City Council at which said matter is to be heard, or at any meeting to which said matter may be adjourned, the City Council shall hear all interested parties, and if determined upon to make an assessment against said property, such assessment for such expense incurred as aforesaid, may be for the full amount of such expense and the cost of notice; and before making the same, the City Council shall require the city clerk to give notice personally or by mail to the interested parties of its intention to make such assessment upon such property at a meeting of the City Council to be specified in said notice, and at said meeting or at any subsequent meeting, to which said matter may be put over, the City Council shall hear all interested parties and shall then, or at a subsequent meeting, proceed to make an assessment against said property, which assessment shall be certified and returned to the auditor of the county and to be collected in the same manner as other city assessments are collected.

Nothing herein contained shall affect the right of the City to have imposed, or relieve any person mentioned in this section from any liability to any prosecution for the violation of or penalty imposed by <sup>any</sup> ordinance of this City, and nothing herein contained shall affect the right of the City to recover from the person responsible for any nuisance, the cost of removing or abating the same.

CHAPTER

SECTION

ARTICLE

Sec. 1. There shall be appointed by the Mayor and confirmed by the Council, three Park Commissioners, to be known as the Park Board of the City, who shall have control and supervision of the parks within the corporate limits of the said City, and also of such streets or portions of streets and other public grounds, as the City Council shall by proper resolution designate. Said commissioners shall hold their offices three years, and until their successors have been appointed and qualified, provided, that the first commissioner shall be appointed for one, two and three years, respectively. They shall receive no compensation for their service.

SECTION

Sec. 2. Said board shall have the power, and it shall be their duty to enforce such laws of the state and ordinances of the City as they may deem necessary for the proper performance of their duties in such department.

SECTION - THE APPROPRIATION AND PAYMENT.

Sec. 3. The City Council may appropriate money from the general fund and turn the same over to said board for the purposes of said board as herein above set forth, and said board shall have the power to expend such moneys as they may see fit in improving and beautifying such parks and public grounds, and for the purposes of furnishing entertainment for the public on such public grounds as they may designate; or the City Council may at any general election or special election called under provisions of ~~section~~ of this charter, submit to the electors of this City, the question of voting an annual tax of not more than one mill upon the taxable property in said City, for the care and maintenance of the parks of said City, which tax, if so voted by a majority of the electors voting upon said question, shall be kept in a separate fund, to be known as the Park Fund, and shall be paid out by the City Treasurer only upon warrants drawn on that fund by the Park Commissioners.

CHAPTER

MUNICIPAL LIBRARY.

Sec. 1. A public library and reading room, or either of them, may be established in this city pursuant to the provisions of sections 2255 to 2266 inclusive of the Revised Laws of 1905, and all acts amendatory thereof, and in all things governed thereby.

ARTICLE I.

CHAPTER I. OF THE CITY COUNCIL.

SECTION 1.

Sec. 1. Said city is authorized and empowered to acquire property or any right, interest or easement therein, for any and all of the following purposes, to-wit: For water works, gas works, lighting works and electric light and power works; for markets, parks, public grounds, public squares and sites for public buildings and for building for the fire department, for the construction of alleys, sidewalks or cuts for sewers, drains, ditches, reservoirs and systems; for the laying out, opening, widening, widening and extending, paving and otherwise improving of streets, avenues, parkways, lanes, alleys; for erecting poles and suspending wires thereon; for constructing and laying sewers, drains and pipes and branches and connections pertaining thereto, whether for gas, water, sewerage or steam; for lowering, raising, changing the course of or diverting any stream of water, ditch, sewer or drain, and also for any and all other public purposes.

SECTION 2.

Sec. 2. The city council upon any improvement above mentioned to be made, shall appoint three (3) commissioners, all of whom shall be disinterested free holders and qualified voters of the city, to view the premises and assess the damages which may be occasioned by taking of private property for any of the purposes aforesaid; said commissioners shall be notified of their appointment, as soon as practicable by the clerk of the city to attend at his office at a time to be fixed by him for the purpose of qualifying and entering upon their duties; and in case any such commissioner, being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty (50) dollars, and shall be liable to be prosecuted therefor in the same manner as for a violation of any ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of the absent or absentees aforesaid, selected from some part or ward of the city not represented on such board of commissioners, and possessing the qualifications aforesaid. In all other cases of vacancy, the city council shall fill such vacancy.

Sec. 3. The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in such matter, with impartiality and fidelity, and make the return of their actions and doings to the city council; provided, the city council shall fix the compensation for their services and issue an order for the same.

SECTION 4.

Sec. 4. The said commissioners shall, with all reasonable speed, cause a survey

and plot of the proposed improvement or purchase to be made and filed with the city clerk exhibiting as far as practicable the land or parcels of property required to be taken, or which may be damaged thereby, and shall thereupon give notice by publication in the official paper of said city, for at least ten (10) days, to the effect that such plot has been filed, and that the said commissioners will meet at a time and place designated by them, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement.

SECTION 4.

Sec. 4. At the time and place according to said notice, the commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn their day or days, if necessary, for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel or property proposed to be taken or which may be damaged by said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may by incident thereto, and also the damages, which will accrue to such property or any part thereof in making such improvement.

SECTION 5. DAMAGES TO BE PAID TO BUILDERS.

Sec. 5. If there should be any building, standing in whole or in part upon the land to be taken, the said commissioners shall in each case, determine and assess the amount of damages, which should be paid to the owner or owners thereof, in case such building, or so much thereof as may be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to each owner or owners in case he or they should elect to remove such, and the damages in relation aforesaid, shall be assessed separately from the damages in relation to the land upon which they are erected.

Sec. 6. If the land and buildings belong to different persons, or if the land shall be subject to leases, mortgages or judgments, or if there be any interest in it less than an estate in fee, the injury or damage done to such persons, or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvement; but in no case shall the aggregate damages assessed to the owners, lessors, mortgages or other persons having an interest therein, exceed the value of the parcel of property sought to be taken.

SECTION 6. DAMAGES TO BE PAID TO BUILDERS.

Sec. 6. The said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the city clerk a written report to the city council of their action in the premises, embracing a schedule or assessment of the damages in each case,

with the description of the land and the names of the owners, it shall be deemed also a statement of the facts of the proceedings.

SECTION NINE. OF BUILDING REPORTS.

Sec. 9. Upon such report being filed with the city clerk, said city clerk shall give at least ten (10) days notice in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be considered by the city council, at a meeting thereof, to be named in said notice, unless objections are made in writing by any person interested in any land required to be taken.

Any person interested in buildings standing in whole or in part upon any land required to be taken for such improvement, shall, on or before the time specified in such notice, notify the city council in writing of their objection to remove such buildings according to the usual of the commissioners; the city council, upon the day fixed for the consideration of such report or at such subsequent meeting to which the same may stand or be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving consideration to any objections interposed by persons interested.

SECTION TEN.

Sec. 10. The charges shall be paid out of the proper fund of the city, and shall be paid or tendered or deposited and set apart in the treasury of said city, to and for the use of the persons entitled thereto, within six (6) months from the confirmation of such assessment, and reports; and the land or property required to be taken, for the purposes aforesaid, shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid, and in case the said 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 the county, in the same manner as moneys are paid into court until the justice entitled thereto substantiate their claims to the city.

SECTION ELEVEN.

Sec. 11. In case any owner or owners of buildings aforesaid, shall have elected in manner aforesaid, to remove his or their building, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case; in the event of removal when such person or persons shall not have elected to remove such buildings or shall have neglected



(after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking, in manner aforementioned, any be taken and appropriated, sold or disposed of, as the city council shall direct, and the proceeds thereof shall belong to said city.

CHAPTER 103. ISSUES.

Sec. 12. When any person owner of lands or tenements affected by any proceeding under this chapter shall be an infant or labor under legal disability, and having no guardian, the Judge of the Probate Court of the county, may upon application of said city or said administrator, or by his next friend, appoint a suitable guardian for such person, and all notices required by this chapter shall be served upon such guardian.

ARTICLE.

Sec. 13. Any person feeling himself aggrieved by such assessment, may, by notice in writing served upon the Mayor or city clerk of said city, with affidavit of service attached, file his name in the office of the clerk of the District Court of the county, within twenty-(20) days from the time of notification of such report or assessment, appeal from said assessment to the District Court aforesaid, and such appeal shall be tried as in ordinary cases; but no pleading shall be required, and the party shall specify in the notice of appeal, the grounds of his objection to such assessment, and shall not be entitled to have any other objections than those specified, considered; and a transcript of such report certified by the clerk, or the original thereof, shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law, the judgment of said court (unless appealed from) shall be final; such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects, as appeals from justice of the peace or municipal courts in civil actions and like bonds shall be given to such city by the person appealing as are required of appellant in such actions.

CHAPTER 104. PROPERTY TO BE TAKEN.

Sec. 14. Whenever any public ground, street or alley shall be laid out, altered, widened or enlarged, under provisions of this chapter, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the Register of Deeds of the county.

CHAPTER 105. RECORDS.

Sec. 15. It shall be the duty of the city clerk to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report

mentioned in section 5 of this chapter, said clerk shall carefully receive and transcribe in said record, all the proceedings taken in relation to the matter in such reports, including all petitions, orders and appointments of commissioners, returns, notices and proofs of publication thereof, and orders and resolutions of the city council; and the said record, or a certified transcript thereof, or the original papers, petition, proofs of publication, orders or resolutions on file in his office shall be prima facie evidence of the facts therein contained in any court in this state; provided, that the provisions of this chapter shall not apply to any proceedings now pending, but the same shall be completed, as though this charter had not been passed.

**CITY OF NEW BRUNSWICK: NEW ORDINANCES FROM 1898 ON.**

Sec. 10. When the damage to be paid for the condemnation or appropriation of any property, in pursuance to provisions of this charter, shall have ascertained and determined, in the manner herein prescribed, or in case an appeal shall have been taken, as provided in this chapter, and such damage shall have been made upon the real property deemed to have been especially benefited by the delay of the work or the making of the improvement in proportion so nearly as may be to the benefits resulting thereon the balance of the cost of such improvement, over and above the amount realized by such assessment, shall be chargeable upon, and paid by, the city at large.

#### MUNICIPAL COURT.

Sec.1. Pursuant to authority granted in Chapter 10 of the General Laws of Minnesota for the year 1911, and within thirty days after the Mayor and all the Aldermen have been elected and qualified as provided in this charter, the council shall by a resolution adopted by it and approved by the mayor organize a Municipal Court under and by virtue of and with such jurisdiction and powers as are conferred by Chapter 229 of the General Laws of Minnesota for the year 1895, and amendments thereof, and the Judge of the Municipal Court so organized shall, in addition to his duties as judge, perform the duties otherwise incumbent or imposed by law on the clerk of said court, and shall receive therefor the fees in said chapter provided, and said judge shall adopt and follow the practice and procedure prescribed in said Chapter/229 of the General Laws of Minnesota for the year 1895, and amendments thereof.

#### JURISDICTION.

Sec.2. The Municipal Court shall have jurisdiction within and throughout the County of Mac and Lake in the State of Minnesota in all actions, suits or proceedings cognizable before a Municipal Court under Chapter 229 of the General Laws of Minnesota for the year 1895, and amendments thereof, and under the General Laws of this state. The Municipal Court of the City of Mason shall have and possess exclusive and original jurisdiction of all criminal cases arising under the provisions of this charter. All prosecutions for violating any of the provisions of any ordinance, resolution, rule or by-law enacted under the provisions of this charter shall be brought in the name of the City of Mason and shall be commenced by warrant upon complaint being made before said court as required by law in criminal cases before said courts in this state, and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal and civil ~~criminal~~ actions before municipal and justice courts, provided, that no warrant shall be necessary in any case of an arrest of any person or persons while in the act of violating any law of the State of Minnesota or any ordinance, resolution, rule or by-law of the City of Mason, but in such cases complaint shall be made before the case comes on for trial and shall be reduced to writing and at

the trial the party shall be required to plead thereto in the same manner as to a warrant in other cases, and the persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant, and such trial shall be without jury. All processes issued by the municipal or city justice courts of the City of Dawson shall be directed to the city marshal, public officer or watchman of the City of Dawson, and to the sheriff or any constable of the County of Lac qui Parle, Minnesota. It shall be a sufficient pleading of the ordinance, resolution, rule or by-law of said city to refer to the title and section thereof which are hereby declared to have all the force and effect of general laws if the same conform to this charter, and are within the jurisdiction of said city, and it shall not be necessary to read or give them in evidence upon the trial of any proceeding or action, criminal or civil.

Judgment shall be given if for the plaintiff for the amount of the fine, penalty or forfeiture fixed by such ordinance, resolution, rule or by-law, or such part thereof if a discretion be given, as the court deem proportionate to the offense, together with costs of suit; and shall in all case further adjudge and order that in default of payment thereof the defendant be committed to the city work house <sup>or jail</sup> of said city, or to the county jail of Lac qui Parle County, Minnesota, for such time not exceeding ninety days as the court shall deem proper. If such payment be not forthwith made the judge or city justice (as the case may be) shall make out a commitment stating the amount of such judgment and costs and time for which committed ~~xxxxxxxxxxxx~~ according to the usual form of commitments by such courts; every person so committed shall be received and committed to prison by the keeper of the city work house or jail or county jail, and kept until the expiration of the time above provided, but he shall be released by order of the judge or city justice on payment to him of such fine and costs in due course of law.

#### CITY JUDICE.

Sec. 3. All laws of the State of Minnesota relating to Justice Courts and in force at the time this charter goes into effect are hereby adopted and made a part of this charter save as the same may conflict with any provisions of this charter, and shall have the same force and effect as if herein set out in full. The city Justice shall have jurisdiction of all matters civil and criminal, except criminal cases arising within the City of Hanson and except such other actions and proceedings as are by this charter placed within the exclusive jurisdiction of the Municipal Court, within and throughout the county of the Qui Paro, Minnesota in all matters cognizable before a Justice of the Supreme Peace of this state.

#### FOURTH.

Sec. 4. The City Council may by ordinance or resolution determine and establish the mode of procedure and what shall be sufficient to allege and prove in order to make out a prima facie case of violation of any ordinance, resolution, rule or by-law of said city.

CHAPTER

MISCELLANEOUS.

To continue all obligations.

Sec.1. All recognizances, obligations and all other instruments entered into, running to or extended by the city of Dawson, before this charter goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the same, and all writs, prosecutions, actions and causes of action shall continue and remain unaffected by this charter going into operation, but shall pass to and vest in the city under this charter.

Sec.2. All papers, files, plats and other public records to be kept, preserved or filed, unless otherwise provided for in this charter, shall be placed on file and preserved in the office of the city clerk.

Sec.3. No law of this state contravening the provisions of this charter shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

Sec.4. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

NO ACTION FOR DAMAGES AGAIN 6 MONTHS.

Sec.5. No action shall be maintained against the city on account of injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within six months from the date of the injury, nor unless notice shall have first been given in writing to the mayor or city clerk, within thirty days of the occurrence of such injury or damage, stating the place where, and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason, nor shall any such action be maintained for any defect in any street, until the same shall have been graded; nor for insufficiency of ground, where sidewalks are usually constructed, when no sidewalk is built.

SERVICE OF PROCESS ON CITY.

Sec.6. When any suit or action shall be commenced against the city, service or process therein shall be made by leaving a copy thereof by the proper officer, with the mayor or clerk, and it shall be the duty of the mayor or clerk forthwith, to inform the city council thereof and to take such other proceedings, as by the ordinances or resolutions of the city council may have been in such cases provided.

Sec.7. Said city should not be liable in any case for the jail fees of any person committed to the county jail of Los Angeles County by any officer or said city or any magistrate of said city for offenses punishable under the general laws of this state.

PUBLIC PROPERTY EXEMPT.

Sec.8. The public property of said city shall be exempt from seizure or sale on execution, and from taxation.

Sec.9. No person shall be an incompetent judge, city justice, witness or juror, by reason of his being an inhabitant of the city in any proceeding or action, in which the city shall be a party in interest.

RIGHT OF JUDICIAL REVIEW.

Sec.10. No penalty or judgment recovered in favor of said city shall be remitted or discharged, except by a unanimous vote of the members of the city council; but nothing in this section shall be so construed as to prohibit the judge of the municipal court from granting new trials or reversing any judgment rendered by him, according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentences, in its discretion.

EXECUTION OF INSTRUMENTS.

Sec.11. Every contract, conveyance, admission, license or other written instrument, shall be executed on the part of the city by the mayor or acting mayor and the city clerk, sealed with the corporate seal and in pursuance only of authority therefor from the city council.

LIMITATION DON'T RUN AGAINST CITY.

Sec.12. No right, title, estate or easement of the city in or to any streets, avenues, alleys, public grounds or to any property, shall be abridged or lost by any adverse possession or occupancy, and no statute of limitations shall run or operate against the city, in favor of any person or persons, occupying the public or platted streets, or public or platted grounds, parks or park ways, boulevards, whether said streets, alleys, public grounds, or such property be improved or not.

Sec.13. That in all cases of violation of the provisions of this charter and where the city council have power to pass ordinances, resolutions or regulations, they shall have authority to provide punishment for the breach thereof.

Sec.14. In all cases where the doing of certain acts are forbidden or prohibited, either by this charter or by any ordinances, and no express punishment is provided for the

violation thereof, such violation shall be considered and held to be a misdemeanor, and shall be punished by a fine not exceeding \$50.00 or by imprisonment in the city or county jail, or sentenced to city work house for the period of twenty days.

LIEN FOR COST AND EXPENSE.

Sec.15. Whenever any action is necessary on the part of said city to enforce any of the provisions of this charter, or the ordinances, resolutions or by-laws of said city, or the order of any officer of such city for the enforcement of any such provisions, there is hereby reserved to said city a lien upon the property so affected for the cost and expense connected therewith, which lien may be perfected by taxing the amount thereof to such property as other special taxes or otherwise as provided by this charter.

LIEN SUPERIOR TO MORTGAGE.

Sec.16. The lien of said city for any and all cost and expense of enforcing the provisions of this charter or other law, ordinance or regulation shall be superior to any or all other liens or encumbrances against the property involved or affected, and no sale under execution or other proceedings upon a judgment decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, for any tax or for any improvements chargeable to or assessed against the property under this charter, although the confirmation of such assessment may be subsequent to the lien of such judgment decree or other lien or to such transfer or mortgage.

CITY MAY BUY AT EXECUTION SALE.

Sec.17. The city shall have power to acquire real estate, or an interest therein, as a purchaser at an execution sale, where such city is the plaintiff in execution, or otherwise interested in the proceeding and to dispose of the property, or interest therein, so acquired, and also to dispose of any real estate, or interest therein, including any streets or portion thereof vacated or discontinued, however acquired or held by such city, in such manner and upon such terms as provided in this charter for sale of real estate belonging to the city.

NO SALE WITHOUT AUTHORITY FROM COUNCIL.

Sec.18. No city officer, or employee of the city, shall sell, dispose of, or convert to his own use, any city property in his charge without special authority from the city council.

ALL ACTIONS IN NAME OF CITY.

Sec.19. All actions brought to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, or police, or health regulations, made in pursuance thereof, shall



be brought in the corporate name of the city.

ARTICLE IV. PUBLIC UTILITIES.

Sec. 20. This charter is hereby declared to be a public act, and may be read in evidence in all courts within this state without proof.

CITY OF DUNCAN, MISSOURI.

Sec. 21. The city may purchase and hold real and personal estate, for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

CITY OF DUNCAN, MISSOURI.

Sec. 22. The city shall not be required, in taking an appeal or in bringing any writ or process, in or about any action or proceeding, to enter in to any bond or undertaking, or to give any security whatever. Any stay allowed by law, or ordered by the court in favor of the city shall take effect without the giving of any such bond or security.

CITY OF DUNCAN, MISSOURI.

Sec. 23. The city of Duncan may accept, or grant or devise of real estate situated within or without its limits, and of personal property, for improvement and equipping the same, or for any other lawful purpose, and may maintain and administer the same, for the benefit of its citizens, in accordance with the terms prescribed by the donors. Provided that nothing herein shall authorize such acceptance for religious or sectarian purposes. Every such acceptance shall be by resolution of the city council adopted by a two-thirds vote of its members expressing such terms in full.

ORDINANCES INCONSISTENT WITH THIS CHARTER REPEALED.

Sec. 24. All ordinances, resolutions and by-laws inconsistent with this charter are hereby repealed to the extent they are inconsistent, except that all vested rights under any ordinance, order, resolution, by-law or contract, shall be and remain in full force and effect.

CITY OFFICERS EXEMPT FROM JURY.

Sec. 25. The mayor, aldermen, all city officers, and all the non-employed in the several departments of said city, while holding such office, or engaged in the service of the city, shall be exempt from serving as jurors in any court.

POLITICAL CONTRIBUTIONS MAY NOT BE SOLICITED.

Sec. 26. No person shall solicit any officers or employes of the city for money, work or other contributions for political purposes, and any person violating this provision shall be guilty of a misdemeanor.

ALL RECORDS PUBLIC.

Sec. 27. All records, books and papers pertaining to the business of the city or any board or department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

OFFICERS MAY ADMINISTER OATHS.

Sec. 28. The mayor, the acting mayor, the president of the city council, the president or chairman of any committee of the city council, the head of each department, the president of each board, and the committees and commissioners created by this charter or appointed pursuant to its provisions, shall by virtue of their office, have authority to administer oaths and receive testimony on oath or affirmation in all matters and proceedings before them, relating to the city or any board or department thereof.

EXISTING CONTRACTS NOT AFFECTED.

Sec. 29. Nothing in this charter contained shall be taken or construed as annulling, releasing or modifying any franchise or contract existing between the city of Dawson and any individual, company or corporation, at the time this charter goes into effect.

FURTHER DUTIES MAY BE REQUIRED.

Sec. 30. The council may at any time require other and further duties to be performed by any officer whose duties are prescribed in this charter; provided, that such other and further duties are not inconsistent with this charter.

The city council may require any officer elected or appointed under this charter to give bond with sufficient sureties for the faithful discharge of his duties, and in such cases the council may accept instead of personal sureties on such bond, the undertaking, obligation or guarantee as surety, of any guaranty, fidelity or surety company authorized to do business in this state, and all bonds official or otherwise, shall run to the city in its corporate name, except as otherwise provided by law, and when the surety bonds are furnished, the same shall be paid by the city out of the city general funds.

LAKE SUPERIOR CHARTER.

Sec.51. When the council shall determine to make any public improvement, which it has authority to make under this charter, and no specific procedure is in this charter provided therefor, the council may proceed to acquire property and to incur charges, and in proper cases to assess taxes, according to any method of procedure, prescribed in this charter applicable thereto.

CITY SUITS IN DISTRICT COURT OF LAKE QUI PARLE COUNTY.

Sec.52. The place of trial of all actions or proceedings by or against the city of Dawson, not brought before the municipal court shall be in the county of Lac qui Parle. All suits or proceedings by or against said city not brought before the municipal court shall be brought in the district court of said Lac qui Parle County; and no other court, whatever, shall have original jurisdiction thereof. Provided, that this section shall not prevent the bringing of any proceeding in the supreme court of the state in cases in which said supreme court may have original jurisdiction.

THE PUBLIC TAX PAYER'S RIGHT TO CITY SUITS.

Sec.53. In any action pending, in which the city of Dawson is a party, either plaintiff or defendant, any citizen and taxpayer, or any number of citizens or taxpayers, after it has been shown and determined that such citizen or citizens, taxpayer or taxpayers have an interest in the subject matter of the action, may intervene, and appear and defend or prosecute the same in the name of said city in the manner hereinafter provided. Such citizen or citizens, and taxpayer or taxpayers, so intending to intervene, shall make application to the district court of said Lac qui Parle County, in such cause, for leave to intervene and defend or prosecute such action, setting forth in said petition the facts showing their interest in said cause. Notice of a hearing upon such application shall be given and served upon the city clerk at least ten days before the hearing thereof. Such application shall be determined in such manner as the district court may direct and the city may resist such application. The decision upon such application by said district court shall be final as to the right of such applicant to <sup>so</sup> intervene. If the right of intervention shall be granted by said court, such applicant or applicants may appear and prosecute or defend such cause in the name of said city, and <sup>do</sup> all acts in that behalf, which said city might or could do; provided, that such intervenors shall be required to file in such cause, such bond as may be directed by said court indemnifying the city of Dawson against any costs which may awarded against it in the action subsequent to the date of such intervention; provided, that such intervention shall not be construed to prevent the city of Dawson from prosecut-

ing or defending the action on its own behalf. And any citizen, citizens, taxpayer or taxpayers may bring and prosecute any action in the name of and in behalf of the city of Dawson against whomsoever such cause may exist and in any court, and may obtain in said action any and all relief in behalf of said city, which the city might or could obtain, if the city prosecuted such action. Such citizen, citizens, taxpayer or taxpayers, shall, before commencing said action, obtain leave of the court in which said action is commenced in the same manner as heretofore provided in case of an intervention, and shall file in said cause, a bond, of an amount to be fixed and approved by the court, indemnifying the city against any judgment which may be obtained against it in said action. If judgment shall be obtained in favor of said city in such action so brought, said person so bringing such action shall be reimbursed by said city for his reasonable costs and expenses in the prosecution thereof; provided, that nothing herein shall be construed to prevent the city from bringing or prosecuting said action in its own behalf; or from appearing to and prosecuting any action so brought, and the city may appear and prosecute therein without obtaining leave of the court.

ORDER OF THE BOARD.

To the Honorable Board of Supervisors of the Village Council of the Village of Mason, in the said county of Hennepin, State of Minnesota.

That we, the undersigned, appointed by the Honorable Board of Supervisors and the Honorable J. J. Spink, Judge of the District Court of the Third Judicial District, in the State of Minnesota, as a committee to draft a charter for the organization and government of the Village of Mason in said county and State, as a city, as provided by Chapter 9 of the Revised Laws of 1888, of the State of Minnesota and amendments thereof and acts supplementary thereto, do hereby respectfully submit and return to you the foregoing draft of the proposed charter, for the organization and government of the Village of Mason, in said county.

Dated September 21st, 1891.

A. W. Croving  
John W. Dale  
H. L. Josephs  
N. M. Johnson  
Anthony Lund  
H. A. Thalle  
Sever Swenson  
E. A. Thordrud  
C. O. Holten  
Peter P. Ness  
John A. Carlson  
Geo. W. Nicholson  
A. J. Peterson  
Chas. O. Hill  
A. Thompson

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