



G. S. PALMER,  
CITY CLERK.  
F. D. ASE,  
DEPUTY.

*Duluth, Minn.* May 24, 1912.

Secretary of State,  
Capitol Bldg., St. P<sup>l</sup>, Minn.

Dear Sir:

I enclose herewith for filing in your office a copy of the amendment to the charter of the city of Duluth, incorporating therein the Referendum, Initiative and Recall, with certificate of the mayor of said city that said amendment was ratified by the necessary vote at a special election held May 7th, 1912.

Will you please acknowledge receipt of same that I may have it for my records.

Respectfully,

*G. S. Palmer*  
City Clerk.

2413

Amendment "One".

Amend the Duluth City Charter by adding at the end thereof Chapter  
XXXII, in the following words:

CHAPTER XXXII.

RECALL, INITIATIVE and REFERENDUM.

Sec. 501—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent in the following manner: A petition signed by such electors, equal in number to at least twenty-five per centum of the entire vote cast for all candidates for said elective office at the last preceding general municipal election, demanding a special election of a successor of the person sought to be removed shall be filed with the City Clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence, and street number. One of the signers of each such paper shall make oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be. Within ten days from the date of filing such petition, the City Clerk shall ascertain from the voter's register whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the Council shall allow him extra help for that purpose; and shall attach to said petition his certificate, showing the result of said examination. If by the City Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said Clerk's certificate. The City 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 is deemed sufficient, the City Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed. Within ten days after the filing of said petition, the Council shall fix a date for holding said special election not less than forty days nor more than fifty days from the date of said filing.

In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in said call in not more than two hundred words the officer may justify his course in office.

Except as herein otherwise provided said special election shall be conducted, returned and the result thereof declared, in all respects as are other city elections. But nominations of candidates for the office to be voted upon at such special election shall be made without the intervention of a primary election by filing with the City Clerk at least ten day prior to said special election a statement of candidacy subscribed and sworn to by said candidate giving his full name, and address, and stating that he is a qualified voter and containing a request that his name be placed upon the official ballot as a candidate for election to said office at said special election; which said statement must be accompanied by a petition requesting such candidacy signed by electors entitled to vote at said special election equal in number to at least ten per cent of the entire vote for all candidates for said office at the last preceding general city election. Said petition must be verified by one or more persons as to the qualifications and residence with street number of each of the persons so signing said petition, and must contain a statement that the petitioners are qualified electors of the city, and that they know the said candidate to be a qualified elector of the city, a man of good moral character and qualified, in the opinion of said petitioners, for the duties of such office. No petitioner shall sign more than one such petition.

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 City Clerk shall place his name on the official ballot without nomination. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor, but if the incumbent receives the highest number of votes he shall continue in office.

No recall petition shall be filed against any officer until he has actually held his office for at least three months.

No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be elected or appointed to any office within one year after such recall or resignation.

Sec. 502—Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the City equal in number to the percentage hereinafter required.

The provisions of Section 501 respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

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

(a) Pass said ordinance without alteration within twenty days after attachment of the Clerk's certificate of sufficiency to the accompanying petition; or,

(b) Within twenty-five days after such certification, 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, but less than twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the Council as provided, in the preceding subdivision, then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City at any election, the Council shall either cause the ordinance or proposition to be printed and mailed by the City Clerk with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper and published in like manner as ordinances adopted by the Council.

The ballots used in voting upon such 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 vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

There shall not be held under this section of the Charter more than one special election in any period of six months.

The Council may, by ordinance, make such further regulation as may be necessary to carry out the provisions of this section.

Sec. 503—No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except when otherwise required by the General Laws of the State, or by the provisions of this Charter respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a three-fourths vote of the Council; provided that no grant of any franchise shall be construed to be an urgent measure, but franchises shall be subject to the referendum vote as provided in Section 460 hereof. If during said ten days a petition signed by qualified electors of the City equal in number to at least twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Section 502 of this Charter, to a vote of the electors of the City, either at the next general municipal election or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 501 respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

No action of the Council making any contract or other provision for the furnishing of heat, light, power, transportation or any other public utility to the city or its inhabitants, or for the acquisition of any property for any such purpose, shall be taken except by ordinance.

Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided for ordinances or measures submitted on petition.

The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this Chapter.

~~MINN~~

~~TAKERS~~

STATE OF MINNESOTA, ss.  
County of St. Louis.

City of Duluth.

I, J. A. McCuen, Mayor of the City of Duluth, of St. Louis County, Minnesota, do hereby certify that the foregoing amendment to the Charter of the City of Duluth was submitted to the qualified voters of the City of Duluth for adoption and ratification, at <sup>a</sup>~~the~~ Special City Election in the City of Duluth, which was held on the seventh day of May, A.D. 1912; and that said amendment was duly ratified by a three-fifths vote of all the qualified voters voting at said election.

IN WITNESS WHEREOF, I have signed this certificate and caused it to be authenticated by the corporate seal of the City of Duluth, in duplicate, this 24th day of May, A.D. 1912.

*J. A. McCuen*

Mayor of the City of Duluth.

2413

**THE NEXT**

**DOCUMENT**

**IS OF POOR**



**QUALITY**

# Proposed Charter CITY OF GLENWOOD MINNESOTA

## CHAPTER I. NAME, POWERS AND BOUNDARIES.

### Section 1. Name and Power.

All that part of the County of Pope in the State of Minnesota, within boundaries described in the next Section, and the people now inhabiting or who shall hereafter inhabit said territory is hereby declared to be a municipal corporation under the name and style of "City of Glenwood," and by such name shall have perpetual succession, sue and be sued, complain and defend, plead and be impleaded in any court, or tribunal, make and use its common seal, and altar the same at pleasure, lease and convey and all such real, personal or mixed property as its purpose may require whether the same be within or without the corporate limits of the city, shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, under the Constitution and General Laws of the State of Minnesota, as well as all powers herein granted.

### Section 2. City Boundaries.

The district or country constituting the City of Glenwood shall be the following lands, to-wit: All of Section Twelve (12), except that part thereof included in Lake Minnewaska, The South half, and the Southeast quarter of the Northeast quarter of Section One (1), and the Government Lot One (1) of Section Thirteen (13) all in Township One Hundred Twenty-five (125) Range Thirty-eight (38).

All of Section Six (6) except the North half of the North half thereof, all of Section Seven (7) except the South half of the Southwest quarter thereof, and the West half of the Northwest quarter of Section Eighteen (18) in Township One Hundred twenty-five (125) Range Thirty-seven (37), all in the County of Pope and State of Minnesota.

## CHAPTER II. OFFICERS AND ELECTIONS.

### Section 3. Officers, Qualification and How Elected or Appointed.

The officers of said City shall be those mentioned in this Charter, and such additional officers as may be appointed from time to time by the commission.

The elective officers of the City shall be a mayor, four commissioners and two justices of the peace for the City, all of which officers shall be nominated and elected at large. All of said officers shall be residents and qualified voters of the City. All other officers of the City shall be appointed by the commission unless otherwise provided.

### Section 4. Terms of Office. Salaries.

The term of office of all elective officers shall be as follows: The term of office of the Mayor and justices shall be two years, and the term of office of the commissioners shall be four years. At the first election held under this charter there shall be two commissioners elected for two years and two for four years, and thereafter there shall be, at every biennial election, two commissioners elected for the full term of four years. The term of office of every officer elected or appointed under this charter shall commence on the second Tuesday of April the year he shall be elected or appointed, and shall continue in office until a successor is elected or appointed, and shall have qualified, unless otherwise provided. All persons holding office in the Village of Glenwood shall continue in office until their successors shall have been chosen and shall have qualified.

The Mayor and Commissioners shall receive no compensation for their services, but there shall, each year, be set apart from the general fund, one hundred dollars for the mayor's contingent expenses, which shall be paid out by the treasurer upon the mayor's warrant, and which he may expend for any purpose connected with the proper discharge of the duties of his office, he shall file proper vouchers for all such expenditures and if any part of said sum remains unexpended at the close of the fiscal year, it shall be returned to the general fund.

### Section 5. Elections and Laws Governing the Same.

Elections for the elective officers provided for by this charter shall be held every two years on the third Tuesday in March and first Tuesday in April as herein provided. The provisions of the general laws of this state governing elections shall apply to all elections held under this charter, except as otherwise provided herein. All special provisions governing elections contained in this charter shall also apply to all elections within the city, but the returns for all city elections shall be made to the city clerk, and for all state and county elections to the county auditor. The judges of election shall not be required to meet for the registration of voters at any other time than the Friday immediately preceding any general election; unless ordered so to do by the commission, they shall receive pay for no more than one day each for services in the registration of voters.

### Section 6. Election Precincts and Voting Places.

The commission may divide the City into as many election precincts as they may deem proper and necessary. The whole city shall constitute one election precinct until so divided, and the boundaries of no precinct shall be changed within twenty days of any election. The commission shall designate the place of holding elections in each election precinct at least twenty days prior to such election, and the place so designated shall remain the place of holding all elections until a new designation is made.

### Section 7. Qualification of Voters.

All persons entitled to vote for state and county officers and who shall have resided for thirty days in the city next preceding the election shall be entitled to vote for any officer elected under this charter, and to hold any office created therein except as herein otherwise provided.

### Section 8. Judges of Election. Hours of Election.

At least twenty days before any election the commission shall appoint three qualified voters of each election precinct to be judges of election. The commission shall also appoint two qualified electors of each precinct to be clerks of election. All municipal elections, whether general or special, shall commence at nine o'clock A. M. and hold open until nine o'clock P. M. of the same day, and the places of election shall be open and the Judges and Clerks of election shall be present thereat ready to receive the ballots of electors during all of said time.

### Section 9. Judges Count Ballots and Make Return to City Clerk. Notice of Officers Elected.

The City Attorney signing the said petition, and the said petition shall be substantially in the following form.

### Petition of Nomination.

The undersigned, duly qualified electors of the City of Glenwood, do hereby request that the name of (name of candidate) be placed upon the ballot as a candidate for the nomination for (name of office) for the full term (or for the unexpired term) to be voted for at the municipal election to be held in the City of Glenwood on the..... day of..... 19.....

We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of qualified electors.

### Section 16. Date of Presenting Petition.

A petition of nomination, signed by not less than Twenty-five qualified electors, for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The city clerk shall endorse thereon the date upon which the petition was presented to him. No filing fee shall be required of any candidates for any elective office provided for in this charter.

### Section 17. Withdrawal of Candidate.

Any person whose name has been presented as a candidate, may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not equal the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

### Section 18. Filing Petition for Nominations.

If the petition referred to in the preceding section be found sufficiently signed as therein provided the city clerk shall file the same twenty-five days before the date of the election. When such petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to.

### Section 19. Publication of Names of Candidates. Ballots for Primary.

Immediately upon the expiration of the time for filing the petitions for candidates the city clerk shall cause to be published, in one of the newspapers published in the city, in proper form the names of the persons with the offices for which they are respectively candidates, as they are to appear upon the primary ballot, and shall thereupon cause the primary ballot to be printed, authenticated with the fac-simile of his signature.

### Section 20. Names on Primary Ballot. Form of Ballot.

Upon said primary ballot the names of the candidates for Mayor, arranged alphabetically, shall be placed at the head, with a square at the right of each name, and at the right of the square the words, "Vote for one." Following these names and arranged likewise there shall be placed the names of the candidates for the office of commissioners who are to serve two years, with a square at the right of each name, and likewise at the right of the square the words, "Vote for two." Or if one only is to be elected place to the right of the square the words, "Vote for one." Following these names and arranged likewise there shall be placed the names of the candidates for commissioners who are to serve four years, with a square at the right of the name, and likewise at the right of the square the words, "Vote for two." Following these names of the candidates and likewise arranged there shall be placed, at the right of each name, and likewise at the right of the square the words, "Vote for two." The ballot shall in all respects conform to the requirements of the state law, except as otherwise required by this Charter.

### Section 21. Requirements of Ballot as to Party Designation.

There shall be no party designation or mark whatever on the ballot, and nothing on the ballot shall be indicative of the source of candidacy or of the support of any candidate.

### Section 22. Every Nominee to Be on Ballot.

The name of no candidate who has been duly and regularly nominated and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

### Section 23. Votes Necessary for Election at First Election.

In case one or more candidates for an office shall receive a majority of all votes for that office, then and in that case such candidates receiving the highest number of votes shall be declared elected, it being the intent of this paragraph to make possible the election of one or all elective officers at said first election.

### Section 24. Second Election.

If at any election held as above provided there be any office to which no candidate was elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill the said office. If there be no election of Mayor, the two candidates for Mayor who received the highest number of votes at said primary election shall be the nominees for the office of Mayor and shall be the only candidates for Mayor at such second election. If there be no election of commissioners to serve two years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at said election who are to serve two years. If there be only one commissioner elected at said first election to serve two years, the two candidates receiving the next highest number of votes at said primary election shall be the nominees for the office of commissioner to serve two years. If there be no election of commissioners to serve four years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at said election who are to serve four years. If there be only one commissioner elected at said first election to serve four years then the two candidates who received the next highest number of votes at said primary election shall be the nominees for the office of commissioner and shall be the only candidates at said second election for commissioner who is to serve four years. If there be no election of justices of the peace, the four candidates for Justices receiving the highest number of votes at said primary election shall be the nominee for the office of justices of the peace and shall be the only candidates for justices at such second election. If one justice be elected at such first election then the two candidates for city justices who receive the next highest number of votes at said primary election shall be the nominees for the office of justice of the peace and shall be the only candidate for said office at such second election. Provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then, all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates who shall receive the highest number of votes for the respective offices at such second election shall be declared elected.

### Section 25. Rules Governing Second Election.

purports to be. Within ten Clerk shall ascertain from the commission shall allow the commission shall allow attach to said petition his nation. If by the City Clerk sufficient, it may be amended City Clerk shall, within ten amination of the amended same to be insufficient it without prejudice however effect. If the petition is the same to the Commission shall order the same field. resign within five days at shall fix a date for holding more than forty-five days that a sufficient petition Section 31. Cause of Recall In the call for the election One hundred words, the recall as set for him the recall hundred words, the officer Section 32. Election Under The City Clerk shall ing such election, and the ived, returns be made, as in other city elections. hold office during the un sought to be removed may he requests otherwise in the official ballot without person than the incumbent incumbent shall thereupon tion of his successor, but votes, he shall continue in Section 33. No Recall Pet No recall petition shall actually held his office for Section 34. Incapacity of No person who has been from such office while reca be elected or appointed to or resignation.

### APPOINTIVE OFFICERS DUTIES. TENURE. REMOVAL. COMMON TO ALL

Section 35. Officers of City removal. The chief officers of the clerk, treasurer, assessor, chief of fire department and may be removed by a sons appointed to said offices years and until their successors removed in manner herein above to fill vacancies from whatever expired term of the original as in case of such original when in its judgment the in charge of one such office such officers. The commission of the chief officials. The after the election of its may proceed to the appointment their duties as provided in Section 36. The Commission The commission shall continue offices and employ the modes of filling them, its judgment of the needs, removed at any time by a Section 37. Compensation The compensation of a five shall be by salary, to shall also fix the compensa city, except as otherwise p shall be allowed any fee, or compensation fixed by in connection with his off Section 38. Official Bonds The commission shall the Justices of the Peace by some legally authorized faithful performance of the which shall be paid by the approval of said bonds must approving the same. All City Clerk, except the bond filed in the office of the City Clerk shall be filed of such bonds shall be filed of the laws of the state this Charter, shall be complete Section 39. Oath of Office Every person elected or enters upon the duties of the office, in form as prescribed by tion of the State, and the City Clerk, which shall be Section 40. Officers Not to be No officer of employee shall be contract, work or business of the price or consideration in the assessment made by any act or ordinance of any real state or other property to be sold for use of assessment, or of the city, unless shall be connectic service performed in the city, tract with the city, or of any great shall be any



The City Attorney... The said petition shall be substantially in following form.

Section 16. Date of Presenting Petition. A petition of nomination, signed by not less than Twenty-five qualified electors, for any one candidate, may be presented to the city clerk earlier than forty-five days nor later than thirty days before the election.

Section 17. Withdrawal of Candidate. Any person whose name has been presented as a candidate, may, after later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request in writing, and no name so withdrawn shall be printed upon the ballot.

Section 18. Filing Petition for Nominations. If the petition referred to in the preceding section be found sufficiently signed as therein provided the city clerk shall file the same twenty-five days before the date of the election.

Section 19. Publication of Names of Candidates. Ballots for Primary. Immediately upon the expiration of the time for filing the petitions for candidates the city clerk shall cause to be published, in one of the newspapers published in the city, in proper form the names of the persons at the offices for which they are respectively candidates, as they are to appear upon the primary ballot, and shall thereupon cause the primary ballot to be printed, authenticated with the fac-simile of his signature.

Section 20. Names on Primary Ballot. Form of Ballot. Upon said primary ballot the names of the candidates for Mayor, arranged alphabetically, shall be placed at the head, with a square at the right of each name, and at the right of the square the words, "Vote for one."

Section 21. Requirements of Ballot as to Party Designation. There shall be no party designation or mark whatever on the ballot, and nothing on the ballot shall be indicative of the source of candidacy or the support of any candidate.

Section 22. Every Nominee to Be on Ballot. The names of no candidate who has been duly and regularly nominated and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Section 23. Votes Necessary for Election at First Election. In case one or more candidates for an office shall receive a majority of all votes for that office, then and in that case such candidates receiving the highest number of votes shall be declared elected, it being the intent of this paragraph to make possible the election of one or all elective officers at said first election.

Section 24. Second Election. If at any election held as above provided there be any office to which no candidate was elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill the said office. If there be no election of Mayor, the two candidates for Mayor receiving the highest number of votes at said primary election shall be the nominees for the office of Mayor and shall be the only candidates for Mayor at such second election.

Section 25. Rules Governing Second Election. If there be no election of commissioners to serve two years, the two candidates receiving the highest number of votes at said primary election shall be the nominees for the office of commissioner to serve two years. If there be no election of commissioners to serve four years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at said election who are to serve four years.

Section 26. Rules Governing Second Election. If there be only one commissioner elected at said first election to serve two years then the two candidates who received the next highest number of votes at said primary election shall be the nominees for the office of commissioner who is to serve four years. If there be no election of justices of the peace, the four candidates for Justices receiving the highest number of votes at said primary election shall be the nominee for office of justice of the peace and shall be the only candidate for office at such second election.

Section 27. Rules Governing Second Election. Provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to come a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then, all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates who shall receive the highest number of votes for the respective offices at such second election shall be declared elected.

Section 28. Rules Governing Second Election. If there be no election of commissioners to serve two years, the two candidates receiving the highest number of votes at said primary election shall be the nominees for the office of commissioner to serve two years. If there be no election of commissioners to serve four years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at said election who are to serve four years.

Section 29. Rules Governing Second Election. If there be only one commissioner elected at said first election to serve two years then the two candidates who received the next highest number of votes at said primary election shall be the nominees for the office of commissioner who is to serve four years. If there be no election of justices of the peace, the four candidates for Justices receiving the highest number of votes at said primary election shall be the nominee for office of justice of the peace and shall be the only candidate for office at such second election.

Section 30. Rules Governing Second Election. Provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to come a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then, all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates who shall receive the highest number of votes for the respective offices at such second election shall be declared elected.

Section 31. Cause of Recall. Officers Justification. In the call for the election there shall be stated in not more than One hundred words, the reason for demanding the recall of the officer, as set for him the recall petition, and in said call, in not more than One hundred words, the officer may justify his course in office.

Section 32. Election Under Recall. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as herein provided, returns be made, and the result thereof declared, in all respects 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 City Clerk shall place his name on the official ballot without nomination.

Section 33. No Recall Petition for the First Three Months. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Section 34. Incapacity of Recalled Officer. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be elected or appointed to any office within one year after such recall or resignation.

Section 35. Officers of City Other Than Elective. Appointment and Removal. The chief officers of the city other than elective officers shall be city clerk, treasurer, assessor, city attorney, chief of police, city engineer, chief of fire department and health commissioner. They shall be appointed and may be removed by a majority vote of the commission. All persons appointed to said offices shall hold their offices for the term of two years and until their successors are appointed and qualified unless sooner removed in manner herein stated, provided, however, that persons appointed to fill vacancies from whatever cause, shall hold office only for the unexpired term of the original appointees, subject to the right of removal as in case of such original appointees.

Section 36. The Commission May Create Other Offices or Employments. The commission shall have power by ordinance to create and discontinue offices and employments other than those prescribed, to provide the modes of filling them, and prescribe the duties thereof according to its judgment of the needs of the city. Any person so appointed may be removed at any time by a majority vote of the Commission.

purports to be. Within ten days from the date of filing such petition, the City Clerk shall ascertain from the voters' register whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the commission shall allow him extra help for that purpose, and shall attach to said petition his certificates, showing the result of said examination. If by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City 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 is deemed sufficient, the City Clerk shall submit the same to the Commission without delay, and thereupon the Commission shall order the same filed. If the officer sought to be removed does not resign within five days after the filing of said petition the Commission shall fix a date for holding said election not less than thirty-five days nor more than forty-five days from the date of the City Clerk's certificate that a sufficient petition is filed.

Section 31. Cause of Recall. Officers Justification. In the call for the election there shall be stated in not more than One hundred words, the reason for demanding the recall of the officer, as set for him the recall petition, and in said call, in not more than One hundred words, the officer may justify his course in office.

Section 32. Election Under Recall. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as herein provided, returns be made, and the result thereof declared, in all respects 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 City Clerk shall place his name on the official ballot without nomination.

Section 33. No Recall Petition for the First Three Months. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Section 34. Incapacity of Recalled Officer. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be elected or appointed to any office within one year after such recall or resignation.

Section 35. Officers of City Other Than Elective. Appointment and Removal. The chief officers of the city other than elective officers shall be city clerk, treasurer, assessor, city attorney, chief of police, city engineer, chief of fire department and health commissioner. They shall be appointed and may be removed by a majority vote of the commission. All persons appointed to said offices shall hold their offices for the term of two years and until their successors are appointed and qualified unless sooner removed in manner herein stated, provided, however, that persons appointed to fill vacancies from whatever cause, shall hold office only for the unexpired term of the original appointees, subject to the right of removal as in case of such original appointees.

Section 36. The Commission May Create Other Offices or Employments. The commission shall have power by ordinance to create and discontinue offices and employments other than those prescribed, to provide the modes of filling them, and prescribe the duties thereof according to its judgment of the needs of the city. Any person so appointed may be removed at any time by a majority vote of the Commission.

Section 37. Compensation of Officers and Employees. The compensation of all city officers, provided for in Section Thirty-five shall be by salary, to be fixed by the Commission. The Commission shall also fix the compensation of all other officers and employees of the city, except as otherwise provided in this charter. No officer or employee shall be allowed any fee, reward or compensation other than the salary or compensation fixed by the Commission, but all fees received by him in connection with his official duties shall be paid into the city treasury.

Section 38. Official Bonds. The commission shall fix the amount of the bonds to be required by the Justices of the Peace and appointive officers, which shall be furnished by some legally authorized surety company as surety, conditioned for the faithful performance of their respective official duties, the expense of which shall be paid by the city, and shall be approved by the Mayor. The approval of said bonds must be endorsed thereon by the Mayor, and approved by the same. All bonds when approved, shall be filed with the City Clerk, except the bonds of the Justices of the Peace which shall be filed in the office of the Clerk of the District Court, and the bond of the City Clerk shall be filed in the office of the County Auditor, and copies of such bonds shall be filed in the office of City Clerk. The provisions of the laws of the state relating to officials bonds, not inconsistent with this Charter, shall be complied with.

Section 39. Oath of Office. Every person elected or appointed to any office, shall, before he enters upon the duties of the office, take and subscribe to an oath of office, in form as prescribed by Section Eight, Article Five of the Constitution of the State, and file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the County Auditor.

Section 40. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 41. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 42. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 43. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 44. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 45. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 46. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 47. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 48. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 49. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Section 50. Officers Not to Be Interested in Contracts or Franchises. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

justice or the peace, with a square the words, "Vote for two." The ballot at the right of the square the words, "Vote for two." The ballot at all respects conform to the requirements of the state law, otherwise required by this Charter.

**Requirements of Ballot as to Party Designation.**  
There shall be no party designation or mark whatever on the ballot, and the name on the ballot shall be indicative of the source of candidacy or support of any candidate.

**Every Nominee to Be on Ballot.**  
The name of no candidate who has been duly and regularly nominated and has not withdrawn his name as herein provided, shall be omitted from the ballot.

**Votes Necessary for Election at First Election.**  
If one or more candidates for an office shall receive a majority of votes for that office, then and in that case such candidates receiving the greatest number of votes shall be declared elected, it being the intent of this paragraph to make possible the election of one or all elective officials at the first election.

**Second Election.**  
If at any election held as above provided there be any office to which no candidate was elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill the said office. If there be no election of Mayor, the two candidates for Mayor who received the highest number of votes at said primary election shall be the nominees for the office of Mayor and shall be the only candidates for Mayor at such second election. If there be no election of commissioners to serve two years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at such second election. If there be only one commissioner elected at said first election to serve two years, the two candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioner to serve two years. If there be no election of commissioners to serve four years the four candidates receiving the highest number of votes at said election, shall be the nominees for the office of commissioners and shall be the only candidates for commissioners at said election who are to serve four years. If there be only one commissioner elected at said first election to serve two years then the two candidates who received the next highest number of votes at said primary election shall be the nominees for the office of commissioner and shall be the only candidates at said second election for commissioner who is to serve four years. If there be no election of justices of the peace, the four candidates for Justices receiving the highest number of votes at said primary election shall be the nominees for the office of justices of the peace and shall be the only candidates for justices of the peace at such second election. If one justice be elected at such first election then the two candidates for city justices who receive the next highest number of votes at said primary election shall be the nominees for the office of justice of the peace and shall be the only candidate for justice of the peace at such second election. Provided, that if there be any person who under the provisions of this subdivision, would have been entitled to be a candidate for any office, except for the fact that some other person received an equal number of votes therefor, then, all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates who shall receive the highest number of votes for the respective offices at such second election shall be elected.

**Rules Governing Second Election.**  
The provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election.

**Informalities in Election.**  
Informalities in conducting a municipal election shall invalidate the election if it has been conducted fairly and in substantial conformity to the provisions of this charter.

**Transfer of Books at Expiration of Term of Office.**  
Every elective and appointive officer, shall at the expiration of his term of office, in whatsoever way terminated, turn over to his successor or to some other properly authorized officer, on demand, all the papers, files, records, moneys, and other property and things whatsoever pertaining to his office or received by reason thereof.

**Administering Oaths. Subpoenas.**  
Every member of the commission and the city clerk and assessor and their deputies shall have the power to administer oaths and affirmations, and every such member shall have the power to issue subpoenas, and to enforce by such subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such body. If any person so subpoenaed neglects or refuses to appear to produce books, papers or documents required by such subpoena, or willfully refuse to testify before such body or to answer any questions asked of a majority of such body shall decide to be proper or pertinent, he shall be deemed in contempt and such body shall thereupon have power to hold such proceedings in the premises as are provided by the general laws of this state. The chief of police must, on request of any member of such body, detail a police officer or officers to serve such subpoenas.

**First Election Under This Charter.**  
The first election after this charter goes into effect shall be held pursuant to the provisions hereof on the first day of October, 1912, at which time the only officers to be elected or nominated shall be those provided in this charter. The second election provided for herein shall be held pursuant to the provisions hereof on the fifteenth day of October, 1912. All elections shall, in all things, be conducted in accordance with the provisions of this charter and all officers of the Village of Glenwood under the governing villages who have any duties to perform in connection with elections, are hereby directed to perform such duties strictly in accordance with the provisions hereof and not otherwise. The Mayor, Mayor and two Commissioners elected at the first election held under the provisions of this charter shall hold office until the second Tuesday of April, 1914, and two commissioners elected at said first election shall hold office until the second Tuesday of April, 1915.

### CHAPTER III.

**Recall of Elective Officers. Method Prescribed.**  
The holder of any elective office in the City of Glenwood may be removed at any time by the electors qualified to vote for a successor of such office in the following manner. A petition signed by such electors, in number to at least twenty per centum of the entire vote cast at the last preceding general election, demanding an election of a successor of the person to be removed, shall be filed with the City Clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not at all be appended to the petition. One of the signers of each such petition shall make oath that the statements therein made are true as he believes, and that each signature on the petition is the genuine signature of the person whose signature it

is. The holder of any elective office in the City of Glenwood may be removed in manner herein stated, provided, however, that persons appointed to fill vacancies from whatever cause, shall hold office only for the unexpired term of the original appointees, subject to the right of removal as in case of such original appointees. The commission, at any time when in its judgment the interests of the city so demand, may place in charge of one such officer the functions and duties of two or more such officers. The commission shall, by ordinance, prescribe the duties of the chief officials. The commission shall, at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the said officers and the determination of their duties as provided in this section.

**Section 36. The Commission May Create Other Offices or Employments.**  
The commission shall have power by ordinance to create and discontinue offices and employments other than those prescribed, to provide the modes of filling them, and prescribe the duties thereof according to its judgment of the needs of the city. Any person so appointed may be removed at any time by a majority vote of the Commission.

**Section 37. Compensation of Officers and Employees.**  
The compensation of all city officers, provided for in Section Thirty-five shall be by salary, to be fixed by the Commission. The Commission shall also fix the compensation of all other officers and employees of the city, except as otherwise provided in this charter. No officer or employee shall be allowed any fee, reward or compensation other than the salary or compensation fixed by the Commission, but all fees received by him in connection with his official duties shall be paid into the city treasury.

**Section 38. Official Bonds.**  
The commission shall fix the amount of the bonds to be required by the Justices of the Peace and appointive officers, which shall be furnished by some legally authorized surety company as surety, conditioned for the faithful performance of their respective official duties, the expense of which shall be paid by the city, and shall be approved by the Mayor. The approval of said bonds must be endorsed thereon and signed by the officer approving the same. All bonds when approved, shall be filed with the City Clerk, except the bonds of the Justices of the Peace which shall be filed in the office of the Clerk of the District Court, and the bond of the City Clerk shall be filed in the office of the County Auditor, and copies of such bonds shall be filed in the office of City Clerk. The provisions of the laws of the state relating to officials bonds, not inconsistent with this Charter, shall be complied with.

**Section 39. Oath of Office.**  
Every person elected or appointed to any office, shall, before he enters upon the duties of the office, take and subscribe to an oath of office, in form as prescribed by Section Eight, Article Five of the Constitution of the State, and file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the County Auditor.

**Section 40. Officers Not to Be Interested in Contracts Or Franchises.**  
No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the city treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Any contract or agreement made in the contravention of this section shall be void. Any violations of the provisions of this section shall be deemed a misdemeanor. The commission shall enforce the provisions of this section by appropriate legislation.

**Section 41. No Political or Religious Test.**  
No appointment to positions under the city government shall be made or be withheld by reason of religious or political opinions, affiliations or political service, and no appointment to, or election for, or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment, shall be in any manner affected by such opinion, affiliations or service.

### CHAPTER V.

**Section 42. Executive Department. Mayor. Chief Executive.**  
The Mayor shall be the chief executive officer of the city. He shall see that the laws of the state, the provisions of this charter, and the ordinances of the city are observed and enforced. He shall have general oversight of the several departments of the city government, and shall report to the commission any neglect, dereliction of duty, or waste, on the part of the Superintendent of any department, and take active steps to remedy the same. He shall have care that in advantage is taken of the city and that all contracts of the city are faithfully performed by the parties thereto.

**Section 43. Reports to Commission.**  
The Mayor annually, or oftener if requested by majority vote of the Commission shall give the Commission information relative to the affairs of the city, or any particular matter thereof, and from time to time shall recommend to its consideration such matters as he may deem expedient for the interest of the city.

**Section 44. Examination of Books, Reports, Etc., of Officers and Employees.**

The Mayor shall employ at the beginning of each fiscal year a competent accountant to be paid by the city, who shall have full power to examine the books, records and reports of all officers and employees, who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the Mayor may direct. Said accountant may require any officer or employee of the city to be sworn and explain under oath all matters relative to such books, records and reports. All officers and employees of the city shall give to such accountant all required assistance and information under oath or otherwise, as to all matters relating to such books, records and reports, and shall submit to him for examination such books and papers as may be requested. Refusal or failure of any officer or employee of the City to comply with the requirements of this section shall be sufficient ground for his removal from such office or employment.

**Section 45. Supervision of Public Utility Companies.**  
The Mayor shall be charged with the general supervision of all public utility companies so far as they are subject to municipal control; he shall keep himself informed as to their compliance in all respects with the law, and shall see that the terms and conditions of all franchises, whether granted by the City or other authority, are faithfully observed. He shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies, for violations of law, or to revoke, cancel, or annul any franchise granted by the city to any person, company or corporation which has become forfeitable in whole or in part, or which, for any reason, is illegal or void.

**Section 46. May Require Action By City Attorney.**  
The City Attorney on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of the preceding section.





practicable to the needs of the city, with the object of being suitable to the needs of the city, and such reports as may be advisable, in order to insure a thorough knowledge of the business of the city by the mayor, and chief officials.

**Section 54. Report of Departments.**  
The superintendent of each department shall annually render to the commission a full report of all the operations of his department for the year, provided, however, the commission may require each department to render to the commission a full report of all the operations of his department at any time.

**Section 55. Reports To Be Published.**  
The commission shall provide for the publication of the annual report of the mayor and of the superintendent's of the several departments.

#### CHAPTER VII.

#### GOVERNMENTAL POWERS OF COMMISSION AND ELECTORS.

**Section 56. Commission How Composed. Legislative and Other Powers.**  
The mayor and four commissioners after election and qualification under the provision of this charter, shall constitute the Council of the City of Glenwood, which shall be known, and shall act by the official title of the Commission of the City of Glenwood. The commission shall be the governing body and exercise all the corporate power of the municipality, and, subject to the limitations herein contained, shall be vested with full powers of legislation adequate to the carrying out of all powers given to the city by this charter and the general laws of the state, in order to provide a full and complete system of local government for said city, consistent with the constitution of the state.

No member of the Commission shall hold any other municipal office or employment, the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office, created, or the compensation of which is paid out of the municipal moneys, while he was a member of the Commission, or within one year after the expiration of the term for which he was elected.

**Section 57. Electors. Legislative Powers.**  
The electors of the city shall have power through the initiative and otherwise as provided in this charter, to enact legislation to carry out and enforce any and all of the general powers of the city, and any and all of the specified powers of the commission; and may, in manner provided herein and subject to the limitations stated, annul ordinances passed by the commission. Any ordinance adopted by the electors in pursuance of the provisions of this charter shall be paramount while in force to the provisions relating to the same matter contained in any ordinance, resolution or by-law passed by the commission on its own motion and without the approval of the electors.

#### CHAPTER VIII.

#### COMMISSION, ORGANIZATIONS, MEETINGS, PROCEDURE, PUBLICATION OF CHARTER AND LAWS, OFFICIAL NEWSPAPER PRINTING.

**Section 58. President.**  
The mayor shall be president of the commission, and when present, shall preside at all its meetings.

**Section 59. Vice President.**  
The commission shall, at its first meeting after election, elect from its body one to be vice president.

**Section 60. Meetings. Time. Open to Public.**  
The commission shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All sessions of the commission whether regular or special, shall be open to the public.

**Section 61. Quorum.**  
A majority of the members of the commission shall constitute a quorum for the transaction of business.

**Section 62. Rules Adopted.**  
The commission shall establish rules for its proceedings.

**Section 63. Absent Members.**  
No final action shall be taken in any matter concerning the department of any absent commissioner unless such business has been made a special order of the day, by action at a previous meeting or unless such action is taken at the regular meeting of the commission.

**Section 64. Failure to Vote.**  
Any member of the commission, who being present when his name is called, fails to vote upon any then pending proposition, unless excused by the commission, shall be counted as having voted in the negative.

**Section 65. Signing Journal.**  
It is hereby made the duty of the Mayor to sign the City Clerk's record of the proceedings of each meeting of the Commission when said record shall have been approved and is presented to the Mayor for his signature.

**Section 66. Monthly Statements.**  
The commission shall each month print in the official paper, itemized statement of all expenditures of the city during the preceding month.

**Section 67. Publication of Resolutions.**  
In publication of resolutions that may be included in the publication of the proceedings of the commission such resolution shall be printed with the dates of their approval without appending the signature to such resolutions.

**Section 68. Publication of Charter and Ordinances in Book Form.**  
The Commission during the first year of its organization under this charter and from time to time thereafter, shall cause all ordinances in force to be classified under appropriate heads, and together with, or separately from this charter, and such provisions of the constitution and laws of the state as the commission may deem expedient, to be published in book form.

**Section 69. Contracts for Official Advertising. Official Newspaper.**  
The Commission shall let annually, in the month of May or as soon thereafter as practicable contracts for the official advertising for the ensuing fiscal year. For this purpose the commission shall advertise for one week, setting forth specifically the work contemplated to be done, and asking for sealed bids therefor. The proposal shall specify the type and spacing to be used. The commission shall let the contract for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a legal newspaper according to the laws of the state, provided the commission may reject any or all bids. If the commission shall deem it best for the interest of the city to select a newspaper that is not the lowest bidder, they may select such newspaper. The newspaper to which the award is made shall be designated as the "official" newspaper. The successful bidder shall be required to give a bond to the city in the sum of Five Hundred Dollars for the faithful performance of the contract.

#### CHAPTER IX.

#### ORDINANCES AND RESOLUTIONS.

**Section 70. Ordinances. Enacting Clause.**  
The enacting clause of all ordinances shall be these words: "The Commission of the City of Glenwood, do ordain."

copy thereof, or of such record, shall be repealed except by ordinance. Section 82. Repeal.

No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this chapter.

**Section 83. Judicial Notice.**  
In all prosecutions and proceedings of every kind before the courts of this city, such courts shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinances in such courts.

**Section 84. Record of Ordinances.**  
A true and correct copy of all ordinances shall be kept and certified by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate or a certified copy thereof, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage of the same, and shall be admissible as such in any court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage of an ordinance in the usual way.

#### CHAPTER X.

#### INITIATIVE. DIRECT LEGISLATION.

**Section 85. Electors May Propose Ordinances.**  
Electors of the city to the number and in manner in this chapter provided may propose ordinances to the Commission for adoption.

**Section 86. Petition.**  
Such proposed ordinance shall be accomplished by a petition in writing signed by electors, which reference shall be made thereto by its title, asking that the ordinance be passed by the Commission. Such petition shall be signed only by electors who voted and whose votes were registered at the last preceding general municipal election and shall be in the same general form, verified in the same manner, examined, certified, returned to the commission and filed in manner as provided in Section Thirty of Chapter Three hereof relative to the recall of elective officers.

**Section 87. Petition of Twenty Per Cent. Proceedings On.**  
If such petition shall be signed by qualified electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the commission shall either:

1. Pass said ordinance without alteration within twenty days after attachment of the City Clerk's certificate of sufficiency to the accompanying petition, subject to the provisions of Chapter Eleven of this Charter, or,

2nd. Within twenty-five days after such certification, proceed to call a special election at which ordinance, without alteration, shall be submitted to a vote of the people.

**Section 88. Ten Per Cent Petition. Proceedings On.**  
If the petition be signed by electors equal in number to at least ten, but less than twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Commission as provided in the preceding subdivision then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

**Section 89. Publication of Popular Ordinance.**  
Whenever any ordinance is to be submitted to the voters of the city under this chapter the Commission shall cause said ordinance to be published once in the official newspaper of the city at least six (6) days prior to such election.

**Section 90. Ballot. Manner of Voting. Effect.**  
The ballots used in voting upon such proposed ordinance shall be headed by the words, "Ordinance proposed by the electors, being an ordinance entitled, (setting forth the title in full)" and shall contain the words, "For the Ordinance" and "Against the Ordinance." Those intending to vote for the ordinance shall do so by placing the mark X after the words "For the Ordinance," and the ballots so marked shall be canvassed and counted as votes in favor of said ordinance; those intending to vote against the ordinance shall do so by placing a like mark after the words, "Against the Ordinance," and the same shall be canvassed and counted as votes against said ordinance. The ballots shall be arranged so that the voter can conveniently indicate his purpose. If a majority of the electors voting on such proposed ordinance vote in favor thereof such ordinance shall thereupon become a valid and binding ordinance of the city.

**Section 91. Several Ordinances at One Election.**  
Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

**Section 92. Popular Ordinance. Application of Other Sections. "Adopted By Electors" To Be Inserted.**

The provisions of section Seventy, Seventy-two, Seventy-eight, Seventy-nine, Eighty-one, Eighty-three, and Eighty-four of Chapter Nine of this charter shall apply to all ordinances proposed and adopted under this chapter, except that no publication thereof other than as provided in Section Eighty-nine need be made. The clerk shall insert the words "Adopted by electors" after the date.

**Section 93. Repeal or Amendment of Popular Ordinance.**  
The commission may submit a proposition for the repeal of any such ordinance, or for amendments thereto to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinances shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people can not be repealed or amended except by a vote of the people.

**Section 94. Further Regulations.**  
The commission may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

#### CHAPTER XI.

#### THE REFERENDUM.

**Section 95. Mode of Protesting Against Ordinance.**  
No ordinance passed by the Commission shall go into effect before ten days from the time of its final passage, except when otherwise required by the general laws of the State, or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by four-fifths vote of the Commission, provided that franchises shall be subject to the referendum vote herein provided. If in number to at least twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Commission the same shall thereupon be sus-

Whenever a business operated under a license be by purchase, at the time to be determined by the

**Section 105. Certain General Powers.**  
With, or in addition to the powers conferred by the constitution and this charter, the Commission shall have power to:

(1) Institution for Public Works.  
To acquire by purchase, maintain, equip, own and operate, rest rooms, jails, collections, street cleaning, buildings, places, works of art, etc., in the City.

(2) Water, Light, Heat and Power.  
To acquire by purchase, maintain, equip, own and sell to its inhabitants the City, water, gas, electricity, etc.

(3) Public Utility.  
To acquire by purchase, maintain, equip, own and operate, or other railways, or other public conveniences for the use of all others in the City.

(4) Real Estate and Other Property.  
To acquire by purchase, the City, such lands or buildings, maintenance, and effectuate any other disposal of any property of the City.

(5) Lease of Public Property.  
To lease, for the public use, utility owned by the City.

(6) Bequests and Donations.  
To receive bequests, donations, with power to sell, in accordance with the same in case of such bequests.

(7) Borrow Money.  
To borrow money, authorized to provide, the City is authorized to borrow money.

(8) To Grant Franchise.  
To grant franchise for the streets, alleys and public grounds, wires, street car track purposes calculated to the exercise thereof.

(9) To Control Other Authority.  
To regulate and control or upon streets and public grounds or any other authority.

#### SPECIFIC

**Section 106. Specific Powers.**  
Subject to the provisions contained, the Commission shall have power to:

(1) To adopt and enforce rules and regulations for the care for, supervision and public grounds upon, whether upon, streets, alleys, public grounds, etc., nature or kind and amount. To care for, supervision and public grounds upon, whether upon, streets, alleys, public grounds, etc., nature or kind and amount.

(2) Care of Streets and Public Grounds.  
To care for, supervision and public grounds upon, whether upon, streets, alleys, public grounds, etc., nature or kind and amount.

(3) Incumbering Public Grounds.  
To prevent the incumbering of public ground, with buildings, etc.

(4) Openings.  
To permit openings in public grounds for mains and pipes, the nature and to regulate the same in conjunction therewith.

(5) Conductors, Conduits, etc.  
To regulate the use of conductors, conduits, etc., under or over any public ground, its permit, to be placed in convenient location for the purpose of plan it may adopt for the same.

(6) Highway or Public Streets or Public Grounds.  
To regulate the use of highway or public streets or public grounds of the party applying for the same.

(7) Depositing on Public Grounds.  
To prevent the depositing of offensive matter in public grounds, to require the owner to remove the same along or in front of public grounds.

(8) Coal Holes.  
To regulate the use of coal holes, grates therefor, in public grounds.

(9) Crosswalks.  
To provide for the use of crosswalks, signs, etc., in public grounds.

(10) Signs, Awnings, etc.  
To regulate the use of signs, awnings, etc., in public grounds, for signs, phone poles, horse-drawn carriages, etc., bills and advertisements.

(11) Hitching Posts.  
To provide for the use of hitching posts, in public grounds.

a right to  
re it, but  
uch other  
duties of  
be known  
of both  
may elect  
ity. The  
name and  
and until  
ES.  
provided,  
re hereby  
welfare.  
fire pro-  
several  
next fol-  
and em-  
more de-  
n two or  
s as may  
the busi-  
ic health,  
the first  
majority  
oes; one  
buildings,  
of water  
tment of  
er it ap-  
vided, no  
any power  
ts in said  
e superin-  
as soon as  
which shall  
checks be-  
e, in order  
the mayor,  
er to the  
nt for the  
rtment to  
is depart-  
ual report  
ents.  
ORS.  
Powers.  
ation un-  
the City  
tle of the  
e govern-  
ity, and  
all powers  
en to the  
to provide  
consistent  
l office or  
municipal  
e compen-  
a member  
h he was  
ative and  
y out and  
and all of  
ded here-  
by the  
e of the  
e the pro-  
olution  
hout the  
UBLICA-  
ER  
present,  
ect from  
ding its  
led. All

Section 71. Resolutions.

The statement of the subject matter of resolutions shall be preceded by these words, "The Commission of the City of Glenwood, do resolve."

Section 72. Embrace But One Subject, and This to Be Express in Title.

No ordinances or resolutions, except an ordinance making appropriations shall embrace more than one subject, which shall be expressed in its title; provided, however, no ordinances or resolutions shall be wholly void by reason of failure to so express the subject in the title thereof, but only as to subject or subjects not so expressed. Ordinance making appropriations shall be confined wholly to such appropriations.

Section 73. Ordinances, Reading, Amendments.

Every proposed ordinance shall receive two several readings, one at each of two regular sessions, previous to its passage. The second reading shall be by sections, and at this reading amendments may be offered and acted upon. Amendments to any section may be made and acted upon at any time up to the final passage.

Section 74. Re-consideration.

When a proposed ordinance fails to pass, a motion to re-consider the same may be made; but such motion must be made at the session at which the same fails to pass, and action thereupon shall be postponed to the next regular session.

Section 75. Majority Vote.

No ordinance or resolution shall be considered passed unless on the affirmative vote of at least members of the commission.

Section 76. Entry of Ayes and Nays.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and shall be entered upon the journal of proceedings.

Section 77. Resolutions, Numbering, Dating, Signing, Attesting.

All resolutions shall be properly numbered, dated as of the day of their passage, signed by the Mayor and attested by the City Clerk before becoming effective.

Section 78. Ordinances, Numbering, Dating, Signing, Attesting, Publication.

Every ordinance shall be properly numbered, dated as of the day of its final passage, and signed by the Mayor, attested by the City Clerk and published once within eight days after its final passage in the regular issue of the official paper.

Section 79. Amendments, Form Of.

No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance, to be revised, amended or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this chapter for the adoption of ordinances.

Section 80. Emergency Ordinance, What Is, Franchise Not to Be Granted By.

An emergency ordinance is hereby defined to be an ordinance for the immediate protection of the public peace, health or safety, and which contains in itself a recital of the reasons for its urgency and is passed by a four-fifths vote of the commission. No ordinance granting any franchise or right in, to or upon the streets or alleys of the city shall be considered an emergency ordinance.

Section 81. Ordinance, Proof of Publication.

Evidence of the due publication of an ordinance shall consist of the affidavit of the publisher, foreman, or manager of the newspaper showing the name of the newspaper and the time and manner of such publication. Such affidavit shall be filed with the City Clerk and shall be by him recorded in the book kept by him for such purpose. Such affidavit, or a copy thereof, or of such record, shall be taken as sufficient evidence of such publication in all the courts of the state, without further proof.

Section 82. Repeal.

No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this chapter.

Section 83. Judicial Notice.

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

Section 84. Record of Ordinances.

A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate or a certified copy thereof, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage of the same, and shall be admissible as such in any court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage of an ordinance in the usual way.

CHAPTER X.

INITIATIVE, DIRECT LEGISLATION.

Section 85. Electors May Propose Ordinances.

Electors of the city to the number and in manner in this chapter provided may propose ordinances to the Commission for adoption.

Section 86. Petition.

Such proposed ordinance shall be accomplished by a petition in writing signed by electors, in which reference shall be made thereto by its title, asking that the same be passed by the Commission. Such petition shall be signed only by electors who voted and whose votes were registered at the last preceding general municipal election and shall be in the same general form, verified in the same manner, examined, certified, returned to the commission and filed in manner as provided in Section Thirty of Chapter Three hereof relative to the recall of elective officers.

Section 87. Petition of Twenty Per Cent, Proceedings On.

If such petition shall be signed by qualified electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the commission shall either:

1. Pass said ordinance without alteration within twenty days after attachment of the City Clerk's certificate of sufficiency to the accompanying petition, subject to the provisions of Chapter Eleven of this Charter, or,

2nd. Within twenty-five days after such certification, proceed to call a special election at which ordinance, without alteration, shall be submitted to a vote of the people.

Section 88. Ten Per Cent Petition, Proceedings On.

If the petition be signed by electors equal in number to at least ten, but less than twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Commission as provided in the preceding subdivision then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

ended from going into operation, and it shall be the duty of the Commission to reconsider such ordinance, and if the same be not entirely repealed the Commission shall submit the ordinance as provided in Chapter Ten of this Charter, to a vote of the electors of the City, either at the next general municipal election or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Chapter Three respecting the forms and conditions of the petition, the mode of verification, certification, and filing shall be substantially followed, with such modifications as the nature of the case requires.

Section 96. Reference of Measure to Popular Vote.

Any ordinance or measure that the Commission or the qualified electors of the City shall have authority to enact, the Commission may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided for ordinances or measures submitted on petition.

Section 97. Further Regulations.

The Commission may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER XII. FRANCHISES.

Section 98.

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

Section 99. Franchises, How Granted.

No ordinance for the granting of any franchise shall be put upon its final passage within thirty days after its introduction.

Section 100. How Ratified.

No ordinance granting a franchise or lease for a longer term than one year shall be valid and binding upon the City until the same shall have been ratified by a majority of all the votes cast at a special election held for that purpose, or at the first general municipal election following its passage.

Section 101. Limit of Time.

No franchise shall be granted for a term to exceed twenty-five years.

Section 102. Control and Percentage.

Every franchise shall be granted by ordinance, and shall contain all the terms and conditions of said franchise; shall reserve to the city the right to regulate and control the business thereof; shall specify the maximum rate to be charged for any service to be rendered, and the City shall have the right, in its discretion, to provide for the payment to the city, of a percentage of gross earnings in return for any franchise granted.

Section 103. Acquisition.

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

Section 104. How Acquired.

Whenever the voters of the City are desirous of acquiring any business operated under a franchise granted by the City such acquisition shall be by purchase, at the reasonable appraised value, the method of appraising to be determined by the City Commission by ordinance.

CHAPTER XIII.

Section 105. Certain General Powers of the City.

With, or in addition to all other rights, powers and privileges given by the constitution and general laws of the state, the City of Glenwood shall have power to:

(1) Institution for Public Work and Recreation.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, parks, public toilets, rest rooms, jails, work houses, morgues, cemeteries, garbage collections, street cleaning, and sprinkling plants, and all other public buildings, places, works and institutions necessary for the good of the City.

(2) Water, Light, Heat and Power.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works within or without the City, and to supply the City and sell to its inhabitants and also persons, firms or corporations outside the City, water, gas, electricity, and all products of any public utility operated by the City.

(3) Public Utility.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, electric or other railways, or transportation service of any kind, or any other public convenience for the accommodation of the inhabitants of said City and all others in the hire and sale of the use and products.

(4) Real Estate and Other Property for Public Purposes.

To acquire by purchase, condemnation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of public utility, or to provide and effectuate any other public purpose. To sell, convey, incumber and dispose of any property owned by it for the benefit of the City.

(5) Lease of Public Utilities.

To lease, for the purpose of maintenance and operation any public utility owned by the City.

(6) Bequests and Donations.

To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the provisions of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift, or trust, or absolutely, in case of such bequests, gift or trust be unconditional.

(7) Borrow Money.

To borrow money for any of the purposes for which the City is authorized to provide, and for carrying out any of the powers which the City is authorized to enjoy and exercise.

(8) To Grant Franchises.

To grant franchises to persons, firms or corporations, for the use of the streets, alleys and public grounds or portions thereof, in the installation of telegraph, telephone, electric light, gas, and other

copy thereof, or of such record, shall be taken as sufficient evidence of such publication in all the courts of the state, without further proof.

#### Section 82. Repeal.

No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this chapter.

#### Section 83. Judicial Notice.

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

#### Section 84. Record of Ordinances.

A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate or a certified copy thereof, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage of the same, and shall be admissible as such in any court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage of an ordinance in the usual way.

### CHAPTER X.

#### INITIATIVE. DIRECT LEGISLATION.

#### Section 85. Electors May Propose Ordinances.

Electors of the city to the number and in manner in this chapter provided may propose ordinances to the Commission for adoption.

#### Section 86. Petition.

Such proposed ordinance shall be accomplished by a petition in writing signed by electors, in which reference shall be made thereto by its title, asking that the same be passed by the Commission. Such petition shall be signed only by electors who voted and whose votes were registered at the last preceding general municipal election and shall be in the same general form, verified in the same manner, examined, certified, returned to the commission and filed in manner as provided in Section Thirty of Chapter Three hereof relative to the recall of elective officers.

#### Section 87. Petition of Twenty Per Cent. Proceedings On.

If such petition shall be signed by qualified electors equal in number to twenty per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the commission shall either:

1. Pass said ordinance without alteration within twenty days after attachment of the City Clerk's certificate of sufficiency to the accompanying petition, subject to the provisions of Chapter Eleven of this Charter, or
- 2nd. Within twenty-five days after such certification, proceed to call a special election at which ordinance, without alteration, shall be submitted to a vote of the people.

#### Section 88. Ten Per Cent Petition. Proceedings On.

If the petition be signed by electors equal in number to at least ten, but less than twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Commission as provided in the preceding subdivision then such ordinance, without alteration, shall be submitted to a vote of the people at the next general municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

#### Section 89. Publication of Popular Ordinance.

Whenever any ordinance is to be submitted to the voters of the city under this chapter the Commission shall cause said ordinance to be published once in the official newspaper of the city at least six (6) days prior to such election.

#### Section 90. Ballot. Manner of Voting. Effect.

The ballots used in voting upon such proposed ordinance shall be headed by the words, "Ordinance proposed by the electors, being an ordinance entitled, (setting forth the title in full)" and shall contain the words, "For the Ordinance" and "Against the Ordinance." Those intending to vote for the ordinance shall do so by placing the mark X after the words "For the Ordinance," and the ballots so marked shall be canvassed and counted as votes in favor of said ordinance; those intending to vote against the ordinance shall do so by placing a like mark after the words, "Against the Ordinance," and the same shall be canvassed and counted as votes against said ordinance. The ballots shall be arranged so that the voter can conveniently indicate his purpose. If a majority of the electors voting on such proposed ordinance vote in favor thereof such ordinance shall thereupon become a valid and binding ordinance of the city.

#### Section 91. Several Ordinances at One Election.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

#### Section 92. Popular Ordinance. Application of Other Sections. "Adopted By Electors" To Be Inserted.

The provisions of section Seventy, Seventy-two, Seventy-eight, Seventy-nine, Eighty-one, Eighty-three, and Eighty-four of Chapter Nine of this charter shall apply to all ordinances proposed and adopted under this chapter, except that no publication thereof other than as provided in Section Eighty-nine need be made. The clerk shall insert the words "Adopted by electors" after the title.

#### Section 93. Repeal or Amendment of Popular Ordinance.

The commission may submit a proposition for the repeal of any such ordinance, or for amendments thereto to be voted upon at any general municipal election; but should such proposition receive a majority of the votes cast at such election, such ordinances shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people can not be repealed or amended except by a vote of the people.

#### Section 94. Further Regulations.

The commission may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

### CHAPTER XI.

#### THE REFERENDUM.

#### Section 95. Mode of Protesting Against Ordinance.

No ordinance passed by the Commission shall go into effect before ten days from the time of its final passage, except when otherwise required by the general laws of the State, or by the provisions of this Chapter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by four-fifths vote of the Commission, provided that no grant of any franchise shall be construed to be an urgency measure, but franchises shall be subject to the referendum vote herein provided. If during said ten days a petition signed by qualified electors of the City equal in number to at least twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Commission the same shall thereupon be sus-

expirations of every term of five years, if a majority of the voters of the city vote in favor of such acquisition.

#### Section 104. How Acquired.

Whenever the voters of the City are desirous of acquiring any business operated under a franchise granted by the City such acquisition shall be by purchase, at the reasonable appraised value, the method of appraising to be determined by the City Commission by ordinance.

### CHAPTER XIII.

#### Section 105. Certain General Powers of the City.

With, or in addition to all other rights, powers and privileges given by the constitution and general laws of the state, the City of Glenwood shall have power to:

#### (1) Institution for Public Work and Recreation.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, parks, public toilets, rest rooms, jails, work houses, morgues, cemeteries, garbage collections, street cleaning, and sprinkling plants, and all other public buildings, places, works and institutions necessary for the good of the City.

#### (2) Water, Light, Heat and Power.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works within or without the City, and to supply the City and sell to its inhabitants and also persons, firms or corporations outside the City, water, gas, electricity, and all products of any public utility operated by the City.

#### (3) Public Utility.

To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, electric or other railways, or transportation service of any kind, or any other public convenience for the accommodation of the inhabitants of said City and all others in the hire and sale of the use and products.

#### (4) Real Estate and Other Property for Public Purposes.

To acquire by purchase, condemnation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of public utility, or to provide and effectuate any other public purpose. To sell, convey, incumber and dispose of any property owned by it for the benefit of the City.

#### (5) Lease of Public Utilities.

To lease, for the purpose of maintenance and operation any public utility owned by the City.

#### (6) Bequests and Donations.

To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the provisions of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift, or trust, or absolutely, in case of such bequests, gift or trust be unconditional.

#### (7) Borrow Money.

To borrow money for any of the purposes for which the City is authorized to provide, and for carrying out any of the powers which the City is authorized to enjoy and exercise.

#### (8) To Grant Franchises.

To grant franchises to persons, firms or corporations, for the use of the streets, alleys and public grounds or portions thereof, in the installation and maintenance of telegraph, telephone, electric light, poles and wires, street car tracks, gas pipes or mains, electric conduits, and other purposes calculated to be for the use, convenience and accommodations of the exercise thereof.

#### (9) To Control Exercise of Franchise Granted By Legislature of Other Authority.

To regulate and control the exercise of privileges and franchises in or upon streets and other public places of the City granted by the legislature or any other authority.

### CHAPTER XIV.

#### SPECIFIED POWERS OF THE COMMISSION.

#### Section 106. Specified Powers of Commission for Certain Purposes.

Subject to the provisions, limitations and restrictions in this charter contained, the Commission shall have power:

#### (1) To adopt and provide a corporate seal.

#### (2) Care of Streets and Property of City.

To care for, supervise and control all bridges, streets, alleys, highways, and public grounds and to prevent injury thereto or encroachment thereupon, whether upon, over or under the same, and remove such encroachments. To care for, supervise, control and protect all property of whatever nature or kind and wherever situated, belonging to the City.

#### (3) Incumbering Streets.

To prevent the encumbering of any bridge, street, alley, highway, or public ground, with animals, vehicles, or other matter or thing.

#### (4) Openings. Excavations in Streets.

To permit openings and excavations in streets, alleys, highways and public grounds for the laying of gas pipes, electric conductors, water mains and pipes, the building of sewers, tunnels, drains, or other purpose, and to regulate the same and the use of all structures connected or used in conjunction therewith; to require the location of any gas pipe, electric conductor, conduit, or other thing, installed, constructed or erected upon, under or over any bridge, street, alley, highway or public grounds, under its permit, to be changed when the same interferes with the proper and convenient location of public sewers, water mains or pipes, or with any plan it may adopt for the improvement of any such bridge, street, alley, highway or public grounds; to require that all excavations made in the streets or public grounds shall be filled and relaid by the City, at the cost of the party applying to make the same.

#### (5) Depositing Offensive Matter in Streets. Snow and Ice on Sidewalks.

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

#### (6) Coal Holes, Hatchways, Etc.

To regulate the construction of coal holes, hatchways, coverings, and grates therefor, in the sidewalks or to prohibit the same.

#### (7) Crosswalks, Curbs and Gutters.

To provide for and regulate crosswalks, curbs and gutters.

#### (8) Signs, Awnings, Etc.

To regulate, or prevent, the use of streets, sidewalks, and public grounds, for signs, sign posts, awnings, awning posts, telegraph or telephone poles, horse troughs, racks and the posting and distributing of hand bills and advertisements.

#### (9) Hitching Posts, Etc.

To provide for and regulate the erection of hitching posts and rings.

for fastening horses, and to prohibit the same in such portions of the City as it shall see fit.

(10) Piling Snow By Railroad or Street Car Company. Care of Streets Between or Around the Side of Tracks.

To prohibit the throwing or piling of snow or other encroachments upon any street or public grounds by railroad companies or any company operating cars upon, along or across the streets, alleys or highways in the city, and to compel the removal of the same; to require any such company to keep the streets in repair between the tracks, and along and within the distance of one and one-half feet upon each side of the tracks occupied by the company.

(11) To declare what is a nuisance and to provide for the summary abatement of the same at the expense of the person creating, causing or maintaining such nuisance.

(12) Poles and Wires in and Along Streets.

To regulate and control, or prohibit, the placing of poles and the suspending of wires along or across the streets, alleys, or public grounds, and to require any and all wires within the limits it may designate, to be placed in conduits beneath the surface of the streets or sidewalks, and to require any poles already erected or wires already suspended within such limits, to be removed and the wires likewise placed in conduits beneath the surface of the street, and to compel any and all such wires, pipes and other constructions and conduits to be placed in a common area beneath the surface in such manner and places as it may designate.

(13) Banners Across Streets, Bill Boards.

To regulate, or prevent the flying of flags, banners and signs across or over the streets or any part thereof; and to regulate the construction and use of bill boards adjacent to or near the streets or public places.

(144) Traffic on Sidewalks.

To regulate, or prohibit traffic or sales upon the streets, sidewalks, or other public places.

(15) Safety in Streets.

To regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railways using the streets of the city; to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the Commission deems proper; to require street cars and local trains to be provided with fenders, or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings, or street intersections of the city; to regulate the speed at which persons may drive, ride, or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

(16) Width of Tires. Loads on Streets.

To regulate and prescribe the width of tires on wheels of vehicles used on the streets of the city, and the maximum weight of loads to be drawn over any street in the city, and to direct upon what street heavily loaded vehicles may be drawn, and from what streets, avenues and boulevards the same shall be excluded.

(17) Weeds and Rubbish on Sidewalks.

To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalks, adjacent thereto; and on default, to authorize the removal thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

(18) Name of Streets and Right to Change.

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

(19) Drains, Sewers, and Cess Pools, Bridges, Etc. Compel Sewer Connection.

To regulate the use of all bridges, viaducts, tunnels, drains, sewer and cess pools within the city and to prohibit the use or maintenance of cess-pools and privies in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same, and assess the cost thereof on the property so connected with the sewer in manner provided by Chapter Twenty.

(20) Numbering of Houses and Lots.

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

(21) Ditches, Etc., By Railroad Companies.

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

(22) Spur Tracts. Temporary Use of Streets.

To permit the laying of spur or sidetracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business enterprises, with any line of railroad that may be built, with other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed by the Commission, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof, and also for the purpose of excavating and filling a street or other property for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Commission.

(23) Regulation of Tracks on Street.

To prevent, or regulate, the locating, construction and laying of street or other railway tracks, in, along, or over any street, alley, highway or public grounds.

(24) Elections.

To make all rules and regulations governing elections not inconsistent with this Charter.

(25) Boulevards.

To set apart as a boulevard any street over which there is no existing franchise for any railroad, and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban or street railway of any kind shall ever be granted upon each boulevard, unless an ordinance to the effect shall have been duly passed by popular vote, as provided for in Chapter Ten.

(26) Commissioners for Parks, Play Grounds, and Public Charities.

To establish a park commission, a play ground commission, and a commission of public charities, and to appoint commissioners thereon to serve without compensation, with such powers and duties as may be fixed by the Commission.

(27) Methods of Taking Over Property for Public Use.

To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

(28) Size, Location and Plat of Pipes in Streets and Public Places, License Plumbers.

To regulate the size and location of all water, gas and other pipes and conduits laid or constructed, in the streets and public places, and to require the filing of charts and maps of such pipes and conduits. To license plumbers, and regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning or emptying of the same and to designate the time and manner in which the work shall be done.

otherwise dealing in such liquors unless under license, and to impose penalties therefor.

(37) Billiard and Other Tables. Bowling Alleys.

To license and regulate billiard, pool and all similar tables for the playing of games, bowling alleys, shooting galleries, taverns and victualing houses.

(38) Explosives and Inflammable Materials.

To regulate, or prevent the storage of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitroglycerine or any products thereof and other combustible or explosive materials within the city, and the use thereof, and lights in stables, and the building of bonfires; and to regulate or prevent the use of firecrackers, torpedoes, candles, skyrockets, and other fire works.

(39) Rubbish, Garbage, Etc.

To compel the owner of vacant property within the city to keep the same clear of brush or other material liable to communicate fire to adjoining property, and in case the owner of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the commission, either personally or by one publication in the official newspaper of the city, the commission shall have authority to have the same removed and assess the cost thereof against the property. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

(40) Fire Escapes.

To require the owner and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

(41) Precaution Against Fires.

To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to require gas cut offs at curb lines, to regulate the operation of manufactories liable to cause fire; to prevent the depositing of ashes, accumulations of shavings, rubbish or any combustible material in unsafe places, and to make provisions to guard against fires.

(42) Provisions for Safety in Theatres, Halls, Etc.

To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prevent the placing of seats, chairs, benches and other obstructions in the hallways, aisles, or open places therein.

(43) Building Regulations.

To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure and unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction. To regulate the materials used in the method of construction of foundations, the manner of construction and location of drains and sewers. The materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings, or other structures for the purpose of supplying the same with water or gas, and the manner of so doing, and to prohibit the construction of buildings and structures which do not conform to such regulations.

(44) Fire Limits.

To prescribe fire limits, and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings, or existing buildings within such fire limits.

(45) Police and Fire Department.

To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(46) Police and Fire Alarm System.

To establish and maintain a fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

(47) Dogs.

To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to provide for the destruction of vicious dogs and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fee.

(48) Public Pound.

To prevent or regulate the running at large of any animals and to establish and maintain a pound and to authorize the destruction, or other disposition of any animals running at large.

(49) Cruelty to Animals.

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

(50) Preservation of Health.

To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

(51) Dangerous and Offensive Occupations. Disagreeable Noises.

To regulate or prohibit the operation of all manufactories, occupations, or trades which may be of such a nature as to effect the public health, or good order of the city, or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive or injurious noises.

(52) Inspection of Food Products, Dairies.

To provide for and regulate the inspection and sale of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or keeping within the city any such unsound, spoiled, adulterated or unwholesome products. To provide for and regulate the inspection of all dairies, milk and cream depots that offer for sale any of their products in the city, whether situated within or without the city.

(53) Inspection of Restaurants, Hotels, Lodging Houses, Butcher Shops, Tenement and Apartment Houses.

To provide for the inspection and regulation of restaurants, hotels, bakeries, butcher shops, lodging, tenement and apartment houses, and to provide that they be put and kept in proper sanitary condition; to prevent the overcrowding of lodging, tenement and apartment houses.

(54) Public Shows, Etc.

To license, regulate, restrain or prohibit all exhibitions of public shows, caravans, menageries, circuses, concerts, theatrical performances, museums, skating rinks, and all places of amusement for entrance into which or amusement or entertainment in which money is charged.

(55) Gambling.

To prevent and prohibit all rescriptions of gambling and fraudulent devices and practices, bucket shops, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited, or paid upon chance, the selling of

(65) Rewards.  
To offer rewards for the one instance for the have committed a felony  
(66) Mayor's Urge  
To provide an urge a year to be expended  
(67) Intelligence  
To license and regulate and all persons doing employes to others, and it may direct, and make said persons in their  
(68) Newsboys, Be  
To license and regulate ants, astrologists and  
(69) Distilleries and  
To tax, license and  
(70) Butcher Shops, and  
To license and regulate game, poultry, meat, fish  
(71) Concealed Weapons  
To license, regulate weapons and to provide  
(72) Location of  
To establish and regulate for the use thereof; to the weight and quality seizure and forfeiture  
(73) Hay, Wood,  
To provide for a straw, and of selling coal and lime.  
(74) Blasting, Pe  
To regulate the location and operation tors and other mechanical life or property.  
(75) Emission of  
To declare the emission of comotives within the vent the emission of and to require the u pliances as it may smoke, and to design furnace, stove or fl the emission of den  
(76) Births and  
To provide for deaths within the c  
(77) Cemeteries  
To regulate or regulate and deter in a vault or tombs moved and to regulate tories and to vacate tery within the lim  
(78) Location  
To direct the tion of stock yar chandler's, store-f factories, dye hou a distance of one regulate the cons dispensaries, stabl the limits of the  
(79) Lumber  
To regulate, piling of timber, of said city, and or lath piles or come dangerous  
(80) Public  
To establish ings maintained  
(81) Gas.  
To regulate prescribe and eg gas, and to insp measurement and light, heat and p  
(82) Officers  
To establish cians and such inspection laws direct said offic ordinance relat  
(83) General  
for the Comfort  
To regulate prosecution of pressly referred sion may require to establish all hereinbefore ma necessary for t habitants, the p and the enhance  
(84) Legis  
To adopt s be necessary an all of the power  
(85) Penalt  
To declare breach of any law, or regulatio dollars and cost county jail of Section 107, Ad  
The commis by ordinance, all other acts of the full carrying of this change in tution and people of not be he sion mis general



portions of the otherwise dealing in such liquors unless under license, and to impose penalties therefor.

Company. Care of

encroachments or any company for highways in and along and side of the tracks

for the summary of bonfires; and to regulate or prevent the use of firecrackers, torpedoes, candles, skyrockets, and other fire works.

ing, causing or

bles and the sus- public grounds, and late, to be placed walks, and to re- dented within such conduits beneath wires, pipes and non arca beneath e.

and signs across the construction public places.

streets, sidewalks,

and cars passing suburban railways to station flag- ings as the Com- trains to be pro- protection of the ay of the streets, gulate the speed omobiles or other the city.

heels of vehicles t of loads to be at street heavily enues and boule-

ounds to remove thereto; and on er of the city at h expense a plan

alleys and other

Compel Sewer

drains, sewer and ntenance of cess- designate, and to e the same, and ith the sewer in

to compel the s of such houses thereto.

and keep open and d under railroad their grounds or ent property shall

ing cars thereon, s, or other busi- built, with other the city, subject d by the Commis- ut only, and not

(37) Billiard and Other Tables, Bowling Alleys. To license and regulate billiard, pool and all similar tables for the playing of games, bowling alleys, shooting galleries, taverns and victualing houses.

(38) Explosives and Inflammable Materials. To regulate, or prevent the storage of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitroglycerine or any products thereof and other combustible or explosive materials within the city, and the use thereof, and lights in stables, and the building

(39) Rubbish, Garbage, Etc. To compel the owner of vacant property within the city to keep the same clear of brush or other material liable to communicate fire to adjoining property, and in case the owner of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the commission, either personally or by one publication in the official news-paper of the city, the commission shall have authority to have the same removed and assess the cost thereof against the property. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

(40) Fire Escapes. To require the owner and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

(41) Precaution Against Fires. To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to require gas cut offs at curb lines, to regulate the operation of manufactories liable to cause fire; to prevent the depositing of ashes, accumulations of shavings, rubbish or any combustible material in unsafe places, and to make provisions to guard against fires.

(42) Provisions for Safety in Theatres, Halls, Etc. To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prevent the placing of seats, chairs, benches and other obstructions in the hallways, aisles, or open places there-in.

(43) Building Regulations. To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and main-tenance of insecure and unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction. To regulate the materials used in the method of construction of founda-tions, the manner of construction and location of drains and sewers. The materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and mate-rials used for piping buildings, or other structures for the purpose of supply-ing the same with water or gas, and the manner of so doing, and to pro-hibit the construction of buildings and structures which do not conform to such regulations.

(44) Fire Limits. To prescribe fire limits, and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings, or exist-ing buildings within such fire limits.

(45) Police and Fire Department. To organize and maintain police and fire departments, erect the neces-sary buildings and own all implements and apparatus required therefor.

(46) Police and Fire Alarm System. To establish and maintain a fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

(47) Dogs. To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to provide for the destruction of vicious dogs and to require the payment of license fees by the owners or persons having pos-session of dogs, and to impose penalties upon such persons for refusing to pay such license fee.

(48) Public Pound. To prevent or regulate the running at large of any animals and to establish and maintain a pound and to authorize the destruction, or other disposition of any animals running at large.

(49) Cruelty to Animals. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in a clean and healthful condition.

(50) Preservation of Health. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases; to make regulations

amount of judgment and costs.

(65) Rewards. To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

(66) Mayor's Urgency Fund. To provide an urgent necessity fund not exceeding one hundred dollars a year to be expended under the direction of the mayor.

(67) Intelligence or Employment Offices. To license and regulate keepers of intelligence or employment officers, and all persons doing the business of seeking employment for or furnishing employes to others, and to require such persons to keep such records as it may direct, and make reports thereof; and to punish unfair dealings by said persons in their said business.

(68) Newsboys, Bootblacks, Etc. To license and regulate newsboys, bootblacks, fortune tellers, clairvoy-ants, astrologists and massage doctors.

(69) Distilleries and Breweries. To tax, license and regulate distilleries and breweries.

(70) Butcher Shops, Etc. To license and regulate butcher stalls, shops and stands for the sale of game, poultry, meat, fish and perishable materials.

(71) Concealed Weapons. To license, regulate and control, or prohibit, the carrying of concealed weapons and to provide for the confiscation of the same.

(72) Location of Market Houses. To establish and regulate the location of market houses, and to provide for the use thereof; to regulate the making and sale of bread and prescribe the weight and quality of the bread in the loaf and to provide for the seizure and forfeiture of bread baked contrary thereto.

(73) Hay, Wood, Coal, Etc. To provide for and regulate the place and manner of weighing hay, straw, and of selling the same, and of measuring and selling fire wood, coal and lime.

(74) Blasting, Passenger and Freight Elevators, Derricks, Etc. To regulate the operation of blasts and blasting, and the construction, location and operation of derricks, windlasses, freight and passenger eleva-tors and other mechanical structures, apparatus or operations, hazardous to life or property.

(75) Emission of Smoke. To declare the emission of dense smoke from chimneys, stacks and lo-comotives within the limits of the city a nuisance, and to prohibit and pre-vent the emission of dense smoke in any portion of or throughout the city, and to require the use, in connection with furnaces, of such practicable ap-pliance as it may designate to prevent and lessen the emission of dense smoke, and to designate the kind of fuel which shall not be used in any furnace, stove or fireplace without the use of such appliances to prevent the emission of dense smoke.

(76) Births and Deaths. To provide for and compel the reporting and record of all births and deaths within the city.

(77) Cemeteries, Vaults, Etc., Crematories, Removal of Bodies. To regulate or prevent the burial of the dead within the city and to regulate and determine the manner in which bodies that have been buried in a vault or tomb or other place for the purpose of burial may be re-moved and to regulate and control the location of cemeteries and crema-tories and to vacate, and cause the removal of bodies interred in any ceme-tery within the limits of the city not existing according to law.

(78) Location of Stock Yards, Slaughter Houses, Gas Works, Etc. To direct the location and regulate the management, use and construc-tion of stock yards, slaughter houses, packing houses, renderies, tallow chandler's, store-houses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, within the limits of the city, or within a distance of one mile without the limits thereof; to direct the location and regulate the construction and use and manner of operation of breweries, dispensaries, stables, livery stables, blacksmith shops, and foundries within the limits of the city.

(79) Lumber Yards. To regulate, or prohibit the keeping of any lumber yard, or places for piling of lumber, wood and other combustible material within the fire limits of said city, and to require any person maintaining any lumber, shingles, or lath piles or mill-yards in the city to remove the same when they be-come dangerous to any building or other property near the same.

(80) Public Buildings. To establish and enforce rules for the use and regulation of all build-ings maintained by the city.

(81) Gas. To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and distribution of gas, and to inspect gas and gas meters, and to control and regulate the measurement and use of electricity and electrical apparatus for furnishing

(44) **Fire Limits.**  
To prescribe fire limits, and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings, or existing buildings within such fire limits.

(45) **Police and Fire Department.**  
To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(46) **Police and Fire Alarm System.**  
To establish and maintain a fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof.

(47) **Dogs.**  
To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to provide for the destruction of vicious dogs and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

(48) **Public Pound.**  
To prevent or regulate the running at large of any animals and to establish and maintain a pound and to authorize the destruction, or other disposition of any animals running at large.

(49) **Cruelty to Animals.**  
To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in a clean and healthful condition.

(50) **Preservation of Health.**  
To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

(51) **Dangerous and Offensive Occupations. Disagreeable Noises.**  
To regulate or prohibit the operation of all manufactories, occupations, or trades which may be of such a nature as to effect the public health, or good order of the city, or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive or injurious noises.

(52) **Inspection of Food Products, Dairies.**  
To provide for and regulate the inspection and sale of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or keeping within the city any such unsound, spoiled, adulterated or unwholesome products; to provide for and regulate the inspection of all dairies, milk and cream depots that offer for sale any of their products in the city, whether situated within or without the city.

(53) **Inspection of Restaurants, Hotels, Lodging Houses, Butcher Shops, Tenement and Apartment Houses.**  
To provide for the inspection and regulation of restaurants, hotels, bakeries, butcher shops, lodging tenement and apartment houses, and to provide that they be put and kept in proper sanitary condition; to prevent the overcrowding of lodging, tenement and apartment houses.

(54) **Public Shows, Etc.**  
To license, regulate, restrain or prohibit all exhibitions of public shows, caravans, menageries, circuses, concerts, theatrical performances, museums, skating rinks, and all places of amusement for entrance into which or amusement or entertainment in which money is charged.

(55) **Gambling.**  
To prevent and prohibit all rescriptions of gambling and fraudulent devices and practices, bucket shops, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited, or paid upon chance, the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

(56) **Fire Sales, Etc.**  
To license and regulate gift, fire auction and bankruptcy sales, and auctions.

(57) **Transient Merchants, Peddlers, Etc.**  
To regulate, control and license transient merchants, pawnbrokers, auctioneers, peddlers, second hand and junk dealers, book agents and canvassers, doing business in the city, and to compel all such persons to keep such records of the transactions as it may direct, and make report thereof.

(58) **Public Vehicles, Etc. Regulation of.**  
To establish stands for hacks, express wagons, automobiles, and other public vehicles for hire, and to regulate the charges for such vehicles and to require schedules of such charges to be posted in or upon such public vehicles; to license and regulate porters, runners, agents and solicitors for hacks, public carriages, cars and other public vehicles for hire, and public houses.

(59) **Weights and Measures.**  
To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the use by dealers of proper weights and measures duly tested and sealed.

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

(61) **Erroneous Taxes.**  
To order the repaying by the treasurer of any taxes, percentage or costs, erroneously or illegally collected.

(62) **Fees.**  
To fix the fees and charges for all official services not otherwise provided for in this charter.

(63) **Lease of Lands By the City, Sale of Useless Personal Property.**  
To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made by public auction to the highest responsible bidder at the highest monthly rental, after publication of notice thereof for at least one week, stating explicitly the time and conditions for the proposed lease; provided, that the commission may in its discretion reject any and all bids. To provide for the sale at public auction, after advertising for five days, or personal property unfit or unnecessary for the use of the city.

(64) **Purchase of Property Under Execution.**  
To provide for the purchase of property levied upon under execution in favor of the city, but the amount bid on such purchase shall not exceed the

amount of such debt or other place for the purpose of burial may be removed and to regulate and control the location of cemeteries and crematories and to vacate, and cause the removal of bodies interred in any cemetery within the limits of the city not existing according to law.

(78) **Location of Stock Yards, Slaughter Houses, Gas Works, Etc.**  
To direct the location and regulate the management, use and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandler's, store-houses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries, within the limits of the city, or within a distance of one mile without the limits thereof; to direct the location and regulate the construction and use and manner of operation of breweries, dispensaries, stables, livery stables, blacksmith shops, and foundries within the limits of the city.

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

(80) **Public Buildings.**  
To establish and enforce rules for the use and regulation of all buildings maintained by the city.

(81) **Gas.**  
To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and distribution of gas, and to inspect gas and gas meters, and to control and regulate the measurement and use of electricity and electrical apparatus for furnishing light, heat and power in the city.

(82) **Officers for Inspection, May, Etc.**  
To establish offices for inspectors, weighers, gaugers, scalers, electricians and such other officers as may be necessary to carry into effect the inspection laws of the city, and to regulate their duties, and authorize and direct said officers to enforce and carry into effect the provisions of any ordinance relative thereto.

(83) **General Powers of Control In Matters Beyond Those Herein Specified, for the Comfort, Safety, Etc., of The People.**

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

(84) **Legislation By Ordinance, Resolution and By-Yaws.**  
To adopt such ordinances, resolutions, by-laws or regulations as may be necessary and proper to carry out the provisions of this charter, and all of the powers specified in this chapter.

(85) **Penalties and Punishments.**  
To declare and impose penalties and punishments for the violation or breach of any provision of this charter, or of any ordinance, resolution, by-law, or regulation of the city not exceeding however, a fine of one hundred dollars and costs of prosecution, or imprisonment in the city lockup, or county jail of Pope county, for a term not exceeding three months.

**Section 107. Additional Powers. Enumeration of Powers Not to Exclude Other Powers.**

The commission shall have full power to enact appropriate legislation by ordinance, resolution, by-law or regulation, and do and perform any and all other acts and things which may be necessary and proper in order to the full carrying out of the general powers of the city, and the provisions of this charter, and to exercise all powers not in conflict with the constitution and the laws of the state, this charter, or ordinance adopted by the people of the city, and the foregoing enumeration of specific powers shall not be held in any way to curtail or restrict any power which the commission might otherwise have under the common law, the constitution and general Laws of the State of Minnesota.

#### Chapter XV.

#### CONTRACTS AND PUBLIC WORKS.

**Section 108. Contracts for Expenditures of Money Authorized Only By Ordinance or Resolution of the Commission, or Ordinance Under Chapter X.**

No contract for commodities, labor, service or other matter furnished or performed for the city or any department thereof, involving an expenditure of money shall be valid except as authorized by ordinance or resolution passed by the commission, or by ordinance adopted under the provisions of Chapter Ten, and all such contracts shall be made as in this chapter provided, and not otherwise. All action authorized to be taken by the commission under this chapter shall be by resolution or ordinance.

**Section 109. Estimates. Amount of Contract.**

The commission, 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, labor, or service to be done or furnished, and shall estimate the cost thereof, and in order to determine such estimated cost may require estimates from any officer or employee of the city. After such estimate is made the commission may direct that the commodities, labor or service be procured by or through the proper department or officer of the city without public bids or may in its discretion require that said commodities or service, shall only be furnished or done upon public bids and under contract.

**Section 110. Plans and Specifications. Proposed Contract.**

Before advertising for bids, the commission shall cause to be prepared by the proper department or office of the city, and file with the city clerk, detailed plans and specifications, and the form of the proposed contract for commodities and service.

Said contract shall, among other things, contain stipulations covering the matters following:

(1) **Right to Suspend Work.**  
Reserving the right to the city engineer, with the consent of the commission, in case of improper construction, to suspend the work at any time, or to order the entire reconstruction of the work if improperly done.

(2) **When Commission Can Complete Work.**  
If, in the opinion of the commission, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the commission and city engineer shall have power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor, or may be collected from him or the sureties on his bond in a suit by the city.

(3) **Estimates and Payments Thereon. Final Payment.**  
In the course of the proper performance of the contract, the commission may from time to time, not oftener than once a month, as the work progresses, allow to the contractor on estimates made by the city engineer the amount earned less fifteen per cent thereof, which, when ordered paid by the commission shall entitle said contractor to receive the amount so







year, may if the Commission elect, be paid into the sinking fund general fund. All action hereunder shall be by resolution. Respective of any action that may be taken by the Commission establishing funds under the authority above provided, there shall be maintained in the city treasury the following funds, and except as herein otherwise provided, the Commission may levy an annual tax upon all taxable property in the city for the support of such funds, and the purposes following are to say:

First: An interest fund, for which there may be levied a sum sufficient for the payment of the interest to become due during the next year, upon the indebtedness of the City. Out of such fund interest shall be paid.

Second: A sinking fund to provide for the payment when due of bonds funded debt of the city. For the maintenance of this fund, there shall be levied an annual tax upon all taxable property in the city. This tax shall be applied only to the payment of the principal of bonds issued in the city.

Third: A roads, streets and bridges fund to provide for the engineering, maintenance, and cleaning and repairing of streets, sewers and sidewalks, crosswalks and bridges.

Fourth: A library fund to provide for the support of the public library.

Fifth: A poor fund to provide for the support of the poor.

Sixth: A waterworks fund to provide for the support and maintenance of any plant owned or operated by the city for the furnishing to its inhabitants water, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of such plant.

Seventh: A fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or in connection with any water plant of the city; also the proceeds of special assessments levied on account of or in connection with such plant, also such amounts as may from time to time be realized from the sale of bonds issued on account of said plant, and also all moneys received from the sale of said plant including water rentals and penalties. The surplus in this fund at the close of each fiscal year, may, if the Commission elect, be paid into the general or the sinking fund.

Eighth: A permanent improvement fund for the purpose of paying for all real property, and all rights therein and all improvements which the city shall acquire for its various purposes, and the payment of which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expenses of local improvements as shall devolve upon the said city. There shall also be paid into this fund all moneys received from the sale of any permanent improvement property of the city, not otherwise disposed of under this Charter, and such amounts as may from time to time be realized from the sale of bonds issued on account of this fund.

Ninth: A general fund to provide for all current and incidental expenses of and judgments against the city not otherwise provided for and other disbursements as may be authorized by law. There shall be paid into this fund all moneys received from any source save when required for a specific use and purpose.

Tenth: Other than those heretofore mentioned, may, at any time, be levied by the Commission by resolution.

Any resolution of the Commission moneys may be drawn from the general fund to aid and help any other fund when in its judgment public necessities require.

Eleventh: A permanent improvement revolving fund for the purpose of providing money for paying for that portion of local improvements, under the provisions of this Charter for which assessments may be levied, but which shall not be supported by taxation. There shall be paid into it all moneys received from all special assessments levied under this Charter for local improvements, and also amounts as may be realized from the sale of bonds, warrants or certificates authorized therefor in this Charter.

**Section 129. Distribution of Moneys in Treasury, and To Be Collected When Charter Takes Effect.**

All moneys in the Village Treasury at the time this Charter goes into effect, and all moneys that shall be collected from taxes levied before this Charter goes into effect, shall so far as practicable be divided among the funds hereby established and where such division is not practicable, shall be kept in the general fund.

The Commission, by resolution shall provide for such division in accordance with the directions herein contained.

**Section 130. Contingent Expenses By Mayor.**

From the general fund the Commission may every year by resolution appropriate a sum not to exceed one hundred dollars for contingent expenses incurred or to be incurred by the Mayor in the detection and prevention of crime in the city.

**Section 131. Duty of Treasurer to Keep Separate Account of Funds.**

It shall be the duty of the Treasurer to keep a complete accurate and separate account of each and all of the separate funds embraced in subdivisions one to nine inclusive of Section One hundred twenty-eight, which shall accurately show at all times the amount of money received by him on the credit of each of such funds, and what has been received, and the amount of money paid out by him on account of each of such funds, and for what purpose paid out.

**Section 132. Duty of Treasurer to Keep Account of Moneys Received and Use of Moneys.**

The Treasurer shall keep a separate account of moneys received or to be received for each local improvement, for which an assessment is levied, and when any money is collected by him from the County Treasurer or any other source, on account of any such assessment, it shall be his duty to credit the sum to its separate assessment account. Whenever the County Treasurer shall pay over to the City Treasurer any taxes belonging to the city, and collected under and levy, and whenever any money is received by the City Treasurer from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate of the fiscal year for which such estimate is made, the money received on account of assessments shall not be paid out by the Treasurer except in payment of assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate, and the money received from the County Treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures together with arrearages due and unpaid for the specific object for which said estimate was made, and said taxes were levied.

**Section 133. Distribution of Moneys Received After Books Opened.**

After the accounts are opened in the books as hereinbefore provided, all moneys thereafter received by the city from the collection of delinquent taxes, shall be forthwith distributed to the funds provided for herein, so far as such funds correspond to the funds named in the particular tax levy, which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the general fund. The surplus of any year's receipts over expenditures in any particular

sue.

**Section 139. Board of Sinking Fund Commissioners. Who Are. Duty.**

The mayor, the Superintendent of the department of accounts and finances, and the City Clerk shall constitute a board of sinking fund commissioners and the Commission may, by resolution, define such duties for said board as are not herein prescribed. Said commissioners shall have charge of the sinking fund, and shall by and with the consent of the Commission, invest the same in bonds or other obligations of the city, issued pursuant to the Charter, or in such other bonds as are permitted by law for the investment of the public school funds for the state of Minnesota, or in any county or school bonds of this state. In case of investment in the bonds or other obligations of the city the same shall not be cancelled, except when authorized by the Commission, but shall be held in the sinking fund, and the interest thereon shall be paid and applied to such sinking fund. Whenever any bonds of the city become due said commissioners shall, with the consent of the Commission, dispose of enough of the bonds then in the sinking fund, if any, as will with the money then on hand be sufficient to pay such maturing bonds; and the commissioners by and with the consent of the Commission, may dispose of any bonds in said fund, at such other time as is deemed for the best interest of said fund. Whenever the amount of such sinking fund, together with the interest therefrom computed to the time of the maturity of the city bonds is sufficient to pay all of said bonds, the levy of five mills hereinbefore provided for, may be omitted and the money otherwise voted to this fund may be diverted to other funds, but, whenever said fund, shall in the judgment of the Commission be insufficient to pay said bonds at maturity, such tax shall be resumed, said commissioners shall make a detailed report to the Commission, at the first meeting in July of each year, and at such other times as the Commission may require and said reports shall show the condition of said sinking fund, the nature and value of all the securities thereunto belonging with a full description of said securities. Any taxpayer, or any of the owners of bonds of the city shall have the right to maintain in a court of competent jurisdiction any proper action or proceedings to enforce, upon the part of the Commission or said Commissioners compliance with the provisions of this section. Whenever, at the maturity of any bonds of the city, said sinking fund shall not have money sufficient to pay the bonds so maturing, or whenever the Commission shall deem it advisable to take up any bond not due, other bonds of the city may be issued, on such terms as to place and time of payment, not exceeding twenty years, as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due.

**Section 140. Right of City To Acquire Property For Lien For Local Assessments.**

The city shall have authority to protect itself by acquiring title to any property subject to special assessment for improvements, and shall have authority by ordinance to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this Charter, or thereafter, and shall have the power in like manner to assign any lien or right of action held by the city on account of, or arising out of any such assessments as security for the payment of the bonds, or certificates of indebtedness or other evidence of indebtedness mentioned in Section One hundred Thirty-five or to provide that such certificates or other evidence of indebtedness mentioned herein, may be collected out of any such property, liens, or right of action.

**Section 141. Interest on Bonds, Certificates, Etc., Not to Be Sold for Less Than Par Value.**

Bonds, certificates, and other evidence of indebtedness of the city authorized by this Charter, shall in no event bear a greater rate of interest than six per centum per annum, and shall in no event be sold for less than the par value and accrued interest.

**Section 142. Limit of Indebtedness.**

The total indebtedness of the city shall not at any time exceed three (3) per cent of the last preceding assessed valuation of the property taxable therein; provided however:

First: Debts contracted and bonds and other obligations issued and voted and not issued by the village prior to the adoption of this Charter for the purpose of acquiring water works for supply to the Village and selling to its inhabitants and others, water, and also the property connected therewith and necessary therefore, and equipping, maintaining and operating the same, remaining unpaid at such adoption.

Second: Bonds and other obligations that may be issued after the adoption of this Charter to extend, enlarge or improve such water works, or to re-acquire or re-construct any building, structure, or apparatus appertaining thereto that may be destroyed or to acquire or construct other additional water works, and equip, maintain and operate the same.

Third: Bonds or other obligations that may be issued for any of the purposes named in subdivisions two (2), Three (3), and that part of subdivision four (4) ending with the words, "public utility" of Section One hundred Five of this Charter, other than for water works.

Fourth: Moneys, bonds or securities in the sinking fund to pay debts other than those enumerated in paragraphs first, second, third, sixth and seventh of this section.

Fifth: Bonds issued in pursuance to the power given in subdivision first of Section One Hundred Thirty-four.

Sixth: Bonds, certificates, or other evidence of indebtedness, and warrants that may have been issued before the adoption of this Charter for the purpose of providing money to pay for any local improvement in said city for which assessments have been or may be made.

Seventh: Certificates, bonds, or other evidence of indebtedness and warrants that may be issued under the provisions of section One Hundred Thirty-five, One hundred Forty-six and Two hundred Fifteen, shall not be deemed a part of the indebtedness of the city as limited herein.

**Section 143. Annual Budget.**

The Commission shall annually at a meeting in September prior to the tax levy make a budget of the estimated amounts required to pay for the expense of conducting the business of the city for the next ensuing fiscal year.

**Section 144. Levy. When Made.**

The levy shall be made by the Commission and returned to the County Auditor on or before the tenth day of October of each year, and the same shall be entered upon the tax duplicate for the county, and collected with the county and state taxes.

**Section 145. Accounts With Funds to Be Kept Separate.**

The City Clerk and Treasurer shall each, as soon as the tax estimate is made in each year, open and keep in his book separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures and in making any levy, the Commission shall itemize the same, so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in section One Hundred twenty-eight.

**Section 146. Certificates and Other Evidences of Indebtedness Issued for Taxes Levied.**

Ninth: A permanent improvement revolving fund for the purpose of providing money for paying for that portion of local improvements, under the provisions of this Charter for which assessments may be levied, but it shall not be supported by taxation. There shall be paid into it all moneys received from all special assessments levied under this Charter for local improvements, and also amounts as may be realized from the sale of bonds, warrants or certificates authorized therefor in this Charter.

### Section 129. Distribution of Moneys in Treasury, and To Be Collected When Charter Takes Effect.

Moneys in the Village Treasury at the time this Charter goes into effect and all moneys that shall be collected from taxes levied before this Charter goes into effect, shall so far as practicable be divided among the several funds hereby established and where such division is not practicable, shall be kept in the general fund.

The Commission, by resolution shall provide for such division in accordance with the directions herein contained.

### Section 130. Contingent Expenses By Mayor.

From the general fund the Commission may every year by resolution appropriate a sum not to exceed one hundred dollars for contingent expenses incurred or to be incurred by the Mayor in the detection and prevention of crime in the city.

### Section 131. Duty of Treasurer to Keep Separate Account of Funds.

It shall be the duty of the Treasurer to keep a complete accurate and separate account of each and all of the separate funds embraced in subdivisions one to nine inclusive of Section One hundred twenty-eight, which shall accurately show at all times the amount of money received by him for the credit of each of such funds, and whence received, and the amount of money paid out by him on account thereof, and for what purpose paid out.

### Section 132. Duty of Treasurer to Keep Account of Moneys Received and Use of Moneys.

The Treasurer shall keep a separate account of moneys received or to be received for each local improvement, for which an assessment is made, and when any money is collected by him from the County Treasurer or any other source, on account of any such assessment, it shall be his duty to credit the sum to its separate assessment account. Whenever the County Treasurer shall pay over to the City Treasurer any taxes belonging to the city, and collected under and levy, and whenever any money is received by the City Treasurer from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate of the fiscal year for which such estimate is made, the money collected on account of assessments shall not be paid out by the Treasurer except in payment of assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate, and the money received from the County Treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures together with the arrearages due and unpaid for the specific object for which said estimate was made, and said taxes were levied.

### Section 133. Distribution of Moneys Received After Books Opened.

After the accounts are opened in the books as hereinbefore provided, any moneys thereafter received by the city from the collection of delinquent taxes, shall be forthwith distributed to the funds provided for herein, so far as such funds correspond to the funds named in the particular tax levy, on which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the general fund. The surplus of any year's receipts over expenditures in any particular fund may be carried forward to the same fund for the succeeding year.

### Section 134. Bonds. For What Purposes Authorized.

In addition to those authorized to be issued by the provisions of Section One hundred thirty-five, the city shall have power to be exercised in manner in this chapter provided to issue bonds for the purposes following, that is to say:

First: For the purpose of paying, funding, or refunding any bonded indebtedness of the city, whether due or not due, existing at the time this Charter goes into effect or created at any time as authorized by this Charter.

Second: For the purpose of paying the lawful floating indebtedness of the city, existing prior to the adoption of this Charter, and not already funded into bonds, such indebtedness not however, to include any indebtedness of the city for which assessments have been or may be levied to pay.

Third: For the purpose of raising money to defray the cost of establishing and maintaining a general system of sewers and of maintaining, alternating, relaying, and extending the existing system of sewers.

Fourth: For the purpose of borrowing money to defray the cost incident to and made necessary by the carrying out and full effectuation of all or any of the rights, powers, privileges and purposes authorized in and by Section One hundred five of this Charter.

### Section 135. Certificates, and Other Evidence of Indebtedness Against Taxes Levied.

The city may issue its certificates, or other evidence of indebtedness in anticipation of any taxes or assessments levied upon any portion of the taxable property of the city, as provided for hereinafter. The resolution for the issuance of certificates or bonds hereunder may provide that the same shall be general obligations of the city, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds, or liens held by the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city shall pay the same.

### Section 136. Bonds. When General Obligations of the City. What Bonds Liens. Upon What Property.

All bonds issued under subdivisions Second, Third and Fourth of Section One hundred thirty-four shall be general obligations of the city. All bonds issued under subdivision first of said section shall be general obligations of the city if the bonds which they are issued to pay, fund or refund are themselves such general obligations. All bonds issued on account of any water works, gas works, electric light, heat and power plant, telephone or telegraph system, electric or other railways or any other system of transportation or any other public convenience, shall be first liens upon the respective properties and the appliances and property connected therewith, for which they were issued.

### Section 137. Bonds. How Authorized.

The Commission, by ordinance, passed by affirmative vote of four of its members and approved by a majority vote of the electors in manner provided in Section Ninety-six, may authorize the issuance of bonds for any of the purposes mentioned in subdivisions third and fourth of section One hundred thirty-four, and no bonds shall be issued for any of such purposes except as so authorized. Bonds for any of the purposes named in the first and second subdivisions of said section, and bonds issued in pursuance of the provisions of sections One hundred thirty-five and One hundred forty-six may be authorized by resolution of the Commission passed by affirmative votes of four members.

### Section 138. Bonds. Form. Execution. Time of Payment.

All bonds authorized by the provisions of this Charter to be issued shall be in form and execution as provided by the general laws of the State, and shall be payable in not more than twenty years after their is-

Bonds, certificates, and other evidence of indebtedness authorized by this Charter, shall in no event bear a greater rate of interest than six per centum per annum, and shall in no event be sold for less than the par value and accrued interest.

### Section 142. Limit of Indebtedness.

The total indebtedness of the city shall not at any time exceed three (3) per cent of the last preceding assessed valuation of the property taxable therein; provided however:

First: Debts contracted and bonds and other obligations issued and voted and not issued by the village prior to the adoption of this Charter for the purpose of acquiring water works for supply to the Village and selling to its inhabitants and others, water, and also the property connected therewith and necessary therefore, and equipping, maintaining and operating the same, remaining unpaid at such adoption.

Second: Bonds and other obligations that may be issued after the adoption of this Charter to extend, enlarge or improve such water works, or to re-acquire or re-construct any building, structure, or apparatus appertaining thereto that may be destroyed or to acquire or construct other additional water works, and equip, maintain and operate the same.

Third: Bonds or other obligations that may be issued for any of the purposes named in subdivisions two (2), Three (3), and that part of subdivision four (4) ending with the words, "public utility" of Section One hundred Five of this Charter, other than for water works.

Fourth: Moneys, bonds or securities in the sinking fund to pay debts other than those enumerated in paragraphs first, second, third, sixth and seventh of this section.

Fifth: Bonds issued in pursuance to the power given in subdivision first of Section One Hundred Thirty-four.

Sixth: Bonds, certificates, or other evidence of indebtedness, and warrants that may have been issued before the adoption of this Charter for the purpose of providing money to pay for any local improvement in said city for which assessments have been or may be made.

Seventh: Certificates, bonds, or other evidence of indebtedness and warrants that may be issued under the provisions of section One Hundred Thirty-five, One hundred Forty-six and Two hundred Fifteen, shall not be deemed a part of the indebtedness of the city as limited herein.

### Section 143. Annual Budget.

The Commission shall annually at a meeting in September prior to the tax levy make a budget of the estimated amounts required to pay for the expense of conducting the business of the city for the next ensuing fiscal year.

### Section 144. Levy. When Made.

The levy shall be made by the Commission and returned to the County Auditor on or before the tenth day of October of each year, and the same shall be entered upon the tax duplicate for the county, and collected with the county and state taxes.

### Section 145. Accounts With Funds to Be Kept Separate.

The City Clerk and Treasurer shall each, as soon as the tax estimate is made in each year, open and keep in his book separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures and in making any levy, the Commission shall itemize the same, so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in section One Hundred twenty-eight.

### Section 146. Certificates and Other Evidences of Indebtedness Issued Against Taxes Levied.

At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October 10th, in any year, the Commission may issue and sell as many certificates of indebtedness or bonds as needed in anticipation of the collection of the taxes so levied, as aforesaid, for any special fund named in tax estimates for the purpose of raising money for such special fund, but no certificates or bonds shall be issued for any of said separate funds, exceeding fifty per cent. of the amount named in said tax estimate, to be collected for the use and benefit of said fund, and no certificate or bond shall be issued to become due and payable later than December 31st. of the year succeeding the year in which said tax estimate certified to the Auditor as aforesaid was made. Every such certificate or bond shall state upon its face for which fund the proceeds of the same shall be used, and the whole amount embraced in said tax estimate for that particular purpose. They shall be numbered consecutively and be in denominations of fifty dollars, or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms and be made payable at such place, as will best aid in their negotiation, and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the city are irrevocably pledged for the redemption of the certificates or bonds so issued.

### Section 147. Assessor and His Deputies.

The assessor and his deputies hereinafter mentioned, shall qualify in the manner and form prescribed by the general laws of the state of Minnesota and have powers, rights and privileges allowed by the same respecting the list of property for taxation, and notice may be signed and other acts, relating to the duties of such office, done by any such deputy assessor in the name of the assessor.

### Section 148. Appointment. Deputies.

The assessor must be a freeholder of the city and for the past five years a resident and elector thereof. He shall, with the consent of the Commission, appoint two deputies to enable him to properly perform the duties of his office, and shall discharge such duties in as short a space of time as possible. He shall present the names of such deputies to the Commission for its approval at its first meeting in April.

### Section 149. Board of Equalization.

The Commission shall constitute the board of equalization and shall be sworn according to law as such, and shall meet at its office on the 4th Monday in June of each year, and shall continue in session as long as necessary, not later than the Friday next preceding the second Monday in July, to review, amend and equalize the work of the assessor, pursuant to the general laws of the state.

### Section 150. Record. Sessions. Powers.

Said board shall elect one of its members secretary, who shall keep a record of its proceedings and it is hereby vested with all powers which are or may be vested in the township board of review and the county board of equalization under the general laws of the state, but shall not be restricted by any limitations in respect to reducing the aggregate sum of real or personal property as returned by the city assessor.

### Section 151. Who May Appear Before Board.

Every person aggrieved by an assessment shall have the right to appear in person or by attorney before such board and present his grievance for its consideration. The assessor shall attend the sessions and hearings of said board, and give information when desired. He shall revise his assessments rolls in accordance with the decision of said board, and after the same shall have been certified by the Mayor and Secretary of said board, shall transmit to the County Auditor such revised assessments rolls not later than the second Monday in July, and unless otherwise provided, the assessor shall proceed under the general laws of the state.

# Proposed Charter City of Glenwood, Pope County, Minn

## Section 152. Compensation.

Each Member of the board of equalization shall be paid out of the city treasury the sum of two dollars a day for each day of actual service upon said board not exceeding three days in each year.

## Section 153. Disposition of Moneys Collected.

Every officer collecting moneys belonging to or for the use of the city shall settle for same with the city treasurer on or before the last day of each month, or at such more frequent intervals as directed by the Commission, and immediately pay all of such moneys into the Treasury, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday, or a legal holiday, the said payments shall be made on the next preceding business day.

## Section 154. Uniform Accounts and Report.

The Commission shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

### CHAPTER XVII.

## EMINENT DOMAIN, AND OTHER METHODS OF ACQUIRING PROPERTY MAY BE ACQUIRED. PRELIMINARY STEP TO CONDEMNATION.

### Section 155. Eminent Domain. Property Already Dedicated May Be Taken.

The City of Glenwood is hereby empowered to acquire by condemnation such real estate, or any interest or easement therein, either within or without its limits, as may be needed by said city for laying out, opening, widening, extending, enlarging, or altering any street, alley, highway or public grounds, or for any other public use or purpose. The said city may in like manner acquire the right to damage, injure or destroy any property of whatever nature in laying out, opening, widening, extending, enlarging, altering, grading and change of grade, of streets, alleys and highways, or in the improvement for any public purpose or use, of any grounds or other property owned or acquired by it, whether the same was acquired by condemnation or otherwise and wherever situate. The fact that the property so needed by the city, or damaged, injured or destroyed, has been acquired by the owner under eminent domain, or is already devoted to a public use, will not prevent its acquisition by the city, or other injury thereto.

### Section 156. Property Acquired By Gift, Devise, Purchase, and Otherwise Than By Condemnation.

The city may acquire any real estate, or interest, or easement therein, needed for any public use or purpose, within or without its limits, by purchase, gift, devise, or otherwise.

### Section 157. Eminent Domain. Preliminary Step.

The necessity for the taking of any property shall be first determined by resolution of the Commission or ordinance adopted under Chapter Ten, which shall be the preliminary step thereto; such resolution or ordinance shall in a general way describe the property so needed and order this condemnation.

### CHAPTER XVIII.

## POWER TO MAKE ASSESSMENT FOR IMPROVEMENT. ASSUMPTION OF PORTION OF COST BY CITY.

### Section 158. Power to Make Assessments for Improvements.

The city is hereby authorized and empowered, except as otherwise provided, to levy assessments upon any property benefited by improvements to the amount of such benefit, provided for in Chapter Nineteen to Twenty-one inclusive, without regard to cash valuation.

### Section 159. Assumption of Portion of Cost By City.

The Commission may by resolution passed by a four-fifths vote of all its members, order that the cost and expense of all or any part of any improvement in Chapters Nineteen to Twenty-one inclusive provided, shall be paid out of the appropriate fund or general fund of the city without assessment on the property benefited.

### CHAPTER XIX.

## PUBLIC IMPROVEMENTS. CONDEMNATION OF PROPERTY. ASSESSMENTS FOR BENEFITS.

### Section 160. Determination of Nature and Extent of Improvements. Plat to Be Made.

After the adoption of a resolution or ordinance as heretofore stated declaring that for public improvement it is necessary to take any private property, or property devoted to a public use, by condemnation, the Commission shall determine by resolution in a general way the nature and extent of the proposed improvement and notify the City Engineer of such determination; thereupon the said Engineer shall make and present to the Commission, a plat and survey of such proposed improvement, showing the nature, course and extent of the same, and the property necessary to be taken, damaged, injured or destroyed or benefited thereby, together with the name of the owner or owners of each parcel of such property, as the same appears by the last assessment list in the office of Auditor of the County in which said lands are situated at the date of said resolution by the Commission, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement. Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed, and the Commission may cause such plat or survey to be modified, amended or changed.

### Section 161. Adoption of Plan. Order for Improvement and Notice.

When such plat or survey shall finally describe the proposed improvement to the satisfaction of the Commission, it shall by resolution adopt the same and order the making of the improvement. The Commission shall then give fifteen days notice by one publication in the official paper of the city of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments and benefits as the case may be, in which notice, it shall describe the land or property to be condemned, by general description, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the same manner in which a summons is served in a civil action in District Court upon all parties interested in the land to be condemned or benefited as appears by the last assessment list in the office of the auditor of the county in which the land is situate, who can be found in said county, and also upon all persons occupying said lands, or any part thereof, and it shall mail a copy of such notice to all non-residents of the said County, appearing to be interested in said land, addressed to the last known postoffice address of such non-residents; if such address is unknown to the Commission such notice shall be addressed to such person at Glenwood, Minnesota. Proof of the services and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place and manner of serving or mailing the same, and how notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the City Clerk.

### Section 167. Damages, Etc., To Be Assessed Upon Real Estate Benefited.

Having ascertained the damages and expenses of such improvement, as aforesaid, the Commission shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Commission in payment of same, together with the costs of the proceedings upon the real estate and property, it deems benefited by such improvement in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

### Section 168. Assessment Roll.

The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof as far as known to the Commission, or if unknown, shall so state and the amount of damages awarded, and benefits, if any, assessed against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Commission shall so state on such assessment roll, and shall specify the amount of such excess. The Commission shall also note on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

### Section 169. Notice of Completion of Assessment Roll.

When completed, the Commission shall cause to be given ten days notice by one publication in the official paper of the city, to the effect that such assessment has been completed and that at a time and place therein specified, it will hear objections thereto and that all such objections must be filed in writing with the City Clerk at least one day prior to the time so specified, and unless sufficient cause is shown to the contrary, the same will be confirmed. Said notice shall contain a copy of the assessment roll as completed.

### Section 170. Objection. How Made.

All objections to the assessment shall be in writing and filed with the City Clerk at least one day prior to the time specified in said notice. Provided that said Commission may, in its discretion, allow any person interested who has inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

### Section 171. Adjournment of Proceedings.

Should the Commission not be present at the time and place appointed, the proceedings may be adjourned by the City Clerk, to such other convenient time and place as may be deemed expedient.

### Section 172. New Notice May Be Given.

Nothing herein contained shall preclude the Commission from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessments, in case the previous notice shall be found imperfect, or in case of the absence of the Commission, or for any other reason which shall be satisfactory to the Commission for so doing.

### Section 173. Commission to Have Power to Adjourn Hearing and Revise Assessment.

The Commission shall have the power to adjourn such hearing from time to time, and in its discretion to reverse and correct the said assessment, and to confirm or set aside the same and to proceed to make an assessment de novo. The assessment when confirmed, shall be corrected to conform to such confirmation, and shall be final and conclusive upon all persons interested therein, and not appealable therefrom.

### Section 174. Procedure After Confirmation of Assessment.

When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the City Clerk. A warrant for the collection of said assessment shall issue as provided in section Two Hundred One in case of other assessments, except said assessment shall not be payable in installments.

### Section 175. Notice of Confirmation of Assessments.

As soon as practicable after an assessment of damages and benefits has been confirmed the Commission shall cause a brief notice by one publication of the fact of such confirmation, to be published in the official paper of the city.

### Section 176. Re-Assessment.

If the said assessment shall be set aside by the Commission as aforesaid for any cause, jurisdictional or otherwise, the Commission shall proceed to make a new assessment and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment, provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any place or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefit accruing from the said improvement.

### Section 177. Procedure When No Assessment for Benefits Can Be Made.

All the provisions of this chapter, insofar as applicable shall apply to and be followed in the condemnation of property where no assessment for the benefits can be made.

### Section 178. Commission May Abandon Proceedings.

The Commission may, by resolution, abandon any proceedings under this chapter at any time before the confirmation of any award of damages made by it, or in case of appeal within twenty days after final determination thereof on such appeal.

### Section 179. Appeal to District Court.

Any award or failure to award damages for any property taken or damaged, or assessment of benefits in proceedings under this chapter, may be appealed from by the persons and in manner provided in Chapter Twenty-three (23) of this Charter, and the same shall be heard and determined in manner therein stated.

### Section 180. Effect of Award.

Whenever an award of damage shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement.

The city is hereby provided, to levy assessments upon any property benefited by such improvements to the amount of such benefit, provided for in Chapter Nineteen to Twenty-one inclusive, without regard to cash valuation.

Section 159. Assumption of Portion of Cost By City.

The Commission may by resolution passed by a four-fifths vote of all its members, order that the cost and expense of all or any part of any improvement in Chapters Nineteen to Twenty-one inclusive provided, shall be paid out of the appropriate fund or general fund of the city without assessment on the property benefited.

### CHAPTER XIX. PUBLIC IMPROVEMENTS. CONDEMNATION OF PROPERTY. ASSESSMENTS FOR BENEFITS.

#### Section 160. Determination of Nature and Extent of Improvements. Plat to Be Made.

After the adoption of a resolution or ordinance as herebefore stated declaring that for public improvement it is necessary to take any private property, or property devoted to a public use, by condemnation, the Commission shall determine by resolution in a general way the nature and extent of the proposed improvement and notify the City Engineer of such determination; thereupon the said Engineer shall make and present to the Commission, a plat and survey of such proposed improvement, showing the nature, course and extent of the same, and the property necessary to be taken, damaged, injured or destroyed or benefited thereby, together with the name of the owner or owners of each parcel of such property, as the same appears by the last assessment list in the office of Auditor of the County in which said lands are situated at the date of said resolution by the Commission, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement. Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed, and the Commission may cause such plat or survey to be modified, amended or changed.

#### Section 161. Adoption of Plan. Order for Improvement and Notice.

When such plat or survey shall finally describe the proposed improvement to the satisfaction of the Commission, it shall by resolution adopt the same and order the making of the improvement. The Commission shall then give fifteen days notice by one publication in the official paper of the city of the time and place when it will meet to make an award of damages and assessments of benefits, or an award of damages or assessments and benefits as the case may be, in which notice, it shall describe the land or property to be condemned, by general description, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the same manner in which a summons is served in a civil action in District Court upon all parties interested in the land to be condemned or benefited as appears by the last assessment list in the office of the auditor of the county in which the land is situate, who can be found in said county, and also upon all persons occupying said lands, or any part thereof, and it shall mail a copy of such notice to all non-residents of the said County, appearing to be interested in said land, addressed to the last known postoffice address of such non-residents; if such address is unknown to the Commission such notice shall be addressed to such person at Glenwood, Minnesota. Proof of the services and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place and manner of serving or mailing the same, and how notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the City Clerk.

#### Section 162. Hearing.

All parties interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may appear and adduce evidence, as may also the City Attorney, before said Commission at said hearing.

#### Section 163. Damages. How Awarded. Interest.

The Commission, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate taken, damaged, injured or destroyed for the improvement, and the damages arising to them respectively from the condemnation thereof which shall be awarded to such owners, respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement. And said sum, so awarded, as damages, shall bear interest at the rate of six per cent. per annum from and after the date of the confirmation of assessment therefor as hereinafter provided until paid.

#### Section 164. Damages in Excess of Benefits.

If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, the Commission shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible from them or paid to them.

#### Section 165. Lands. Buildings. Appraisalment.

In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for the damages to the land and improvements separately. The value of such building or improvements or the part thereof necessary to be taken, to the owner in case of removal, shall also be determined by said Commission, and notice of such determination shall be given by it to the owner when known, if a resident of the city personally, or be left at his usual place of abode with some person of suitable age and discretion then residing therein. If the owner is not known, or is a non-resident of the city, ten days notice by one publication to all persons interested shall be given in the official paper of the city which shall be sufficient notice to such owner. Such owner may at any time, within ten days after such notice notify in writing the Commission of his election to take such building or improvement or such part thereof at its appraised value, and in such case the amount of such appraisal shall be deducted by the Commission from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Commission may allow. If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages, aforesaid, and the Commission shall, after the confirmation of the assessment and after the money is in the hands of the Treasurer ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction for cash, giving ten days notice of sale by one publication in the official paper, and cause such building or improvement, or part thereof, to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

#### Section 166. Joint Owners.

If the land and building belong to different persons, or if the land is subject to lease, the damages done to such persons, respectively, may be awarded to them by the Commission, less the benefits resulting to them, respectively, from the improvement.

persons interested therein. Section 174. Procedure After Confirmation of Assessment.

When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the City Clerk. A warrant for the collection of said assessment shall issue as provided in section Two Hundred One in case of other assessments, except said assessment shall not be payable in installments.

#### Section 175. Notice of Confirmation of Assessments.

As soon as practicable after an assessment of damages and benefits has been confirmed the Commission shall cause a brief notice by one publication of the fact of such confirmation, to be published in the official paper of the city.

#### Section 176. Re-Assessment.

If the said assessment shall be set aside by the Commission as aforesaid for any cause, jurisdictional or otherwise, the Commission shall proceed to make a new assessment and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment, provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any place or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefit accruing from the said improvement.

#### Section 177. Procedure When No Assessment for Benefits Can Be Made.

All the provisions of this chapter, insofar as applicable shall apply to and be followed in the condemnation of property where no assessment for the benefits can be made.

#### Section 178. Commission May Abandon Proceedings.

The Commission may, by resolution, abandon any proceedings under this chapter at any time before the confirmation of any award of damages made by it, or in case of appeal within twenty days after final determination thereof on such appeal.

#### Section 179. Appeal to District Court.

Any award or failure to award damages for any property taken or damaged, or assessment of benefits in proceedings under this chapter, may be appealed from by the persons and in manner provided in Chapter Twenty-three (23) of this Charter, and the same shall be heard and determined in manner therein stated.

#### Section 180. Effect of Award.

Whenever an award of damage shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement therein for such purposes; but before entering upon possession of said land or property, the city shall pay or offer to pay the amount of such award with interest at the rate of six per cent per annum from the date of the final award or confirmation thereof, or judgment of the court, as the case may be; provided however no appeal from an award or failure to award damages shall suspend the right to enter thereupon. If there shall be doubt as to who is entitled to such compensation or damages, or any part thereof, so awarded, the amount so awarded and in doubt, shall be by the Commission appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding, and notice thereof shall be given to the persons claiming the same or appearing to be interested therein, and thereupon the property so taken and for which said award was made may be entered upon and taken possession of; before payment of such award the owner of such property or the claimant of the award, shall furnish satisfactory evidence of his right to such award, if required so to do.

#### Section 181. Description of Property Taken To Be Recorded.

Upon the completion of any proceedings, under this chapter, for the acquisition of any property for the city, the Commission shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid or to be paid, to each former owner thereof, and cause its Mayor and City Clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the Register of Deeds of Pope County.

### CHAPTER XX.

#### LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

#### Section 182. Power of City To Make Local Improvements and Assessments Therefor.

The city is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, pluck, sweep or repair any street, avenue, alley, or highway; to grade, improve, protect and ornament any public park, square or grounds; to construct, improve and ornament parkways, and grass plats; to plant and protect shade or ornament trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers and drains, in, over, or under any street, alley or highway; to abate nuisances; to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of any such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

#### Section 183. Cost Paid By Assessments. Exceptions.

The cost and expense of any of the improvements mentioned in section One Hundred Eighty-two, unless otherwise ordered by the Commission, as provided by Section One Hundred Fifty-nine, and excepting the construction, reconstruction or maintenance of cross walks over public streets and alleys, sidewalks adjacent to public grounds, squares and parks, improvement or ornamenting public grounds, squares and parks, curbing, guttering, paving, re-paving, macadamizing and grading street intersections and the intersections of alleys and streets which shall be paid by the city, and except as stated in section One Hundred Eighty-five shall be defrayed by assessment upon the real estate benefited thereby, to be levied and collected in manner hereinafter provided.

#### Section 184. Assessment of Corner Lots.

The Commission may, in its discretion, where any lot fronting on two

**Section 167. Damages, Etc., To Be Assessed Upon Real Estate Benefited.**

Having ascertained the damages and expenses of such improvement as aforesaid, the Commission shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Commission in payment of same, together with the costs of the proceedings upon the real estate and property, it deems benefited by such improvement in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

**Section 168. Assessment Roll.**

The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof as far as known to the Commission, or if unknown, shall so state and the amount of damages awarded, and benefits, if any, assessed against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Commission shall so state on such assessment roll, and shall specify the amount of such excess. The Commission shall also note on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

**Section 169. Notice of Completion of Assessment Roll.**

When completed, the Commission shall cause to be given ten days notice by one publication in the official paper of the city, to the effect that such assessment has been completed and that at a time and place therein specified, it will hear objections thereto and that all such objections must be filed in writing with the City Clerk at least one day prior to the time so specified, and unless sufficient cause is shown to the contrary, the same will be confirmed. Said notice shall contain a copy of the assessment roll as completed.

**Section 170. Objection. How Made.**

All objections to the assessment shall be in writing and filed with the City Clerk at least one day prior to the time specified in said notice. Provided that said Commission may, in its discretion, allow any person interested who has inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

**Section 171. Adjournment of Proceedings.**

Should the Commission not be present at the time and place appointed, the proceedings may be adjourned by the City Clerk, to such other convenient time and place as may be deemed expedient.

**Section 172. New Notice May Be Given.**

Nothing herein contained shall preclude the Commission from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessments, in case the previous notice shall be found imperfect, or in case of the absence of the Commission, or for any other reason which shall be satisfactory to the Commission for so doing.

**Section 173. Commission to Have Power to Adjourn Hearing and Revise Assessment.**

The Commission shall have the power to adjourn such hearing from time to time, and in its discretion to reverse and correct the said assessment, and to confirm or set aside the same and to proceed to make an assessment de novo. The assessment when confirmed, shall be corrected to conform to such confirmation, and shall be final and conclusive upon all persons interested therein, and not appealable therefrom.

**Section 174. Procedure After Confirmation of Assessment.**

When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the City Clerk. A warrant for the collection of said assessment shall issue as provided in section Two Hundred One in case of other assessments, except said assessment shall not be payable in installments.

**Section 175. Notice of Confirmation of Assessments.**

As soon as practicable after an assessment of damages and benefits has been confirmed the Commission shall cause a brief notice by one publication of the fact of such confirmation, to be published in the official paper of the city.

**Section 176. Re-Assessment.**

If the said assessment shall be set aside by the Commission as aforesaid for any cause, jurisdictional or otherwise, the Commission shall proceed to make a new assessment and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment, provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any place or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefit accruing from the said improvement.

**Section 177. Procedure When No Assessment for Benefits Can Be Made.**

All the provisions of this chapter, insofar as applicable shall apply to and be followed in the condemnation of property where no assessment for the benefits can be made.

**Section 178. Commission May Abandon Proceedings.**

The Commission may, by resolution, abandon any proceedings under this chapter at any time before the confirmation of any award of damages made by it, or in case of appeal within twenty days after final determination thereof on such appeal.

**Section 179. Appeal to District Court.**

Any award or failure to award damages for any property taken or damaged, or assessment of benefits in proceedings under this chapter, may be appealed from by the persons and in manner provided in Chapter Twenty-three (23) of this Charter, and the same shall be heard and determined in manner therein stated.

**Section 180. Effect of Award.**

Whenever an award of damage shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement therein

streets has been previously assessed, and the assessment paid, for laying any sewer pipe upon a street other than the one in which such improvement is to be extended; remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of sixty-six feet on such lot, as it may deem just under all circumstances of the case.

**Section 185. Amounts Assessable Against City. Public or Exempt Property.**

The amounts which would otherwise be assessable against property, belonging to the city, public property, or property exempt from assessment for local improvements shall be paid out of the appropriate fund or the general fund of the city.

**Section 186. Provisions of Chapter Fifteen. To Apply to Contracts.**

Except as herein otherwise provided the provisions of Chapter Fifteen shall apply to all contracts mentioned in this and the succeeding chapters of this Chapter in like manner as other contracts of the city.

**Section 187. Property Owners May Construct Streets.**

Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense, in such cases and upon such terms and regulations as the Commission may by resolution prescribe.

**Section 188. Procedure Where Two Improvements Are Made At the Same Time.**

If two or more improvements are included in one contract the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by said improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

**Section 189. Inauguration of Local Improvements. Power of Commission.**

Any improvement authorized by section One Hundred Eighty-two of this Chapter shall be inaugurated in manner following: If a majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Commission shall cause plans and specifications for such improvement to be made and filed in the office of the City Clerk, and shall, when such plans and specifications are filed, give notice of the time and place when and where the Commission will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement, and the several tracts of land to be affected thereby. Provided, that the Commission by a four-fifths vote of all its members may, without petition, on its own motion, cause plans and specifications for any such improvement to be made and filed in the office of the City Clerk, and on giving like notice as is required in case of a petition of a majority of the property owners abutting on such improvement, may in the same manner cause the same to be made.

**Section 190. Hearing.**

If upon such hearing the Commission believe said improvement necessary and proper, they shall order the improvement made and assess the cost thereof on property benefited thereby, provided, that the Commission may order a portion of the cost of said improvement paid out of the appropriate fund, or the general fund.

**Section 191. Commission to Let Contract and Make Assessment.**

When the Commission shall determine to make any improvement described in Section One Hundred Eighty-two of this chapter, it shall cause an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Commission shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate or general fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll of the Commission shall describe each parcel of property assessed, and state the amount assessed against the same, and shall state the name of the owner thereof, as far as known to the Commission. No mistake in, or omission of such owner's name shall in any wise affect such assessment. If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Commission after the completion of said work, may make a final assessment in the same manner to pay the same. All assessments paid on account of any improvement ordered to be done by contract, before the contract therefor is let, shall be kept in the permanent improvement revolving fund for such improvement.

**Section 192. Assessments Against Railways or Street Railways.**

When in any case and proportion of the cost of making any improvement mentioned in Section One Hundred Eighty-two shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the city may collect the amount so assessed against such railway company by distress and sale of personal property, in the manner provided by the general laws of this state in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as an indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

**Section 193. Notice To Be Given Before Making Assessment.**

Before proceeding to make an assessment for any improvement mentioned in Section One Hundred Eighty-two, the Commission shall give ten days notice by one publication in the official paper, of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Commission shall also give at least five days notice to the same effect to all property owners interested or their agents resident in the city, if known to said Commission. The notice required by this section may be made by depositing in the Post Office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, at least five days prior to the making of the assessment, upon which card or letter shall be either printed or written, substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

**Section 194. Hearing Before Making Assessment.**

All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Commission may receive any legal evidence and may adjourn the hearing, if necessary from time to time, and place to place.

**Section 195. Notice of Hearing. Objections After Hearing. Assessment.**

When the Commission shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections and for the confirmation of such

assessment de novo. The assessment shall be final and conclusive upon the person assessed, and shall be final and conclusive upon the person interested therein, and not appealable therefrom.

Section 174. Procedure After Confirmation of Assessment. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the City Clerk. A warrant for the collection of said assessment shall issue as provided in section Two Hundred One in case of other assessments, except said assessment shall not be payable in installments.

Section 175. Notice of Confirmation of Assessments. As soon as practicable after an assessment of damages and benefits has been confirmed the Commission shall cause a brief notice by one publication of the fact of such confirmation, to be published in the official paper of the city.

Section 176. Re-Assessment. If the said assessment shall be set aside by the Commission as aforesaid for any cause, jurisdictional or otherwise, the Commission shall proceed to make a new assessment and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment, provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any place or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefit accruing from the said improvement.

Section 177. Procedure When No Assessment for Benefits Can Be Made. All the provisions of this chapter, insofar as applicable shall apply to and be followed in the condemnation of property where no assessment for the benefits can be made.

Section 178. Commission May Abandon Proceedings. The Commission may, by resolution, abandon any proceedings under this chapter at any time before the confirmation of any award of damages made by it, or in case of appeal within twenty days after final determination thereof on such appeal.

Section 179. Appeal to District Court. Any award or failure to award damages for any property taken or damaged, or assessment of benefits in proceedings under this chapter, may be appealed from by the persons and in manner provided in Chapter Twenty-three (23) of this Charter, and the same shall be heard and determined in manner therein stated.

Section 180. Effect of Award. Whenever an award of damage shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon shall be thereby divested and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes the city shall acquire only an easement therein for such purposes; but before entering upon possession of said land or property, the city shall pay or offer to pay the amount of such award with interest at the rate of six per cent per annum from the date of the final award or confirmation thereof, or judgment of the court, as the case may be; provided however no appeal from an award or failure to award damages shall suspend the right to enter thereupon. If there shall be doubt as to who is entitled to such compensation or damages, or any part thereof, so awarded, the amount so awarded and in doubt, shall be by the Commission appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding, and notice thereof shall be given to the persons claiming the same or appearing to be interested therein, and thereupon the property so taken and for which said award was made may be entered upon and taken possession of; before payment of such award the owner of such property or the claimant of the award, shall furnish satisfactory evidence of his right to such award, if required so to do.

Section 181. Description of Property Taken To Be Recorded. Upon the completion of any proceedings, under this chapter, for the acquisition of any property for the city, the Commission shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid or to be paid, to each former owner thereof, and cause its Mayor and City Clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the Register of Deeds of Pope County.

## CHAPTER XX.

### LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Section 182. Power of City To Make Local Improvements and Assessments Therefor. The city is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plow, sweep or repair any street, avenue, alley, or highway; to grade, improve, protect and ornament any public park, square or grounds; to construct, improve and ornament parkways, and grass plats; to plant and protect shade or ornament trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers and drains, in, over, or under any street, alley or highway; to abate nuisances; to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of any such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

Section 183. Cost Paid By Assessments. Exceptions. The cost and expense of any of the improvements mentioned in section One Hundred Eighty-two, unless otherwise ordered by the Commission, as provided by Section One Hundred Fifty-nine, and excepting the construction, reconstruction or maintenance of cross walks over public streets and alleys, sidewalks adjacent to public grounds, squares and parks, improvement or ornamenting public grounds, squares and parks, curbing, guttering, paving, re-paving, macadamizing and grading street intersections and the intersections of alleys and streets which shall be paid by the city, and except as stated in section One Hundred Eighty-five shall be defrayed by assessment upon the real estate benefited thereby, to be levied and collected in manner hereinafter provided.

Section 184. Assessment of Corner Lots. The Commission may, in its discretion, where any lot fronting on two

an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Commission shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate or general fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll of the Commission shall describe each parcel of property assessed, and state the amount assessed against the same, and shall state the name of the owner thereof, as far as known to the Commission. No mistake in, or omission of such owner's name shall in any wise affect such assessment. If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Commission after the completion of said work, may make a final assessment in the same manner to pay the same. All assessments paid on account of any improvement ordered to be done by contract, before the contract therefor is let, shall be kept in the permanent improvement revolving fund for such improvement.

Section 192. Assessments Against Railways or Street Railways. When in any case and proportion of the cost of making any improvement mentioned in Section One Hundred Eighty-two shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the city may collect the amount so assessed against such railway company by distress and sale of personal property, in the manner provided by the general laws of this state in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as an indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

Section 193. Notice To Be Given Before Making Assessment. Before proceeding to make an assessment for any improvement mentioned in Section One Hundred Eighty-two, the Commission shall give ten days notice by one publication in the official paper, of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Commission shall also give at least five days notice to the same effect to all property owners interested or their agents resident in the city, if known to said Commission. The notice required by this section may be made by depositing in the Post Office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, at least five days prior to the making of the assessment, upon which card or letter shall be either printed or written, substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

Section 194. Hearing Before Making Assessment. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Commission may receive any legal evidence and may adjourn the hearing, if necessary from time to time, and place to place.

Section 195. Notice of Hearing. Objections After Hearing. Assessment. When the Commission shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections and for the confirmation of such assessments, as hereinbefore required in relation to assessments for the condemnation of real estate, and objections shall be made in like manner and under like regulations and conditions and all parties in interest shall have like rights, and the Commission shall perform like duties and have like power in relation to such assessments as are herein given in relation to assessment for the condemnation of real estate.

Section 196. Assessment Final and Conclusive. Appeal. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom. Such assessment may be appealed from by the persons and in manner provided by Chapter Twenty-three and the same shall be heard and determined in manner therein stated.

Section 197. Notice of Confirmation. When any assessment of benefits has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

Section 198. Assessments Paramount Lien. Assessments levied under the provisions of this Charter shall be liens on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment, and of equal rank with the lien of the state for taxes which have been or may be levied upon said property under the general laws of the state; and the general rules of law as to priority of tax liens shall apply equally to the liens of such assessment and to such liens for general taxes, with the same force and effect as though all of the liens aforesaid and all of the taxes and assessments aforesaid were of the same general character and imposed for the same purpose and by the same authority, without regard to priority in point of time of the attaching of either of said liens, and a sale for perfecting title under either shall not bar or extinguish the other.

Section 199. City Clerk Shall Keep Record of All Assessments. The City Clerk shall keep in his office in books provided for that purpose, a correct record of all assessments, confirmed by the Commission; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the city or county treasurer or whether remaining unpaid.

Section 200. Assessments Payable in Installments. When such assessments are fully completed and have been confirmed and established the Commission shall by resolution in writing, provide that the owner, or any person interested in any lot or parcel so assessed and described in such assessment, may at his election and written request pay the same in three annual installments. Each of said installments, shall bear interest at the rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in section Two Hundred three of this Charter.

Section 201. Warrant for Assessment. When any special assessments shall be confirmed and established by the Commission as herein provided for, it shall be the duty of the City Clerk to issue a warrant for the collection thereof, which shall be under the seal of the city and signed by the Mayor and City Clerk, and shall contain a printed or written copy of the assessment roll as confirmed, or so much thereof as described the real estate and the amount of the assessment in each case, said warrant shall also include a copy of the resolution passed by the Commission as provided in Section Two Hundred of this Charter.



# Proposed Charter City of Glenwood, Pope County, Minnesota

## Section 202. Warrant Delivered to City Treasurer.

All warrants issued for the collection of any special assessment by the city as herein authorized, shall be delivered by the city clerk to the city treasurer as soon as practicable after said assessment has been confirmed and established. The city clerk shall in each instance take a receipt for such warrants and place the same on file.

## Section 203. Treasurer to Give Notice on Warrant.

Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice by one publication in the official newspaper that such warrant is in his hands for collection, briefly describing its nature and the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons interested to make payments within thirty days from the date of such notice. Said notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request, pay the assessment in three annual installments.

## Section 204. Notice of Election By Property Owners.

Any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such rights, shall, within thirty days after the publication of the notice provided for in the preceding section and before such assessment become delinquent, make and file with the city treasurer in duplicate, written notice of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for. Upon the filing of such notice by any person interested, the city treasurer shall divide the said assessment into the proper installments, and make record of the same and transmit one of such duplicate notices to the city clerk, who shall note such fact in his record book of assessments. The commission may at any time after an assessment becomes delinquent and before the same is certified to the county auditor, and upon the written application to the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments, as hereinbefore provided.

## Section 205. Election—Waiver of Defects.

Any person making an election to pay in installments as provided in Section Two Hundred Four, his heirs, personal representatives or grantees of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment or the amount thereof.

## Section 206. Installments. When Due and Payable. To Whom.

When any assessment shall be payable in installments, such installments shall be due as follows: The first installment in thirty days after the publication of the notice provided in Section Two Hundred Three hereof; subsequent with interest on the first day of October of each year, commencing with October first of the year subsequent to the year of the completion of such assessment, and continuing until three such installments, with interest, shall have been paid. Payment of such installments shall be made to the City Treasurer.

## Section 207. Return of City Treasurer to Clerk of Delinquent Assessments.

If the assessment charged in any special assessment warrant made for any improvement, shall not be paid within thirty days after the publication of the notice provided in Section Two Hundred Three, and the owner or persons interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by Section Two Hundred Four, the City Treasurer shall return to the City Clerk a list, duly certified by him of the assessments which still remain unpaid, giving in such list the description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereto.

## Section 208. City Clerk to Transmit List to County Auditor.

The City Clerk shall on or before the first day of November, following cause a statement of the amount of said delinquent assessments, except assessments that have been appealed, which shall be dealt with as hereinafter provided, with six per cent. annual interest thereon computed from the time said assessments became delinquent to the first day of October, of the year next following the making of said assessments, added thereto with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the auditor of Pope County. It shall be the duty of the said auditor to enter the several amounts of said unpaid assessments, and interest as aforesaid upon the tax duplicate of the county at the time said duplicates are made up, and the same for each year ending November first, shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the general laws of the state. Such assessments when collected, shall be paid over by the County Treasurer to the City Treasurer, the same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said Treasurer to the City Treasurer with the assessments.

## Section 209. Installments Not Paid When Due.

If any installment and interest is not paid when due on the first day of October of each year together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five per cent. to the total amount thus delinquent and certify the same to the City Clerk as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Pope County, in the same manner, at the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof shall enter and carry out the same upon the proper tax duplicates of the county in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on same, be paid over to the City Treasurer.

## Section 210. Installments May Be Paid Before Due.

Any owner or person interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already accrued.

## Section 211. Installments Paramount Lien.

Every installment, the time of payment of

Treasurer shall keep a proper record of the Post Office addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn and to cancel the same when paid. Every warrant issued as aforesaid shall contain the following proviso:

"The City of Glenwood reserves the right to pay this warrant and accrued interest at any time upon giving the holder thereof thirty days notice."

## Section 216. Collection of Assessments Levied Before This Charter Goes Into Effect.

All assessments made by the Village of Glenwood prior to the time this Charter goes into effect, shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under and the lien thereof enforced as if this Charter has not been adopted.

## CHAPTER XXI.

### SIDEWALKS.

## Section 217. Procedure to Build, Plans and Specifications.

The Commission shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the city. The Commission shall, from time to time, direct the City Clerk to advertise in the official paper for bids for building, laying or repairing all sidewalks that may be ordered by the Commission. Such advertisements, and all other proceedings in and about said work shall be done and performed in manner as provided by Chapter Fifteen of this Charter.

## Section 218. Power of City. Duties of Owners of Property.

The Commission shall have the right to cause to be constructed, sidewalks along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay or repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may be ordered by the Commission and according to the plans and specifications adopted by the Commission therefor.

## Section 219. Repair of Sidewalks.

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 superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and report to the commission the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the city clerk.

## Section 220. Notice of Making Assessment.

The said commission shall give ten days notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvement by streets.

## Section 221. Assessment to What Amount and On What Property.

The Commission shall assess the amount as nearly as it can ascertain the same which will be required to defray the cost of such improvement including the necessary expense of making and collecting such assessment, upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

## Section 222. Notice of Meeting for Confirmation of Assessment. Notice of Confirmation.

When said assessment is completed, the Commission shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objections must be filed one day before the time specified in said notice with the City Clerk. The Commission shall proceed on the hearing in the same manner and shall have the same power to revise, correct and confirm or set aside such assessment, or to proceed de novo as in case of other assessments. When any such assessment has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

## Section 223. Assessment. Final and Conclusive.

Said assessment when confirmed, shall be final and conclusive, unless appealed from as provided in Chapter Twenty-three, and shall be collected and enforced as other assessments made under Chapter Twenty of this Charter. In case of an appeal, said appeal shall not delay or effect the collection of the assessment, except as to the property appealed from.

## CHAPTER XXII.

### VACATING STREETS, ALLEYS AND HIGHWAYS.

## Section 224. Petition and Order.

No public streets, alleys or highways, or any part thereof shall be vacated or discontinued except upon the verified petition of one or more of the owners of real property on that portion thereof proposed to be vacated. Said petition shall describe the said street, alley or highway or the portion thereof, proposed to be vacated and state the reason or reasons for such vacation. Upon presentation of such petition, the Commission shall, if of the opinion that the matter should be proceeded with, by resolution, order the same filed with the City Clerk, and direct that notice be published for two successive weeks at least once in each week in the official newspaper, stating that such petition has been filed and its object, and that the same will be heard and considered at a time and place specified therein, which time shall be at least ten days after the last publication of said notice. The City Clerk shall cause such notice to be published.

## Section 225. Hearing.

The Commission at the time and place appointed shall investigate and consider the subject involved in said petition, and may view the premises and shall hear all testimony offered for or against said petition.

## Section 226. Order of Commission.

The Commission after hearing such petition may by resolution passed by four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway or portion thereof vacated and discontinued.

## Section 227. Publication of Resolution.

Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

## Section 228. Copy of Resolution To Be Filed With the Register of Deeds.

A copy of such resolution, duly certified by the City Clerk, shall if no appeal is taken therefrom, be filed with the Register of Deeds of the County of Pope and duly recorded in his office. If appealed from, the

Trial. Entry  
Except as here  
issue shall be con  
appeal. No notice  
appeal shall be en  
for trial at the ne  
days after the sam  
same order as oth  
Section 234. Proc  
Court.

## Section 234. Procedure on Appeal.

The Court may be joined and plead the questions involved without a jury, except where, which shall be the court or jury as justice may require, revise, correct, amend, from, or may order concerning which shall be allowed on appeal from the Court of the State in Minnesota.

## Section 235. Clerk's Duty of Treasurer.

Within twenty days after the filing of any appeal from any judgment or order of the City Clerk, the City Clerk shall certify to the Court to the City Clerk on record same to the City Clerk make a new assessment.

## Section 236. Right of Appeal.

If any assessment is made by the Commission, notice, as herein provided, shall not be a bar to the Commission's power to omit the same if it has been set aside or corrected, any tract of real estate shall be a share of the benefits

## Section 237. Right of Appeal.

The Commission shall establish, and for a new system demands, and shall in any street, alley or highway.

## Section 238. Injunction.

Any person who remove or in any pipe, conduit, or any part of the city, or who shall or pipe, or make of misdemeanor, conviction and punishment.

## Section 239. Obligation.

The owner of property connected with such water from said recovered in action any or all of them.

## Section 240. Powers.

The Commission shall have the same powers as the City Clerk, and may make private parties, or violation thereof, for failure to pay the cost of such water after being notified of such water rate, and such rates shall be paid by the

## COURTS OF THE JUSTICE OF THE PEACE.

### TITLE OF JUSTICES OF THE PEACE.

#### Section 241. Official Name and Title.

The official name and title of the City shall be Justice of the Peace. They shall exercise all the jurisdiction, rights, powers, and prerogatives which are conferred upon the County under the constitution and laws of this State, and shall have exclusive jurisdiction over all cases arising by virtue thereof, and of all cases which the city is a party to, by-law, ordinance, or resolution, cases of nuisance, or

for any improvement, shall not be paid within thirty days after the date of the notice provided in Section Two Hundred Three, and the owner or persons interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by Section Two Hundred Four, the City Treasurer shall return to the City Clerk a list, duly certified by him of the assessments which still remain unpaid, giving in such list the description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereto.

#### Section 208. City Clerk to Transmit List to County Auditor.

The City Clerk shall on or before the first day of November, following cause a statement of the amount of said delinquent assessments, except assessments that have been appealed, which shall be dealt with as hereinafter provided, with six per cent. annual interest thereon computed from the time said assessments became delinquent to the first day of October, of the year next following the making of said assessments, added thereto with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the auditor of Pope County. It shall be the duty of the said auditor to enter the several amounts of said unpaid assessments, and interest as aforesaid upon the tax duplicate of the county at the time said duplicates are made up, and the same for each year ending November first, shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the general laws of the state. Assessments when collected, shall be paid over by the County Treasurer to the City Treasurer, the same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said Treasurer to the City Treasurer with the assessments.

#### Section 209. Installments Not Paid When Due.

If any installment and interest is not paid when due on the first day of October of each year together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five per cent. to the total amount thus delinquent and certify the same to the City Clerk as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Pope County, in the same manner, at the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof shall enter and carry out the same upon the proper tax duplicates of the county in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on same, be paid over to the City Treasurer.

#### Section 210. Installments May Be Paid Before Due.

Any owner or person interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already accrued.

#### Section 211. Installments Paramount Lien.

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

#### Section 212. Informalities.

No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax list by the auditor of Pope County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

#### Section 213. New Assessments. When.

If for any cause the proceedings of the Commission or any of its officers, be found irregular or defective, whether such defects are jurisdictional or otherwise, the Commission may make a new assessment as often as need be, upon all estate benefited on which no payment has been made for said improvement until the full amount of all the benefits assessed have been realized from the real estate benefited by such improvement.

#### Section 214. Power to Purchase Property or Assignment of Liens.

In order to protect the lien of the city on special assessments, the Commission shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on the same against which the city has a lien for special assessment, and may sell and assign any such lien held by said city, and otherwise take such action as will protect the interest of the city. Whenever there are funds in the permanent improvement revolving fund that may be properly applied to the payment of any such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the treasury for the payment of the same. Said notice may be given by mail addressed to the last known Post Office address of the owner of said warrant, and if such address is unknown such notice shall be addressed to such person at Glenwood, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing, and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty days from the mailing of said notice.

#### Section 215. Commission May Issue Warrants.

The Commission is hereby authorized in anticipation of the levy, and collection of such assessment, whether divided into installments or not, to issue warrants on the permanent improvement revolving fund, payable at such times, and in such amounts as in the judgment of the Commission the said assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent. per annum, payable annually on the fifth day of October, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable, and shall state upon their face for what purpose they are issued, and that they are payable out of the permanent improvement revolving fund, and shall be signed by the Mayor and countersigned by the City Clerk under the seal of the city, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to the permanent improvements revolving fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the Post Office address of the owner, and in case of assignment of any such warrant, the holder thereof shall present the same to the City Treasurer for endorsement of the Post Office address of such assignee. The City

of Confirmation.

When said assessment is completed, the Commission shall give ten days' notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objections must be filed one day before the time specified in said notice with the City Clerk. The Commission shall proceed on the hearing in the same manner and shall have the same power to revise, correct and confirm or set aside such assessment, or to proceed de novo as in case of other assessments. When any such assessment has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

#### Section 223. Assessment. Final and Conclusive.

Said assessment when confirmed, shall be final and conclusive, unless appealed from as provided in Chapter Twenty-three, and shall be collected and enforced as other assessments made under Chapter Twenty of this Charter. In case of an appeal, said appeal shall not delay or effect the collection of the assessment, except as to the property appealed from.

### CHAPTER XXII.

#### VACATING STREETS, ALLEYS AND HIGHWAYS.

#### Section 224. Petition and Order.

No public streets, alleys or highways, or any part thereof shall be vacated or discontinued except upon the verified petition of one or more of the owners of real property on that portion thereof proposed to be vacated. Said petition shall describe the said street, alley or highway or the portion thereof, proposed to be vacated and state the reason or reasons for such vacation. Upon presentation of such petition, the Commission shall, if of the opinion that the matter should be proceeded with, by resolution, order the same filed with the City Clerk, and direct that notice be published for two successive weeks at least once in each week in the official newspaper, stating that such petition has been filed and its object, and that the same will be heard and considered at a time and place specified therein, which time shall be at least ten days after the last publication of said notice. The City Clerk shall cause such notice to be published.

#### Section 225. Hearing.

The Commission at the time and place appointed shall investigate and consider the subject involved in said petition, and may view the premises and shall hear all testimony offered for or against said petition.

#### Section 226. Order of Commission.

The Commission after hearing such petition may by resolution passed by four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway or portion thereof vacated and discontinued.

#### Section 227. Publication of Resolution.

Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

#### Section 228. Copy of Resolution To Be Filed With the Register of Deeds.

A copy of such resolution, duly certified by the City Clerk, shall if no appeal is taken therefrom, be filed with the Register of Deeds of the County of Pope and duly recorded in his office. If appealed from and the action of the Commission is confirmed on such appeal a certified transcript of the order or judgment on such appeal shall be recorded in the office of said Register of Deeds.

#### Section 229. Appeal to District Court.

Any action of the Commission vacating any public street, alley or highway or portion thereof, under the provisions of this chapter, may be appealed from by the persons and in manner provided by Chapter Twenty-three, and the same shall be heard and determined in manner as therein directed.

### CHAPTER XXIII.

#### APPEALS AND PROCEEDINGS THEREUPON. RE-ASSESSMENT WHEN.

#### Section 230. Who May Appeal.

Any person interested in any property taken, damaged, or assessed for benefits resulting from any improvement, in proceedings under Chapter Nineteen may appeal to the District Court of Pope County from any award of damages, or failure to award damages, or any such assessment, within twenty days after the publication of the notice provided for in section One Hundred Seventy-five; any person interested in any property assessed for benefits resulting from any improvement under the provisions of Chapter Twenty may appeal to said court from such assessment within twenty days after the publication of the notice of confirmation provided for in Section One Hundred Ninety-seven, any person interested in any property assessed in proceedings under Chapter Twenty-one, may appeal to said court from such assessment within twenty days after the publication of the notice of confirmation provided in section Two Hundred Twenty-two; any person owning real property on that portion of any street, alley or highway vacated under the provisions of Chapter Twenty-two may appeal to said court from the action of the Commission vacating the same within twenty days after the publication of the resolution provided for in Section Two Hundred Twenty-seven.

#### Section 231. Appeal How Taken.

Such appeal shall be made by serving upon the City Clerk a written notice signed by the person appealing, his agent or attorney, stating that the person named therein appeals to the District Court from the matter or thing therein mentioned, and filing the same with proof of such service with the Clerk of said Court. Said notice shall set forth and contain, First, a description of the property affected by the award, or failure to award damages, or assessment, or street vacation. Second, the particular award or failure to award, assessment, or street vacation appealed from. Third, if from an award or failure to award damages the nature and amount of the claim of the appellant. Fourth, if from any assessment, or any street vacation, the objection of said appellant to such assessment, or to such street vacation. Fifth, the ground of such appeal. The party appealing shall within the time aforesaid execute and file in the office of the Clerk of said Court his bond in the sum of two hundred fifty dollars with two sufficient sureties approved by the Judge of said Court, conditioned to abide the result of the determination of such appeal and to pay the costs and charges that may be awarded against him thereon, not exceeding the penalty of the bond. No appeal shall be effectual for any purpose unless the bond herein required shall be given.

#### Section 232. Return To District Court on Appeal. Amendment.

When any such appeal shall be perfected the City Clerk shall forthwith prepare and deliver to the Clerk of said Court a copy certified by him of all papers and records of the city pertaining to the proceedings out of which the matter so appealed from arose. The court may on the application of either the city or appellant require other and further return to be made.

#### Section 233. No Pleadings Required. No Notice of Issue or Notice of

demands, and shall be in any street, alley, city.

#### Section 238. Injury to

Any person who remove or in any way pipe, conduit, or vent or any part of the city, or who shall will or pipe, or make com of misdemeanor. The viction and punishment

#### Section 239. Obligation

The owner of property connected with such water the lessee of the premises all water from said water recovered in action any or all of them.

#### Section 240. Powers

The commission relations as it may deem of the city and the thereof. And may making of any mains private parties, or license violation thereof. And for failure to pay the of such water after be ment of such water water from any premises such rates shall be paid

#### COURTS OF THE JUDICIAL TITLE OF JUSTICES.

#### Section 241. Official Name

The official name City shall be Justices they shall do and jurisdiction, rights, po the County under the thereto they shall have plaints for violation of or any ordinance, by-law by virtue thereof, and peace in which the proceedings in the record by-law, ordinance, or cases of offenses committed, assault, batteries and victions under any or orderly conduct, keeping of keeping or maintaining tices shall have power compel said offenders to the peace for a period ceeding five hundred

#### Section 242. Additional

In all suits brought any forfeiture, fine or the violation of any of complaints for assault, criminal offence, not tices shall be authorized for each trial, for the

#### Section 243. Proceeding

Peace. Appeal. In all civil suits prosecutions and proceedings shall be had are established and reg the peace; and appeals shall be allowed as rendered by justices of

#### Section 244. Process.

In all civil suits issued by a Justice of words, "To the Sheriff Police or any Police Prosecutions for offense diction of said Justices cess shall be directed in a justice of the peace by-laws of said city, shall officer of said city.

#### Section 245. Fines and

All fines and penalties city for offenses committed ordinance, by-law or regulations offenses against the law

#### Section 246. Method of

and Issue Process. Said justices shall be of business at such reason complaints may be made time, in court or otherwise

#### Section 24. Fees. Entitled

for the City, County, Said justices shall be formed by them whether against the city or county claims; and may tax or proceeding as allowed by same as are provided for services.

#### Section 248. Reports To

The said justices shall report to the commission all the city is interested, an

Treasurer shall keep a proper record of the Post Office addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn and to cancel the same when paid. Every warrant issued as aforesaid shall contain the following proviso:

"The City of Glenwood reserves the right to pay this warrant and accrued interest at any time upon giving the holder thereof thirty days notice."

**Section 216. Collection of Assessments Levied Before This Charter Goes Into Effect.**

All assessments made by the Village of Glenwood prior to the time this Charter goes into effect, shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under and the lien thereof enforced as if this Charter has not been adopted.

**CHAPTER XXI.  
SIDEWALKS.**

**Section 217. Procedure to Build, Plans and Specifications.**

The Commission shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, repairing and repaving of all sidewalks in the city. The Commission shall, from time to time, direct the City Clerk to advertise in the official paper for bids for building, laying or repaving all sidewalks that may be ordered by the Commission. Such advertisements, and all other proceedings in and about said work shall be done and performed in manner as provided by Chapter Fifteen of this Charter.

**Section 218. Power of City. Duties of Owners of Property.**

The Commission shall have the right to cause to be constructed, sidewalks along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay or repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may be ordered by the Commission and according to the plans and specifications adopted by the Commission therefor.

**Section 219. Repair of Sidewalks.**

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 superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and report to the commission the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the city clerk.

**Section 220. Notice of Making Assessment.**

The said commission shall give ten days notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvement by streets.

**Section 221. Assessment to What Amount and On What Property.**

The Commission shall assess the amount as nearly as it can ascertain the same which will be required to defray the cost of such improvement including the necessary expenses of making and collecting such assessment, upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

**Section 222. Notice of Meeting for Confirmation of Assessment. Notice of Confirmation.**

When said assessment is completed, the Commission shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objections must be filed one day before the time specified in said notice with the City Clerk. The Commission shall proceed on the hearing in the same manner and shall have the same power to revise, correct and confirm or set aside such assessment, or to proceed de novo as in case of other assessments. When any such assessment has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

**Section 223. Assessment. Final and Conclusive.**

Said assessment when confirmed, shall be final and conclusive, unless appealed from as provided in Chapter Twenty-three, and shall be collected and enforced as other assessments made under Chapter Twenty of this Charter. In case of an appeal, said appeal shall not delay or effect the collection of the assessment, except as to the property appealed from.

**CHAPTER XXII.**

**VACATING STREETS, ALLEYS AND HIGHWAYS.**

**Section 224. Petition and Order.**

No public streets, alleys or highways, or any part thereof shall be vacated or discontinued except upon the verified petition of one or more of the owners of real property on that portion thereof proposed to be vacated. Said petition shall describe said street, alley or highway or the portion thereof, proposed to be vacated and state the reason or reasons for such vacation. Upon presentation of such petition, the Commission shall, if of the opinion that the matter should be proceeded with, by resolution, order the same filed with the City Clerk, and direct that notice be published for two successive weeks at least once in each week in the official newspaper, stating that such petition has been filed and its object, and that the same will be heard and considered at a time and place specified therein, which time shall be at least ten days after the last publication of said notice. The City Clerk shall cause such notice to be published.

**Section 225. Hearing.**

The Commission at the time and place appointed shall investigate and consider the subject involved in said petition, and may view the premises and shall hear all testimony offered for or against said petition.

**Section 226. Order of Commission.**

The Commission after hearing such petition may by resolution passed by four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway or portion thereof vacated and discontinued.

**Section 227. Publication of Resolution.**

Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

**Section 228. Copy of Resolution To Be Filed With the Register of Deeds.**

A copy of such resolution, duly certified by the City Clerk, shall if no appeal is taken therefrom, be filed with the Register of Deeds of the County of Pope and duly recorded in his office. If appealed from and

**Trial. Entry On Civil Calendar.**

Except as hereinafter stated, no pleadings shall be required, but the issue shall be considered made by the objections stated in the notice of appeal. No notice of trial need be given or note of issue filed. The appeal shall be entered by the Clerk of said Court upon the civil calendar for trial at the next term of said Court commencing not less than eight days after the same is perfected, and shall be brought on for trial in the same order as other civil actions.

**Section 234. Procedure in District Court. Joinder of Parties. Power of Court.**

The Court may order issues to be framed and other parties to be joined and plead therein if necessary for the proper determination of the questions involved. Every such appeal shall be tried by the Court without a jury, except an appeal from an award or failure to award damages, which shall be tried by jury unless the parties otherwise agree, and the court or jury trying the same shall re-assess and apportion the same as justice may require. In an appeal from an assessment the court may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which said appeal is taken. Disbursements and costs shall be allowed on said appeal as in other civil cases, and either party may appeal from the determination of said District Court to the Supreme Court of the State in manner provided by the general laws of the State.

**Section 235. Clerk To Transmit To Treasurer Copy of Order or Judgment Duty of Treasurer and Commission Thereupon.**

Within twenty days after the determination by said Court of any appeal from any assessment the Clerk of said Court shall mail and deliver to the City Treasurer a copy of the order or judgment in the said proceedings. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court orders a new assessment, the City Treasurer on receipt of the copy of the order or judgment from the Clerk of the District Court as aforesaid shall immediately transmit the same to the City Clerk, and the Commission shall thereupon proceed to make a new assessment.

**Section 236. Re-Assessment.**

If any assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Commission shall proceed to make a new assessment, and it shall proceed in like manner and give like notice, as herein required, in relation to the first assessment, and all persons in interest shall have like rights and the said Commission shall proceed in any subsequent assessment, as in the case of the first assessment provided, that if the assessments or benefits to any tract of land shall not be appealed from or shall not have been set aside by the Court, the Commission, in any subsequent assessment or re-assessment may omit the tract of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid, and as often as an assessment or re-assessment against any tract of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

**CHAPTER XXIV.  
WATER WORKS.**

**Section 237. Right to Maintain Water Works.**

The Commission shall have the power to maintain water works now established, and to enlarge, extend and improve the same or contract for a new system of water works at any time when public necessity demands, and shall have the right to lay water mains, pipes and hydrants in any street, alley, highway or public grounds within or without the city.

**Section 238. Injury to Water Works.**

Any person who shall without authority from the city, wilfully break, remove or in any way injure or damage any water main, branch, water pipe, conduit, or vent, box or box cover, main pipe or cover of hydrant, or any part of the machinery or property of the water works of said city, or who shall without authority from the city, open any water main or pipe, or make connection with any such main or pipe, shall be guilty of misdemeanor. The Commission may provide by ordinance for the conviction and punishment for any such offense.

**Section 239. Obligation of owner for Water Rent.**

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

**Section 240. Powers of Commission. Rules and Regulations. Penalties.**

The commission may by ordinance, establish such rules and regulations as it may deem necessary for the management of the water works of the city and the supplying of water for the use of the inhabitants thereof. And may make such rules and regulations concerning the tapping of any mains or branches or making connections therewith by private parties, or licensed plumbers, and may provide penalties for any violation thereof. And may impose a charge for the shutting off of water for failure to pay the water rate due thereupon, and for the turning on of such water after being so shut off if the same is requested after payment of such water rate, and may also provide for the shutting off of water from any premises where rates are payable and remain unpaid until such rates shall be paid together with such charges.

**CHAPTER XXV.**

**COURTS OF THE JUSTICE OF THE PEACE. OFFICIAL NAME AND TITLE OF JUSTICES. POWER. PROCEDURE. APPEAL. DUTIES OF JUSTICES.**

**Section 241. Official Name and Title. Powers.**

The official names and titles of the Justices of the Peace of the City shall be Justices of the Peace; under this name and by this title they shall do and perform all of the acts, and be vested with all the jurisdiction, rights, powers, and privileges of Justices of the Peace of the County under the constitution and laws of the State, and in addition thereto they shall have exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance, or regulation of the said city or its charter, and in all cases of offenses committed against the same. In all cases of conviction for assault, batteries and affrays within said city, and in all cases of conviction under any ordinance of the city for breach of the peace, dis-

ment, upon the real estate or its of land benefited by said improve-  
ment to the amount of such benefit.  
Section 222. Notice of Meeting for Confirmation of Assessment. Notice  
of Confirmation.

When said assessment is completed, the Commission shall give ten  
days' notice by one publication in the official paper, to the effect that at a  
time and place therein specified, said assessment will be confirmed unless  
sufficient cause is shown to the contrary, and that objections must be  
filed one day before the time specified in said notice with the City  
Clerk. The Commission shall proceed on the hearing in the same manner  
and shall have the same power to revise, correct and confirm or set  
aside such assessment, or to proceed de novo as in case of other assess-  
ments. When any such assessment has finally been confirmed by the  
Commission, it shall forthwith cause a brief notice of the fact of such  
confirmation to be published once in the official paper.

Section 223. Assessment. Final and Conclusive.

Said assessment when confirmed, shall be final and conclusive, unless  
appealed from as provided in Chapter Twenty-three, and shall be collected  
and enforced as other assessments made under Chapter Twenty of this  
Charter. In case of an appeal, said appeal shall not delay or effect the col-  
lection of the assessment, except as to the property appealed from.

#### CHAPTER XXII.

#### VACATING STREETS, ALLEYS AND HIGHWAYS.

Section 224. Petition and Order.

No public streets, alleys or highways, or any part thereof shall be  
vacated or discontinued except upon the verified petition of one or more  
of the owners of real property on that portion thereof proposed to be va-  
cated. Said petition shall describe the said street, alley or highway or  
the portion thereof, proposed to be vacated and state the reason or rea-  
sons for such vacation. Upon presentation of such petition, the Commission  
shall, if of the opinion that the matter should be proceeded with, by  
resolution, order the same filed with the City Clerk, and direct that notice  
be published for two successive weeks at least once in each week in  
the official newspaper, stating that such petition has been filed and its  
object, and that the same will be heard and considered at a time and  
place specified therein, which time shall be at least ten days after the  
last publication of said notice. The City Clerk shall cause such notice  
to be published.

Section 225. Hearing.

The Commission at the time and place appointed shall investigate and  
consider the subject involved in said petition, and may view the prem-  
ises and shall hear all testimony offered for or against said petition.

Section 226. Order of Commission.

The Commission after hearing such petition may by resolution passed  
by four-fifths vote of its members, grant the prayer of the petition and  
order and declare such street, alley or highway or portion thereof  
vacated and discontinued.

Section 227. Publication of Resolution.

Upon the passage of such resolution and the approval thereof by  
the Mayor as in other cases, and upon the same being countersigned by  
the City Clerk, it shall be published once in the official paper of the city.

Section 228. Copy of Resolution To Be Filed With the Register of Deeds.  
A copy of such resolution, duly certified by the City Clerk, shall if no  
appeal is taken therefrom, be filed with the Register of Deeds of the  
County of Pope and duly recorded in his office. If appealed from and  
the action of the Commission is confirmed on such appeal a certified  
copy of the order or judgment on such appeal shall be recorded  
in the office of said Register of Deeds.

Section 229. Appeal to District Court.

Any action of the Commission vacating any public street, alley or  
highway or portion thereof, under the provisions of this chapter, may  
be appealed from by the persons and in manner provided by Chapter  
Twenty-three, and the same shall be heard and determined in manner  
as therein directed.

#### CHAPTER XXIII.

#### APPEALS AND PROCEEDINGS THEREUPON. RE-ASSESSMENT WHEN.

Section 230. Who May Appeal.

Any person interested in any property taken, damaged, or assessed  
for benefits resulting from any improvement, in proceedings under Chapter  
Nineteen may appeal to the District Court of Pope County from any award  
of damages, or failure to award damages, or any such assessment, within  
twenty days after the publication of the notice provided for in section  
One Hundred Seventy-five; any person interested in any property as-  
sessed for benefits resulting from any improvement under the provisions  
of Chapter Twenty may appeal to said court from such assessment within  
twenty days after the publication of the notice of confirmation provided  
for in Section One Hundred Ninety-seven, any person interested in any  
property assessed in proceedings under Chapter Twenty-one, may appeal  
to said court from such assessment within twenty days after the publica-  
tion of the notice of confirmation provided in section Two Hundred  
Twenty-two; any person owning real property on that portion of any  
street, alley or highway vacated under the provisions of Chapter Twenty-  
two may appeal to said court from the action of the Commission vacating  
the same within twenty days after the publication of the resolution  
provided for in Section Two Hundred Twenty-seven.

Section 231. Appeal How Taken.

Such appeal shall be made by serving upon the City Clerk a written  
notice signed by the person appealing, his agent or attorney, stating that  
the person named therein appeals to the District Court from the matter  
or thing therein mentioned, and filing the same with proof of such  
service with the Clerk of said Court. Said notice shall set forth and con-  
tain, First, a description of the property affected by the award, or failure to  
award damages, or assessment, or street vacation. Second, the particu-  
lar award or failure to award, assessment, or street vacation appealed  
from. Third, if from an award or failure to award damages the nature and  
amount of the claim of the appellant. Fourth, if from any assessment, or  
any street vacation, the objection of said appellant to such assessment,  
or to such street vacation. Fifth, the ground of such appeal. The party  
appealing shall within the time aforesaid execute and file in the office  
of the Clerk of said Court his bond in the sum of two hundred fifty dol-  
lars with two sufficient sureties approved by the Judge of said Court, con-  
ditioned to abide the result of the determination of such appeal and to  
pay the costs and charges that may be awarded against him thereon, not  
exceeding the penalty of the bond. No appeal shall be effectual for any  
purpose unless the bond herein required shall be given.

Section 232. Return To District Court on Appeal. Amendment.

When any such appeal shall be perfected the City Clerk shall forth-  
with prepare and deliver to the Clerk of said Court a copy certified by him of  
all papers and records of the city pertaining to the proceedings out of  
which the matter so appealed from arose. The court may on the applica-  
tion of either the city or appellant require other and further return to  
be made.

Section 233. No Pleadings Required. No Notice of Issue or Notice of

The Commission shall have the power to maintain water works now  
established and to enlarge, extend and improve the same or contract  
for a new system of water works at any time when public necessity  
demands, and shall have the right to lay water mains, pipes and hydrants  
in any street, alley, highway or public grounds within or without the  
city.

Section 238. Injury to Water Works.

Any person who shall without authority from the city, wilfully break,  
remove or in any way injure or damage any water main, branch, water  
pipe, conduit, or vent, box or box cover, main pipe or cover of hydrant,  
or any part of the machinery or property of the water works of said  
city, or who shall without authority from the city, open any water main  
or pipe, or make connection with any such main or pipe, shall be guilty  
of misdemeanor. The Commission may provide by ordinance for the con-  
viction and punishment for any such offense.

Section 239. Obligation of owner for Water Rent.

The owner of private property, which property has upon it pipes con-  
nected with such water works to convey water therein, shall, as well as  
the lessee of the premises, be liable to the city for the rents or rates of  
all water from said water works used upon said premises, which may be  
recovered in action against such owner, lessee or occupant, or against  
any or all of them.

Section 240. Powers of Commission. Rules and Regulations. Penalties.

The commission may by ordinance, establish such rules and regu-  
lations as it may deem necessary for the management of the water works  
thereof. And may make such rules and regulations concerning the tap-  
ping of any mains or branches or making connections therewith by  
private parties, or licensed plumbers, and may provide penalties for any  
violation thereof. And may impose a charge for the shutting off of water  
for failure to pay the water rate due thereupon, and for the turning on  
of such water after being so shut off if the same is requested after pay-  
ment of such water rate, and may also provide for the shutting off of  
water from any premises where rates are payable and remain unpaid until  
such rates shall be paid together with such charges.

#### CHAPTER XXV.

#### COURTS OF THE JUSTICE OF THE PEACE. OFFICIAL NAME AND TITLE OF JUSTICES. POWER. PROCEDURE. APPEAL. DUTIES OF JUSTICES.

Section 241. Official Name and Title. Powers.

The official names and titles of the Justices of the Peace of the  
City shall be Justices of the Peace; under this name and by this title  
they shall do and perform all of the acts, and be vested with all the  
jurisdiction, rights, powers, and privileges of Justices of the Peace of  
the County under the constitution and laws of the State, and in addition  
thereto they shall have exclusive jurisdiction to hear and try all com-  
plaints for violation of any provision or provisions of the city charter,  
or any ordinance, by-law, rule or regulation made or adopted under or  
by virtue thereof, and of all cases cognizable before a justice of the  
peace in which the city is a party, and of all writs, prosecutions and  
proceedings in the recovery of any fine, forfeiture or penalty under any  
by-law, ordinance, or regulation of the said city or its charter, and in all  
cases of offenses committed against the same. In all cases of conviction for  
assault, batteries and affrays within said city, and in all cases of con-  
victions under any ordinances of the city for breach of the peace, dis-  
orderly conduct, keeping houses of ill fame, or frequenting the same, and  
of keeping or maintaining disorderly or ill-governed houses the said jus-  
tices shall have power, in addition to the fines or penalties imposed, to  
compel said offenders to give security for their good behaviour, and to keep  
the peace for a period not exceeding six months, and in a sum not ex-  
ceeding five hundred dollars.

Section 242. Additional Costs May Be Taxed.

In all suits brought on behalf of said city for the recovery of  
any forfeiture, fine or penalty; in all cases arising on complaints for  
the violation of any ordinance, by-law or regulation of said city, and on  
complaints for assault, battery, or affray, or for other misdemeanor, or  
criminal offence, not indictable committed within said city the said jus-  
tices shall be authorized to tax, with the other legal costs, one dollar  
for each trial, for the benefit of said city.

Section 243. Proceedings Same as In General Law for Justices of the  
Peace. Appeal.

In all civil suits and proceedings and in all criminal information,  
prosecutions and proceedings before said justices the same forms and pro-  
ceedings shall be had and used, except as herein otherwise provided, as  
are established and required by the laws of this state before justices of  
the peace; and appeals from the judgment and decision of said justices  
shall be allowed as now provided by law of appeals from judgments  
rendered by justices of the peace.

Section 244. Process. Direction.

In all civil suits or proceedings the summons, writ or other process  
issued by a Justice of the Peace in said City shall be directed in these  
words, "To the Sheriff or any Constable of Pope County, the Chief of  
Police or any Police Officer of the City of Glenwood." In all criminal  
prosecutions for offenses against the laws of the state within the juris-  
diction of said Justices to hear and determine, the warrant or other pro-  
cess shall be directed in like manner. All warrants, process or writs by  
a justice of the peace in said City for the violation of an ordinance and  
by-laws of said city, shall be directed to the chief of police or any police  
officer of said city.

Section 245. Fines and Penalties. Disposition.

All fines and penalties imposed by the justices of the peace in said  
city for offenses committed within the city limits, for the violation of any  
ordinance, by-law or regulation of said city shall belong to the city for  
offenses against the laws of the state, to the county treasury.

Section 246. Method of Business, May At All Times Receive Complaint  
and Issue Process.

Said justices shall be in attendance at their offices for the transaction  
of business at such reasonable hours as the Commission may prescribe, and  
complaints may be made to, and writs and process issued by them at all  
time, in court or otherwise.

Section 24. Fees. Entitled to Receive for Services, Whether Performed  
for the City, County, or Individuals. Regulations.

Said justices shall be entitled, to receive fees for any services per-  
formed by them whether for the city, county or individuals. Such charges  
against the city or county to be presented, allowed and paid as other  
claims; and may tax or otherwise add such fees to any judgment or other  
proceeding as allowed by the laws of the state; such fees shall be the  
same as are provided for Justices of the Peace under said laws for like  
services.

Section 248. Reports To Commission.

The said justices shall, as often as the commission may require, re-  
port to the commission all the proceedings instituted before them in which  
the city is interested, and shall at the same time account for and pay,

# Proposed Charter City of Glenwood, Pope County, Minn.

over to the city treasurer, all fines and penalties collected or received by them belonging to said city.

## Section 249. Residence in City Does Not Disqualify.

The fact that persons acting as Justices of the peace of the City of Glenwood are residents of said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a Justice of the Peace.

## Section 250. Powers. Duties.

In all prosecutions for the violation of any provision of this charter or any ordinance, resolution, by-laws or regulation adopted under or by virtue thereof, said justice of the peace shall proceed to the trial and determination thereof, in a summary manner, without the aid of a jury.

## CHAPTER XXVI.

### ACTION FOR DAMAGES. FOR INJURY ON STREETS, ETC.

#### Section 251. Notice to City and Limitation of Time for Commencing Action.

No action shall be maintained against the city on account of any defect in any street, road, bridge, sidewalk, public utility or other public place or by reason of the negligence of its officers, agents, or servants, unless such street or highway upon which said injury happened is actually open, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall, within thirty days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the Commission in writing, stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city and give said Commission ten days time after such claim is presented, within which to decide upon the course it will pursue with relation to such claim, nor shall any action be maintained unless the same shall be commenced within one year after the happening of such injury or loss.

#### Section 252. How Long Defect to Exist. Actual Notice to City Required.

In the prosecution of actions against the city for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities, it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that actual notice in writing of such defect or want of repair shall have been filed with the City Clerk at least five days before the time of such injury happened.

## CHAPTER XXVII.

### INTOXICATING LIQUORS.

#### Section 253.

The general laws of the State of Minnesota pertaining in any manner to intoxicating liquors shall, so far as applicable, be in force and applied to the City of Glenwood, provided, however, that the legal voters of said City shall have the right to decide for themselves whether license shall be granted in the City, to such persons and in such numbers as the commission may deem proper, for the sale of spirituous, vinous, fermented and malt liquors in less quantities than five gallons, and provided further that the question of whether or not such license shall be granted, shall be submitted to the legal voters of said city only at a special election called as hereinafter set forth and held on the second Tuesday in March of any odd numbered year, and no other question shall be voted upon at said election. No such election shall be held unless, within twenty-five days prior to the second Tuesday in March in any odd numbered year, a petition, asking that the question of whether such licenses shall be granted in said city be submitted to the voters of said city, and signed by electors equal in number to twenty per centum of the number of votes cast for all candidates for mayor at the last preceding general municipal election, is filed with city clerk, which petition shall be in the same general form, and verified in the same manner as in Section Thirty of Chapter Three relative to the recall of elective officers. When said petition has been filed as aforesaid the said city clerk shall give public notice of the said election by posting in three of the most public places in said city, a notice in writing stating the time and place of holding said election and hours during which the polls shall be open and that the question of whether licenses for the sale of spirituous, vinous, fermented and malt liquors in less quantities than five gallons shall be granted in said city, will be submitted at such election, which notice shall be so posted at least twenty days prior to the date of such election and shall be published in one newspaper in said city at least ten days prior to the date of said election. The failure of the city clerk to give such notice shall not invalidate the election thereunder.

Section 254. The ballots at such election shall be printed on plain white paper and be substantially in the following form:

"Special Election Ballot"

In favor of license.....  
Against license.....

Electors desiring to vote in favor of license shall make their cross mark, thus X, opposite the words "In favor of license" and the electors desiring to vote against license shall make their cross mark, thus X, opposite the words "Against license." The ballots cast at such election shall be determined and canvassed as in this charter prescribed for canvassing and determining the votes cast at general municipal elections. It shall be the duty of the city clerk to cause said ballots to be printed at the expense of the city and delivered to the judges of election before the time set for the opening of the polls. The number of ballots to be printed and delivered as aforesaid shall be twice the number of votes cast for mayor at the last preceding municipal election.

#### Section 255.

If, upon such canvassing, it is found that the majority of the votes cast at said election shall be against granting such license the commission shall not thereafter, until some subsequent contrary vote, grant any such licenses.

## CHAPTER XXVIII.

### MISCELLANEOUS.

#### Section 256. Officers to Perform Duties.

All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their service may be necessary for the full and complete discharge of the duties of said office, or employment, and a failure so to do, shall be ground for removal.

#### Section 257. Peace Officers.

The Mayor, Commission, Chief of Police and all police officers, whether regular or temporary, shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets, or other public places of the city, and may command the assistance of all persons, under such penalties for disobedience to such commands as may be prescribed by ordinance.

The City Attorney shall prosecute in behalf of the city, all criminal cases, arising from violations of the provisions of this Charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; provided, the Commission shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city Attorney therein.

#### Section 264. Actions on Behalf of City to Be Brought in Corporate Name.

All actions brought to recover any penalty, or forfeiture under this Charter, or the ordinances, by-laws, police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions for the breach of any provision of this Charter, or of any ordinance, resolution, by-laws or regulation of the City shall be brought in the name of the City of Glenwood.

#### Section 265. Actions Against City. Process to Be Served on City Clerk.

Service of summons, process or notice in any action or proceeding against the city may be made by leaving a copy thereof with the City Clerk, and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the city.

#### Section 266. Citizens or Taxpayers May Sue or Defend Actions.

In any action pending in which the City of Glenwood is a party, either plaintiff or defendant any citizen or 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, taxpayer, or taxpayers, so intending to intervene, shall make application to the District Court of said Pope 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 attorney 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 right of such applicant to intervene. If the right of intervention shall be granted by said court, such applicant or applicants may appear and prosecute or defend said cause in the name of said city, and all acts in that behalf which the said city might or could do; provided, that such interveners shall be required to file in such cause such bond as may be directed by said court indemnifying the city of Glenwood against any costs which may be awarded against it in the action subsequent to the date of intervention; and provided, that such intervention shall not be construed to prevent the City of Glenwood from prosecuting or defending the action in its own behalf. And any citizen, citizens, taxpayer, or taxpayers may bring any action in the name of and in behalf of the City of Glenwood 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 hereinbefore provided in case of any intervention, and shall file in said cause a bond in 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 any judgment shall be obtained in favor of said city in such action so brought, said person so bringing such action shall be reimbursed for his reasonable costs and expenses in 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 in and prosecuting any action so brought, and the city may appear and prosecute therein without obtaining leave of the court.

#### Section 267. Parked Part of Streets.

The Commission shall have power to provide by ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass, to be maintained and the grass to be properly cut by the occupant or owner of the abutting property and in case of the neglect of the occupant or owner to so do that the same may be done by the city at the expense of the abutting property, and that said expense be collected by assessment in the same manner as assessments for laying and repairing sidewalks are collected.

#### Section 268. Inspection of Records.

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

#### Section 269. Plats and Approval Thereof.

The Commission shall have the sole power to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. The Commission shall have the power to require the owners of unplatted property to make such improvements as it deem proper before a plat thereof shall be accepted and approved by it.

#### Section 270. Filing Proof of Publication.

The proprietor of the official paper, shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of the Commission or of any other matter which is required by any provision of this Charter file with the City Clerk a copy of such publication, with his affidavit or that of his foreman of its due publication, and no bill or claim for any publication whatever, shall be allowed or adjusted by the City Clerk until such affidavit shall have been filed with him and until he shall have approved the same.

#### Section 271. Remission of Penalty or Judgment, Vote For.

No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of four-fifths of the Commission.

#### Section 272. City Money and Depositories. Council To Designate. Amount of Deposit in Any One.

(A) The Commission shall have the power and authority, at the beginning of each calendar year by resolution, to designate and from time to time re-designate the banks, banking houses and other depositories of the city in which the city treasurer of the city shall deposit and keep the moneys of the city, designating in each instance the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed twenty-five per centum of the paid up capital and surplus of such depository. The Commission shall at all times designate depositories in the City of Glenwood or elsewhere in the United States sufficient for the depository of all funds which are likely to be in the hands of the city treasurer at any one time, and shall, so far as consistent with the best interest of the city, designate such depositories in this city and shall require from such depositories good and sufficient bonds, to be approved by the Commission, payable to the city for double the amount of money likely to be received and conditioned for the safe keeping and payment of funds so deposited.

#### (B) Duty of Treasurer. Failure of Depository Exonerates.

The city treasurer shall keep the books and records of the city and the depositories as designated by the Commission.

and malt liquors in less quantities than five gallons shall be granted in said city, and signed petition, asking that the question of whether such licenses shall be granted in number to twenty per centum of the number of votes cast for all candidates for mayor at the last preceding general municipal election, is filed with city clerk, which petition shall be in the same general form, and verified in the same manner as in Section Thirty of Chapter Three relative to the recall of elective officers. When said petition has been filed as aforesaid the said city clerk shall give public notice of the said election by posting in three of the most public places in said city, a notice in writing stating the time and place of holding said election and hours during which the polls shall be open and that the question of whether licenses for the sale of spirituous, vinous, fermented and malt liquors in less quantities than five gallons shall be granted in said city, will be submitted at such election, which notice shall be so posted at least twenty days prior to the date of such election and shall be published in one newspaper in said city at least ten days prior to the date of said election. The failure of the city clerk to give such notice shall not invalidate the election thereunder.

Section 254. The ballots at such election shall be printed on plain white paper and be substantially in the following form:  
"Special Election Ballot"

In favor of license.....  
Against license.....  
Electors desiring to vote in favor of license shall make their cross mark, thus X, opposite the words "In favor of license" and the electors desiring to vote against license shall make their cross mark, thus X, opposite the words "Against license." The ballots cast at such election shall be determined and canvassed as in this charter prescribed for canvassing and determining the votes cast at general municipal elections. It shall be the duty of the city clerk to cause said ballots to be printed at the expense of the city and delivered to the judges of election before the time set for the opening of the polls. The number of ballots to be printed and delivered as aforesaid shall be twice the number of votes cast for mayor at the last preceding municipal election.

Section 255. If, upon such canvassing, it is found that the majority of the votes cast at said election shall be against granting such license the commission shall not thereafter, until some subsequent contrary vote, grant any such licenses.

CHAPTER XXVIII.  
MISCELLANEOUS.

Section 256. Officers to Perform Duties.  
All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their service may be necessary for the full and complete discharge of the duties of said office, or employment, and a failure so to do, shall be ground for removal.

Section 257. Peace Officers.  
The Mayor, Commission, Chief of Police and all police officers, whether regular or temporary, shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets, or other public places of the city, and may command the assistance of all persons, under such penalties for disobedience to such command as may be prescribed by ordinance.

Section 258. Warrants for Arrest. Arrest. Imprisonment.  
In all prosecutions for the violation of the laws of the State, the provisions of this Charter, or the ordinances of the city, the first process shall be by warrant, provided that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of the Charter or ordinance of the city; and the person or persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant. From the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

Section 259. Power of Police Officers.  
The Chief of Police and all regular or temporary police officers shall possess the powers of constables at common law and under the statutes of this State, and in addition thereto, shall have the power to serve and execute all warrants, summonses, commitments, writs, subpoenas, or process issued out of the justices courts, and shall have authority to pursue and arrest in any part of the State beyond the limits of the city, any person charged with any violation of any law, ordinance of the city, or any offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant are authorized by the general laws of the State, or this Charter; and the violation of any city ordinance shall be deemed a public offense.

Section 260. Punishment of Offenses Not Otherwise Provided. Definition of Misdemeanor.  
Every act or omission to act, which, under this Charter or the ordinances of the city, is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days or by a fine of not more than one hundred dollars. The term "misdemeanor" as used in this Charter, shall mean a violation of this Charter, or of any ordinance, of which the Justices Courts have jurisdiction.

Section 261. Proceedings After Sentence. Imprisonment, or May Be Required to Work on Streets, Etc.  
In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a justice of the peace of the city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the city, as punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of the city, or if there be no city prison, to the common jail of the county, and be there imprisoned for a term not exceeding three months, in the discretion of the justice of the peace of said city, unless the said fine or penalty be sooner paid or satisfied, provided, however, the Commission may provide by ordinance that any person committed upon sentence, or in default of the payment of the fine imposed, may be kept at hard labor during his term of imprisonment upon the streets or public improvements of the city for a time not exceeding three months; and the said Commission shall have full power to establish by ordinance all needful regulations for the security of such persons so employed and to prevent escapes and secure proper discipline.

Section 262. Resident of City Not Incompetent for Witness or Juror.  
No person shall be an incompetent 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.

Section 263. Conduct of Legal Proceedings.

such action shall be prosecuted; provided, that nothing herein shall be construed to prevent the city from bringing or prosecuting any action so brought, and the half, or from appearing in and prosecuting therein without obtaining leave of the court, city may appear and prosecute therein without obtaining leave of the court.

Section 267. Parked Part of Streets.  
The Commission shall have power to provide by ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass, to be maintained and the grass to be properly cut by the occupant or owner of the abutting property and in case of the neglect of the occupant or owner to so do that the same may be done by the city at the expense of the abutting property, and that said expense be collected by assessment in the same manner as assessments for laying and repairing sidewalks are collected.

Section 268. Inspection of Records.  
All records, books and papers pertaining to the business of the city, or any department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

Section 269. Plats and Approval Thereof.  
The Commission shall have the sole power to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. The Commission shall have the power to require the owners of unplatted property to make such improvements as it deem proper before a plat thereof shall be accepted and approved by it.

Section 270. Filing Proof of Publication.  
The proprietor of the official paper, shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of this mission or of any other matter which is required by any provision of this Charter file with the City Clerk a copy of such publication, with his affidavit or that of his foreman of its due publication, and no bill or claim for any publication whatever, shall be allowed or adjusted by the City Clerk until such affidavit shall have been filed with him and until he shall have approved the same.

Section 271. Remission of Penalty or Judgment, Vote For.  
No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of four-fifths of the Commission.

Section 272. City Money and Depositories. Council To Designate. Amount of Deposit in Any One.

(A) The Commission shall have the power and authority, at the beginning of each calendar year by resolution, to designate and from time to time re-designate the banks, banking houses and other depositories of the city in which the city treasurer of the city shall deposit and keep the moneys of the city, designating in each instance the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed twenty-five per centum of the paid up capital and surplus of such depository. The Commission shall at all times designate depositories in the City of Glenwood or elsewhere in the United States sufficient for the depository of all funds which are likely to be in the hands of the city treasurer at any one time, and shall, so far as consistent with the best interest of the city, designate such depositories in this city and shall require from such depositories good and sufficient bonds, to be approved by the Commission, payable to the city for double the amount of money likely to be received and conditioned for the safe keeping and payment of funds so deposited.

(B) Duty of Treasurer. Failure of Depository Exonerates.  
The city treasurer shall keep the funds of the city as far as possible in the depositories so designated and when so deposited the treasurer and the sureties on his official bond shall be exempt from all liability for the loss of any such funds so deposited as in this act provided, if loss is caused by the failure, bankruptcy or any other act of default of such depository.

(C) Treasurer Not Relieved By Failure to Designate Depository.  
The failure of the Commission to designate depositories, as in this act provided, shall not exempt or relieve the city treasurer of the sureties on his official bond from any liability.

(D) Care in Depositing. Interest on Funds.  
The Commission shall exercise all possible care to secure safe depositories for the city funds and to obtain the highest rate of interest possible consistent with safety for such moneys. All interest received in any way for the use or keeping of moneys or on account of the same shall be the property of the city and shall be credited to the current expense fund of the city.

(E) Money. How Drawn Out.  
All moneys of the city kept in accordance with this act in any depository designated by the commission shall be kept and deposited in the name of the city and such depository or depositories shall have no authority to pay out such money except upon checks drawn upon such depository or depositories signed by the city treasurer and countersigned by the Mayor.

(F) Fund, How Withdrawn. Re-designation.  
The city treasurer whenever notified so to do by the sureties on his official bond or by the Commission, shall withdraw all funds from any designated depository, and it shall be the duty of the Mayor to countersign all checks for such withdrawal. The city treasurer shall thereupon, upon such withdrawal notify the Commission thereof and thenceforth the treasurer shall deposit no more funds in such depository until authorized so to do by the Commission. And upon such withdrawal, it shall be the duty of the Commission to proceed forthwith to re-designate, in accordance with the provisions of this act.

Section 273. Power of City Clerk to Acknowledge Instruments and Administer Oaths.  
The City Clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.

CHAPTER XXIX.  
EFFECT OF ADOPTION OF THIS CHARTER.

Section 274. Rights, Powers, Property, Indebtedness Etc.  
When this Charter takes effect, the City of Glenwood shall be and become the legal successor of the Village of Glenwood as incorporated under the laws of the State, and shall be vested with all the rights, powers and immunities formerly vested in said Village, except as herein otherwise provided. All property rights and interests of every kind and nature formerly vested in said Village of Glenwood shall, when this Charter takes effect, be and become vested in the City of Glenwood under this Charter and all previously existing indebtedness, obligations and liabilities of said Village of Glenwood, together with interest accrued and to accrue thereon, shall be assumed and paid by the City of Glenwood. All ordinances, resolutions, rules, orders and regulations of the Village of Glenwood existing at the time of its adoption shall continue in full force and effect, and nothing herein shall be understood or construed as repealing, amending or modifying any such ordinance, resolution, rule, order or regulation, except so far as the same be incompatible with any of the provisions of this Charter.

Section 275. Public Act.  
Upon its taking effect in manner provided by law this Charter shall

2414

thereby become and be a public act, and as such may be read in evidence in all the courts of the State of Minnesota without being first pleaded or proven.

**Certificate of Commission.**

The foregoing consisting of Section One to Two Hundred Seventy-five inclusive is a draft of the proposed Charter for a City to succeed the present Village of Glenwood, Minnesota, made, framed and adopted by the Commission appointed by the Judge of the District Court of the Sixteenth Judicial District of the State of Minnesota, under and pursuant to the powers given in and by Section thirty-six of Article Four of the Constitution of the State of Minnesota, and Sections seven hundred forty-eight to seven hundred fifty-five inclusive of the Revised Laws of Minnesota for the year 1905, and acts amendatory or supplementary thereto. We, the undersigned, a majority of the said commission do hereby sign the said draft as and for the above mentioned purposes and do hereby return the same to the Honorable Henrik Shipstead, President of the Village Council of the Village of Glenwood, to be by him acted upon in manner as the law directs.

Dated at Glenwood, Minnesota, this 29th day of April 1912.

M. A. WOLLAN, Chairman.  
W. J. CARSON, Secretary.  
G. T. LEE.  
C. T. WOLLAN.  
OLE GULLICKSON.  
G. C. TORGUSON.  
JOHN JEFFERS.  
ANDREW LUND.  
E. KOEFOD.  
G. W. THACKER.  
W. F. DOUGHERTY.  
THEODARE AUNE.  
THOMAS CALLAGHAN.  
HENRY T. RONNING.  
HENRIK SHIPSTEAD.