

N. J. ROBINSON

A. R. ENGLISH

LAW OFFICES
ROBINSON & ENGLISH
TRACY, MINN.

August 30th 1912.

Secretary of State.
St. Paul, Minn.

Dear Sir:-

Inclosed find copy of charter of the City of Tracy
with certificate of the Mayor attached thereto showing ratifica-
tion of charter by the voters. Kindly file the same and oblige,

ARE.CMC.

Yours very truly,

A. R. English
2415

File 97 2415
Charter - Receipt

OFFICE OF THE
SECRETARY OF STATE
AUG 21 1912
John A. Blundell

RECEIVED
AUG 21 1912
OFFICE OF THE
SECRETARY OF STATE

RE-INDEXED

MAY 12 1921

RECEIVED

THE NEXT

DOCUMENT

IS OF POOR



QUALITY

CHARTER

OF THE

City of Tracy,

MINNESOTA.

Framed and adopted pursuant to Section Thirty-six, of Article Four of the Constitution of the State of Minnesota, and Chapter Nine of the Revised Laws, 1905, of the State of Minnesota and acts amendatory thereof.

CHAPTER ONE.

CREATION OF CORPORATION.

CITY AND WARD BOUNDARIES.

Section 1. All that part of the county of Lyon, state of Minnesota, contained within the limits and boundaries, hereinafter described and all the inhabitants thereof, shall be a city and municipal corporation under the name and style of "The City of Tracy" and by that name may sue and be sued, plead and be pleaded in any court or tribunal, have perpetual succession, make and use a common seal which it may change or alter at its pleasure, take, hold, lease and convey all such real, personal or mixed property within or without the limits of said city as the purpose of the corporation may require, or the transaction or exigencies of its business may require or render convenient, and the same shall be free from taxation, shall be capable of contracting and being contracted with and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto, all powers that may be granted it under the general laws of the state of Minnesota, or by this charter.

CITY BOUNDARIES.

Section 2. All that territory within said county of Lyon and state of Minnesota, contained within the limits and boundaries hereinafter described, shall constitute the said city of Tracy, viz:

All of section twenty-three (23), and the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section thirteen (13) except the easterly six 88-100 acres thereof; and the south half (S $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of section fourteen (14); and a rectangular piece of land in the northeast corner (NE) of the southeast quarter (SE $\frac{1}{4}$) of section twenty-two (22), extending forty rods (40) east and west, twenty-five and one half rods (25 $\frac{1}{2}$) north and south; and the north forty acres (40), of the northwest quarter (NW $\frac{1}{4}$) of section twenty-six (26); and the south twenty-four (24) acres of the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section twenty-four (24); and all that part of the said southwest quarter (SW $\frac{1}{4}$) of section twenty-four (24), lying north (N) of the right of way of the Chicago & Northwestern Railway company, and the west half (W $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of said section twenty-four (24), all in township one hundred nine, (109) north, of

by the common council in the same manner, and under the same penalties, and vacancies in the board of judges shall be filled in the same manner as prescribed by the general statutes of the state applicable to cities of its size in point of population except that no registration nor the making and posting of any poll lists shall be necessary. Said judges in each instance, before entering upon the discharge of their duties, shall take the oath or affirmation prescribed by the statutes, and they shall have the power to appoint clerks and to administer all necessary oaths, provided that no candidate for office at such election shall act as judge or clerk thereof. The vote shall be by ballot, as prescribed by statutes, and a plurality of votes shall be sufficient to elect.

SPECIAL ELECTIONS.

Section 5. The city council shall have the power to call special elections at any time by passing a resolution therefor, stating in such resolution the question or questions to be submitted to the voters at such special election. Notice of such special election shall be given by the city recorder by publishing such notice twice in the official paper of said city, the first publication thereof to be at least ten days prior to the election, and by posting up such notice in three public places in each ward at least ten days before the election. Such notice shall state the question or questions to be submitted to the voters at such election.

Such election shall be conducted in the same manner as a general election except that the ballot used shall be such as the city council may prescribe and shall intelligently state the question or questions to be voted upon, and have suitable places thereon to mark a vote for or against each proposition submitted.

ELECTION RETURNS.

Section 6. Whenever any city election shall be closed and the votes cast thereat counted, and the result ascertained, the said election board shall make the return thereof with an abstract of the number of votes cast at such election, stating the whole number of votes for each person for each office, and upon any and all propositions, affirmative or negative, of any propositions submitted to the people at such election and shall, within two days, deliver or cause to be delivered by one of their number, into the hands of the city recorder, such abstract and return, and the common council shall meet and canvass said returns and declare the results, as they appear from the face of the returns, within four days thereafter.

The city recorder shall then forthwith notify the officer or officers of their election by written notice served upon such officers in person or left at their usual place of abode, with some person of suitable age and discretion then resident therein. Certificates of election shall be issued to all elective officers of said city under the direction, and in the manner and form, the common council may, by resolution, prescribe.

In case the election of any person, receiving a certificate of election as above provided, shall be disputed by any other candidate the latter may contest the same in the district court in the county of Lyon and the proceedings in such contest shall be the same, as nearly as may be, as the proceedings prescribed by the general statutes of this state in the case of contested elections of county officers.

TIE IN ELECTIONS.

Section 7. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council within eight days after election at such place and in such manner as it may direct, notice of which proceedings

range forty (40), west.

WARD BOUNDARIES.

Section 3. The said city shall be divided into two wards as follows, to-wit:

The first ward, which shall include all that portion of said city of Tracy, lying east and southeast of the following division line, viz:

Commencing at the point of intersection of the north boundary line of said city, with the section line between section thirteen (13) and section fourteen (14), running thence south to the northeast corner of section twenty-three (23), thence west along the section line between sections fourteen (14) and twenty-three (23) to its intersection with the center line of Fourth Street, thence along the center line of Fourth Street to its intersection with the quarter line between the southeast quarter (SE $\frac{1}{4}$) and the southwest quarter (SW $\frac{1}{4}$) of section twenty-three (23), thence continuing south along said quarter line and along the quarter line between the northeast quarter (NE $\frac{1}{4}$) and the northwest quarter (NW $\frac{1}{4}$) of section twenty-six (26) to the south boundary line of said city.

The second ward, which shall include all that portion of said city lying west and northwest of the aforesaid division line.

CHAPTER TWO. ELECTIONS.

PRECINCTS.

Section 1. Each ward shall constitute an elective precinct and whenever, at any election, it shall appear that more than four hundred votes have been cast in any one election precinct it shall be the duty of the common council, at least sixty days prior to the next election, to divide such precinct into two or more precincts and, in making such division, each new precinct shall contain, as nearly as practicable, an equal number of votes. The boundaries of said precincts shall be defined and notice thereof, describing the boundaries of the election precincts so divided, shall be published twice in the official paper of the said city at least fifteen days prior to the next election.

ELECTIONS—WHEN HELD.

Section 2. An election of the elective officers of said city shall be held on the first Tuesday of April, A. D. 1913, and on the first Tuesday of April annually thereafter at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until seven o'clock in the afternoon, and at least ten days previous notice shall be given by the common council, of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three public places in each ward, and shall publish the same in the official paper published in said city.

QUALIFICATIONS OF ELECTORS.

Section 3. Any person entitled, under the general statute of the state of Minnesota, to vote for county and state officers shall have the right to vote for any officer at any election held under this charter in the election precinct in which he shall have been a resident for thirty days immediately preceding such election.

ELECTION—HOW CONDUCTED.

Section 4. All elections in said city, for city officers, shall be held and conducted by judges of election appointed

shall be served upon the respective candidates interested, by the city recorder at least one day prior to such meeting and such election and the proceedings had in reference thereto shall be made public.

COMMENCEMENT OF TERM OF OFFICE.

Section 8. The official term of all elective officers under the provisions of this charter shall commence on the second Tuesday of April next succeeding their election and all officers to be appointed by the city council as herein provided shall enter upon the duties of their respective offices the first Tuesday succeeding their appointment.

VACANCIES—HOW FILLED.

Section 9. Whenever any vacancy shall occur in any elective or appointive office of said city, excepting that of mayor, which is hereinafter provided for, such vacancy shall be filled by appointment by the city council and the incumbent so appointed shall hold his office until the next succeeding election and until his successor is elected and qualified.

ABANDONMENT OF OFFICE.

Section 10. Any officer removing from the city or ward for which he was elected or appointed, or who shall neglect or refuse for ten days after notice of his election or appointment to qualify or enter upon the discharge of the duties of his office shall be deemed to have vacated the same, and the city council shall declare the office vacant and proceed to fill such vacancy as hereinbefore prescribed.

REMOVAL FROM OFFICE.

Section 11. Any person appointed to any office by the city council or elected to any office by the people may be removed from said office by a vote of four-fifths of all the aldermen authorized to be elected. But no such officer shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have a reasonable opportunity to be heard in his defense. The city council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given to said officer, and said city council shall have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the cause; and if said officer shall neglect to appear and answer the charge against him, the city council may declare his office vacant.

TRANSFERS.

Section 12. Every elective and appointive officer shall, at the expiration of his term of office, in whatever way terminated, turn over to the city or his successor in office on demand, all books, papers, records, files, moneys and other things whatsoever pertaining to his office.

NEW ELECTIONS.

Section 13. Should there be a failure by the people for any cause to hold an election at the time and in the manner hereinbefore prescribed, or to elect any officer herein required to be elected on the day designated, the city council shall order a new election to be held, notices of the time and place of said new election being given as hereinbefore provided for in general or special elections.

FAILURE TO GIVE ELECTION NOTICES.

Section 14. Failure of the city recorder to give the notice of any general, special or new election specified herein shall not in any manner invalidate such elections.

LD, TRACY, MINN., FRIDAY, MARCH 22, 1912.

2416

CHAPTER THREE.

CITY OFFICERS.

ELECTIVE OFFICES—TERM OF OFFICE.

Section 1. The elective officers of said city shall be a mayor, Treasurer, Recorder, one Alderman at large, one Justice of the Peace for each ward, who shall be styled City Justice, such offices shall continue until said city shall establish a municipal court in and for said city, and thereafter no city officers shall be elected; and provided, further, that as soon as said city shall establish a municipal court therein; there shall at said election be elected a municipal judge and a special judge of the municipal court each of whom shall hold his office for a period of two years, all of which officers shall be qualified voters of said city, and two aldermen in each ward who shall be qualified voters therein. All other officers of said city shall be appointed by the city council unless otherwise provided. At the first general election for city officers there shall be elected in each ward two aldermen and in each ward one city justice, one for one year and one for two years; at every annual election thereafter one alderman shall be elected from each ward who shall hold his office for two years and until his successor is elected and qualified; and one justice of the peace shall be elected and qualified. All other elective officers shall hold their offices for one year and until their successors are elected and qualified.

OATHS AND BONDS.

Section 2. Every person elected or appointed to any office under this charter, before he enters upon the duties of his office shall take and subscribe an oath of office which shall be in form as follows:

STATE OF MINNESOTA, County of Lyon.—ss.

I.....do solemnly swear that I will support the constitution of the United States and of the State of Minnesota and that I will faithfully discharge the duties of the office of.....within and for the City of Tracy, said County, to the best of my ability so help me God.

Dated at Tracy, Minnesota, this.....day of..... 19.....

Subscribed and sworn to before me this..... day of.....19.....

And file the same duly certified by the officer administering same with the city recorder.

The treasurer, recorder and such other officers as the city council may direct shall severally, before entering upon the duties of their respective offices, execute to the city of Tracy a bond for the faithful performance of their duties, with at least two sureties satisfactory to, and approved by, the city council. Such bonds shall contain such penal sum and such conditions as the city council may deem proper and shall fix upon, and the city council may from time to time require new and additional bonds, and remove from office any officer refusing or neglecting to execute the same; provided that the said council may in all cases require that such bond be executed by a surety company to be designated by said city council, and all such bonds shall be at once filed by the city recorder except that the bond of the city recorder shall be filed with the city treasurer.

MAYOR—POWER AND DUTIES.

performed by the mayor. In case of vacancy in the office of mayor the alderman at large shall become mayor and the city council shall declare the office of alderman at large vacant and proceed to fill such vacancy as hereinbefore provided for.

CITY RECORDER.

Section 6. There shall be a clerk of said city, styled the city recorder, who shall keep his office at the place of the meetings of the city council or such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city and keep a record of the proceedings of the city council at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the city council, certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have the power to administer oaths and affirmations.

REPORT OF CITY RECORDER.

Section 7. It shall be the duty of the city recorder to report to the city council the financial condition of the city whenever the council shall require. He shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and the interest of such bonds. He shall report annually to the city council, ten days previous to the annual election, an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year.

COUNTERSIGNING CONTRACTS AND KEEPING ACCURATE ACCOUNTS.

Section 8. The city recorder shall countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the city council or any city officer. And every contract made in behalf of the city, to which the city is a party, shall be void unless signed by the recorder. The recorder shall keep regular books of accounts in which he shall enter all the indebtedness of the city and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates or other evidence of indebtedness, which have been redeemed, and the amount of each outstanding. He shall countersign all bonds, orders or other evidence of indebtedness of the city and keep accurate accounts thereof. He shall keep accurate accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount they have disbursed under the direction of the city council; he shall keep a list of all certificates issued for work or any other purpose, and before levying by the city council of any special tax or assessment, the city council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment. This schedule shall be certified by the recorder and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall become a question. The city council shall, if from such report they deem such special tax or assessment legal and just, cause the same to be levied in pursuance of the provisions of this charter. If before the first day of January of each year, the amount expended or to be expended chargeable to any city fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund) the tax authorized to be

RE-INDEXED 2416

MAY 12 1921

24

Section 3. The mayor shall be the chief executive officer of the city and shall take care that the laws of the state, and the ordinances of the city are duly observed and enforced, and that all executive officers of the city discharge their respective duties. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. He shall be head of the police force of the city and shall appoint police officers and watchmen, and in case of riot or other disturbances he may appoint as many special, or temporary constables, as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid may be discharged from office by him whenever, in his opinion, the welfare of the city may demand it or a reduction of their number renders it necessary.

The mayor may at the request of persons, firms, corporations, societies or organizations requiring special police protection, appoint special policemen who shall serve without pay or expense to the city, and possess police powers to preserve peace, protect property and make arrests for crime at such places and within such limits as may be designated by the mayor. But such special police shall not exercise any official authority, or wear any official badge of office outside of the limits so designated except that, in the event of an arrest made by him, he may wear such badge when taking the person so arrested to the police station.

All ordinances and resolutions shall, before they take effect, be presented to the mayor and, if he approves thereof, he shall sign the same and such as he shall not approve he shall return to the city council unsigned with his objections thereto by depositing the same with the city recorder, to be presented to the city council at their next meeting thereafter, and upon return of any resolution or ordinance by the mayor the same vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the city council shall pass the same by a vote of four-fifths of the members elected, it shall have the same effect as if approved by the mayor and, in such case, the vote shall be by ayes and noes, which shall be entered in the records by the recorder. If an ordinance or resolution shall not be returned by the mayor within five days, Sundays excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him.

Section 4. The mayor shall sign all orders and warrants drawn upon the city treasurer for the payment of money and all contracts not otherwise provided for and all appropriations shall, before taking effect, be presented to the mayor and, if he approves thereof, he shall sign the same and such as he shall not approve he shall return to the city council unsigned with his objections thereto, and the same proceedings shall be had in relation thereto as is provided in section 3 of this chapter in ordinances and resolutions.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this charter, or by city ordinance or regulation duly passed and adopted, or by the general laws of this state.

ACTING MAYOR.

Section 5. In case of the absence of the mayor from the city, or by reason of his inability through sickness or other cause to perform the duties of his office, the alderman at large, or if he is also absent or incapacitated from acting, then such member of the city council as said council may, by vote, designate shall, during such absence or disability, exercise the powers and perform the duties of the mayor and, while so acting, shall be styled acting mayor and his acts in that capacity shall have the same force and validity as if

shall be equal to three-fourths of the tax amount raised or revenue estimated for such fund, he shall report at once the same to the city council, and he shall not countersign any contract chargeable to such fund until the amount of taxes actually collected be ascertained, and during the fiscal year he shall not countersign any contract the amount of which shall exceed the revenue actually collected for the fund to which such amount is properly chargeable. The recorder shall examine all books, reports, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the city council may direct. All claims and demands against the city, before they are allowed by the city council, shall be examined and filed by the city recorder, and he shall keep a record of all his acts and doings and keep a book, with index thereto, in which he shall enter all contracts. Such record shall be open to the inspection of all parties interested. He shall not be interested, directly or indirectly, in any contract or job to which the city is a party. And any such contract in which he may be interested shall be null and void.

The city recorder shall perform within said city all other services of a general nature by law required of recorders and clerks of cities and townships, but when such services are required of him, for which services compensation is provided to be made from the state or the county treasurer, or the person requiring such services, such services shall not be rendered as services rendered for said city, and he may retain such recompense in addition to his regular salary, and shall keep an accurate account of fees so received and report the amount of same to the city council at the close of his official year.

In addition to all other duties herein enumerated, to be by the city recorder performed, he shall at the first regular meeting of the city council in March in each year, make an itemized report to the city council of all the funds received by the city during the preceding year, from fines, fees or costs taxed and collected in the municipal court, which report shall contain a statement of the title of each action, criminal and civil, the amount collected in each case, by whom paid, and the amount paid into the city treasury in each case. He shall also at the same time make a report of the amount received from dog licenses, giving the amount paid for each license, by whom and when paid, and the amount thereof paid into the city treasury. He shall also at the same time report to the city council the amounts received for licenses granted to auctioneers, to circuses, to peddlers, and all other amounts received from any source whatsoever, all of which shall be itemized, and after having been presented and approved by the city council shall be once published in the official paper of the city, if the city council shall so order, or they may cause to be published a synopsis of the same instead.

CITY RECORDER—SPECIAL DUTIES.

Section 9. It shall be the duty of the city recorder to have printed an exact copy of the ballot to be used in the next city election at least five days previous to said election and have the same on file in his office for public inspection. The ballot shall be labeled "Sample Ballot."

He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws or by the city council.

DEPUTY RECORDER.

Section 10. The city recorder is hereby authorized to appoint a deputy recorder with the approval of the city council, who shall have authority in the absence of the recorder to transact all business that the city recorder is

authorized to transact, and he may administer oaths and take acknowledgments, and affix the corporate seal to all papers and documents which under the law shall require said seal, and all acts of such deputy shall have the same validity as those of the recorder, but such deputy recorder shall receive no compensation for his services from the city, provided, however, that the city recorder and his bondsmen shall be responsible to the parties interested for all the acts and doings of said deputy recorder when acting in the place and instead of the city recorder.

CITY TREASURER.

Section 11. The city treasurer shall receive and safely keep all money belonging or accruing to the city, including taxes, license money and fines, and keep an accurate and detailed account thereof, in such a manner as the city council shall from time to time direct. The treasurer shall furnish to the city council, at least fifteen days before the annual election or sooner if required by them, a full and detailed account of the receipts and expenditures from the date of the last annual report, and also of the state of the treasury, which account shall be filed with the recorder, and a copy of the same published in the official paper of the city. He shall report to the city council as it may require.

DISPOSITION OF CITY FUNDS.

Section 12. All city funds, as soon as received, shall be deposited by the city treasurer, in the name of the city, in one or more banks designated by the city council, who, before designating such depository shall call for bids from any state or national bank. Such bids shall state what security will be given to said city for funds so deposited, and what interest allowed on monthly balances, on condition that such funds, with accrued interest, shall be held subject to draft and payment at all times on demand. If, after making such designation, the city council deems the said security insufficient it may require a new bond or, if, in its opinion the public interests require, may vacate, revoke, or modify any such designation, and again call for bids and designate a depository. The amount deposited in any bank shall not exceed the assessed valuation of the capital stock thereof.

COURTS OF THE JUSTICE OF THE PEACE.

Section 13. The justices of the peace of the city shall enter into the discharge of their duties on the third Tuesday of April, after their election and they shall have and possess all the authority, powers, rights and jurisdiction that justices of the peace have or may hereafter possess, who are elected under the general laws of the state of Minnesota, and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try and determine all complaints for the violation of any provision of this charter and of any ordinance, resolution, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable by a justice of the peace in which the said city is a party, and of all suits, prosecutions and proceedings for the recovery of any fines, forfeiture or any penalty under any ordinance, resolution, by-law or regulation of this city or its charter. In all prosecutions for any violation of the provisions of this charter, or any ordinance, resolution, by-law or regulation adopted, under or by virtue hereof, said justices of the peace may proceed to the trial and determination thereof in a summary manner without the aid of a jury.

In all proceedings before justices of the peace, authorized by this charter, and in all civil proceedings before such justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and

year the compensation of officers shall be fixed for the fiscal year in the month of April, except for such officers as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office. Nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which said officer was elected or appointed. No officer elected or appointed to office, under the provisions of this charter, shall be party to, or interested in, any contract in which the city is interested, made while such officer is holding office. Provided, that the mayor and aldermen shall receive no compensation for their services as such officers, except members thereof when acting as the board of equalization of taxes.

CITY PRINTING.

Section 16. The city council shall, at its first regular meeting in April of each year, direct the city recorder to procure bids for the city publishing of ordinances, resolutions and proceedings of the city council and any other notices required to be published by the city. Such publication to be in some weekly newspaper, printed and published in the city of Tracy, in the English language, qualified under the laws of the state to publish legal advertisements and to be specified in the bid. Such bid shall be opened by the city council before June first following, and the city council shall accept the lowest responsible bid, or may reject any and all bids, and designate such bidder as city printer, and said newspaper shall be the official newspaper of said city, and until his and its successor shall be designated; provided, however, that the city council shall require the person so designated as city printer to make, execute, and file with the city recorder of said city, a good and sufficient bond, with two or more sureties, and a such amount as may by the city council be required, conditioned that he will in all respects perform and carry out the duties of such city printer as herein and by law provided. Provided that if each and all of said bids fix a price exceeding forty (40) cents per legal folio for first insertion and twenty-five (25) cents per legal folio for each subsequent insertion, the city council may reject all such bids and adopt such other method of city publishing, and designating such official newspaper as it may in its discretion determine. The printer, publisher or foreman of said newspaper, immediately after the publication of any notice, ordinance, or resolution, or other instrument which by this act is required to be published, shall file with the city recorder of said city a copy of such publication, with his affidavit setting forth the period of time and dates of the publication thereof, and such affidavit shall be prima facie evidence of the publication of such notice, ordinance or resolution, or other instrument, and no account for the publication of such notice, ordinance, resolution or other instrument shall be allowed or adjusted by the city recorder, until such proof of publication has been so made and filed.

BOARD OF EQUALIZATION.

Section 17. The city council of said city shall elect a committee, consisting of three of its members, which shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the council room in said city at such time as may be provided by law, and at such time, and from day to day thereafter as they may adjourn, such board shall proceed to revise, amend and equalize the assessment on the roll of said assessor. It shall be the duty of the assessor to be present at all such meetings of said board of equalization, to present before the board the facts relating to the assessment. Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization under the general law of the

their duty to execute and serve commitment or writ whatsoever issued for any violation of the laws of the ordinances or resolutions of process whatsoever issued by the actions, and they have authority person fleeing from justice in any performing the duty of constable to the fees prescribed by statute keep such records, make such duties as the city council may d

CITY ASSESSOR.

Section 22. The city assessor required of such officers by the have all the power, rights and to assessors.

STREET COMMISSIONER.

Section 23. There shall be said city who shall be appointed the consent of the city council in direction of the city council, improvements of the streets, bridges said city, and carry into effect the city council in relation to streets, roads, sidewalks, alleys and it shall be his duty to see and open for travel, are kept such repair as to be safe and proper over the sidewalks are true not to obstruct or interfere shall perform such other services the city council or the ordinance and receipt to his predecessor for all property of the city real estate belonging to the city. By estimated cost of \$25.00 shall of the city council.

The street commissioner contract for work done up compensation for any use of he has any interest. The street regular meeting of the city city recorder, a detailed written character and location of the since the date of his last report work was done, and the street which said report shall be by the council at said meeting above provided, no salary shall be paid to said street commissioner.

Section 24. The duties of health and of the chief of police as are hereinafter set forth and Chapter 9 of this charter

CHAIRMAN.

CITY CLERK.

GENERAL CLERK.

Section 1. The legislative body of the city of Tracy, Minn., shall be composed of the aldermen

shall be fixed for the fiscal year for such officers as may be created by the city council, to which the compensation shall be fixed. No officer elected or appointed under this charter, shall be entitled to receive no compensation, except members thereof.

PRINTING.

shall, at its first regular meeting, direct the city recorder to publish all ordinances, resolutions and any other notices. Such publication to be in the city official newspaper, and to be specified by the city council. The city council shall accept or reject any and all bids, and until his appointment, provided, however, that the person so designated as printer with the city recorder, bond, with two or more sureties, by the city council, shall in all respects perform the duties of printer as herein and by law. The city council may reject all bids for the publication of notices, ordinances or resolutions, or other instrument shall be filed.

EQUALIZATION.

of said city shall elect a board of equalization, which shall be sworn according to the provisions of law, and at their next meeting they may add, revise, amend and equalize the assessment. It shall be the duty of the board of equalization to meet at all such meetings of the city council, and to present before the board the names of such board of equalization, which are or may be vested in the general law of the

their duty to execute and serve any warrant, process, commitment or writ whatsoever issued by the justice of the peace for any violation of the laws of the state of Minnesota, or the ordinances or resolutions of said city, and any writ or process whatsoever issued by the justices of the peace in civil actions, and they have authority to pursue and arrest any person fleeing from justice in any part of the state, and when performing the duty of constable aforesaid shall be entitled to the fees prescribed by statute. The chief of police shall keep such records, make such reports and perform such duties as the city council may direct.

CITY ASSESSOR.

Section 22. The city assessor shall perform all the duties required of such officers by the general laws of the state, and have all the power, rights and privileges granted by the same to assessors.

STREET COMMISSIONER.

Section 23. There shall be a street commissioner of said city who shall be appointed by the mayor, by and with the consent of the city council, and who shall, under the direction of the city council, superintend all works and improvements of the streets, bridges, and public grounds of said city, and carry into effect all orders and ordinances of the city council in relation to work and improvements on the streets, roads, sidewalks, alleys, bridges, and public grounds, and it shall be his duty to see that the same, when graded and open for travel, are kept clear from obstruction and in such repair as to be safe and passable, and that all trees along or over the sidewalks are trimmed, and awnings kept so as not to obstruct or interfere with public travel thereon, and shall perform such other services as are required of him by the city council or the ordinances of said city, and receive and receipt to his predecessor for, and account to his successor for all property of the city received by him or under his control belonging to the city. But no improvement exceeding an estimated cost of \$25.00 shall be made, except by direction of the city council.

The street commissioner shall not be interested in any contract for work done upon the streets, nor be allowed compensation for any use of teams owned by him, in which he has any interest. The street commissioner shall, at each regular meeting of the city council, make and file with the city recorder, a detailed written report, showing the amount, character and location of the work done by his department since the date of his last report, and showing by whom said work was done, and the sum due to each person therefor, which said report shall be by the city recorder presented to the council at said meeting, but until such report is filed as above provided, no salary or wages shall be allowed or paid to said street commissioner or his employees.

BOARDS.

Section 24. The duties and powers of the board of health and of the chief of the fire department shall be such as are hereinafter set forth and specified under Chapter 6 and Chapter 9 of this charter.

CHAPTER FOUR.

CITY COUNCIL.

GENERAL POWERS.

Section 1. The legislative power and authority of the city of Tracy, Minn., shall be vested in the city council, composed of the aldermen elected as in this Chapter provided.

MEETINGS.

Section 2. The first regular meeting shall be the first

proposition, shall be counted as having voted in the negative.

FOUR-FIFTHS VOTE.

Section 8. Every ordinance, order or resolution appropriating money, creating any liability of the city, awarding or approving of any contract for the payment of money, ordering any condemnation of private property or the making of any public improvements, shall require a four-fifths vote of all the members of the city council; provided, that this section shall not apply to the payment of the ordinary bills, hereinafter provided for.

DISQUALIFICATION.

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

FUNDS AND ACCOUNTS.

Section 10. The city council shall designate the depositories for, and disposition of, the city funds, and the city council shall require and approve all bonds given for the safe keeping thereof, and it shall examine and audit the accounts of all its officers.

SUPERVISION OF PUBLIC PROPERTY.

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

OPENING, VACATING AND IMPROVING STREETS.

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

PUBLIC BUILDINGS.

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

PLATS.

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

APPOINTMENTS.

Section 15. The confirmation by the council of any officer of the city, appointed by the mayor, shall require the affirmative vote of a majority of its members, taken by ballot and recorded by the recorder.

REVOCAATION OF LICENSE.

Section 16. Any license issued by authority of the city council may be revoked by the mayor, at any time, for sufficient cause, and, upon conviction of any person holding a license, before a justice of the peace of the city of Tracy,

The mayor may at least once each year, and if necessary, appoint a competent dis- who shall forthwith, without notice, ex- and accounts of any or all of the boards, ers of the city, and thereupon make full mination to the mayor, and he shall be able compensation from the city for his expenses incurred in said examination.

POINTIVE OFFICERS.

The following officers of said city shall be ayor by and with the consent of the city ty attorney, city assessor, street commis- embers of the board of health. the fire department shall be appointed by t, by and with the consent of the mayor. epartment fail to make such appointment hall have full authority to appoint such

CITY ATTORNEY.

There shall be a city attorney of said city ted by the mayor by and with the consent and who shall be learned in the law, and sed and practicing attorney in the state of ll reside in the city of Tracy and shall one year, and until his successor is duly lified. The city attorney shall be the city and of all the boards and departments erform all services incident to that office. ar in and conduct all civil suits, prosecu- gs in which the city or any board or shall be directly or indirectly interested, y take charge of and conduct all prosecu- ion of all ordinances or resolutions of the or department thereof, and for the viola- arter by any officer, council, board or de- or any other person or corporation. ney shall, when so requested, furnish a on any subject submitted to him by the any committee thereof, or by the mayor, l of a department of the city. He shall attend meetings of the city council and ty council as to the legality of all ordi- motions, proceedings and appropriations, s whatsoever under consideration by said hall especially so advise the city council if such matter is in violation of law. Neither or any board or department or officer of or employ any other attorney in connec- ial duties, or make any contract for pay- ces out of the public funds, provided that ay in case of great importance authorize such additional counsel as the city council y, and at such compensation as the city me.

CHIEF OF POLICE.

There shall be a chief of police of said appointed by the mayor, and who shall s as shall be prescribed by the mayor for the public peace. All police officers and city shall possess the powers of constable by the laws of the state, and it shall be

determine the time of its regular meetings, and provide for special meetings and may prescribe rules for its proceedings not inconsistent with this charter. The president of the council may, or, upon written request of four aldermen, shall call special meetings of the city council by giving written notices to each of its members, to be delivered personally, or left at his usual place of abode, with a person of suitable age and discretion then residing therein, and no business shall be transacted at any special meeting, unless the subject of the same shall have been specified in the written notice.

A QUORUM.

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

CANVASSING VOTES.

Section 4. The city council shall be judges of the elec- tion and qualification of its members.

ORDINANCES AND RESOLUTIONS.

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

READING AND USAGE.

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

FAILURE TO VOTE.

Section 7. Any member of the city council who, being present when his name is called, fails to vote on any pending

for a violation of the provisions of any ordinance, the city council may revoke such license in addition to the penalties provided by law or ordinance for such violation.

PUNISHMENTS.

Section 17. The city council may impose any punish- ment for the breach of any ordinance of the city to the ex- tent of a fine not exceeding one hundred dollars or imprison- ment in the county jail or any other place of detention main- tained by the city, not exceeding ninety days, and may pro- vide that such punishment shall be cumulative for an indefi- nite term, not exceeding ninety days, subject to suspension or termination by reason of or during good behavior of the person imprisoned, and offenders against such ordinance may be required to give security to keep the peace and for good behavior for a period not exceeding six months, in a sum not exceeding five hundred dollars. The city council may further provide by ordinance that any person, convicted of any offense, before a justice of the peace of the city, subjecting said person to imprisonment under the ordinance of the city, may be kept at hard labor during the term of such imprisonment, at the place of confinement or upon the public improvements of the city and the city council shall have full power to establish by ordinance all needful regulations for the security of said person and to prevent their escape and secure proper discipline.

COMPILATIONS.

Section 18. The city council may, from time to time, provide for the compilation and publication of the charter, ordinances of the city, rules of the city council, and such other reports and regulations of the city council, and such statutes of the state as it may designate, and may provide for the distribution, sale or disposal of copies of such compilation or publications. Such publication, so issued, purporting on the title page to have been published by the authority of the city council and to contain the ordinances of the city, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of the state, and, in absence of evidence to the contrary, all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed and adopted. Copies, duly certified by the city recorder, of ordinances, rules, regula- tions and resolutions, or other papers in his official custody, or of any records kept by him in his official capacity, shall also be admitted as prima facie evidence of their contents in all courts of this state. All courts of this city shall take judicial notice of all ordina- ces and resolutions duly passed by the city council.

WITNESSES.

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

SPECIFIC POWERS.

Section 20. The city council, except as in this charter otherwise provided, shall have the general management and

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

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

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

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

4th. To regulate the maintaining of openings and excavations in streets, alleys, public grounds and public places, for the laying of gas and water mains and pipes, constructing subways and conduits, and for other purposes; and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and conduits of every kind, underneath the street, alleys, sidewalks, public grounds and places of the city, and to regulate and, if it is deemed necessary, to prohibit the construction and maintaining of coal holes, manholes, hatchways and other openings in sidewalks, streets and alleys and the covering and guards thereof.

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

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

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

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

9th. To regulate and prevent the flying of flags, banners

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38th. To establish pounds and pound districts, which shall be under the supervision and control of a single pound

windlasses, freight and passenger elevators, apparatus and operations hazardous to

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

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

50th. To regulate the burial of the city and to regulate and determine the time which bodies, which have been placed in a place, for the purpose of burial, may be removed and control the location of cemeteries, removal of bodies interred contrary to law.

51st. To regulate the location, construction of stock-yards, slaughter houses, packing establishments, tallow candleries, meat houses for hides, bone or glue houses, gas works, dye houses, tanneries, sausage factories, or noisome business within the limits of the city.

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

53rd. To compel the owner of any candlery, sausage manufactory, pig sty, or other wholesome or noxious house or place, to clean or move the same.

54th. To regulate the location of places of piling lumber, wood and other commodities, and the manner of piling the same, and to prevent any person maintaining any lumber, shingle or other yards in the city to remove the same when dangerous to building structures or other property.

55th. To regulate and prevent the use of any other amusement on the streets, at public places, and to regulate the use of vehicles thereon.

56th. To regulate and prevent the playing of chimes, the blowing of whistles, beating of kettles, or making of other noises.

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

58th. To establish and regulate the use of fountains, hydrants, reservoirs, and other apparatus.

59th. To regulate and control the use of gas, and to prescribe and enforce regulations for the manufacture and sale of gas, and to regulate the inspection of gas and gas meters, and to control measurements and use of electric apparatus and other means and agents for the production of heat and power within the city.

60th. To regulate lodging, tenement houses, hotels and restaurants, and to regulate the same, and to require the same to be kept in a proper sanitary condition.

61st. To prohibit and punish cruel and inhumane treatment of animals, and to require the places where animals are kept to be kept in a healthful condition, and to protect birds and animals.

62nd. To compel the owner and occupant of any

places and to regulate, license or prohibit the construction and use of bill-boards and signs adjacent to or near streets, alleys and public places, or upon any vacant lot or other property.

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

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

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

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

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

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

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

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

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

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

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

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

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

master; to restrain the running at large, or sucking out, of horses, mules, cattle, swine, sheep, poultry or other animals, to regulate and prohibit the driving of cattle in the public streets, alleys or public places; and to authorize the distraining and sale of same.

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

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

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

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

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

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

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

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

47th. To regulate the operation of blasts and blastings, and the construction, location and operation of derricks.

erty, within the city limits, to keep the same clear of weeds and of any brush or other material or substance which may be liable to communicate fire to adjoining property.

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

64th. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or businesses not in this chapter expressly referred to, for, as in the opinion of the city council may be deemed necessary; and in general to adopt all such measures and resolutions, in cases for which no express provision is in this chapter made, as the city council may from time to time deem necessary for the promotion of the health, safety and good order, the suppression of vice and the promotion of the public welfare in said city.

65th. To establish and maintain city places of confinement, for the imprisonment, safe keeping of all persons arrested for, charged with, or convicted of, any offense; make rules and regulations for the government and management of such prison, and to prescribe the duties of the officers of the same, which keepers shall have authority of jailors at common law, or under the laws of this state.

66th. To provide for the lighting of streets and other public places within the city.

67th. To provide for the investigation of the cause of fires, and to compel the attendance of witnesses, the production and giving of evidence upon any such investigation.

68th. To regulate and control, in a manner not inconsistent with any specific provisions on the subject of this charter, the exercise by any person or corporation of any public franchise or privilege in any of the public places in the city, whether such franchise or privilege has been granted by said city or under the State or any other authority.

69th. To restrain any person from vending, or in any way disposing of, any spirituous, vinous, malt, or intoxicating liquors, unless duly licensed by the city council; and to license and regulate the sale, vending, dealing in or disposing of the same, and to prohibit vending, dealing or disposal by any person (except regularly licensed druggists, chemists, or for medicinal, chemical or mechanical purposes, not for sale or drunk on the premises), of any spirituous, vinous, malt, or intoxicating liquors in any districts or places which the city council may designate; and provided further that the license shall be for a term of years, and the death of the licensee, and the discontinuance of the business for which said license was granted, the city council may cause said license money pro rata for the unexpired term of the license.

LICENSE TO SELL INTOXICATING LIQUORS

Section 21. The legal voters of the city shall have the authority and power to vote upon and determine for themselves, the question whether or not the sale of intoxicating liquors as a beverage shall be permitted by the council of said city; and it shall be the duty of the city recorder of said city, upon receiving a license for the purpose, of twenty-five or more legal voters

and prohibit billiards, pool
bowling alleys, and shooting
fire, auction and bankrupt
transient vendors of merchan-
and prohibit caravans, menag-
and all places of amusement.
ate auctioneers, pawnbrokers,
llers; and to compel all such
their transactions as it shall
ate peddlers, street hawkers,
astrologers.
late hackmen, draymen, ex-
persons or corporations en-
baggage or freight, and to
and to provide standing places
or railway stations, where the
for business, and to prohibit
ing for business at any other
ate breweries and to prohibit
portion of the city which it
ate plumbers, and to regulate
ns of all kinds.
rying of concealed weapons,
ion of the same.
late the keeping of dogs, and
hibit the storgae, and use of,
oal oil, benzine, naptha, gaso-
ro-glycerine, and any products
or explosive materials within
s, shops and other places, and
To regulate and prohibit the
fire-arms.
and suppress riots, routs, af-
assemblies, cock-fights, dog-
all brutal or depraving exhibi-
punish vagrants, mendicants,
and to regulate swimming and
city limits, and to prevent and
assaults and batteries, dis-
within the city; and to pro-
culation, sale or exhibition of
publications, prints, pictures,
and printed or pictured matter
the peace or impair the morals
suppress bawdy and disorderly
and assignation, and all immoral
es and gift enterprises, and to
ambling and playing of dice,
es of chance; the use of black-
quotations for the purpose of
bit all pool rooms, bucket shops
selling of pools and making of
er contests, real or fictitious; to
mechanism and other devices used
prohibit all fraudulent devices,
tion of all instruments used for
ing or other unlawful purposes,
nds and pound districts, which
on and control of a single pound

windlasses, freight and passenger elevators and other struc-
tures, apparatus and operations hazardous to life and property.
48th. To define what shall constitute a nuisance and to
abate the same, and to impose fines upon persons who may
create, continue or suffer nuisances to exist.
49th. To provide for, and compel, the reporting and
recording of all births and deaths within the city.
50th. To regulate the burial of the dead within the
city and to regulate and determine the time and manner in
which bodies, which have been placed in a vault or any other
place, for the purpose of burial, may be removed, and to regu-
late and control the location of cemeteries, and to cause the
removal of bodies interred contrary to law.
51st. To regulate the location, construction and manage-
ment of stock-yards, slaughter houses, packing houses, render-
ing establishments, tallow candleries, meat markets, storing
houses for hides, bone or glue houses, gas works, soap factories,
dye houses, tanneries, sausage factories, creameries and other
noisome business within the limits of the city.
52nd. To prohibit offensive or unwholesome business or
establishments within the limits of the city.
53rd. To compel the owner of any soap and tallow
candlery, sausage manufactory, pig sty, privy, or other un-
wholesome or noxious house or place, to cleanse, abate or re-
move the same.
54th. To regulate the location of lumber yards, and
places of piling lumber, wood and other combustible materials,
and the manner of piling the same, and to require any per-
son maintaining any lumber, shingle or lath piles or wood
yards in the city to remove the same when they become dan-
gerous to building structures or other property.
55th. To regulate and prevent the playing of games or
any other amusement on the streets, alleys, sidewalks, or
public places, and to regulate the use of bicycles and other
vehicles thereon.
56th. To regulate and prevent the ringing of bells and
chimes, the blowing of whistles, beating of drums, and the
making of other noises.
57th. To establish and regulate city or quarantine hospi-
tals, houses, and to make all regulations which may be
necessary and expedient for the preservation of health, and
the suppression of disease, and make regulations to prevent
the introduction of contagious, infectious, or other diseases
into the city, and to make quarantine laws, and to enforce the
same within the city, and to regulate, control and prevent
the landing of persons, baggage, merchandise or other property
from cars or other conveyances infected with contagious dis-
eases, and to make such disposition of such persons or prop-
erty as to preserve the health of said city, and to prevent in-
fected cars or other conveyances from coming within or near
the city limits.
58th. To establish and regulate the public wells, cis-
terns, hydrants, reservoirs, fountains and watering troughs.
59th. To regulate and control the quality and measure-
ment of gas, and to prescribe and enforce rules and regula-
tions for the manufacture and sale of gas, and to provide for
the inspection of gas and gas meters and to regulate and
control measurements and use of electricity and electrical ap-
paratus and other means and agents for furnishing light,
heat and power within the city.
60th. To regulate lodging, tenement and apartment
houses, hotels and restaurants, and to prevent the overcrowd-
ing of the same, and to require the same to be put and kept
in a proper sanitary condition.
61st. To prohibit and punish cruelty to animals, and to
require the places where animals are kept to be maintained in
a healthful condition, and to protect birds and harmless wild
animals.
62nd. To compel the owner and owners of vacant prop-

any time not less than fifteen days before any annual election
of said city, to give at least ten days' notice that the question
of granting license for the sale of intoxicating liquors as a bever-
age in said city shall be submitted to the legal voters thereof, at
the next ensuing election, which question shall be decided by
ballot containing the words, "In favor of license," or "Against
license," as the case may be, provided, however that the fail-
ure of the recorder to give the notice required herein shall
not invalidate the vote and determinations made under the
provisions of this section, if the petition therefor shall have
been duly filed; the votes upon such question shall be taken,
canvassed, returned and announced in the same manner as is
provided by this charter for the taking, canvassing and re-
turning of the votes for the election of city officers, which
determination so made shall continue until the same shall be
revoked at a subsequent annual election in the same manner;
and if such returns show that the majority of the votes cast
at said election on said question be "Against license," no li-
cense for the sale of intoxicating liquors shall be granted by
the authority of said city; but if such returns show that the
majority of the votes cast at such election on said question
shall be "In favor of license," then the city council shall
grant license to any suitable person of lawful age and being
a bona-fide resident of this state and the city of Tracy for
the sale of intoxicating liquors. The city council of said city
shall have the exclusive right, within said city, to license per-
sons vending, selling or disposing of intoxicating liquors,
within the limits of said city, and no person shall be licensed
by the city council to deal in or sell intoxicating liquors as a
beverage in said city unless he shall fully comply with all the
requirements, and be subject to all the penalties, as provided
in the ordinances of the city, the General Statutes of the
State of Minnesota, and the United States; provided, that
whenever the people shall have voted against the issuance of
license for the sale of intoxicating liquors in said city, it shall
thereafter be unlawful for any person or corporation to sell,
barter or give away the same, in said city at retail or whole
sale, in any quantity whatever; provided that nothing herein
shall be construed to prevent or forbid the manufacturer of
intoxicating liquors in said city from selling his product to
be consumed outside of said city.

CHAPTER FIVE.

FRANCHISES.

POWER TO GRANT.

Section 1. The city council of said city shall have, and
is hereby granted, subject to the provisions and limitations
herein stated, the power to grant and provide for regulating
and controlling the exercise of any person, company or cor-
poration, of any public franchise or privilege in any of the
streets or public places in said city, whether said franchise
or privileges have been granted by said city or by or under
the state of Minnesota or any other authority, but no perpet-
ual franchise or privilege shall ever be granted, nor shall any
exclusive franchise or privilege be granted to any person,
company or corporation at any time for any term whatever;
provided, that every franchise or privilege granted under the
provisions hereof, shall, where no term is expressed in such
grant, expire within twenty-five (25) years; and provided
further, that no franchise or privilege of any kind shall ever
be granted for a longer term than twenty-five (25) years;
provided, however, that if an application for a longer term
than twenty-five years is submitted to the council the ques-
tion of granting such franchise or privilege shall be sub-
mitted to a vote of the people, and it shall thereupon be-
come the duty of the city recorder to call an election therefor
in the manner provided for calling special elections

large, or sticking out, of poultry or other animals, or of cattle in the public street, to authorize the distraint-

and regulate markets and the inspection of, and to regulate the sale of bread, and to prescribe the manner of bread in the loaf, and provide for bread baked contrary thereto.

regulate the inspection of butter, cheese, lard, eggs, vegetables and other products and to prevent the destroying of, any spoiled or unwholesome, and carrying into the city and the sale of unwholesome products. regulate, the place and manner of, and selling the same, and coal and lime.

inspection and sealing of all barrels, to enforce the keeping and use, and measures duly accepted

of construction and materials, and other structures; to prevent the use of insecure or unsafe buildings or other structures and to prevent the alteration or destruction; to regulate the manner of construction and the thickness, materials, partition and outside walls, beams, girders, piers, columns, and other apparatus; to regulate the structures not conforming to the suspension at any time not conform to such regulations.

the limits within which buildings or other material not fire proof shall be erected, and to direct that any building damaged by fire, decay or other cause, shall be repaired to a certain per cent of its value, shall be repaired, and to prescribe the manner of repairing, and to provide for requiring the repair of structures, which have been damaged, or have become dangerous by fire, or any part thereof, down to the city council, then to cause the same to be repaired at the expense of the owner and to prevent the use of such buildings.

owners or lessees of buildings or other structures, and for fire escapes and appliances for fire escapes, and for extinguishment

of construction, and to cause the same to be repaired, and to regulate the carrying on of fires; to prevent the depositing of shavings, rubbish or other material in public places, and to make provisions for the safe operation of blasts and blastings, and for the operation of derricks.

erty, within the city limits, to keep the same clear of noxious weeds and of any brush or other material or substance liable to communicate fire to adjoining property.

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

64th. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kind of business not in this chapter expressly referred to and provided for, as in the opinion of the city council may require regulation; and in general to adopt all such measures and establish all such resolutions, in cases for which no express provision is in this chapter made, as the city council may from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppression of vice and the enhancement of the public welfare in said city.

65th. To establish and maintain city prisons and other places of confinement, for the imprisonment, punishment and safe keeping of all persons arrested for, charged with, or convicted of, any offense; make rules and regulations for the government and management of such prison, and other places of confinement, and to prescribe the duties of the keepers and officers of the same, which keepers shall have the powers and authority of jailors at common law, or under the laws of this state.

66th. To provide for the lighting of streets, alleys and other public places within the city.

67th. To provide for the investigation of the origin and cause of fires, and to compel the attendance of witnesses and the production and giving of evidence upon such investigation.

68th. To regulate and control, in a manner not contrary to any specific provisions on the subject contained in this charter, the exercise by any person or corporation, of any public franchise or privilege in any of the streets or public places in the city, whether such franchise or privileges have been granted by said city or under the State of Minnesota, or any other authority.

69th. To restrain any person from vending, dealing in, or in any way disposing of, any spirituous, vinous, fermented, malt, or intoxicating liquors, unless duly licensed by the city council; and to license and regulate the sale of spirituous, vinous, fermented, malt or intoxicating liquors and all persons, vending, dealing in or disposing of the same; providing it may prohibit vending, dealing or disposal by any person or persons (except regularly license druggists, to sell for medicinal, chemical or mechanical purposes, not to be used or drunk on the premises), of any spirituous, vinous, fermented, malt, or intoxicating liquors in any districts of the city which it may designate; and provided further that in case of the death of the licensee, and the discontinuance of the business for which said license was granted, the city council may refund to the widow or legal representatives that portion of said license money pro rata for the unexpired term of said license.

LICENSE TO SELL INTOXICATING LIQUORS.

Section 21. The legal voters of the City of Tracy, shall have the authority and power to vote upon, and determine for themselves, the question whether or not license, for the sale of intoxicating liquors as a beverage, shall be granted by the council of said city; and it shall be the duty of the city recorder of said city, upon receiving a petition for that purpose, of twenty-five or more legal voters of said city, at

and the same shall be conducted in the manner of other special elections, provided for in this charter; except that such question may be submitted at any general election occurring within a reasonable time after such application is filed. In case of a majority of the legal voters voting thereon at a general or special election vote in favor of such application, the same shall be declared granted, and it shall thereupon become the duty of the council to grant the same accordingly.

POWER NOT TO BE GRANTED AT FIRST MEETING.

Section 2. No public franchise or privilege shall be granted to any person, company or corporation at the first meeting at which the application for the same is made, nor until the same shall have laid over at least one regular meeting after the formal application of such franchise or privilege shall have been presented, nor unless such application is granted by a vote of at least four-fifths of all the members of the council, and in case the granting of such franchise or privilege is vetoed by the mayor, in the exercise of the veto power vested in him, the same shall not be passed over such veto unless all the councilmen vote in favor of the same upon the vote to pass the same over such veto; provided, however, that in case any person, company or corporation shall make application for a franchise or privilege under the provisions of this act in competition with or in respect to any public utility then existing or for which a franchise or privilege has been granted to any other person, company or corporation, and is then in force, the same may be granted to such competing person, company or corporation by a majority vote of all the members of the council; and provided further, that if such application shall fail to receive a majority vote, then and in that case such applicant shall, upon filing with the city recorder an agreement to pay all costs of an election, and a bond in sufficient amount, with good and sufficient sureties, to be approved by the city recorder, conditioned to pay all costs of such election as soon as the same are ascertained, be entitled to have the question of granting such franchise or privilege submitted to a vote of the people; and it shall be the duty of the city recorder to call an election therefor in the manner provided for calling special elections, and the same shall be conducted in the manner of other special elections provided for in this charter.

LICENSE FEE.

Section 3. All public franchises and privileges granted to any person, company or corporation in any of the streets or public places in said city, shall be subject to and conditional upon the payment of an annual license fee to the City of Tracy, as a consideration for the granting of such franchise or privilege, upon the gross earnings of such person, company or corporation, obtaining such franchise or privilege at the following rates, to-wit;

Whenever in any one year the gross earnings of any such person, company or corporation, holding such franchise or privilege amounts to twenty-five thousand (25,000) dollars, or less, one half (1/2) of one (1) per cent on the entire gross earnings. Whenever in any one year such gross earnings amount to twenty-five thousand (25,000) dollars and do not exceed fifty thousand (50,000) dollars, one (1) per cent of the entire gross earnings. Whenever in any one year such gross earnings amount to fifty thousand (50,000) dollars, and do not exceed one hundred thousand (100,000) dollars, one and one-half (1 and 1/2) per cent of the gross earnings; and

Whenever in any one year such gross earnings amount

to one hundred thousand (100,000) dollars, or more, two (2) per cent on the entire gross earnings; provided, however, that if at any time such franchises and privileges are assessed and taxed as property under the general laws of this state now existing or hereafter adopted, then and in that case the person obtaining or holding such franchise or privilege shall not be required to pay the license fees herein provided for upon the gross earnings aforesaid, in any amount, so long as the said franchises or privileges are otherwise taxed. Said gross earnings license fees shall not be taken or considered in lieu of any tax or taxes to which the property of such person, company or corporation, other than such franchise privileges would otherwise be subject or liable.

HOW COLLECTED.

Section 4. Such license fees shall become payable by virtue of the provisions of this chapter and according to the provisions hereof, without reference to any of the terms, provisions or stipulations embraced in such franchise or privilege, or the charter of such person, company or corporation obtaining the same, and shall be collected and paid in the manner and under such regulations as the city council may, by ordinance or resolution, prescribe, but failure on the part of the city council to make or prescribe such regulations shall not relieve any such person, company or corporation from the payment of such annual license fees. Every person, company or corporation doing business in said city under any franchise or privilege granted by said city under the provisions of this charter, shall, during the first week in January, in every year, make and file with the city recorder of said city an accurate, correct, true and sworn statement and report of the gross earnings of such person, company or corporation for the year immediately preceding said date; and failure to file such report at said time shall be sufficient grounds to forfeit such franchise or privilege.

REFUSAL TO PAY FORFEITURE.

Section 5. Any person, company or corporation, failing, neglecting or refusing to pay said license fees within the time and in the manner prescribed by said city council or violating any of the terms or conditions of their franchise shall forfeit the franchise or privilege granted and shall not be entitled to have the same reinstated by the mere payment of such fees, but must, in order to again obtain such franchise or privilege, make a new application therefor in the same manner and subject to the same provisions as if no franchise or privilege had been previously granted.

TO BE BASED ON EARNINGS IN CITY LIMITS.

Section 6. In case any franchise or privilege is granted to any person, company or corporation for the doing or conducting of any business carried on partly within and partly without the limits of said city, such gross earnings license fees to be collected from and paid by the holder of such franchise or privilege shall be based upon the earnings of the business transacted or conducted wholly within the limits of said city.

RIGHT TO PURCHASE—RESERVED.

Section 7. Said city shall have the right, and the same is hereby expressly reserved to said city, to purchase the property of any person, company or corporation operating or doing business in said city under a franchise or privilege granted by said city at the end of fifteen (15) years from the granting of such franchise or privilege, and at the end of each succeeding term and period of five years thereafter, by paying to the owner thereof the reasonable value of the property employed in and connected with such business, and with-

granted or imposed upon local boards of health by the general laws of the state of Minnesota; and all such laws of said state governing such local boards, shall, so far as applicable, apply and be in force in the city.

SPECIAL POWERS AND DUTIES.

Section 3. The members of said department, in addition to the powers and duties mentioned in Section 1 of this Chapter, shall have the following and additional powers: To enforce the laws of the state and the ordinances of the city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have, and be vested with, all the powers of police officers of the city. Said health officer, shall, in addition to other powers and duties heretofore vested in and required of him, be required:

PROFESSIONAL ADVICE.

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

TO MAKE A CIRCUIT OF OBSERVATION.

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

TO SELECT SITES FOR QUARANTINE HOSPITALS.

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

RIGHT TO ENTER BUILDINGS.

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

TO SERVE NOTICES TO ABATE NUISANCES.

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

TO PROVIDE BOOKS FOR KEEPING A RECORD.

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

improvements or upon the assessment and apportionment from such improvements of the general laws of the state in this chapter.

PURPOSES F

Section 2. Such assessments for filling, grading, macadamizing any street, keeping the same in repair, widening, straightening, or highway, or public any public buildings; also, laying, re-laying, erecting, walks, area walks, gutters, and extension of any and all public utility shall apply to all cases of public use, except as in the

IMPROVEME

Section 3. The cost of the foregoing section shall be provided, by a special benefited thereby, to be levied. Provided, that adjacent to public improvements on street in the expense of the city in repairing of any street, all sewer, drain or the making of which is estimated to cost of one hundred (\$100.00) dollars of said city without special

CONDEMNATION OF PUBLIC IM

Section 4. Whenever said city of Tracy to take any property for public use for authorized by this chapter city council may by purchase with the person who destroyed, agree upon and thereto, or destruction thereof, release or contract right necessary for the city with the person or party may proceed to acquire thereof as hereinafter provided.

Section 5. Whenever any local improvements provided, which said improvements, or damage when the city council by thereof, shall order any public work authorized to take the taking, destruction they shall proceed as in order, or in case said order required to be published time of publication so appoint three commissioners holders and voters of said and to assess the damage. Said commissioners shall be appointed

out paying or making any allowance for the franchise or privilege. Such value, unless the same is agreed upon between the city and the owner, shall be ascertained and determined by condemnation proceedings conducted in the manner prescribed in this charter for acquiring private property for public use.

RIGHTS TO REGULATE RATES AND CHARGES.

Section 8. The council of said city shall have and possess full power and authority at all times to regulate the rates and charges of every public service and utility concern in said city operating under any franchise or privilege granted by said city, and to require the same to be made and kept on a fair, reasonable and just basis at all times; and the right to so regulate shall be reserved to the city in all franchises granted, and to that end may, and shall have and possess full power and authority to make and enact all needful ordinances, rules and regulations that may be requisite and necessary to give full force to the provisions thereof.

RIGHT TO REGULATE USE OF COMPETING LINES.

Section 9. The council of said city shall have the right and power at all times to regulate and provide for the use of any and all line or lines, and track or tracks, of street railway in said city by any competing line or lines, and to make all needful and reasonable rules and regulations therefor.

CHARTER TO BE PART OF FRANCHISE.

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

LIMITATIONS AND RESTRICTIONS.

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

TERM "FRANCHISE" DEFINED.

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

CHAPTER SIX.

HEALTH DEPARTMENT.

Section 1. The health department shall consist of three members who shall compose the city board of health, one of whom shall be a physician of good standing in his profession, duly licensed and shall have been in active practice for at least three years, and he shall be styled health officer, and shall be president of the board of health. Each member of said department shall be a resident and elector of the city at the time of his appointment and shall be appointed for a term of three years.

GENERAL POWERS, DUTIES.

Section 2. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and powers and shall perform all the duties

7th. It shall be the duty of the health officer to visit and examine, or cause to be visited and examined, all sick persons who shall be reported to him by attending physicians, as suffering from infectious or contagious disease, and to cause such person to be removed to the hospital, or such other place as he may deem proper, and to cause him to be provided with suitable nurses and attendants at his own expense, if he be able to pay for the same, but if not, then at the expense of the city.

TO PROVIDE EQUIPMENT AND MEDICINE.

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

9th. He shall, when directed by the poor committee of the council, or the board of health, attend any indigent sick person in the city and furnish, at the expense of the city, medicine for such person. The services so rendered by the health officer shall not be considered as part of his official duties and he shall receive for such services remuneration at reasonable fees said fees to be paid by the city.

NECESSARY HELP TO WHOM CHARGEABLE.

10th. Every local board of health shall employ, at the cost of the town, county or place where it exists, when necessary, all medical and other help required for the prevention or suppression of communicable diseases, or for carrying out within its jurisdiction, the lawful regulations and directions of the state board of health and its employees; and, upon its failure to do so, the state may employ such assistance at the local charge. But all persons whose duty to care for another infected with a communicable disease, to isolate such patient, or to fumigate or otherwise disinfect any article or place, shall be liable for the reasonable cost thereof to anyone performing such duty, or to any county, town or municipality paying such cost.

MILK AND MILK PRODUCT.

11th. It shall be the duty of the health officer to inspect all dairies furnishing milk to the city of Tracy at least once a year or as often as he deems it necessary or when instructed to do so by the city council and see that the management is in accordance with the state law and all necessary expenses shall be paid by the city council.

TO INSPECT SLAUGHTER HOUSES.

12th. It shall be the duty of the health officer to inspect all slaughter houses that are owned and operated by the dealers in meat in the City of Tracy at least once a year or as often as he deems it necessary or when so instructed to do so by the city council and see that the management is in accordance with the state law and all necessary expenses shall be paid by the city council.

CHAPTER SEVEN.

LOCAL IMPROVEMENTS BY SPECIAL ASSESSMENTS.

Section 1. The city council shall have the power to make local improvements by special assessments upon the property to be adjudged to have received special benefit from such

city and to make due return to the city council.

Sec. 6. Said commissioners necessary, employ a competent surveyor, then re to make an accurate survey and plat property to be taken, damaged or surveying plat is ordered by them to be filed in the office of the city before their meeting hereinafter for two consecutive weeks, at least such notice the general nature of the giving a description of the property or damaged, and fixing the time and they will meet to assess the damages ing or damage of property.

Section 7. At the time and the commissioners shall meet and premises affected, and adjourn from have completed their assessment. The award the damages to be paid to the lot and parcel of land to be taken taking into consideration the value benefits, if any, which may accrue from the improvement.

Section 8. If the land and any to different persons, or if the land mortgage or other lien, or if there than an estate in fee, the commissi damage to the different owners or in

Section 9. The commissioners with the city recorder a report of the schedule of the damages assessed the different lots or tracts upon which and naming the owner of each lot or and if unknown shall so state, and awarded for the taking or damage to

Section 10. Upon the filing city recorder the city council shall and where to meet to consider, report, and shall cause notice of s out and signed by the city record substantially in the following fo property named below, and to the known, as shown below. Take noti heretofore appointed to assess and the taking, destruction, and damage report of their assessment and award recorder, and that by such report damage of your property below awarded at the sum shown below. of the city of Tracy will meet on t at.....o'clock.....M., at the... sider and act upon such report, presented by parties interested.

Name of Owner	Descripti

local boards of health by the general laws of Minnesota; and all such laws of said boards, shall, so far as applicable, apply to the city.

POWERS AND DUTIES.

Members of said department, in addition to the duties mentioned in Section 1 of this charter, shall have the following and additional powers: They shall enforce all the laws of the state and the ordinances of this charter relating to public health, and the enforcement of all such laws, provisions and ordinances, they and each of them shall have, all the powers of police officers of this city, and, in addition to other powers heretofore vested in and required of him,

PROFESSIONAL ADVICE.

The health officer shall give to the mayor or other officers of this city professional advice and information with a view to the preservation of the public health. Whenever he shall hear of the existence of any contagious or pestilential disease, he shall immediately adopt measures to arrest its progress.

CIRCUIT OF OBSERVATION.

It shall be the duty of the health officer to make a circuit of every part of the city and environs, and in all cases where he may discover any agent, the presence of which will prove a nuisance to the city, and there is no ordinance or ordinance of the city, he shall immediately report the same to the council, accompanied by his written report of extraordinary or particular action.

POWERS FOR QUARANTINE HOSPITALS.

The health officer, by and with the approval of the council, shall select such sites, places and boundaries for such hospitals and purposes, as may be necessary.

POWERS TO ENTER BUILDINGS.

For the purpose of carrying out the foregoing provisions, it shall be permitted at all times, to enter any building or other building, and to cause the floors, walls, ceilings, cellars, vaults, sinks or drains, and other parts to be cleaned and kept in good condition, and to remove and other nuisances or other things which may be burned or removed or disposed of as provided in this chapter.

POWERS TO ABATE NUISANCES.

Whenever notice in writing upon the owner, occupant, tenant, or any lot, building or premises in or upon which a nuisance may be found, or upon any person who is the author of such nuisance, requiring him to abate the same within a reasonable time, and such notice may be given by the health officer who may be directed to give the same.

POWERS FOR KEEPING A RECORD.

It shall be the duty of the health officer to provide, for the city, the necessary books for keeping a record of the actions of the health department, including a record of births and deaths, and such other records as may be necessary for such official work of the city.

improvements or upon the property fronting thereon; the assessment and apportionment of the special benefits derived from such improvements shall be made in accordance with the general laws of the state, except as is otherwise provided in this chapter.

PURPOSES FOR WHICH MADE.

Section 2. Such assessments may be made by the city council for filling, grading, paving, sprinkling, curbing, and macadamizing any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening, or altering any street, lane, alley, or highway, or public ground, or procuring ground for any public buildings; also, for the purpose of constructing, laying, re-laying, erecting, cleaning and repairing any sidewalks, area walks, gutters, sewers, surface drains, the establishment and extension of water works and the abatement of any and all public nuisances within said city, and this section shall apply to all cases of appropriation of property for public use, except as in this act otherwise provided.

IMPROVEMENTS—HOW MADE.

Section 3. The cost of any improvement mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in a manner hereinafter described. Provided, that all the streets, crosswalks and sidewalks adjacent to public grounds and all crosswalks and improvements on street intersections shall be constructed at the expense of the city at large. Provided, also, that the repairing of any street, alley, highway, public ground, bridge, sewer, drain or the making of any other improvement, the cost of which is estimated not to exceed the sum of one hundred (\$100.00) dollars, may be done by the city council of said city without special assessment therefor.

CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC IMPROVEMENTS.

Section 4. Whenever it shall be necessary for the said city of Tracy to take, damage or destroy private property for public use for any purpose, where the same is authorized by this chapter, it shall proceed as follows: The city council may by purchase from the owner, or by agreement with the person whose property will be damaged or destroyed, agree upon and pay for the property or damage thereto, or destruction thereof, and take the proper conveyance, release or contract to acquire the land, easement, or right necessary for the city. If the city council cannot agree with the person or party so affected, then said city council may proceed to acquire such real property by condemnation thereof as hereinafter provided.

Section 5. Whenever the city council shall have ordered any local improvements as in other parts of this chapter provided, which said improvement will require the taking, destruction of, or damage to, any private real property, or when the city council by a vote of four-fifths of the members thereof, shall order any public improvement, building, or public work authorized by this chapter, which shall necessitate the taking, destruction, or damage to private property they shall proceed as follows: After the adoption of said order, or in case said order is by other provisions of this charter required to be published, then after the expiration of the time of publication so fixed, the said council shall by order appoint three commissioners who shall be disinterested freeholders and voters of said city, to view the property affected and to assess the damage thereto. Said commissioners, before entering upon their duties, shall be sworn to faithfully perform their duties.

Such notice shall be served upon all persons named therein and who reside in the said city of Tracy, in the same manner as a summons in the district court, at least ten days before such meeting, but it may be served by any police officer of said city or by a private person. Such notice shall be served upon all persons who are not residents or whose names are not known by publication thereof for two consecutive weeks, once each week, in the official paper of said city, prior to said meeting.

At the time and place so fixed the city council shall meet and consider such report and hear all evidence presented by parties interested and correct any error therein, and may modify and change any award therein, or the whole thereof, if shown by the evidence presented to be unjust or erroneous. And said city council may send said report back to the commissioners for reconsideration or reject the whole thereof and appoint new commissioners to make a new award, or may abandon the proceedings. If the council, after such consideration, shall approve the report and award as corrected and revised by them, they shall do so by motion and the awards of damages as so approved shall then be recorded by the city recorder in a book kept by him for that purpose. Provided, that the consideration and approval of said report may be held over to a subsequent meeting of the council. When so approved, the assessment and award of damages shall stand as the final award in such matter.

Section 11. The damages awarded shall be paid out of the general fund of the city, and shall be paid to or set apart in the treasury for the parties entitled thereto within six months after the approval thereof by the council, and the property so taken or damaged shall not be appropriated by the city until the award therefor has been paid or set apart.

In case of conflicting claims to such awards the amounts awarded may be deposited with the district court of the county in the same manner as moneys are paid into court until the parties entitled thereto shall substantiate their claims.

Section 12. In case of improvement for which such property or easement is taken, damaged or destroyed, is one for which the city council is authorized by this charter to and has determined to assess benefits upon property to pay the whole or in part the cost and expenses of such improvement, then and in that case the commissioners in this chapter provided for shall not take into consideration any benefits that may result to the property taken or damaged by reason of the making of such improvement, but shall award the damages thereto the same as if no benefit was derived. And the benefits in such case shall be assessed by the council or commissioners appointed for that purpose independently as on other property for the same improvement, as provided in this charter.

Section 13. When an award has been approved by the city council said council shall make a final order in the matter laying out or establishing the improvement for which the property is taken or formally appropriating the property to the use of the city for the purpose for which it is taken. Such order shall contain an accurate description of the land or easement or right in land so taken, and shall be recorded in the minutes of the city council and the city recorder shall make a certified copy thereof and cause the same to be recorded in the office of the register of deeds in Lyon county. And same shall be entitled to record in said register's office and be notice to all persons the same as a deed of real estate duly recorded.

Section 14. The action of the city council in approving any award and assessment in any such condemnation proceedings shall be final and conclusive as to the necessity and propriety of taking or damaging the property thereby affected.

the duty of the health officer to visit to be visited and examined, all sick reported to him by attending physicians, infectious or contagious disease, and to be removed to the hospital, or such other proper, and to cause him to be procured and attendants at his own expense to pay for the same, but if not, then at

EQUIPMENT AND MEDICINE.

under the direction of the council, medicine and such other articles as may equipment and maintenance of any hospital and control of infectious or contagious diseases or animals, to control all such hospitals and prompt burial of bodies of all persons in hospitals.

when directed by the poor committee of board of health, attend any indigent sick and furnish, at the expense of the city, medical services. The services so rendered by the physician shall not be considered as part of his official duties and receive for such services remuneration at the rate to be paid by the city.

HELP TO WHOM CHARGEABLE.

the board of health shall employ, at the expense of the city or place where it exists, when necessary, other help required for the prevention of communicable diseases, or for carrying out the lawful regulations and directions of the board of health and its employees; and, upon its request, the state may employ such assistance at the expense of the state for persons whose duty to care for another person with a communicable disease, to isolate such patient, to disinfect any article or place, or to incur the reasonable cost thereof to anyone person or to any county, town or municipality

EGG AND MILK PRODUCT.

the duty of the health officer to inspect and take samples of milk to the city of Tracy at least once a year, if he deems it necessary or when instructed by the council and see that the management is in accordance with the state law and all necessary expenses shall be paid by the city council.

REGULATIONS FOR SLAUGHTER HOUSES.

the duty of the health officer to inspect and take samples of milk to the city of Tracy at least once a year, if he deems it necessary or when instructed by the council and see that the management is in accordance with the state law and all necessary expenses shall be paid by the city council.

CHAPTER SEVEN.

ASSESSMENTS BY SPECIAL ASSESSMENTS.

the city council shall have the power to make special assessments upon the property which has received special benefit from such

facility and to make due return of their action and doings to the city council.

Sec. 6. Said commissioners may, if they deem it necessary, employ a competent surveyor, or, if the city has in its employ a city surveyor, then require such city surveyor to make an accurate survey and plat and description of all property to be taken, damaged or destroyed. And if such surveying plat is ordered by them they shall cause the same to be filed in the office of the city recorder at least ten days before their meeting hereinafter provided for, for the information of any one interested. They shall thereupon cause the notice to be published in the official paper of said city for two consecutive weeks, at least once a week, stating in such notice the general nature of the work to be done and giving a description of the property to be taken, destroyed, or damaged, and fixing the time and place, when and where, they will meet to assess the damages for such taking, destroying or damage of property.

Section 7. At the time and place fixed in said notice the commissioners shall meet and may proceed to view the premises affected, and adjourn from day to day until they have completed their assessment. They shall, after viewing the premises and hearing the evidence, determine, assess and award the damages to be paid to the owner or owners of each lot and parcel of land to be taken, damaged or affected, taking into consideration the value thereof and the special benefits, if any, which may accrue to such owner or owners from the improvement.

Section 8. If the land and any building thereon belong to different persons, or if the land be subject to lease or mortgage or other lien, or if there be any estate therein less than an estate in fee, the commissioners may apportion the damage to the different owners or interests.

Section 9. The commissioners shall then make and file with the city recorder a report of their actions, embracing a schedule of the damages assessed and awarded, describing the different lots or tracts upon which the awards were made, and naming the owner of each lot or tract if known to them, and if unknown shall so state, and the amount of the damage awarded for the taking or damage to each lot or tract.

Section 10. Upon the filing of such report with the city recorder the city council shall fix a time and place when and where to meet to consider, review, and act upon such report, and shall cause notice of such meeting to be made out and signed by the city recorder, which notice may be substantially in the following form: "To the owner of property named below, and to those whose names are unknown, as shown below. Take notice, that the commissioners heretofore appointed to assess and award the damages for the taking, destruction, and damage to property by reason of having filed a report of their assessment and award in the office of the city recorder, and that by such report your damage for taking or damage of your property below described are assessed and awarded at the sum shown below. And that the city council of the city of Tracy will meet on the day of at o'clock M., at the to consider and act upon such report, and will hear all evidence presented by parties interested.

Name of Owner	Description.	Amount.	
		Dollars.	Cents.

of damages in such proceeding shall affect the validity of the same. And the award of damages and record thereof in the city recorder's office shall be competent and sufficient evidence that the award and all proceedings prior to the confirmation thereof were regular and duly made and taken. And no failure of the city recorder to record such award or failure to do any other act required of him, in any way, shall invalidate such assessment. And no variance from the directions herein contained as to form or manner of proceeding shall be held material unless it clearly appears that the party objecting was materially injured thereby.

Section 16. No assessments for special benefits, nor any condemnation proceedings under this charter, where the assessment has been actually made by the city council, or the award in condemnation proceedings approved by the city council, shall be judged invalid by reason of any defect or error in the proceedings unless the action or proceedings in which the validity of such proceedings shall be called in question, be commenced within two years after the making of the assessment or confirmation of the award.

Section 17. If any owner of property to be taken, damaged, or destroyed by condemnation proceedings by said city shall be a minor or insane, the judge of the district court of the county, upon application of the mayor of the city, or of the minor, or of any friend of such minor or insane person, may appoint a guardian for such minor or insane person, upon whom the notices herein provided for may be served.

Section 18. In any case where it shall be necessary to take, damage, or destroy private property for public use by the said city of Tracy, for the purpose of any public improvement, the cost and expense of which improvement is assessed upon property fronting thereon or benefited thereby, pursuant to this charter, then and in that case the damages awarded and the expenses for the taking, damage or destruction of such property by condemnation proceedings, or the cost of such property if acquired by purchase or contract, shall be a part of the cost and expense of making such improvement and may be assessed upon the property fronting thereon or benefited thereby as a part of the cost and expense of such improvement.

Section 19. Any person or party feeling aggrieved by any of the proceedings herein may appeal to the district court of the county of Lyon as is hereinafter provided.

SIDEWALKS.

Section 20. Whenever the city council shall deem it necessary to build any new sidewalks, either where no sidewalks have been previously built, or to replace old sidewalks which have become rotten, unsafe or otherwise objectionable, or to repair any sidewalk, it may, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct, rebuild or repair such sidewalk, shall petition the city council therefor, it shall adopt an order or resolution therefor, which order or resolution may be substantially in the following form: "Whereas, the city council of the city of Tracy, in Lyon county, Minnesota, deem it necessary to build (rebuild, repair) a sidewalk on the side of street in said city, adjoining lot (lots or parcels) in block in said city of Tracy. Therefore, the owner (or owners) of said lot (lots or parcels) is (are) hereby notified that said city will build (rebuild, repair,) said sidewalk and assess the cost and expense thereof to said adjoining lot (lots or tracts). Said sidewalk to be feet wide and to be built of, and built in the following manner:

Adopted by the city council this.....day of.....
A, D. 19.....

Approved:

Mayor.

Attest:

City Recorder.

Section 21. Such order or resolution shall be recorded in the minutes of the city council and shall be served upon the persons named therein two weeks before the commencement of the building, rebuilding or repairing of said sidewalk by causing a copy thereof to be delivered to and left with each of the persons therein named, who are residents of and are actually within the city, and may be served by any officer of said city, or by private person.

If any of the persons so named in said resolution are not residents of and cannot be found within said city, then said order or resolution shall be published in two issues of the official paper of said city, at least two weeks prior to the commencement of the construction, rebuilding or repairing of said sidewalk.

Section 22. Thereupon the city council shall let the work of building, rebuilding or repairing said sidewalk by contract to the lowest responsible bidder. In case the construction, rebuilding or repairing so ordered amounts in the total to less than one hundred (\$100.00) dollars the city council may let the same by contract as aforesaid or else direct the street commissioner of said city to have the sidewalk built and repaired. As soon as the contract for such work is let or in case said work is done by the street commissioner, then as soon as the work is done, the city council shall fix a time and place, when and where, it shall meet to assess the cost and expense of such building, rebuilding or repairing to the lots and parcels adjoining the same, and shall cause notice of such meeting to be made out by the city recorder. Such notice shall be served upon the owners of the lots or lands assessed at least one week before such meeting, in the same manner as is provided in Section 21 of this Chapter for the service of a resolution or order.

At the time and in the place so fixed the city council shall meet and consider the said assessment and hear the evidence offered in relation thereto by all the parties interested, and shall proceed to assess the cost and expense of building, rebuilding or repairing said sidewalk according to frontage thereon upon the lots and land adjoining such sidewalk; provided that no lot or tract shall be assessed for any greater sum than the amount necessary to build or repair that portion of such sidewalk which adjoins such lot or parcel, and the city council shall make out an assessment therefor, which assessment may be substantially in the following form:

"The city council of the city of Tracy does hereby levy and assess upon and against the several lots and tracts of land below described, the respective sums of money set opposite each lot or parcel of land. This assessment is made to defray the cost and expense of building (rebuilding or repairing) a sidewalk adjoining said lots and parcels of land, pursuant to the order and resolution of the city council passed the.....day of.....A. D. 19..... The amount assessed against each lot or parcel being the amount necessary to build (rebuild or repair) such sidewalk along and fronting upon the said lot or parcel."

Name of Owner.	Description.	Lot.	Block.	Amount.	
				Dols.	Cts.

except as hereinafter provided, upon the lots and lands specifically benefited thereby and adjoining the same. Provided that the cost and expense of constructing, altering, or repairing any sewer or drain may be assessed against all lots, pieces, or parcels of land benefited thereby whether fronting upon such sewer or drain or not, and all lots, pieces, or parcels of land that can be drained into or connected with such sewer or drain by lateral sewers or drains shall be assessed for the benefits to such lands by reason of the outlet furnished by such sewer or drain. The city shall pay for all man-holes and catch basins, constructed in the streets or public highways or public grounds, and all the remainder of the cost and expense of such sewer or drain may, at the discretion of the city council, be assessed against the lands benefited, provided that the city shall pay for the benefit of such sewer or drain to public streets and highways and public lands. And said council shall make out an assessment thereon, which assessment may be substantially in the following form:

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

This assessment is made to defray the cost and expense of.....adjoining said lots and parcels of land, pursuant to order and resolution of the city council, passed the.....day of.....A. D. 19..... The amount assessed against each lot or parcel being the amount necessary to make such improvement along and fronting or benefiting the lot or parcel (and to the center of the alley.)

Name of Owner.	Description.	Amount.	
		Dollars	Cents

In making such assessment the city council shall not assess any lot or parcel any greater part of the cost and expense of making said improvement than the cost and expense of making that part of such improvement adjoining said lot or parcel and lying between the lot and parcel line thereof and the center of the street or alley so improved, except in the case of sewers or drains. The cost and expense of making such improvement or repair adjoining any public ground or city property shall be borne by the city at large.

Section 25. In every case the assessment of the cost and expense of so paving, repairing, macadamizing or grading any street, alley or building, or rebuilding any curbing or gutter or any street or alley, or repairing any thereof, upon the property adjoining shall be optional with the city council, and said city council may make any of the aforesaid improvements or repairs without making any assessment therefor, and in such case the cost and expense thereof shall be borne by the city at large and paid out of the general fund of the city, and small repairs shall be made at the expense of the city at large.

PRIVATE SEWERS.

Section 26. The city council may permit any person or number of persons associated together for such purpose, to construct or lay private sewers in any of the streets or alleys of said city, provided the same makes proper connections with the public sewer of said city, and conforms in all respects to the rules, regulations and requirements as may be prescribed by said city council by ordinance; and such sewers shall be constructed under the direction and supervision of the said city council or such officers as it may designate for such purpose; provided, that the city shall have the right at

water from such water works without provision to do so by the city council. The tapping of water mains shall be under the supervision and control of the city engineer and regulations as the council may prescribe.
Sec. 29. The city council shall have power to tend, enlarge, rebuild and repair water works of said city; and shall have power to purchase property for such purpose whenever such condemnation shall proceed as provided in Section (7) of this Charter.

Section 30. The city council may establish rules and regulations governing the water privileges of said city, and any violation thereof.

Section 31. All income from the sale of water collected and paid into the city treasury shall be used for the purpose of carrying out the regulations as the city council may prescribe.

LIGHTS, POWER AND HEAT.

Section 32. The city council shall have sole control, management and supervision of the plant and lighting system of said city and shall have power to repair, alter, modify, rebuild such light plant and lighting system. They may furnish therefrom light, power and heat for public and private use. They shall have power to employ agents and servants as may be necessary for the operation of said light plant and lighting system.

They shall fix the rates to be charged for light, power and heat from said plant, and shall have power to make regulations necessary for the running of the system, the furnishing of light, power and heat, and the use of such light, power and heat. No person shall connect with said light plant, power and heat system without the consent of the city council to do so. All connections with said light, power and heat system shall be made only under the supervision of the city engineer or servants, and regulate the placing of such light plant shall be in such manner as to be in the city treasury in such manner as to be in the city treasury.

Section 33. The city council may acquire by purchase or condemnation land for the building, extension, repair or rebuilding of said lighting plant and system. A condemnation shall be necessary it shall be provided in Chapter Seven (7) of this Charter.

Section 34. The city council may establish rules and regulations governing the lighting, power and heat in the city, and may impose penalties for violation of any ordinance governing the use and operation of said lighting system or its property rights therein.

SPECIAL ASSESSMENTS.

Section 35. All special assessments levied under this charter shall be due and payable thirty days after the making thereof, and may be paid to the city recorder without interest. All special assessments shall be recorded in the minutes of the city council when levied, and a copy of the same shall be delivered to the city recorder and also recorded in an account book for that purpose, and a duplicate copy of the same shall be delivered to the city treasurer.

When an assessment is paid to the

The cost and expense of building, rebuilding or repairing any sidewalk adjoining any public ground or city property, and of building cross-walks across the streets or alleys of said city shall be borne by the city at large.

PAVEMENTS, CURBS, GUTTERS AND SEWERS.

Section 23. Whenever the city council shall determine to pave, repave, macadamize or grade any street or alley, or to construct or rebuild any gutter or curbing on any street or alley in said city, or to construct or build any sewer or drain, or to repair any thereof, it may, and if a majority of the owners of the property fronting on the street or streets where it is proposed to make such improvements, or to be benefited thereby, shall petition the city council therefor, it shall adopt an order or resolution therefor, which may be substantially in the following form:

"Whereas, the city council of the city of Tracy, in Lyon county, Minnesota, deem it necessary to pave, repave or macadamize or grade, or to build or rebuild a gutter or curb, or construct or build a sewer or drain, or repair any thereof, as the case may be) on.....street (or alley as the case may be,) or on the.....side or both sides of.....street or alley (as the case may be) from.....to....., in said city, adjoining lot (lots or parcels)....., in block....., in said city of Tracy. Therefore, the owner (or owners) of said lot (lots or parcels) is (are) hereby notified that the said city will build, make and construct such pavement (macadamizing, grading, gutter, curbing, sewer, drain or repairs, as the case may be) and assess the cost and expense thereof to the said lot (lots or parcels) adjoining the same or benefited thereby.

Adopted by the city council this.....day of.....; A. D. 19.....

Approved:

Mayor.

Attest:

City Recorder.

Section 24. Thereupon the city council shall let the contract for the making of such improvements to the lowest responsible bidder. Or in case the construction or repairs so ordered amounts in total to less than one hundred (\$100.00) dollars, the city council may let the same by contract, as aforesaid, or direct the street commissioner of said city to have said improvement made. As soon as the contract for such improvement is let, or in case the work is done by the street commissioner, then, as soon as the work is done the city council shall fix a time and place, when and where, to meet and assess the cost and expense of such construction or repairs, upon the lots and parcels of land adjoining the same, and shall cause notice of such meeting and assessment to be made out by the city recorder. Such notice shall be served upon the owner or owners of the lots or lands to be assessed at least ten days before such meeting, in the same manner as a summons in the district court in the state, but same may be served by any officer of said city or by any private person. If the owner to be served is not a resident of said city of Tracy, or is unknown, such notice shall be served upon such non-resident or unknown owner by publication thereof in the official paper of said city for two consecutive weeks, at least once a week, prior to such meeting.

At the time and place so fixed, the city council shall meet and consider such assessment, and hear all the evidence offered in relation thereto by all the parties interested, and shall proceed to assess the cost and expense of making such improvement or repair according to the frontage thereon,

any time to connect said public sewer with such private sewer without the payment of any fee for such connection, and the city council shall have the right to prescribe by ordinance, the manner and terms upon which any person, not joining in its construction, may have the right to make subsequent connections with any such sewer; provided further, that the city may acquire and take possession of the same when the public welfare demands it.

STREET SPRINKLING.

Section 27. Whenever the owners or the occupants of a majority of the amount of frontage of lots and lands fronting on any continuous portion of any street in this city not less than one full block, through or across which the water pipes of the city water works are or may be laid, shall petition the city council to provide for sprinkling such portion of such street, the city council may make a contract for sprinkling such portion of such street, for any time not exceeding five years, to the lowest bidder therefor upon such terms and conditions and for such portion of each year as shall be deemed advisable.

Water for such sprinkling shall be furnished from the city water works free of charge. The supply of such water shall be deemed the city's proportion of the expenses of such sprinkling for the street crossings and all parts of such street fronting on land exempt from assessment. The whole cost for sprinkling such portion of the street shall be levied and assessed upon the lots and land fronting upon that part of the street so sprinkled, and which are subject to assessment, according to the frontage thereon, such levy to be made annually. Assessments for sprinkling streets may be in the following form, or in any other form which the city council may adopt: "The city council of the city of Tracy doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each parcel or lot. This assessment is levied to defray the expense of sprinkling the streets fronting the said lots or parcels of land from.....A. D....., to.....A. D., according to a contract for sprinkling.....from.....to.....for the term of.....years, from....., and said lots and parcels of land are assessed by an equal rate upon the front foot of the lot, and lands, fronting on the portion of the street so sprinkled.

Name of Owner if known.	Description.	Lot.	Block.	Amount.	
				Dols.	Cts.

Done at a meeting of the city council this.....day of.....A. D.....

Approved,

Mayor.

Attest:

City Recorder.

WATER WORKS AND ELECTRIC LIGHTS.

Section 28. The city council of the city of Tracy shall have the exclusive control and management of said water works, and may employ such agents and servants as may be necessary to run and operate said water works and fix their compensation, and may provide and furnish water for private and public use, and fix the rates to be charged to all users of water from such works, and may compel all users of water to use proper water meters and regulate the placing thereof. No person shall connect with any water main or use any

notify the city recorder thereof, and the city mark the same paid on his book.

Section 36. Assessments not paid within from the making thereof shall draw interest at the rate of seven (7) per cent per annum, which shall be added to and collected with such assessments whenever thereafter paid.

RE-ASSESSMENT.

Section 37. If any special assessment to defray in part or in whole the costs and local improvement shall be either in whole or in part by the judgment of any court, or if it shall be satisfied that any such assessment is defective that it cannot be enforced, or if it should have omitted to make said assessment making such improvement, the city council may cause to be made a new assessment of the same in the manner as the original assessment was or was made, at any time within four years from the date of the improvement for which the assessment was made. After the new assessment shall be made, the city recorder shall note thereon against any lot or parcel upon which the former assessment for the same has been paid, the words "paid on former assessment" and shall cancel the assessment on that lot or parcel.

ASSESSMENTS—HOW PAID.

Section 38. Any special assessment made for the interest thereon, be paid to the city treasurer before the return thereof to the county auditor, and shall be paid to the city treasurer such assessment canceled.

ASSESSMENTS—HOW CERTIFIED.

Section 39. On or before October first of each year the city recorder shall make out a certified copy of the assessment rolls made by the city council and not then certified by the county auditor, and deliver the same to the county auditor, and shall show and indicate on the assessment rolls, such assessments as are unpaid, and the county auditor shall enter all such unpaid assessments and extend such assessments in the proper manner on the property assessed, and such assessments thereon shall be collected and the payment thereon in the same manner as state and county taxes, and such assessments and interest thereon, which shall be paid by the county treasurer to the city.

Section 40. No omission, informality or irregularity in or preliminary to the making of an assessment shall affect the validity of the assessment if the assessment has been adopted by the city council, the assessment roll, and the record thereof, kept by the city recorder, shall be competent and sufficient evidence that the assessment was duly levied and the assessment adopted, and that all other proceedings in relation to the adoption of said assessment roll or duly certified by the city recorder, as required by this chapter. Any irregularity or omission in or preliminary to the making of an assessment shall be void, unless it clearly appears that the party injured thereby.

Section 41. No special assessment

in the lots and lands adjoining the same. Prohibited from constructing, altering, or assessed against all lots, whether fronting all lots, pieces, or parcels, or connected with such drains shall be assessed of the outlet furnished and pay for all man-holes streets or public highways, the remainder of the cost, at the discretion of the lands benefited, pro- benefit of such sewer or and public lands. And ment thereon, which as following form:

Tracy does hereby levy on all lots and tracts of land the sums of money set forth in the following table to pay the cost and expense of such improvements. The amount assessed shall be the amount necessary to fronting or benefiting the alley.)

	Amount.	
	Dollars	Cents

city council shall not assess the cost and expense of such improvements on any lot or parcel adjoining said lot or parcel line thereof and improved, except in the case of making any public ground or alley at large. The assessment of the cost of macadamizing or grading or rebuilding any curbing or repairing any thereof, upon any lot or parcel, shall be assessed with the city council, and the expense of the city at large.

SEWERS.
The city council may permit any person or other for such purpose, to make proper connections and conforms in all respects with the requirements as may be prescribed by ordinance; and such sewers shall be under the direction and supervision of the city engineer as it may designate for that purpose. The city shall have the right at

water from such water works without being granted permission to do so by the city council. And all connections with the tapping of water mains shall be made only under the supervision and control of the city council and subject to such rules and regulations as the council may determine.

Sec. 29. The city council shall have the power to extend, enlarge, rebuild and repair the water works of said city; and shall have power to purchase and condemn private property for such purpose whenever necessary, and in case of such condemnation shall proceed as described in Chapter Seven (7) of this Charter.

Section 30. The city council may by ordinance or resolution establish rules and regulations for water works and water privileges of, said city, and provide penalties for the violation thereof.

Section 31. All income from said water works shall be collected and paid into the city treasury under such rules and regulations as the city council may prescribe.

LIGHTS, POWER AND HEAT.

Section 32. The city council of the city of Tracy shall have sole control, management and regulation of the lighting plant and lighting system of said city. Said city council shall have power to repair, alter, modify, enlarge, extend and rebuild such light plant and lighting system from time to time. They may furnish therefrom light, power and heat for public and private use. They shall have power to employ such agents and servants as may be necessary to operate and run said light plant and lighting system, and fix their compensation.

They shall fix the rates to be charged to users of light, power and heat from said plant, and prescribe all rules and regulations necessary for the running of said plant and for the furnishing of light, power and heat therefrom and for the use of such light, power and heat by all consumers. They may require all consumers to use proper meters, and no person shall connect with said light plant or system or use any light, power and heat therefrom without having permission from the city council to do so. And said city council may require that all connections with said lighting plant and system shall be made only under the direction of its engineer or servants, and regulate the placing of all meters. All income from such lighting plant shall be collected and paid into the city treasury in such manner as the council may direct.

Section 33. The city council shall have power to acquire by purchase or condemnation, land and easements in and about the building, extension, enlargement and repair of said lighting plant and system. And whenever such condemnation shall be necessary it shall proceed as pointed out in Chapter Seven (7) of this Charter.

Section 34. The city council may, by ordinance or resolution, establish rules and regulations for the lighting plant and lighting, power and heat in said city and prescribe penalties for violation of any ordinance or resolution, regulating the use and operation of said lighting plant and lighting system or its property rights therein.

SPECIAL ASSESSMENTS.

Section 35. All special assessments levied under this charter shall be due and payable thirty days after the making thereof, and may be paid to the city treasurer at any time within thirty days after the making thereof by the city council without interest. All special assessments shall be recorded in the minutes of the city council when made, and shall by the city recorder be also recorded in an assessment book kept by him for that purpose, and a duplicate thereof shall be made and delivered to the city treasurer.

When an assessment is paid to the city treasurer he shall

held to be invalid because the amount of each special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which the assessment shall be made.

If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the funds of the city; and if there shall happen to be any surplus from any such special assessment, the same shall be carried to the credit of the same fund from which a deficiency would have been supplied or be otherwise disposed of as to the city council shall seem most just toward the person upon whom such special assessment has been levied; and upon any assessment rolls, or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

CONTRACTS FOR IMPROVEMENTS.

Section 42. All improvement work, when the expense thereof exceeds on any given case the sum of one hundred (\$100.00) dollars, shall be let by contract to the lowest responsible bidder.

Improvements of less cost may be so let. The city council shall cause such plans and specifications or description of improvement and work to be well done, as may be necessary for the information of the bidders, to be prepared and placed on file for inspection in the city recorder's office. The city council shall cause such public notice and advertisements for bids to be given in each case, as may be deemed best, and may require bidders to accompany their bids with reasonable bonds or deposit to insure good faith. All persons awarded any contract for improvement work may be required to give the city sufficient bonds for the carrying out of such contract.

Section 43. The city council may proceed with any improvement without waiting for the collection of assessments therefor. The money collected on any assessment for any improvement shall not be used for any other or different purposes until the whole cost and expense of said improvement shall have been paid.

Section 44. The balance of the cost and expense of any improvements over and above the assessments therefor shall be paid by the city at large. And when any improvement is made where no provision is made herein for assessing the benefits therefrom upon property, or when none are so assessed, then the whole cost and expense of such improvement shall be borne by the city at large.

Section 45. The city council shall have the right at any time during the pendency of any proceeding for any improvement, or at any time within thirty days after the final order of the court on any appeal from such proceedings to abandon such improvements and proceedings whenever it shall deem it best for the interests of the city so to do.

Section 46. The action of the city council in adopting any assessment for any local improvement shall be final and conclusive upon the questions of the local character of such improvement, and upon the amount necessary to be raised by such taxation for that purpose and upon what property would be benefited thereby and upon the apportionment of such benefits and tax upon the property so benefited except in case of fraud and mistake.

CORNER LOTS.

Section 47. The city council shall have the right to

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

WATERWORKS
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Lot	Block	Amount	
		Tax	Use

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

ELECTRIC LIGHTS
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

ASSESSMENTS
 Section 47. If any special assessment...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

ASSESSMENTS—HOW PAID.
 Section 48. Any special assessment...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

ASSESSMENTS—HOW CERTIFIED.
 Section 49. On or before October first...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Section 50. No confession, informality...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Section 51. No special assessment shall be questioned...

...of the city of Tracy shall be...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

LIABILITY FOR DAMAGES
 Section 49. No action shall be maintained...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Section 49. In the prosecution of such actions...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

APPEALS.
 Section 50. In addition to the appeals...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Section 51. Such appeal shall be taken...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

Section 52. It shall be the duty of the city recorder...
 ...of the city of Tracy shall be...
 ...of the city of Tracy shall be...

court shall enter such appeal on the calendar of said court for trial at the next term of said district court, commencing next after the expiration of ten days from the filing of such transcript. Such appeal shall be tried as ordinary cases are tried by the court and jury, and no notice of trial shall be necessary. The court may order pleadings on the appeal to be made up and filed on or before the second day of the term. Otherwise no pleadings shall be necessary.

Section 53. If no such appeal is taken the assessment or award and condemnation, as the case may be, shall be final and conclusive for all purposes and upon all parties affected thereby.

CHAPTER EIGHT. TAXES AND FINANCES. FISCAL YEAR.

Section 1. The fiscal year of the city of Tracy shall end on the first day of March in each year.

PROPERTY SUBJECT TO TAXATION.

Section 2. All real, personal and other property within the city, except as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this state, except as hereinafter expressly provided; provided that nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this charter.

WHEN AND HOW LEVIED.

Section 3. All taxes shall be levied by resolution of the city council at their first regular meeting in the month of September in each year. All taxes shall be levied in specific amounts and based upon an itemized estimate of the city expenses for the ensuing year.

ESTIMATES TO BE FURNISHED.

Section 4. On or before the first Monday in July, in each year, the several heads of departments, officers, boards, committees of the city council, and commissioners, shall furnish to the city council an estimate in writing of the amount of expenditures specifying in detail the object thereof, required in their special departments, offices, boards, committees and commissions during the year.

ESTIMATES FOR TAX LEVY.

Section 5. On or before the first Monday in August, in each year, the city recorder shall prepare and transmit to the city council an estimate of the probable expenditure of the city for the current fiscal year, giving the amount required to meet the interest, bonds and sinking funds for the outstanding funded debts, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be appropriated to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue, exclusive of taxes upon property, and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

FISCAL BUDGET.

Section 6. The city council shall, between the tenth day of August and the first day of September, in each year, and by the majority vote of all the members thereof, make a budget of the amounts estimated to be necessary for the expenses of the city for the ensuing year.

case there be no bonds or outstanding indebtedness against said funds and any surplus over and above the amount necessary to operate said plants, then the surplus may be transferred to the general fund.

The city bond fund, into which shall be paid all monies raised by taxation for the payment of the bonds of the city, and interest thereon, and from which such bonds and interest shall be paid.

The library fund, in which shall be kept all monies raised by taxation or otherwise, required for the support or benefit of the free public library of the city, and which shall be subject to the order of the proper officers of said library, for the payment of the expenses thereof.

The cemetery fund, in which shall be kept all monies raised by taxation, or otherwise, for the maintenance and improvement of the cemetery and for the use of the cemetery board, and which shall be subject to the order of the cemetery board for cemetery purposes.

The park fund, in which shall be kept all monies raised by taxation or otherwise for the maintenance and improvements of the parks and park ways, and for the use of the park board, and which shall be subject to the order of the park board for park purposes.

And such other special funds as may hereafter be established by any statute of the state or by city ordinance.

FUNDS TO BE KEPT SEPARATE.

Section 11. The said several funds mentioned in the last preceding section shall be kept separate and distinct, and the city treasurer shall keep separate and distinct accounts of receipts therein and disbursements therefrom. Each of said funds shall be devoted only to the particular purpose or purposes for which it was created, and the city treasurer is expressly prohibited from taking any disbursements from either of said funds, and from permitting the same to be to any extent depleted for any other than such particular purpose or purposes, any attempted appropriation by the city council or any order to the contrary notwithstanding. The city treasurer shall pay no order, or part of an order, drawn on either of said funds unless the fund so drawn upon contains money or security sufficient to cover the amount of such order, or of such part thereof, and in case he shall make payment on any order drawn on either of said funds, any payment in excess of the balance existing to the credit of such fund at the time of such payment, the city shall not be liable or accountable to him for the excess so paid; but it shall be his duty, as soon as any one of said funds is exhausted to immediately inform the city council of such fact. The city treasurer shall not take part or permit any transfer of any money from either of said funds to another, except in cases mentioned and provided for in the preceding and succeeding sections.

MONEYS NOT TO BE TRANSFERRED.

Section 12. The city council shall make no appropriation from or shall the mayor or city recorder sign any order upon any one of said funds in the city treasury for any purpose for which said fund cannot legally and appropriately be used, nor shall the city council authorize or attempt to authorize, or the mayor or the city recorder sign any order for the transfer of money or its equivalent from any one of said funds to another; provided, however, that when necessary to preserve the credit of the city the city council may, by a written resolution, duly adopted, direct a transfer of the requisite amount from the general fund to the city bond fund, and may, in like manner, direct a return of such amount to the general fund as soon as the same can be spared from the city bond fund without unduly depleting the same; but in any order drawn to effect the transfer so authorized by the city council, the city recorder shall not be held liable for the amount so transferred.

ADVERTISING F

Section 17. Before any such two weeks published notice shall be of the city. Giving the time and will consider bids therefor. At the bids shall be opened by the deemed most favorable to said city, provided, that the city council may upon like notice invite other bids.

BONDS—HOW

Section 18. All bonds issued in violation of this charter shall be void, and shall upon the face express the same, and shall not be negotiated.

NO LIMITATION

Section 19. No limitation or shall be construed to prohibit the judgment that may at any time be. In case of failure to collect taxes, levy shall prove insufficient to pay, shall be levied until the whole is paid. Any excess of the amount of the payment of such judgment shall of the city.

ANNUAL STATEMENTS OF EXPENDITURES—P

Section 20. The city council annually, shall make a full and receipts and expenditures of a statement shall contain a full and item, from whom and on what paid, and on what account accurate statement of the finances of fiscal year, including all debts and the assets and the same; and shall, within twenty same to be published once in city. The city council may dispense statements for publication deem necessary or proper.

SYSTEM OF

Section 21. The city council the method and manner of keeping city. Provided that the general counts shall be that all monies received by said city shall be treasurer thereof, and the city ty to receive or collect any keep accounts of all money, in due to said city, including wages licenses, and all other incomes of said city as a check upon and disbursing officers of said to do all the officers and heads and such employees thereof as officers may direct, shall, at the city recorder all receipts department, and all unpaid of the disbursements thereof and contracted by such office or department. The municipal court of said recorder monthly all fines and

effect the transfer so authorized by resolution, and by virtue of the above proviso, such resolution of its adoption shall be mentioned and the city recorder shall transmit to the city in each order, a duly certified copy of such resolution, except that money may be by the city council from the general fund to the water works and as provided in Section Ten (10) hereof.

APPORTIONMENT OF FUNDS.

Whenever the city treasurer shall receive money or its equivalent belonging to the city, he shall, without delay, transmit to the city recorder of his receipt and the apportionment

ACCOUNTS OF ESTIMATES AND APPROPRIATIONS.

It shall be the duty of the city recorder to keep a separate account of the estimates made, and appropriations made from time to time for each purpose, in such form that they may be easily compared to inform the city council at any time how much estimated for any department or purpose remains

The city recorder shall keep, with the aid of duplicate statements of payments made on city bonds, and to him by the city treasurer, general accounts of receipts and disbursements from the general fund, the water and all other funds in the city treasury, except the water and park fund, and other funds not under the control of the city council, which account shall be so arranged that comparison may readily be made between the accounts kept by the city treasurer, and that the same may be easily checked by each other.

POWER OF COUNCIL TO BORROW MONEY. BONDS.

15. The city council shall have power and authority to borrow money, issue bonds and levy taxes for the carrying out any of the provisions of this charter, within the amount authorized by other sections hereof. The city council shall have resolved that it is authorized to borrow money, stating therein the purpose for which the money is to be used, and the amount thereof and the date of maturity thereof, the bonds may be issued and sold conformably to the provisions of this charter.

That the same be authorized by a majority of the voters, present and voting, at any general or special election held for that purpose, notice of which shall be given at all other elections. Whenever it shall be determined by a vote the question of issuing of any bond authorized by this section, the same may be done in any and manner as the city council by resolution, and No bond or bonds shall be issued by the city for any purpose unless so authorized.

REFUNDING BONDS.

16. It shall not be necessary to submit to a legal voters of the city the question of borrowing and issuing bonds when the proceeds thereof are to be used for the purpose of refunding other outstanding bonds of the city.

city shall pay the same over to the treasurer. The city recorder shall, monthly, or at such times as the city council may direct, make out statements for water rent, light, and any other fees or dues coming to the city, and place such statements in the hands of the treasurer for collection, and notify the persons against whom such charges are made, to pay the same to the treasurer as the city council may direct. Water rent and light charges may be collected monthly or otherwise as the council may direct. All licenses, privileges, permits, franchises, and documents for which a fee is charged shall be presented to the treasurer and the fee paid, and be marked "Paid" by the treasurer before they take effect.

CHAPTER NINE.

FIRE DEPARTMENT.

CHIEF OF THE FIRE DEPARTMENT.

Section 1. There shall be a fire department in the city of Tracy, of which the mayor shall have control and supervision. The head of the department shall be known as the chief of the fire department, to be appointed as hereinafter provided. The mayor may at his pleasure remove the chief of the fire department.

ASSISTANTS AND EMPLOYEES.

Section 2. The fire department shall appoint, and at its pleasure may remove, a first assistant chief of the fire department, who shall act as chief in case of the absence of the chief from the city or inability to act, and may appoint and discharge or suspend such other assistants, captains, engineers, firemen, and other officers and employees as may be necessary for the purpose of said department; whose aggregate salaries, together with the expenses of said department, shall not in any fiscal year exceed the amount of the appropriation for said department for that year.

POWERS AND DUTIES OF THE CHIEF.

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

RULES AND REGULATIONS.

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

AUTHORITY AT FIRES.

Section 5. The city council may, by ordinance, provide for the removal and keeping away of any and all persons from

any fire. No penalty or judgment in favor of the city shall be remitted or discharged except by four-fifths of all the aldermen elect, but nothing contained in this section shall be construed to prohibit the municipal judge or justice of the peace from reversing or reducing any penalty or judgment rendered by him, nor to prohibit said court from suspending execution of sentence in his discretion.

PROSECUTIONS—HOW INSTITUTED.

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

All warrants, process or writs issued by the municipal or justice courts for the violation of any ordinance or resolution of said city may be directed to the chief of police or any police officer of said city, or as generally directed under the laws of the state, but may be served by any person authorized to serve process in this county.

IMPRISONMENT—WHEN ALLOWED.

Section 4. In all cases of the imposition of any fine or penalty or of the rendering of any judgment by the municipal or justice court of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or resolution of the city, as punishment for any offense or for the violation of any ordinance or resolution as aforesaid, the offender shall be forthwith committed to the city prison of said 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 (3) months, in the discretion of the court, and under such further restriction and prohibitions contained in this act, unless the said fine or penalty be sooner paid or satisfied; and from the time of the arrest of any person or persons for any offense whatsoever 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, provided that nothing in this section contained shall be construed as preventing the working of prisoners on the streets or otherwise under the direction of the proper officers as is or may be lawfully provided by ordinance or otherwise.

ACTIONS TO BE IN THE NAME OF THE CITY.

Section 5. All actions brought to recover any penalty or forfeiture under the ordinances, resolutions, police or health regulations made in pursuance thereto, and all actions in behalf of said city, shall be brought in the corporate name of the city of Tracy.

PROCESS—HOW SERVED AGAINST THE CITY.

Section 6. When any suit or action shall be commenced against said city all and every process and notice whatever affecting said city shall be served upon the mayor, or, in case of his absence from the city, upon the president of the council, and a copy thereof shall be filed in the office of the city recorder.

RIGHT OF CITIZENS TO PROSECUTE OR DEFEND SUITS.

Section 7. In any action pending in which the said city of Tracy is a party, either plaintiff or defendant, any

citizen and taxpayer, or a number of citizens and taxpayers, after it has been determined that such citizen and taxpayer, or a number of citizens and 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 and taxpayer, or a number of citizens and taxpayers, so intending to intervene, shall make application to the district court of said Lyon 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 hearing upon such application shall be served upon the city attorney at least ten (10) days before the hearing thereof. Such application shall be determined in such manner as the said district court may direct and the city may resist such application. The decision upon such application by said district court shall be final as to the right to such applicant to so 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 do all the acts in that behalf which the said city might or could do; provided, that such intervenors shall be required to file in such cause such bond as may be directed by said court indemnifying said City of Tracy against any costs which may be awarded against it in said action, subsequent to the date of such intervention; and provided, that such intervention shall not be construed to prevent said City of Tracy from prosecuting or defending said actions in its own behalf. And any citizen and taxpayer, or a number of citizens and taxpayers, may bring and prosecute any action in the name of and in behalf of the said city of Tracy against whosoever 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 in said action if the said city prosecuted such action. Such citizen and taxpayer, or a number of citizens and taxpayers, shall, before commencing said action obtain leave of the court in which said action is commenced in the manner directed by the court, and shall file in said cause a bond, the amount to be fixed and to be approved by said court, indemnifying said city against any judgment which may be obtained against it in said action.

If judgment shall be obtained in favor of said city in such action so brought, said citizen and taxpayer, or a number of citizens and taxpayers, shall be reimbursed by said city for their reasonable costs and expenses in prosecuting such action, provided, that nothing herein shall be construed to prevent the said city from bringing or prosecuting any action so brought, and said city may appear and prosecute therein without obtaining leave of court.

CHARTER TO BE PUBLIC LAW.

Section 8. This Charter is hereby declared to be a public act and may be read in evidence in all Courts in this State and need not be pleaded or proved.

(Signed.)

DAVID H. EVANS,
H. F. SEITER,
C. J. BERDAN,
J. N. WIESNER,
H. J. PATTRIDGE,
GEO. D. TRACY,
K. NYLIN,
C. C. RICHARD,
H. J. COLE,
C. G. PORTER,
H. F. ARNOLDT,
N. J. ROBINSON,
W. D. JAMES,

DEADLY OIL TANKS

Ships That Are a Constant Menace to All on Board.

DEATH LURKS IN THE CARGO.

Besides the Constant Danger of the Oil Heating and Exploding and Instantly Destroying the Vessel There is Also the Peril of "Fuming."

The most dangerous sort of ship afloat is that particular kind of vessel known as the oil tank, and there isn't a sailor on board who will sign on for a voyage in one if he can get a job on board any other class of vessel.

The oil tank is a vessel whose cargo consists of oil, which is carried in great tanks. Two dangers are ever present to all on board—namely, that the oil may heat and explode, which means the instant destruction of the ship, or that it may burst from the tanks, in which case the ship is almost certain to be destroyed by fire.

There is also the remote danger of the oil "fuming." When the oil "fumes" the working of the ship becomes almost impossible. On a "fuming" oil tank no one can remain below deck for more than ten minutes without becoming overcome by the oil fumes, which are a hundred times more deadly to human life than coal gas.

The most terrible tragedies of the ocean have occurred on board these death traps.

A few years ago a Russian oil tank, the Omar, which sailed from Batum bound for Bombay with 40,000 gallons of oil on board, was sighted in the Pacific by a German tramp steamer named the Velter Fend. The Omar was flying signals of distress and when sighted was apparently completely disabled, for she was making no headway.

The sea was quite calm, and the captain of the Velter Fend approached within hailing distance of the disabled ship, but no reply came from her in response to his hail.

Then the captain of the German tramp sent a boat to the silent ship. When the boat's crew reached her decks they saw five men lying on the deck, three of whom were dead. The other two were in a state of collapse, but alive.

The mate of the German tramp, who was in charge of the boat, at once guessed that the oil had "fumed" on board the oil tank, probably at night, and that the two men in a state of collapse were probably the only survivors of the disaster. This subsequently turned out to be the case.

Below the decks, which the crew of the German tramp penetrated with great difficulty and danger to them-

REED AND CARLISLE.

A Verbal Duel in the House Between the Parliamentary Masters.

Following is an interesting story of an encounter between Reed and Carlisle as Senator La Follette reports it in his autobiography in the American Magazine:

"Reed was one of the ablest men in either house of congress. Some of his passages with Carlisle when Carlisle was speaker were among the best examples of close forensic reasoning I have ever heard. Both were as fine parliamentary athletes as were ever to be found. I remember vividly a characteristic passage between them. It was near the end of the session and 3 o'clock in the morning. An appropriation bill was pending. Some one offered an amendment. If it passed some advantage would accrue to the Democrats; if it failed, some advantage to the Republicans. A point of order was raised against it, and Carlisle overruled the point. Reed was on his feet—Reed, 300 pounds, six feet tall. He was the leader on the Republican side. I remember he had just two gestures, one an impressive downward movement with his extended index finger, and in the other during his higher flights he held one great clinched fist high above his head, like some colossus. He was a striking figure.

"I contend," he said on the occasion to which I refer, "that the speaker is wrong."

"Carlisle, standing there in the speaker's place, answered, 'I shall be glad to hear the gentleman from Maine.'"

"Reed retorted, 'The speaker is wrong for this reason'—and put it in a nutshell.

"'Ah, but the gentleman from Maine is in error because'—and Carlisle stated his contention without a superfluous word.

"'Yes,' answered Reed, 'but Mr. Speaker, and for ten or fifteen minutes it was parry and thrust, thrust and parry, Reed pressing Carlisle from position to position until finally the speaker said:

"'The gentleman from Maine is clearly right. The speaker is wrong and reverses his ruling.'"

FORGED SIGNATURES.

Little Things That Expose the Fraud to Handwriting Experts.

Forgery has a great attraction to a certain element of the criminal world. Some are so skillful in this line of work as to get past the most eagle-eyed bank teller, but always when the microscope is brought into play it is possible to detect the fraud, or, if not the microscope, then more modern testing appliances are used.

Here is a secret divulged by a man who has made a study of handwriting: No person ever yet wrote his name

ELECTRIC TERN

The Units of Measurement What They Mean

AMPERES, VOLTS AND

Broadly Speaking, Amperes, Volume, Volts Measure Power. Watts Show the Result in The Kilowatt Hour.

It has been estimated that and labor wasted by those selling electricity in trying their customers understand would suffice to build a steamship from New York to San Francisco, writes Allen Hollis. The feature of the task is that effort the customer still makes and cherishes the method of electric measurement a serious device for condensing practices by the electric companies.

The average American is satisfied to buy gas by the ton, or electricity by the kilowatt hour, but watts and kilowatts totally different difficulty might have the eminent scientists used these accurate and different terms had been the rest of the world electric quantity in feet barrels and quarts. People are left to struggle with the terrible method of measurement.

The kilo is an old enemy, if you will be metric system.

This leads to the definition. But in order to know first learn about the members of the family, at broadly speaking, a volume, volts pressure resulting quantity.

In order to get a the ampere, electric compared with water pipe. In this illustration will represent the which is determined pipe, but this should with the size of which has nothing to do with the present problem. The ampere measures the volume of the wire at a given rate of energy flowing the other factor, volume, in volts.

The volt may be compared with water pipe illustration of water pipe the pressure is measured in pounds to the electric energy the pressure in volts. It is the quantity of water that

W. H. VALENTINE,
O. J. REA,

STATE OF MINNESOTA, County of Lyon, City of Tracy.
—SS.

Whereas, upon application duly made to the district court of the County of Lyon, in the Ninth Judicial District of the State of Minnesota, (the same being the judicial district in which the City of Tracy is located), the Honorable I. M. Olsen, Judge of said court did appoint a board of fifteen freeholders, who had been for the past five years immediately preceding their appointment, qualified voters of said City of Tracy, to frame a charter for the government of said city, under and pursuant to Section 36 of Article 4 of the Constitution of the State of Minnesota, and Chapter 9, of the Revised Laws of Minnesota, for 1905 and the acts amendatory thereof, which said board consisted of the following named persons, viz:

W. D. James, H. J. Pattridge, K. Nylin, O. J. Rea, N. J. Robinson, C. J. Berdan, W. H. Valentine, D. H. Evans, J. N. Wiesner, H. F. Seiter, G. D. Tracy, H. F. Arnoldt, C. C. Richard, H. J. Cole, C. G. Porter.

And, Whereas, Each and all of said members of said board of freeholders duly accepted said appointment and entered upon the performance of their duties, and duly organized by the election of a president, and secretary, viz: D. H. Evans, president, and C. G. Porter, secretary; and did frame and sign the annexed and foregoing draft of a charter for the government of said City of Tracy.

Now, Therefore, We, the undersigned, members of said board of fifteen freeholders, hereby sign, submit, present and return to the mayor, as the Chief Magistrate of the City of Tracy, the annexed and foregoing draft of said charter as the proposed charter of said City of Tracy, so framed and prepared by said board of freeholders; and do hereby certify that the annexed and foregoing is the proposed charter of said city so framed and prepared to be voted upon according to law.

DAVID H. EVANS,
H. F. SEITER,
C. J. BERDAN,
J. N. WIESNER,
H. J. PATTRIDGE,
GEO. D. TRACY,
K. NYLIN,
C. C. RICHARD,
H. J. COLE,
C. G. PORTER,
H. F. ARNOLDT,
N. J. ROBINSON,
W. D. JAMES,
W. H. VALENTINE,
O. J. REA,

About half a cent a day
buys the best and only, the

Tracy Weekly Herald,

Owned and Established by
the Pioneer Printer of Lyon
County, Minnesota.

selves, for the oil was still fuming, six of the oil tank's crew were found dead in their bunks, where they had been suffocated by the fumes in their sleep. Three of the crew had succeeded in reaching the deck, but had died subsequently.

The two survivors were the only two on deck when the fumes burst from the tanks and in their efforts to save the others had very nearly perished themselves.

The crew of a Norwegian oil tank named the Helios had a terrible experience a few years ago in mid-Atlantic. During a heavy gale, in which the Helios suffered very rough handling in the mountainous seas, her oil tanks, containing 60,000 gallons of crude oil, burst and flowed into the bunkers, threatening to penetrate in a few minutes into the steroom.

The crew flung themselves at the pumps like madmen. The oil soon began to fume, and no man could keep at the pumps for more than a few minutes without becoming overpowered. The captain of the Helios ordered all the crew on deck, and four in their turn went below every five minutes to work at the pumps.

The fight they made for their lives was one of the most desperate that has ever been waged on the ocean. Directly the tank had burst the firemen had been ordered out of the steroom. There was no time to quench the fires, for the firemen would certainly have been suffocated by the fumes of the oil had they remained below to do so.

For eleven hours the officers and crew of the Helios worked like demons at the pumps, making the most desperate efforts to keep the oil from reaching the fire room. By the end of that time eight of the crew lay unconscious on the deck, overcome partly by exhaustion and partly by the fumes.

It was now only possible to work two of the pumps, and it became certain that, unless help arrived in another hour, the ship, with every living soul on board, would perish. It should be mentioned that every lifeboat on the Helios had been damaged during the storm.

Half an hour passed, and by then only the captain and the mate were working at the pumps. The destruction of the vessel was now only a matter of minutes. It was at this critical juncture that the oil tank was sighted by the Majestic of the White Star line, and twenty minutes later the crew of the doomed ship were safely on board the liner.

As the last man scrambled on board the Majestic from the boat which had been sent to the help of the Helios a mountain of flame sprang from the decks of the oil tank, and a few minutes later the blazing vessel sank below the water.

A Russian oil tank named the Vladimle some years ago exploded in mid-ocean, when every one of her crew perished. This disaster took place in the southern Pacific.—London Answers.

twice alike. In some small or big detail one signature always differs from another. Therefore when the same man's name appears twice alike—as it does in the course of business events, when the forger gets after a little easy coin—there must be a matter of tracing. It stands to reason that the exact fac simile of the one has been gained by the overlay or tracing process.

When a man undertakes to write another man's name in the free hand style of Jim the Penman there is always noticeable to the practiced eye a cramping movement or a radical departure from the way in which the name should be written. Such a small thing as the particular position of the dot above the "i," for instance, will reveal forgery or the crossing of the "t" or the shading of up or down strokes. A man will overlook the fact that the name he is writing when written by its owner always leaves the straight line at a certain letter and returns on another certain letter. Some business men place after their signatures on checks a period, some a comma, some a rough star, others a short or a long dash, making the genuineness of the signature depend more upon this slight characteristic than the name itself.—New York Tribune.

Beau Brummel's Impudence.

Beau Brummel's favorite dish was roasted capon stuffed with truffles. When he was living almost on the bounty of Mr. Marshall he attended a dinner party at that gentleman's house, taking with him, according to his most impertinent custom, one of his favorite dogs. The Beau was helped to a wing of roast capon; but, choosing to fancy that the wing was tough, he delicately seized the end of it with a napkin covered finger and thumb and passed it under the table to his dog with the remark, "Here, Atout, try if you can get your teeth through this, for I'll be — if I can!"

More Likely.

"They say she fell in love with him while he was filling her teeth."
"No; that's a mistake. She went to him to have some of her teeth filled, but it was when he informed her none of them required filling she fell in love with him."—Judge.

Meeting Sorrow.

Courage for the great sorrows of life and patience for the small ones, and then when you have accomplished your daily task go sleep in peace. God is awake.—Victor Hugo.

Naturally.

"A friend of mine has invented a new electric button."
"Is he doing anything with it?"
"Oh, yes—pushing it."—Baltimore American.

Fear is far more painful to cowardice than death to true courage.—Sir P. Sidney.

a given size will
sure increases.
quantity of elect
act proportion t
of voltage, and
ured by watts.

The quantity
delivered over
direct product of
multiplied by o
other words, a
volts equals wa

The illustratio
theory of electr
likely, however
less the fact is
ter is material,
tests itself onl
of affecting vi
the filament in
and gives us lig

It magnetizes t
instruments, bu
own personality
In order to b
tually is it is
what it will c
watts are the
of one and one
is, a mechanic
746 watts of en
usually carry 1
inary sixteen
takes a little le
in volume and
about fifty wat
tungsten lamp
stead of candl
duced and bid
sally adopted.

Being thus
ard of measur
only to multipl
(commonly ca
number of ho
tual quantity
The sixteen e
its fifty watts
wait hours e
customary, un
kilowatt-hou
hour), and th
quantity in
inary electr
meter) record
ber of kilow
erated by a
a speed whic
pacity emplo

Bismarck
perfect numb
masters, he t
leaves figure
was concerne
three treatie
Prussian wa
ed under hi
meeting of t
sponsible fo
had three c
was "Streng
tourists, depic
on his head.

Error in th
nature is th