

CHARTER OF THE CITY OF ANOKA,

FRAMED AND ADOPTED PURSUANT TO SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF MINNESOTA, AND SECTIONS 743 to 766, INCLUSIVE, REVISED LAWS OF 1906, AND THE ACTS SUPPLEMENTAL THERETO AND AMENDATORY THEREOF.

CHAPTER I.

NAMES, POWERS, and BOUNDARIES.

NAMES and POWERS.

Section 1. The municipal corporation now existing and known as the "City of Anoka", shall remain and continue to be a body politic and corporate under the same name, and with the same boundaries, and with power and authority to change its boundaries in manner authorized by law; and under said name and style of the "City of Anoka", and by such name, it shall have perpetual succession, may sue or be sued, complain and defend, plead and be impleaded, in any court or tribunal; make and use its common seal, and alter the same at pleasure; lease and convey any and all such real, personal or mixed property as its purpose may require, whether the same be within or without the corporate limits of the city; shall have the power within or without its territorial limits to contract, condemn and purchase, purchase, acquire, lease, add to and maintain, a city cemetery or cemeteries, water works, light plants, telephone systems, power plants, levees, transportation systems, heating plants or any other public utilities, works or ways, local in use and extent required therefor, for the use of the city and the inhabitants thereof. And any such system, plants, utilities, works or ways, or any contract for real estate thereto or in connection therewith that may at any time exist, or that the city may desire to purchase, in

whole or in part, may be purchased by said city, which purchase may be enforced by proceedings at law; shall be capable of contracting and being contracted with.

In addition to the powers above enumerated, the City of Anoka shall have all the powers it had under any previous charter and amendments thereto, and shall have all powers, functions, rights and privileges exercised by or which are incidental to or inherent in municipal corporations, and which are not denied to it by the Constitution and General Laws of the State of Minnesota. It is the intent of this section to grant to the City of Anoka full power to deal with all matters of municipal concern and to endow it with complete power of local self government, consistent with the Constitution and General Laws of the State of Minnesota, and no specific power hereinafter granted shall be construed as a limitation upon the general powers herein granted.

W A R D S.

Section 2. Said city shall be divided into three wards, as follows:-

All that part of said territory now included within the boundary of said city which lies west of Run River, shall constitute the First Ward.

All that part of said territory now included within the boundary of said city which lies south of the middle of Jackson Street and G Street and the extension of G Street to the east line of said city, shall constitute the Second Ward.

All that part of said territory now included within the boundary of said city which lies north of the middle of Jackson Street and G Street and the extension of G Street to the east line of said city, shall constitute the Third Ward.

CHANGE BY ORDINANCE OF COMMISSION.

Section 3. The Commission may change, by ordinance, the

boundary lines of any and all of the city wards, and may create new wards in the same manner.

CHAPTER II.

ELECTIVE OFFICERS, QUALIFICATIONS, OFFICIAL YEAR, TERMS, NOT TO HOLD OTHER OFFICE UNDER THE CITY, SALARY OF MAYOR AND COMMISSIONERS.

QUALIFICATIONS.

Section 1. The elective officers of the City of Anoka shall be a Mayor, four Commissioners, a Judge and a Special Judge of the Municipal Court, elected as provided in this Charter, to be elected at large by the electors of the city of Anoka, and each of whom shall be a qualified elector thereof.

OFFICIAL YEAR. TERMS OF OFFICE.

Section 2. The official year of the City of Anoka shall begin on the first Monday after the first Tuesday in April in each year. The terms of office of the Mayor, Judge and Special Judge of the Municipal Court, shall be two years, and the terms of office of the Commissioners shall be four years; provided, that at the first election held hereunder two Commissioners shall be elected to hold office for two years and two Commissioners shall be elected to hold office for four years; provided further, that the terms of all said officers elected for two years shall expire on the first Monday after the first Tuesday in April, 1915, and that the terms of said officers elected for four years shall expire on the first Monday after the first Tuesday in April, 1917, and that all of said officers so elected shall hold office until their successors have been elected and qualified.

MEMBERS OF THE COMMISSION TO HOLD NO OTHER OFFICE UNDER THE CITY.

Section 3. No member of the Commission shall hold any other municipal office or employment the compensation of which is

paid out of municipal moneys, or be elected or appointed to any office created, or the compensation of which is increased, by the Commission while he was a member thereof; provided, however, that the Commissioner of Finance shall be ex officio comptroller, and shall pass on the legality of all checks and orders for the payment of moneys by the Commission; provided, also, that one member of the Commission shall be a member of each and every Board appointed by said Commission to look after or investigate any public business.

VACANCIES.

Section 4. If a vacancy occur in the office of Mayor, or any of the Commissioners, by failure to elect, or by any cause whatever, the remaining members of the Commission shall appoint an eligible person to fill such vacancy until the next general or special election, subject to the provisions of the recall hereinafter provided for, and any such vacancy shall, at said election, be filled for the unexpired term.

A vacancy shall exist when an elective officer fails to qualify within ten days after notice of his election; dies; removes from the city; absents himself continuously therefrom for three months; is convicted of a felony; or is declared to be a lunatic.

S A L A R Y.

Section 5. The Mayor and each of the Commissioners shall receive as compensation for their services the sum of Two Dollars (\$2.00) for each meeting of the Commission which they shall attend, not exceeding, however, One Hundred Dollars (\$100) for any one year; provided, however, that the Commissioners, at the end of ten years, or at the end of any five year period thereafter, shall have the right, by unanimous vote of the Commission, to increase or decrease said compensation as hereinafter provided to such an amount as the needs of the city may, in the judgment of said Commission, require.

CHAPTER III.

APPOINTIVE OFFICERS AND OTHER EMPLOYERS, POWERS, DUTIES, REMOVAL, COMPENSATION, AND PROVISIONS CONCERN TO ALL OFFICERS AND EMPLOYEES.

OFFICERS OF THE CITY, OTHER THAN MUNICIPAL, APPOINTMENT AND REMOVAL.

Section 1. The chief officers of the City, other than the elective officers, shall be a Mayor, and a City Clerk, who shall be an official assistant Mayor, a Treasurer, an Assessor, a City Attorney, a City Engineer, a Chief of Police, a Chief of Fire Department, and a Board of Health composed of three members, at least one of whom must be a physician in good standing. They shall be appointed, with the exception of the Chief of Police, by a majority vote of the Commission. The Chief of Police shall be appointed by the Mayor, with the consent of the Commission. All persons appointed to such offices shall be qualified electors of the City or Anoka, and shall hold their respective offices during good behavior. They may, however, be removed at any time by a ^{three} ~~two~~-fifths vote of the Commission, with the exception of the Chief of Police who may be removed by the Mayor.

The Commission may, at any time when in its judgment the interests of the City so demand, place in charge of any of such officials the functions and duties of two or more of such officers.

The Commission shall, by ordinance, prescribe the duties of each of said officials.

The Commission shall, at the first regular meeting after each election, or as soon thereafter as practicable, proceed to the appointment of such officials, and after the first election shall determine their duties as provided in this section, which duties may be altered and changed to the Commission shall determine.

COMMISSION MAY CREATE OTHER OFFICERS OR EMPLOYMENT.

Section 2. The Commission shall have the power, by ordinance, to create and discontinue offices other than those prescribed,

and provide the manner of filling the same, and prescribe the duties pertaining thereto, according to its judgment and the needs of the city.

Any person so appointed may be removed at any time by a majority vote of the Commission.

COMPENSATION OF OFFICERS AND EMPLOYEES.

Section 3. The compensation of all city officers provided for in section 1 of this Chapter shall be by salary, to be fixed by statute or by the Commission.

The Commission shall also fix the compensation of all of the other officers and employees of the city, except as otherwise provided in this Chapter.

No officer or employe shall be allowed any fee, reward or other compensation other than the salary or other compensation fixed by the Commission; and all the fees received by him in connection with official duties shall be paid into the city treasury.

OFFICIAL BONDS.

Section 4. The Municipal Judge and Special Municipal Judge, and such other officers as the Commission shall determine, before entering upon the duties of their respective offices, shall each give bonds to the city, in an amount to be fixed by the Commission, conditioned upon the faithful performance of their respective official duties.

The method of approval of said bonds shall be fixed by the Commission, and the approval shall be endorsed thereon and signed by the officer or officers approving the same.

The bonds, when approved, shall be filed with the City Clerk, except the bonds of the City Clerk, which shall be filed in the office of the County Auditor of Anoka County.

All provisions of the laws of the State relating to official bonds, not inconsistent with the provisions of this Charter, shall be complied with.

OATH OF OFFICE.

Section 5. Every person elected or appointed to any office herein provided for shall, before he enters upon the duties of his office, take and subscribe to the oath of office in form as prescribed by section 8 of Article 5 of the Constitution of the State of Minnesota, and shall file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the County Auditor of Inoka County.

FAILING TO QUALIFY.

Section 6. Any elective or appointive officer who shall refuse or neglect to qualify and enter upon the discharge of the duties of his office for ten days after the beginning of the term for which he was elected or appointed, and after ten days after being notified by the City Clerk of his election or appointment, shall be deemed to have vacated such office, and the Commission may proceed to fill the same without any notice or proceeding as in the case of any other vacancy.

OFFICERS MAY ADMINISTER OATHS AND ISSUE SUBPOENAS.

Section 7. Every elective officer, every officer named in section 1 of this Charter, and every member of any Board or Commission provided for in this Charter, shall have the power to administer oaths and affirmations; and every such officer or member of a Board or Commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or any thing pending before such officer, Board or Commission.

if any person be subpoenaed, directed or ordered to appear, or to produce books, papers, documents, or records of the City requested by such subpoena, or shall refuse to comply with such officer, Board or Commission, or a majority of such Board or Commission, or to answer any question which any such officer or majority of such Board or Commission shall require, he shall be deemed in contempt, and any such officer, Board or Commission shall thereupon have the power to take such proceedings in the premises as are provided by the General laws of this State.

The Chief of Police shall, on request of the City officers, or any member of said Board or Commission, detail a police officer or officers to serve such subpoenas.

NO POLITICAL OR RELIGIOUS TEST.

Section 8. No appointment to public office of the City government shall be made or withheld by reason of political or religious opinions or affiliations, or political services; and no appointment to or selection for or removal from any office or appointment, or any form of promotion, reversion, reward, or punishment shall be in any manner affected by such opinion, affiliation or services.

TRANSFER OF BOOKS, PAPERS, AT THE TERMINATION OF OFFICE.

Section 9. Every elective and appointive officer shall, at the expiration of his term of office, in whatever way terminated, turn over to his successor in office, or some other properly authorized officer, on demand, all books, papers, files, records, moneys, and other properties and things whatsoever pertaining to his office, or received by reason thereof.

CHAPTER IV.

ELECTIONS. GENERAL AND SPECIAL.

GENERAL ELECTIONS, AND WHEN HELD.

Section 1. The general city election, after the first election herein provided for, shall be held on the first Tuesday in April, 1916, and biennially thereafter on the first Tuesday in April.

NOMINATIONS.

Section 2. The candidates to be voted for at the municipal election under the provisions of this act shall be nominated by petition to be signed by at least ten per cent of the qualified electors, based on the vote polled for all candidates for Mayor at the last previous election, and each signer of any petition shall be sworn at the time of signing that he knows the contents and purpose of such petition, and that he signed the same of his own free will. Such petition shall be filed with the City Clerk of said city at least twenty days before election.

ELECTION NOTICES.

Section 3. The City Clerk shall, on or before ten days before said election, certify the list of the candidates so nominated at said election whose names are entitled to appear on the ballot as being the list of candidates nominated as required by this Charter, together with the offices to be filled at said election, designating whether such election is for a full or an unexpired term. And he shall file in his office such certified list of names and the offices to be filled, and he shall cause to be published twice in the official newspaper of said city a notice calling such election, which notice shall contain the list of said names of candidates and the offices to be filled, and the time of holding such election, and the polling place or places where the same shall

be held; but no failure to give such notice shall invalidate a municipal election.

BLANK SPACES FOR ADDITIONAL CANDIDATES.

Section 4. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he wishes to vote.

REQUIREMENTS OF BALLOTS.

Section 5. All ballots printed shall be identical so it will be impossible to distinguish one ballot from another. Space shall be provided for Charter Amendments and other questions to be voted on at municipal elections, as provided in this Charter.

The names of the candidates for each office shall be arranged in alphabetical order of the surname, and nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any public or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

HOURS OF ELECTION. POLLING PLACES OPEN. JUDGES AND CLERKS TO BE PRESENT.

Section 6. All municipal elections, whether general or special, shall commence at eight o'clock A.M. and hold open until seven o'clock P.M. of the same day, and the places of election shall be open, and the Judges and Clerks of Election shall be present thereof, ready to receive the ballots of electors, during all of said time.

GENERAL ELECTION REGULATIONS.

Section 7. The provisions of any state law now or here-

hereafter enacted, except as the Commission may, by ordinance, or otherwise, provide, relating to the qualifications of the electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this Charter, so far as they may be applicable, shall govern the municipal elections; provided, also, that the Commission shall meet as a canvassing board and duly canvass the election returns within three days after any municipal election.

PLACES OF HOLDING ELECTION.

Section 8. The place or places of holding such municipal election shall be determined by the Commission at its regular meeting at least thirty days before any such election; and such designation shall be by resolution.

JUDGES AND CLERKS.

Section 9. There shall be at least three Judges of Election at each voting precinct, to be selected by the Commission at least thirty days before any such election; and such Judges shall have the power to appoint two Clerks of Election, and at least one Constable who shall be invested with all the powers of police officers. The compensation of each of said Judges, Clerks, and Constable shall be the same as is now or may be hereafter provided by the General Laws of the State of Minnesota.

SPECIAL ELECTIONS.

Section 10. The Commission may, by resolution adopted by affirmative vote of the majority of its members, order a special election for the voters of the city, and provide for holding the same. The purpose of such special election shall be clearly stated in said resolution, and no other matter shall be submitted thereat.

The matter or question for submission at such election shall be set forth on the ballots to be used in plain language; the Commission shall prescribe the form in which the same shall appear; the same proceedings shall be had as to appointment of Judges and Clerks, qualifications of electors, notice of designation of time of said election, polling places, manner of counting ballots, making returns thereof, canvassing said returns by the Commission, and declaring the results thereof, as are now provided for general and municipal elections.

CHAPTER V.

RECALL OF ELECTIVE OFFICERS.

ELECTORS MAY REMOVE.

Section 1. The holder of any elective office in the City of Anoka may be removed by a majority vote of the electors thereof taken, had and given in the manner and in compliance with the conditions hereinafter named.

PETITION.

Section 2. Electors equal in number to twenty-five per cent of the total number of registered voters, as shown by the poll list at the last preceding general municipal election, may file with the City Clerk their petition asking for the removal of any elective officer, and for the election of a successor to such officer. Such petition shall be in writing, and signed by said electors, with the street and number, if there be such, of their respective residence. It may consist of one or more papers, and such signatures need not all be on the same paper. The petition shall contain a general statement of the grounds upon which removal is sought, which shall be alike in all such papers. Said petition shall be accompanied by the affidavit of one of the signers of each of the papers constituting the same to the effect that the statements made in the paper on

which his name appears are true to the best of his knowledge and belief, and that each and every signature thereof is the genuine signature of the person it purports to be, and was placed thereon by such person; provided, however, that no such petition shall be made and filed against any officer until he has actually held his office for at least three months.

PROCEEDINGS ON CONDITION.

Section 3. Within ten days from the date of filing of such petition, the City Clerk shall ascertain from the voters' register of the city whether or not said petition is signed by the requisite number of qualified electors; and if necessary, the Commission shall allow him extra help for the purpose; and he shall attach to said petition his certificate showing the result of said examination.

If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City Clerk shall, within ten days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the City Clerk shall submit the same to the ~~Mayor~~ Commission without delay, and thereupon the Commission shall order and fix a date for holding the said election not less than thirty days, nor more than forty-five days, from the date of the Clerk's certificate to the Commission that a sufficient petition has been filed.

CAUSE OF RECALL. OFFICER'S JUSTIFICATION.

Section 4. In the call for election there shall be stated, in not more than two hundred words, the reason for demanding a

recall of the officer as set forth in the recall petition; and in said call, in not more than two hundred words, the officer may justify his course in office.

LECTION UNDER RECALL. NOTICE OF ELECTION. NAMES ON TICKETS.

Section 5. The City Clerk shall give public notice of the time and place of holding such election, and of the hours during which the polls will be open; and the same shall be conducted, nominations therefor shall be made, the Judges and Clerks therefor shall be appointed, returns made and canvassed, and the results thereof declared, in all respects as in a general municipal election, save as hereinafter provided.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the City Clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent shall receive the highest number of votes, the incumbent shall thereupon be removed from the office upon the qualification of his successor. In case the person who receives the highest number of votes fails to qualify within ten days after receiving notification of his election, the office shall be declared vacant. If the incumbent receives the highest number of votes, he shall remain in office. The said method of removal shall be accumulative and additional to the method herein and in this Charter otherwise provided.

INCAPACITY OF RECALLED OFFICERS.

Section 6. No person who shall have been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be eligible to any office under said city within one year after said recall or resignation.

CHAPTER VI.

EXECUTIVE DEPARTMENT. MAYOR.

CHIEF EXECUTIVE.

Section 1. The Mayor shall be the Chief executive officer of the city; he shall see that the laws of the State, the provisions of this Charter, and the ordinances of the City are duly observed and enforced within the city; he shall be a member of the Commission, and when present, shall preside over the meetings of the Commission; he shall have the right to vote on all propositions, matters and questions coming before it; but he shall have no veto power.

EXAMINATION OF BOOKS, REPORTS, ETC., OF OFFICERS AND EMPLOYEES.

Section 2. The Mayor may employ, and, if directed by the Commission, shall employ once a year a competent accountant, to be paid by the City, who shall have full power to examine all books, records and reports of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the Mayor or the Commission may direct. Said accountant may require any officer or employee to be sworn and explain under oath all matters relative to said books, records and reports. All officers and employees of the city shall give to such accountant all required assistance and information, under oath or otherwise, as to all matters relating to such books, records and reports, and shall submit to him for examination such books and papers as may be requested. Refusal or failure of any officer or employee of the city to comply with the requirements of this section shall be sufficient ground for his removal from such office or employment.

ADDITIONAL POWERS.

Section 3. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by general law or ordinance.

ACTING MAYOR.

Section 4. The Vice President of the Commission shall perform the duties of Mayor during the absence or disability of the Mayor, and while so acting shall be known and styled as "Acting Mayor". In case of the absence or disability of both the Mayor and the Vice President of the Commission, the Commission may elect one of its members Acting Mayor during such absence or disability. The Vice President of the Commission shall act as Mayor, under the name and style of "Acting Mayor" during the vacancy in office of Mayor until such vacancy shall be filled in the manner provided in this Charter.

CHAPTER VII.

DEPARTMENTAL POWERS AND DUTIES.

NUMBER AND NAMES OF DEPARTMENTS.

Section 1. Subject to the qualifications and restrictions herein otherwise provided, the executive and administrative powers of the City are hereby distributed among and assigned to five (5) departments, as follows:-

1. Department of Public Health and Sanitation, Police and General Welfare.
2. Department of Accounts and Finance.
3. Department of Parks, Public Grounds, Buildings and Fire Protection.
4. Department of Water Works and Lights.
5. Department of Streets, Alleys, Bridges and Sewers.

COMMISSION TO ASSIGN DUTIES TO DEPARTMENTS.

Section 2. The Commission shall determine and assign the duties of the several departments, subject to the provisions of the last preceding and next following sections; shall prescribe the duties and powers of officers and employees; may assign particular officers and employees to one or more departments; may require an officer or employee to perform duties in two or more departments; and may make such other rules and requirements as may be necessary and proper for the efficient and economical conduct of the business of the City.

MAYOR AND FOUR COMMISSIONERS.

Section 3. The Mayor shall be Superintendent of the Department of Public Health, Sanitation, Police and General Welfare; and the Commission shall, at the first regular meeting after the election of its members, designate, by a majority vote, one of the Commissioners to be Superintendent of the Department of Accounts and Finance; one to be Superintendent of the Department of Parks and Public Grounds, Buildings and Fire Protection; one to be Superintendent of the Department of Water Works and Lights; one to be Superintendent of the Department of Streets, Alleys, Bridges and Sewers; and such designations may be changed whenever it appears that the public service would be benefited thereby. Provided, no Superintendent of any of the Departments of the City shall have any power to contract debts, to bind the City, or to make any improvements in said city, unless authorized by a majority vote of the Commission.

ACCOUNTS AND FINANCE.

Section 4. It shall be the duty of the first Commissioner assigned to be Superintendent of the Department of Accounts and Finance under this Charter to institute as soon as practicable a complete and thorough system of bookkeeping which shall be suitable to

the needs of the City, with a proper system of checks between the various officers, and such reports as may be advisable in order to insure a thorough knowledge of the business of the City by the Mayor and chief officials.

REPORTS OF DEPARTMENTS.

Section 5. The Superintendent of each Department shall annually render to the Commission a full report of the affairs of his Department for the year. Provided, however, that the Commission may require at any time each Department to render to the Commission a full report of all operations of said Department.

REPORTS TO BE PUBLISHED.

Section 6. The Commission shall provide for the publication of the annual report of the Mayor, and the Superintendents of the several Departments, in the official newspaper of the city.

CHAPTER VIII.

LEGISLATIVE POWERS.

LEGISLATIVE POWERS OF THE COMMISSION.

Section 1. The Commission shall have full power, subject only to the limitations herein contained, to make, ordain, enact, establish, publish, alter, modify, amend, and repeal all such ordinances or resolutions as it shall deem necessary and expedient for the government and good order of the city; for the suppression of vice and intemperance; for the prevention and punishment of crime; for the promotion of health; and for the general welfare of the city and of the inhabitants thereof.

It shall have the power and right to prescribe fines, provide penalties and punishments for the violation or breach of any of the provisions of this Charter, or any ordinance or regulation of the City, not exceeding a fine of One Hundred Dollars (\$100) and ~~and~~

costs of prosecution, or imprisonment in the city prison or county jail of Anoka County for a term not exceeding ninety (90) days.

It shall have the right to provide for summary abatement of any nuisance at the expense of the person creating, causing or maintaining such nuisance.

It shall have the power to enact appropriate legislation, and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter, or with ordinances adopted by the people of the city; and the above enumeration of specific powers shall not be held in any way to curtail or restrict any power which the Commission might otherwise have under the Common Law.

It shall have the power to provide suitable procedure for taking over and otherwise acquiring municipal ownership of public utilities.

LEGISLATIVE POWERS OF THE PEOPLE.

Section 2. The people of the City of Anoka reserve to themselves the right, subject only to the limitations herein contained, to act upon all ordinances of said City, and to submit to the Commission such ordinances as they deem necessary or expedient.

INITIATIVE.

Section 3. Any proposed ordinance of the City of Anoka may be submitted to the Commission by petition signed by qualified electors of the city equal in number to the percentage hereinafter required.

The chapter of this Charter respecting the forms and conditions of a petition for the nomination of elective officers, and the mode of verification, certification and filing shall be sub-

stantially followed, with such modifications as the nature of the case requires; provided, however, that no person shall be received as a petitioner until he shall have taken and subscribed an oath that he has read the proposed ordinance, and knows the contents thereof, and that in his opinion the passage thereof will be for the general welfare and benefit of the city.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen (15) per cent of the entire vote registered at the last preceding general municipal election, and contain a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Commission shall either:

(a) Pass such ordinance without alteration within twenty (20) days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition, subject to a referendary vote under the provisions of this chapter; or

(b) Within twenty-five (25) days after the Clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the Commission shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to five (5), but less than fifteen (15), per cent of the entire vote registered at the last preceding general municipal election, and such ordinance be not passed by the Commission as provided in the preceding paragraph, then said ordinance, without alteration, shall be submitted by the Commission to a vote of the people at the next general municipal election that shall occur at any time after twenty (20) days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Whenever any ordinance or proposition is required by this chapter to be submitted to the voters of the city at any election,

the Commission shall order such ordinance or proposition to be printed in the official newspaper of the city, and to be published in like manner as ordinances adopted by the Commission are required to be published. Such publication shall be prefaced by the statement that said ordinance or proposition is to be submitted to the voters of the city at the next election, and shall give the date thereof.

The ballots used when voting upon such proposed ordinance or proposition shall contain the words "For the Ordinance (or proposition) (stating in full the title thereof, and stating the general nature of the proposed ordinance or proposition)", and "Against the Ordinance (or proposition) (stating in full the title thereof, and stating the general nature of the proposed ordinance or proposition)".

If a majority of the qualified electors voting on such proposed ordinance or proposition shall vote in favor thereof, said ordinance shall thereupon become a valid and binding ordinance of the City on the official publication thereof.

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

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

There shall not be held under this section more than one special election during a period of six (6) months.

The Commission may, by ordinance or resolution, make such further regulations as may be necessary to carry out the provisions

of this section, and to adopt the provisions of Chapter IV
thereto.

THE REFERENDUM.

Section 4. No ordinance passed by the Commission shall go into effect before thirty (30) days from the time of its final passage, except when otherwise required by the General Laws of the State, or by the provisions of this Charter, except ordinances for the immediate preservation of the public health, peace or safety, which contain a statement of their urgency, and are passed by a unanimous vote of the Commission; provided, that no grant or franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided for.

If, during the said thirty days, a petition signed by qualified electors of the city equal in number to at least fifteen (15) per cent of the entire vote registered at the last preceding general municipal election, protesting against the passage of said ordinance, be filed with the City Clerk, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Commission to reconsider such ordinance, and if the same be not entirely repealed, the Commission shall submit the ordinance in the manner provided by this chapter to a vote of the qualified electors of the city, either at the next general municipal election, or at a special election called for that purpose. And such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The provisions of this Charter regarding the forms and conditions of the petition, and the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case require; provided, however,

that no person shall be received as a petitioner until he shall have taken and subscribed an oath that he has read the ordinance under consideration, and knows the contents thereof, and that in his opinion the adoption of such ordinance would not be for the general benefit and welfare of the city.

Any ordinance or measure that the Commission, or the qualified electors of the city, shall have authority to enact, the Commission may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election, in the same manner, and with the same force and effect, as is provided in this chapter for ordinances or measures submitted on petition. At any special election called under the provisions of this chapter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measure herein provided for; if, however, such other questions are such as may be legally submitted at such election. If the provisions of two or more ordinances approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

CHAPTER IX.

THE COMMISSION. RULES OF PROCEDURE, ETC.

THE COMMISSION THE GOVERNING BODY.

Section 1. The Commission shall be the governing body of the City. It shall exercise the corporate power of the City, and, subject to the limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government, consistent with the Constitution of the State.

The Mayor shall be President of the Commission, and shall preside at its meetings. The Commission shall elect one of its members to be Vice President.

MEETINGS OF COMMISSION.

Section 2. The Commission shall provide for the time and place of holding its meetings, and the manner in which its special meetings may be called.

All legislative sessions of the Commission, whether regular or special, shall be open to the public.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

ORDINANCES AND RESOLUTIONS. AYES AND NOES.

Section 3. The ayes and noes shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of the proceedings of the Commission.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Commission.

Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly stated in the title; and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in the title.

ENACTING CLAUSE OF ORDINANCE.

Section 4. The enacting clause of all ordinances passed by the Commission shall be in these words, "The Commission of the City of Anoka, do ordain as follows:"

REQUIREMENTS OF ORDINANCE.

Section 5. To constitute an ordinance a bill must receive two readings previous to its passage, but shall not be read at any other than regular sessions, nor twice at the same session.

The second reading shall be by sections, at which time amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one.

RECONSIDERATION.

Section 6. When a bill is put upon its final passage, and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Commission held not less than one week after the meeting at which such motion was made.

SIGNING AND ATTESTING.

Section 7. All resolutions and ordinances shall be signed by the Mayor and attested by the City Clerk.

ORDINANCE GRANTING FRANCHISE.

Section 8. No ordinance or resolution granting a franchise shall be put upon its final passage within thirty (30) days after its introduction, nor until it has been published at least once a week for three consecutive weeks in the official newspaper of the city.

RECORD OF CITY ORDINANCE.

Section 9. A true copy of all ordinances and resolutions signed by the Mayor and attested by the City Clerk shall be numbered, indexed and recorded in a book marked "Ordinance Record".

Ordinances adopted by a vote of the people may be separately numbered, indexed and recorded, and called "People's Ordinances".

Such records kept of the original ordinances shall be prima facie evidence of the contents of the ordinance, and of the day

passage and publication of the same, and shall be admissible as such in any court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

DEFINITE PRESENT WHO FAIL TO VOTE.

Section 10. Any member of the Commission who, being present when his name is called, fails to vote upon any of the pending ordinances or resolutions, shall be counted as having voted in the negative.

FRANCHISE GRANTED BY ORDINANCE.

Section 11. No franchise of right to occupy or use the streets, highways or public places of the city, shall be granted, except by ordinance, save temporary use of the parks or streets for picnics, public meetings, and the like.

PUBLICATION OF ORDINANCES.

Section 12. No ordinance or resolution passed by the Commission shall become effective until it has been published once in the official newspaper of the city.

PUBLICATION OF PROCEEDINGS OF MEETINGS.

Section 13. The proceedings of each and every meeting of the Commission shall be published once in full in the official newspaper of the city.

CHAPTER X.

FINANCE AND TAXATION.

FISCAL YEAR.

Section 1. The fiscal year of the City shall commence on the first Monday after the first Tuesday of April of each year.

DEBT NOT TO BE INCURRED OR CREDIT LOANED.

Section 2. The debt of the City shall not be increased, nor shall any new bonds of the City be issued, except as herein provided; nor shall the City loan its credit, become a stockholder, or make contributions or donations to any person, company or corporation, except as herein provided.

PROVISIONS TO BE MADE TO PAY BONDS.

Section 3. The Commission is authorized to provide by taxation for the prompt payment of interest upon the indentures, and for a sinking fund for the purpose of meeting the bonds of the City at maturity whether heretofore or hereafter issued.

MONEY. HOW PAID OUT. CITY ORDERS.

Section 4. All moneys belonging to the City, except as otherwise provided for in this Charter, shall be under the control of the Commission, and shall be paid out only upon the order of the Mayor, countersigned by the City Clerk, duly authorized by a motion or resolution of the Commission, by an affirmative vote of ayes and noes of three-fifths (3/5) of its members.

The Commission may designate any bank or banks in the city of Anoka, on the terms prescribed by said Commission, a depository for all or any specified part of said funds; good and sufficient bonds being first required from said banks in favor of the City for the safe keeping and paying over of said funds.

Every order drawn upon the treasury shall designate the purpose for which it is drawn, and the fund upon which it is drawn, and shall be payable only out of the fund named in the motion or resolution providing for its payment.

Each order shall be payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement; no order on any fund shall be drawn until there is sufficient

money to the credit of such fund to pay the same, together with all orders previously issued against such fund.

PROPERTY SUBJECT TO TAXATION.

Section 5. All property in the city of Anoka taxable under the laws of the State shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law, and this Charter.

There shall be maintained in the city treasury the following funds, and the Commission, by a three-fifths vote of its members may levy an annual tax upon all taxable property in the city for the support of such funds, and the purposes following, that is to say:

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

Second: A Sinking Fund, to provide for the payment, when due, of bonds and other funded debt of the City. For maintenance of this fund there shall be levied an annual tax of at least five mills on the dollar of the assessed valuation of all taxable property in the city. This fund shall be applied only to the payment of the principal of bonds issued by the City.

Third: A Fire Department Fund, to provide for the maintenance of the Fire Department.

Fourth: A Road and Bridge Fund, to provide for the Engineering Department, the cleaning and repairing of streets, sewers, sidewalks, crosswalks and bridges.

Fifth: A Salary Fund, to provide for the payment of the salaries of the city officials, and of clerk hire not otherwise provided for, but which may be authorized by law.

Sixth: A Library Fund, to provide for the support of the Public Library.

Seventh: A Cemetery Fund, to provide for the support of the city cemetery or cemeteries.

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

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

Tenth: A Water and Light Fund, to provide for the support and maintenance of any plant owned or operated by the City for furnishing to the City and its inhabitants water and light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of such water and light plant.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with any water and light plant of the City; also the proceeds of all special assessments levied on account of or in connection with such water and light plant; also such amounts as may from time to time be realized from the sale of bonds issued on account of such plant; also all moneys received from the sale of such plant, including water and light rentals and penalties.

Any surplus in this fund at the end of each fiscal year may by the Commission be paid into the Sinking Fund.

Provided, that nothing herein contained shall prevent the Commission from borrowing from the General Fund to aid and help any other fund at such time as in its judgment public necessities require, but the Commission shall have no power to borrow from any fund except the General Fund. If any sum is borrowed from the General Fund as aforesaid, it shall be returned not later than during the next fiscal year.

Moneys, (1) in the city treasury at the time this Charter goes into effect, (2) to be collected from taxes levied before this Charter goes into effect, shall so far as practicable be divided among the several funds hereby established, and where such subdivision is not practicable, shall be kept in the General Fund. The Commission, by resolution, shall provide for such subdivision in accordance with the directions herein contained.

From the General Fund the Commission may, in every year, by resolution, appropriate a sum not to exceed Two Hundred and Fifty Dollars (\$250) for contingent expenses incurred, or to be incurred, by the Mayor in the detection and prevention of crime in the city.

SINKING FUND COMMISSIONERS.

Section 6. The Mayor, the Superintendent of the Department of Accounts and Finance, and the City Clerk, shall constitute a Board of Sinking Fund Commissioners, and the Commission may, by resolution, define such duties for such Board as are not herein prescribed. Said Commissioners shall have charge of the Sinking Fund, and shall, by and with the consent of the Commission, invest the same in bonds or other obligations of the City issued pursuant to this Charter, or in such other bonds as are permitted by law for the investment of the public school funds for the State of Minnesota, or in any county or school bonds of this state. In case

of investment in the bonds or other obligations of the City, the same shall not be cancelled, except when authorized by the Commission, but shall be held in the Sinking Fund.

Whenever any bonds of the City become due, and the said Commissioners shall, with the consent of the Commission, dispose of enough of the bonds then in the Sinking Fund, if any, as will, with the money then on hand, be sufficient to pay such maturing bonds, and the said Commissioners, by and with the consent of the Commission, may dispose of any bonds in said fund at such other time as is deemed for the best interest of said fund.

Whenever the amount of such Sinking Fund, together with the interest thereon, computed to the time of maturity of the city bonds, is sufficient to pay all of said bonds, the levy of five mills heretofore provided for may be omitted and the money otherwise voted to this fund may be diverted to other funds; but whenever said fund shall, in the judgment of the Commission, be insufficient to pay said bonds at maturity, such tax may be resumed.

Said Commissioners shall make a detailed report to the Commission at the first meeting in July of each year, and at such other times as the Commission may require, and said reports shall show the condition of said Sinking Fund, the nature and value of all the securities thereto belonging, with a full description of said securities.

Any tax payer, or any of the owners of bonds of the City, shall have the right to maintain in a court of competent jurisdiction any proper action or proceeding to enforce upon the part of the Commission, or said Commissioners, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the City, said Sinking Fund shall not have money sufficient to pay the bonds so maturing, and whenever the Commission shall deem it advisable to take up any bonds not due, the Commission may issue other bonds of the City, to run not exceeding twenty years, on such

terms as to time and place of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due.

POWER TO BORROW MONEY OR INCUR DEBT.

Section 7. The City may issue bonds, by resolution, as follows:

1. For the purpose of constructing, maintaining, enlarging or improving suitable water and light plants, or for the purpose of purchasing any such plant already in existence in the city, or for the purpose of acquiring real estate or other property needed in connection with any such plant; and such bonds shall be a first lien upon all water and light plants and structures of any kind, if issued for both, and if for one only, upon the appliances and structures thereof of any kind, and all property acquired for use in connection therewith.

2. For the purpose of raising not to exceed Fifteen thousand Dollars (\$15000) for a Permanent Improvement Revolving Fund provided for in this Charter, in order to provide money for any contemplated local improvement, and such bonds shall constitute a first lien upon all such local improvements and upon the property benefited thereby and to be assessed therefor.

3. For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the City.

4. For defraying the cost of establishing and maintaining a general system of sewers, and of maintaining, altering, relaying and extending the existing sewer system.

5. For the purpose of paying, funding, or refunding any bonded indebtedness of the City existing at the time this Charter goes into effect, or created at any time as authorized by this

Charter, the City, by resolution, may issue its certificates or other evidences of indebtedness in anticipation of any taxes or assessments levied upon any portion of the taxable property of the city, as provided herein. Such resolution for the issuance of bonds or certificates may provide that the same shall be general obligations of the City, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds or liens held by the City, or may limit the City's liability thereon in any other manner, or may guarantee that the City shall pay the same; provided, that the bonds issued under such sub-divisions one, two, three and four above mentioned shall be general obligations of the City.

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

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a four-fifths (4/5) vote of all the members of the Commission.

The debt of the City shall not exceed five (5) per cent of the total value of the taxable property of the city according to the last preceding assessment for the purpose of taxation; provided that bonds may be issued as above provided in sub-divisions

1, 2, 3 and 4, but the total amount of such bonds, when added to the other indebtedness of the City, shall not exceed ten (10) per cent of the total value of its taxable property as above provided, for funding the City's bonded indebtedness, whenever required; provided, that in determining the City's debt limit, the amount in the Sinking Fund shall be deducted from the total of the outstanding bonds; and provided further, that certificates of indebtedness against taxes levied and assessed may be issued as hereinafter provided.

Bonds, warrants, certificates, and other evidences of indebtedness of the City, authorized by this Charter, shall in no event bear a greater rate of interest than six (6) per cent per annum, and shall in no event be sold for less than the par value thereof.

DEPARTMENTAL ESTIMATES.

Section 3. On or before the first Monday in September in each year, or on such day date as may be fixed by the Commission, the heads of departments, officers and boards shall file with the Commissioner of Accounts and Finance a careful estimate, in writing, of the amounts, specifying in detail the object thereof, required for the business and proper conduct of their respective departments, offices or boards during the next ensuing year.

ANNUAL ESTIMATE.

Section 3. On or before the first Monday in October in each year, or on such date as the Commission shall direct, the Commissioner of Accounts and Finance shall submit to the Commission an estimate of the probable expenditures of the city for the next ensuing fiscal year, in detail for each department, office and board, with an estimate of the amount of income from fines, licenses and sources other than taxation, and the probable amount

to be required to be levied and raised by taxation to defray the expenses and liabilities of the City. Said estimate shall be made out in two parts, the first of which shall relate to the ordinary expenses of maintenance and shall be divided into two sub-divisions, (1) Salaries and (2) Supplies and repairs; the second part shall relate to Capital Outlays, under which head shall be put all items of new construction, new equipment, and all other permanent improvements. In submitting said estimate, said Commissioner shall present with it a report showing the amount of the annual estimate for each of the two preceding years and the amount appropriated and spent by the City during each of said years.

ANNUAL BUDGET.

Section 10. The Commission shall meet annually, prior to the time for fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City for the next ensuing fiscal year.

ANNUAL APPROPRIATION.

Section 11. Upon such budget as adopted and filed, the Commission shall pass an ordinance or resolution, not later than the 15th day of October in each year, which shall be entitled "The Annual Appropriation Resolution", in which it shall appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the City; and such resolution shall specify the objects and purposes for which such appropriations are made, and the amounts appropriated for each object and purpose, for the ensuing fiscal year.

The City Clerk shall thereupon certify the total levy to the County Auditor for the levy and extension thereof, as provided by the laws of the State.

NO LIABILITY WITHOUT APPROPRIATION.

Section 12. Except as herein otherwise specifically provided, the expenditures of the City in any one year shall not be increased over and above the amount provided in the Annual Appropriation Resolution for that year; and no contract involving expenditures, and no expenditure for any improvement paid out of the general or special funds of the City, or for defraying the expenses and liabilities of the City, shall exceed in any one year the amount so appropriated and set apart, but the several funds shall be maintained for, used and devoted to the particular purposes specified in the appropriation.

It shall not be lawful for any department or officer of the City to incur or contract any expense or liability for or on behalf of the City unless such an appropriation shall have been made therefor by the Commission, and any such expense or contract shall be absolutely null and void as to the City; provided, first, that nothing herein contained shall prevent the Commission from providing for the payment of any expense, the necessity for which is caused by any casualty, accident or unforeseen contingency arising after the annual appropriation; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

SEPARATE ACCOUNT TO BE KEPT FOR EACH FUND.

Section 13. The City Clerk and the Treasurer shall each, as soon as the tax estimate is made for each year, open and keep in his books separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures, and in making any levy, the Commission shall itemize the same so

to show separately the amount to be collected from taxes for each fund, as said funds are designated in section 5 of this Chapter.

It shall be the duty of the Treasurer to keep a complete, accurate and separate account of each and all of the separate funds embraced in section 5 of this Chapter, which shall accurately show at all times the amount of money received by him for the credit of such funds, and whence received, and the amount of money paid out by him on account thereof, and to whom and for what purpose paid out.

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

taxes were levied.

DISTRIBUTION OF MONIES RECEIVED FROM TAXES.

Section 14. After the accounts are opened in the books, as hereinbefore provided, any monies thereafter received by the City from the collection of delinquent taxes shall be forthwith distributed to the funds provided for herein so far as such funds correspond to the funds named in the particular tax levy on which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the General Fund. The surplus of any year's receipts over expenditures in any particular fund may be carried forward to the same fund for the succeeding year.

TAX CERTIFICATES.

Section 15. At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October 10th in any year, the Commission may, by resolution passed by a four-fifths majority of its members, issue and sell as many certificates of indebtedness as are needed in anticipation of the collection of the taxes so levied as aforesaid for any special fund named in said tax estimate, for the purpose of raising money for such special fund; but no certificate shall be issued for any of said separate funds exceeding fifty per cent of the amount named in said tax estimate to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate, certified to the County Auditor as aforesaid, was made. Said certificates shall not be sold for less than par value and accrued interest, and shall not bear a greater rate of interest than six per cent per annum; each certificate

shall state upon its face for which fund the proceeds of said certificates shall be used, and for the whole amount embraced in said tax estimate for that particular purpose. They shall be numbered consecutively, and be in denominations of Fifty Dollars (\$50.00), or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms, and be payable at such place, as will best aid in their negotiation; and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the City, are irrevocably pledged for the redemption of the certificates so issued.

BOARD OF EQUALIZATION.

Section 16. The Commission shall constitute the Board of Equalization, and shall be sworn according to law as such, and shall meet at its regular place of meeting on the fourth Monday in June of each year, and shall continue in session not later than the Friday next preceding the second Monday in July, to review, amend and equalize the work of the City Assessor, pursuant to the General Laws of the State.

Said Board shall elect a secretary, who shall keep a record of its proceedings, and it is hereby vested with all of the powers which are or may be vested in the County Board of Equalization under the General Laws of the State, but shall not be restricted by any limitations in respect to reducing the aggregate sum of real and personal property as returned by the Assessor of the City.

WHO MAY APPEAR BEFORE BOARD.

Section 17. Every person aggrieved by an assessment shall have the right to appear in person or by attorney before such Board, and present his grievance for its consideration.

REVISION AND CERTIFICATION OF ASSESSMENT ROLL.

Section 18. The City Assessor shall revise his assessment rolls in accordance with the decision of said Board, and after the same shall have been certified by the Mayor and the secretary of said Board, shall transmit to the County Auditor such revised assessment rolls not later than the second Monday in July, and unless otherwise provided, the Assessor shall proceed under the General Laws of the State.

DISPOSITION OF MONEYS COLLECTED.

Section 19. Every officer collecting or receiving moneys belonging to or for the use of the City shall settle for the same with the City Treasurer on or before the last day of each month, or at such more frequent intervals as directed by the Commission, and immediately pay all such moneys into the Treasury for the benefits of the funds to which such moneys severally belong. When the last day of the month falls upon a Sunday or a legal holiday, the said payments shall be made on the next preceding business day.

UNIFORM ACCOUNTS AND REPORTS.

Section 20. The Commission shall prescribe uniform accounts, which shall be observed by all officers and departments of the City which receive or disburse money.

CHAPTER XI.

EMINENT DOMAIN.

LOCAL IMPROVEMENTS. ASSESSMENTS.

SUB-CHAPTER I.

EMINENT DOMAIN. PART I.

GRANT OF POWERS. CITY MAY ACQUIRE PROPERTY.

Section 1. The City of Anoka is hereby empowered to

take or acquire, by proceedings in condemnation, such real estate, or any interest or easement therein, within or without its limits, as may be needed by said City for any public use or purpose.

NECESSITY FOR TAKING TO BE DECLARED BY RESOLUTION.

Section 2. The necessity for the taking of any property shall be determined by resolution of the Commission, which resolution shall, in a general way, describe the property so needed, and order its condemnation. The fact that the property so needed by the City, damaged, injured, or destroyed by it, has been acquired by the owner under eminent domain, or is already devoted to public use, will not prevent its acquisition by the City, or other injury thereto.

PROPERTY MAY BE ACQUIRED OTHERWISE THAN UNDER EMINENT DOMAIN.

Section 3. The City may acquire any real estate, or interest or easement therein, needed for any public use or purpose within or without its limits by purchase, gift, devise or otherwise.

COST OF IMPROVEMENTS.

Section 4. The Commission may, by a four-fifths vote of all of its members, order that the cost or expense of all or any part of any improvement in this chapter provided shall be paid out of the appropriate fund or general fund of the city without assessment against the property benefited.

PART II.

PROCEDURE WHERE THERE MAY BE AN ASSESSMENT FOR BENEFITS. COMMISSION TO DETERMINE THE NATURE AND EXTENT OF THE IMPROVEMENTS.

Section 1. When the Commission shall, by resolution,

declare that for any public improvement it is necessary to take, damage, injure, or destroy any private property, or property devoted to a public use, it shall determine, by resolution, in a general way, the nature and extent of the proposed improvement.

CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Section 2. The Commission shall thereupon notify the City Engineer of such determination, and thereupon it shall be the duty of the Engineer to make and present to the Commission a plat and survey of such proposed improvement, showing the nature, course and extent of the same and the property necessary to be taken, damaged, injured, or destroyed, or benefited thereby, together with the name of the owner or owners of each parcel of said property as the same appears by the last assessment list in the office of the Auditor of the county in which said lands are situated at the date of said resolution of the Commission, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of lands belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Commission may cause such plat or survey to be modified, amended or changed.

COMMISSION TO ADOPT PLAT, ORDER IMPROVEMENT, AND GIVE NOTICE.

Section 3. When such plat or survey shall finally describe the proposed improvement to the satisfaction of the Commission, it shall, by resolution, adopt the same and order the making of the improvement. The Commission shall then give fifteen days notice, by one publication in the official newspaper of the City, of the time and place when it will meet to make an award of damages or assessment of benefits, or an award of damages and assessments

of benefits as the case may be, in which notice it shall describe the land or property to be condemned by general descriptions, and shall specify what such assessments, if any, are to be for, and in a general way what property will be assessed therefor.

It shall cause a copy of such notice to be served in the same manner in which a summons is served in a civil action in the District Court upon all parties interested in the land to be condemned or benefited as appears by the last assessment list in the office of the Auditor of the county in which the land is situated, who can be found in said county, and also upon all persons occupying said lands, or any part thereof, and shall mail a copy of such notice to all non-residents of said county appearing to be interested in said land, addressed to the last known post office address of said non-resident, and if such address is unknown to the Commission, such notice shall be addressed to such persons at Anoka, Minnesota. Proof of service and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place, and manner of serving or mailing the same, and how such notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the City Clerk.

HEARING.

Section 4. All parties interested in any property to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Commission at such hearing.

DAMAGES. HOW AWARDED. INTEREST.

Section 5. The Commission, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate taken, damaged, injured or destroyed for the improvement, and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum so awarded as damages shall bear interest at the rate of six per cent per annum from and after the date of the confirmation of assessment therefor, as hereinafter provided, until paid.

DAMAGES IN EXCESS OF BENEFITS.

Section 6. If the damages to any person shall be greater than the benefits received, or if the benefits be greater than the damages, the Commission shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectable from them or paid to them.

APPRAISEMENT WHERE THERE ARE BUILDINGS ON THE LAND.

Section 7. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for the damages to the land and improvements separately.

The value of such buildings or improvements, or the part thereof necessary to be taken, to the owner in case of removal, shall also be determined by said Commission, and notice of such determination shall be given by it to the owner, when known, if a resident of the city, personally, or be left at his last usual place of abode

with some person of suitable age and discretion then residing therein. If the owner is not known, or is a non-resident of the city, ten days notice, by one publication in the official newspaper of the city, to all persons interested shall be given, which shall be sufficient notice to such owner.

Such owner may, at any time within ten days after such notice, notify in writing the Commission of his election to take such buildings or improvement, or such part thereof, at its appraised value, and in such case the amount of such appraisal shall be deducted by the Commission from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Commission may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the Commission shall, after the confirmation of the assessment and after the money is in the hands of the Treasurer ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction for cash, giving ten days notice of sale by one publication in the official newspaper, and cause such building or improvement, or part thereof, to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

JOINT OWNERS. LAND SUBJECT TO LEASE.

Section 8. If the land and buildings belong to different persons, or if the land is subject to lease, the damages done to such persons respectively may be awarded to them by the Commission, less the benefits resulting to them respectively from the improvement.

DAMAGES, ETC., TO BE ASSESSED UPON REAL ESTATE BENEFITED.

Section 9. Having ascertained the damages and expenses of such improvement as aforesaid, the Commission shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Commission in payment of the same, together with the costs of the proceedings, upon the real estate and property it deems benefited by such improvement in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

ASSESSMENT ROLL.

Section 10. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof, as far as known to the Commission, or if unknown shall so state, and the amount of damages awarded, and benefits, if any, assessed against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Commission shall so state on such assessment roll, and shall specify the amount of such excess. The Commission shall also notice on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

NOTICE OF COMPLETION OF ASSESSMENT ROLL.

Section 11. When completed, the Commission shall cause to be given ten days notice, by one publication in the official newspaper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified it will hear objections thereto, and that all such objections must be filed

in writing with the City Clerk at least one day prior to the time so specified, and that unless sufficient cause is shown to the contrary, the same will be confirmed.

Said notice shall contain a copy of the assessment roll as completed.

OBJECTION. HOW MADE.

Section 12. All objections shall be in writing, and filed with the City Clerk at least one day prior to the time specified in said notice.

Provided, that said Commission may, in its discretion, allow any person interested who has inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

ADJOURNMENT OF PROCEEDINGS.

Section 13. Should the Commissioners not be present at the time and place appointed, the proceedings may be adjourned by the City Clerk to such other convenient time and place as may be deemed expedient.

NEW NOTICE MAY BE GIVEN.

Section 14. Nothing herein contained shall preclude the Commission from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment, in case the previous notice shall be found imperfect, or in case of the absence of the Commission, or for any other reason which shall be satisfactory to the Commission for so doing.

COMMISSION TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT.

Section 15. The Commission shall have the power to ad-

journal such hearing from time to time, and in its discretion to revise and correct the said assessment, and to confirm or set aside the same, and proceed to make an assessment de novo.

The assessment, when confirmed, shall be corrected to conform with such confirmation, and shall be final and conclusive upon all persons interested therein and not appealing therefrom.

PROCEDURE AFTER CONFIRMATION OF ASSESSMENT.

Section 16. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith, shall be entered upon a book kept for that purpose by the Commission. A warrant for the collection of said assessment shall issue as provided in this chapter in case of other assessments, except said assessment shall not be payable in installments.

NOTICE OF CONFIRMATION OF ASSESSMENTS.

Section 17. As soon as practicable after an assessment of damages and benefits has been confirmed, the Commission shall cause a brief notice, by one publication of the fact of such confirmation, to be published in the official newspaper of the city.

RE - ASSESSMENT.

Section 18. If the assessment shall be set aside by the Commission as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, the Commission shall proceed de novo to make a new assessment, and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights, and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are herein given in relation to the

first assessment; provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from said improvement.

APPEAL TO THE DISTRICT COURT.

Section 19. Any person interested in any property taken or damaged in these proceedings may appeal to the District Court of Anoki County from an award of damages or an assessment of benefits, in the same manner as provided in this Chapter.

Thereupon the Commission shall forthwith transmit to the Clerk of said Court a duly certified copy of all papers and records in its office pertaining to such proceedings, and if more than one appeal is made, it shall not be necessary to transmit more than one copy.

PART III.

WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS.

PROCEDURE.

Section 1. Whenever in the condemnation of any property as set forth in this Chapter in case of other assessments, where there can be no assessment for benefits, all of the proceedings required to be had under Part II of this Sub-Chapter shall be had under Part III hereof where there can be no assessment for benefits, except that the Commission in the latter case shall in no event make any assessment for benefits. And all the provisions of said Part II of this Sub-Chapter shall, so far as applicable, apply to and be in

force hereunder in Part III thereof, to condemn property where there can be no assessment for benefits.

EFFECT OF AWARD.

Section 8. Whenever an award of damages shall be made, confirmed, and not appealed from, in any proceeding for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award, or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon, shall be thereby divested, and the City shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the City may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes, the City shall acquire only an easement therein for such purposes; and before entering upon possession of said land or property the City shall pay the amount of such award, with interest thereon at the rate of six per cent per annum from the date of final award or confirmation thereof, or judgment of the Court, as the case may be.

In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof, as may be awarded, the amount so awarded and in doubt shall be by the Commission appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding. Before payment of any such award the owner of such property, or the claimant of the award, shall furnish satisfactory evidence of his right

to such award; provided, however, that the Commission may, by resolution, at any time before confirmation of any award of damages made by it, or in case of an appeal, within twenty days after final determination thereof, abandon such proceedings, and shall thereupon pay the cost thereof.

DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED.

Section 3. Upon the completion of any proceedings under this Chapter for the acquisition of any property for the City, the Commission shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid, or to be paid, to each former owner thereof, and cause its Mayor and City Clerk to acknowledge the same for the City, and cause the same to be recorded in the office of the Register of Deeds of Anoka County.

SUB - CHAPTER II.

LOCAL IMPROVEMENTS AND ASSESSMENTS.

PART I. GRANT OF POWERS.

IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAIDED BY ASSESSMENT.

Section 1. The City is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or repair any street, avenue, alley or highway; to grade, improve, protect and ornament any public park, square or grounds; to construct, improve and ornament parkways and grass plots; to plant and protect shade and ornamental trees along its streets and avenues; to construct, lay, relay, and repair sidewalks, retaining walls, gutters, sewers, drains, in, over and under any street, alley or highway; to abate nuisances, to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of such improvement

may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to such valuation, to be determined and levied in the manner hereinafter provided.

COST PAID BY ASSESSMENTS. EXCEPTIONS.

Section 2. The cost of any improvements mentioned in the foregoing section shall be defrayed, save as hereinafter otherwise provided, by an assessment upon the real estate benefited thereby, to be levied in the manner hereinafter ~~enumerated~~ prescribed; provided, that the construction, reconstruction and maintenance of crosswalks over public streets and alleys, and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving or ornamenting public grounds, squares and parks, and the curbing, guttering, paving, repaving, macadamizing and grading of the space occupied by street intersections and the intersections of the alleys with the streets, shall be paid out of the appropriate fund or the general fund of the city.

ASSESSMENT OF CORNER LOTS.

Section 3. The Commission may, in its discretion, where any lot fronting on two streets has been previously assessed, and the assessment paid, for laying any water or sewer pipe upon a street other than the one in which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of sixty-six feet on such lot, as it may deem just under all the circumstances of the case.

AMOUNT ASSESSABLE AGAINST CITY, PUBLIC OR EXEMPT PROPERTY.

Section 4. The amount which would otherwise be assessable against property belonging to the city, public property, or

property exempt from assessment for local improvements, shall be paid out of the appropriate fund or the general fund of the city.

TWO OR MORE IMPROVEMENTS AT THE SAME TIME.

Section 5. Two or more of said improvements, upon one or more streets, may be made at the same time, under one order, and may in that case be included in one contract.

SEWER AND WATER PIPES MAY BE INCLUDED IN CONTRACT AND ASSESSMENT.

Section 6. The Commission may, when any contract is let for improving any street, alley or highway within the city, include in such contract the laying of sewer or water pipes to the curb line, and the cost of the same may be assessed against the lots or parcels of land for which said sewer or water pipe is laid as part of the assessment for such improvement.

PROCEDURE WHERE TWO IMPROVEMENTS ARE MADE AT THE SAME TIME.

Section 7. If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by such improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

PART II.

PROCEDURE FOR MAKING ASSESSMENTS.

APPLICATIONS AND PETITIONS FOR IMPROVEMENTS.

Section 1. All applications or propositions for any improvement authorized in section 1 of Part I of this Sub-Chapter shall be made to or emanate from the Commission. If a majority of the owners of the property abutting on any proposed improvement

shall petition therefor in writing, the Commission shall cause plans and specifications for such improvements to be made and filed in the office of the City Clerk, and shall, when such plans and specifications are filed, give notice of the time and place when and where the Commission will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official newspaper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby; provided, that the Commission, by a four-fifths vote of all of its members, may, without petition, in cases where, in its judgment public necessity requires it, cause plans and specifications of such improvement to be made and filed in the office of the City Clerk, and shall give like notice as is required in case of a petition of a majority of the property owners abutting on such improvement.

H E A R I N G.

Section 2. If upon such hearing the Commission believe said improvement necessary and proper, they shall order the improvement made, and assess the cost thereof on the property benefited thereby; provided, that the Commission may order a proportion of the cost of said improvement paid out of the appropriate fund or the general fund of the city.

COMMISSION TO LET CONTRACT AND MAKE ASSESSMENT.

Section 3. When the Commission shall determine to make any improvement described in section 1 of Part I of this Sub-Chapter, it shall cause an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Commission shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate fund or the

general fund, on the property to be benefited thereby, in proportion to the benefits resulting therefrom, but in no case in excess of any such benefits. In making such assessment roll, the Commission shall describe each parcel of property assessed, and state the amount assessed against the same, and shall state the name of the owner thereof, so far as known to the Commission. No mistake in or omission of such owner's name shall in anywise affect such assessment.

If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Commission, after the completion of said work, may make a final assessment in the same manner to pay the same.

All assessments paid on account of any improvement ordered to be done by contract, before the contract therefor is let, shall be kept in the Permanent Improvement Revolving Fund for such improvement.

ASSESSMENT AGAINST RAILWAYS OR STREET RAILWAYS.

Section 4. When in any case any portion of the cost of making any improvement mentioned in section 1 of Part I of this Sub-Chapter shall, by virtue of any valid law, ordinance or contract, be chargeable to any railway company or street railway company, the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the City may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the General Laws of this State in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as to an indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

NOTICE TO BE GIVEN BEFORE MAKING OTHER ASSESSMENT.

Section 5. Before proceedings to make an assessment for any improvement mentioned in section 1 of Part I of this Sub-Chapter, the Commission shall give ten days notice, by one publication in the official newspaper, of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Commission shall also give at least ten days notice to the same effect to all property owners interested, or their agents resident in the city, if known to said Commission.

The notice required by this section may be made by depositing in the post office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, at least ten days prior to the making of an assessment, upon which card or letter shall be either printed or written substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

HEARING BEFORE MAKING ASSESSMENT.

Section 6. All persons interested in any such assessment shall have the right to be present and to be heard, either in person or by counsel, and the Commission may receive any legal evidence, and may adjourn the hearing, if necessary, from time to time and place to place.

NOTICE OF HEARING OBJECTIONS AFTER MAKING ASSESSMENT.

Section 7. When the Commission shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections, and for the

confirmation of such assessments, as heretofore required in relation to assessments for the condemnation of real estate, and the objections shall be made in like manner and under like regulations and conditions, and all parties in interest shall have like rights, and the Commission shall perform like duties and have like powers in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate.

ASSESSMENT FINAL AND CONCLUSIVE.

Section 8. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

NOTICE OF CONFIRMATION.

Section 9. When any assessment of benefits has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official newspaper.

ASSESSMENTS PARAMOUNT LIEN.

Section 10. All assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed from the date of the confirmation of such assessment, and of equal rank with the lien of the State for taxes which have been or may be levied upon said property under the General Laws of the State; and the general rules of law as to priority of tax liens shall apply equally to the liens of such assessments and to such liens for general taxes, with the same force and effect as though all liens aforesaid, and all taxes and assessments aforesaid, were of the same general character and imposed for the same purpose and by the same authority, without regard to priority in point of time of the attaching of either of

said liens, and a sale or perfecting of title under either shall not bar or extinguish the other.

CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS.

Section 11. The City Clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments confirmed by the Commission; the books to be properly ruled and headed so as to contain at all times a substantial description and history of such assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the City or County Treasurer, or whether remaining unpaid.

ASSESSMENTS PAYABLE IN INSTALLMENTS.

Section 12. When such assessment is fully completed and has been confirmed and established, the Commission shall, by resolution in writing, provide that the owner, or any person interested in any lot or parcel so assessed and described in such assessment, may, at his election and written request, pay the same in ten annual installments. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in section 16 of Part II of this Sub-Chapter.

WARRANT FOR ASSESSMENT.

Section 13. When any special assessment shall be confirmed and established by the Commission as herein provided for, it shall be the duty of the City Clerk to issue a warrant for the collection thereof, which shall be under the seal of the City, and signed by the Mayor and City Clerk, and shall contain a printed or

written copy of the assessment roll as confirmed, or so much thereof as described the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the resolution passed by the Commission as provided in section 13 of Part II of this Sub-Chapter.

WARRANTS DELIVERED TO THE CITY TREASURER.

Section 14. All warrants issued for the collection of any special assessment by the City as herein authorized, shall be delivered by the City Clerk to the City Treasurer as soon as practicable after said assessment has been confirmed and established. The City Clerk shall in each instance take a receipt for such warrant and place the same on file.

TREASURER TO GIVE NOTICE OF WARRANT.

Section 15. Upon the receipt of any warrant for the collection of any special assessments, the City Treasurer shall forthwith give notice, by one publication in the official newspaper, that such warrant is in his hands for collection, briefly describing its nature and the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons interested to make payment within thirty days from the date of such notice. Such notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may, at his election and written request, pay the assessment in ten annual installments.

NOTICE OF ELECTION BY PROPERTY OWNER.

Section 16. Any person desiring to pay such assessments in installments, as a condition precedent to the exercise of such right, shall, within thirty days after the publication of the no-

also provided for in the preceding section, and to file such assessment becomes delinquent, make and file with the City Treasurer, in duplicate, written notice of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into the proper installments, and make record of the same, and transmit one of such duplicate notices to the City Clerk, who shall note such fact in his record book of assessments.

The Commission may, at any time after an assessment becomes delinquent and before the same is certified to the County Auditor, and upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments as heretofore provided.

ELECTION WAIVER OF DEFECTS.

Section 17. Any person making an election to pay in installments as provided in section 16 of Part II of this Sub-Chapter, his heirs, personal representatives or grantees of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had therein prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment, or the amount thereof.

INSTALLMENTS. WHEN DUE.

Section 18. The time for the payment of installments and interest, and for the enforcement of the same against the property affected by the assessment, shall be extended so that the several amounts shall become due and payable as follows:

The first installment within thirty days after the publication of the City Treasurer's notice provided in section 15 of Part II of this Sub-Chapter.

The second installment, together with interest on same and on all future installments, on June 1st of the succeeding year.

The third installment, together with interest on same and on all future installments, on June 1st of the following year; etc.

Each installment, together with interest as aforesaid, excepting the first, shall be due and payable at the office of the County Treasurer on the first of June of the year when payable.

CERTIFYING INSTALLMENTS TO COUNTY TREASURER.

Section 19. In all cases when an election to pay any assessment in installments, as provided by section 16 of Part II of this Sub-Chapter, shall have been made and filed in the office of the City Treasurer, and the first installment paid as therein required, the City Treasurer shall cause a statement of the amount of the remaining installments and the time when each of them is to be due, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the County Treasurer of Anoka County, not later than May 1st next following said election. It shall be the duty of said County Treasurer to thereupon make a record thereof, and to collect each of said annual installments, together with the interest on current and all future installments,

on June 1st of the year when said installment is due and payable, in the same manner that the general real estate tax is collected.

RETURN OF CITY TREASURER TO CLERK OF DELINQUENT ASSESSMENTS.

Section 20. If the assessment charged in any special assessment warrant made for any improvement shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or person interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by section 16 of Part II of this Sub-Chapter, the City Treasurer shall return to the City Clerk a list, duly certified, of the assessment which remains unpaid, giving in such list the description of the several lots or parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereto.

CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR.

Section 21. The City Clerk shall, on or before the first day of July following, cause a statement of the amount of said delinquent assessment, except assessments that have been appealed to the District Court as hereinafter provided, with ten per cent annual interest thereon computed from the time said assessments became delinquent, to the first day of June of the year next following the making of said assessments, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of Anoka County. It shall be the duty of the said Auditor to enter the several amounts of said unpaid assessments and the interest as aforesaid upon the tax duplicate of the county at the time said duplicates are made up, and the same

for each year ending July first shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the same manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the General Laws of the State. Such assessments, when collected, shall be paid over by the County Treasurer to the City Treasurer.

The same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the City and be turned over by said Treasurer to the City Treasurer with the assessments.

INSTALLMENTS NOT PAID WHEN DUE.

Section 22. If any installment and interest is not paid when due on the first day of June of each year, together with interest to that time on all future installments of the same assessment, the County Treasurer shall add a penalty of ten per cent to the total amount thus delinquent, and certify the same to the City Clerk as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Anoka County in the same manner and at the same time as in case of other delinquent assessments. The County Auditor, upon receipt thereof, shall enter and carry out the same upon the proper tax duplicates of the county in the same manner as in other cases of unpaid assessments certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced, and when collected, together with any penalties and interest on the same, be paid over to the City Treasurer.

INSTALLMENTS MAY BE PAID BEFORE DUE.

Section 23. Any owner or person interested in any land against which an assessment has been levied may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already accrued.

INSTALLMENTS PARAMOUNT LIEN.

Section 24. Every installment the time of payment of which has been extended shall constitute and continue to be a paramount lien in favor of the City and against the lots or parcels of land as to which said extension is granted for the amount so extended for each lot or parcel until the same is fully paid.

INFORMALITIES.

Section 25. No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof in the tax list by the Auditor of Anoka County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

NEW ASSESSMENT. WHEN.

Section 26. If for any cause the proceedings of the Commission, or any of its officers, be found irregular or defective, whether such defects are jurisdictional or otherwise, the Commission may make a new assessment as often as need be upon all real estate benefited on which no assessment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

POWER TO PURCHASE PROPERTY OR ASSIGNMENT OF LIEN.

Section 27. In order to protect the lien of the City on special assessments, the Commission shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale, or take an assignment of any lien on same against which the City has a lien for special assessments, and may sell and assign any such lien held by such City, and otherwise take such action as will protect the interest of the City.

COMMISSION MAY ISSUE WARRANTS.

Section 28. The Commission is hereby authorized, in anticipation of the levy, in the collection of such assessment, whether divided into installments or not, to issue warrants on the Permanent Improvement Revolving Fund, payable at such times, and in such amounts, as in the judgment of the Commission the assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent per annum, payable annually, on the fifth day of July, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable, and shall state upon their face for what purpose they are issued and that they are payable out of the Permanent Improvement Revolving Fund, and shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City, and be in denominations of not more than One Thousand Dollars (\$1000) each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to the Permanent Improvement Revolving Fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the post office address of the owner, and in case

of assignment of any such warrant the holder thereof shall present the same to the City Treasurer for endorsement of the post office address of such assignee. The City Treasurer shall keep a proper record of the post office addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the fund on which they are drawn, and to cancel the same when paid. Any indebtedness created by the issuance of such warrants shall not be deemed a part of the total indebtedness of the City which the City is heretofore forbidden to incur to exceed five per cent of the total value of the taxable property in such city according to the last preceding assessment for city purposes.

Every warrant issued as aforesaid shall contain the following proviso:

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

Whenever there are funds in the Permanent Improvement Revolving Fund that may be properly applied to the payment of any such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the city treasury for the payment of the same. Said notice shall be given by one publication in the official newspaper and by mail to the last known post office address of the owner of said warrant, and if such address is unknown, such notice shall be addressed to such person at Anoka, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing, and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty

days from the mailing of said notice.

APPEAL TO THE DISTRICT COURT.

Section 29. Any person interested in any property assessed under this Charter for benefits resulting from any improvement, may appeal from such assessment to the District Court of Anoka County within thirty days after the publication of the notice provided for in section 9 of Part II of this Sub-Chapter, section 17 of Part II of Sub-Chapter I, section 7 of Part II of Sub-Chapter III, and section 9 of Part III of Sub-Chapter III of this Chapter.

APPEAL. HOW MADE. PROCEDURE ON APPEAL.

Section 30. Said appeal shall be made by filing a written notice with the Commission, stating that appellant appeals to the said District Court from said assessment, and containing a description of the property of said appellant as assessed, and the objections of said appellant to said assessment, and by filing with the Clerk of said Court, within ten days thereafter, a copy of said notice of appeal. To render an appeal effectual for any purpose, a bond shall be executed by the appellant to the City, conditioned that the appellant shall pay all costs and charges which may be awarded against him on the appeal, not exceeding the penalty of the bond, which shall be in the sum of Two Hundred Dollars (\$200). Said bond shall be approved by the Judge of said Court, and filed in the office of the Clerk of said Court. In case of an appeal, it shall be the duty of the Commission forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days

after the taking of such appeal be filed by the appellant in the office of the Clerk of said Court. The District Court may, for good cause shown, grant further time for filing such certified copy, or may, when necessary, require a further return to be made. The cause shall be entered by such Clerk in the name of the person taking such appeal against the City as an "Appeal from Assessments", and may be brought on for hearing by either party, and shall have the preference in order of trial over all the civil cases pending in said Court.

PROCEDURE IN DISTRICT COURT ON APPEAL.

Section 51. Such appeal shall be tried by the Court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general term, without pleadings other than as above stated. Upon such trial appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court may, in its discretion, permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, amend, correct, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event, shall direct the Commission how to make such new assessment so as to avoid the errors complained of.

The Court shall not dismiss the appeal, nor confirm or annul the assessment on the ground that only a portion of the assessment roll has been returned; but either party may introduce the whole of said roll in evidence, and the same shall in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including

the confirmation of the assessments.

Disbursements and costs, except statutory costs, may in the discretion of the Court be allowed on said appeal as in other civil cases, but any judgment entered therefor against the City shall be paid out of the General Fund. From the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the State.

COPY OF ORDER SENT TO THE CITY TREASURER. PROCEEDINGS.

Section 32. It shall be the duty of the Clerk of the District Court, within twenty days after such order is filed by the Court, to make a copy of the order made by the Court in said proceedings and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court order a new assessment, The City Treasurer, on receipt of the copy of the order from the Clerk of the District Court as aforesaid, shall immediately transmit the same to the City Clerk, and the Commission shall thereupon proceed to make a new assessment.

RE - ASSESSMENT.

Section 33. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Commission shall proceed de novo to make a new assessment, and it shall proceed in like manner, and give like notice, as herein required in relation to the first assessment, and all persons in interest shall have like rights, and the Commission shall proceed in any subsequent assessment as in case of the first assessment.

Provided, that if the assessment of benefits to any tract of land shall not be appealed from, or shall not have been set aside by the Court, the Commission may in any subsequent assessment or re-assessment omit the tract of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment or re-assessment against any tract or real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

SUB - CHAPTER III.

MAKING OF IMPROVEMENTS.

SIDEWALKS. STREET SPRINKLING.

PART I.

MAKING OF IMPROVEMENTS.

CONTRACTS.

Section 1. Except as herein otherwise provided, the provisions of this Charter applicable to other contracts, shall apply to contracts mentioned and provided for in this Chapter.

PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.

Section 2. Whenever any public improvement shall be ordered made for which an assessment is to be made as aforesaid, the Commission shall cause a plan or profile of the work proposed, together with specifications for the doing of the same, to be prepared by the City Engineer, which shall be deposited with the City Clerk and kept at all times open for public inspection. The Commission shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official newspaper of the city.

B I D S.

Section 3. The bids for doing such work shall be directed to the Commission, and shall be sealed.

BIDS TO BE OPENED.

Section 4. Said bids shall be publicly opened by said Commission at the time specified in the notice inviting proposals.

BIDS TO BE LET TO THE LOWEST BIDDER.

Section 5. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements. Provided, however, that the Commission may reject any and all bids.

RIGHT TO SUSPEND WORK.

Section 6. The right shall be reserved in said contract to the City Engineer, with the consent of the Commission, in case of improper construction, to suspend the work at any time or order the entire reconstruction of the same if improperly done.

ESTIMATES.

Section 7. In the course of the proper performance of the contract, the Commission may, from time to time, not oftener than once a month, as the work progresses, allow the contractor estimates of the amount already earned, less fifteen percent thereof, which, when ordered paid by the Commission, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Commission and the City Engineer, the balance due may be audited and allowed by the Commission.

COMMISSION TO COMPLETE WORK.

Section 4. If, in the opinion of the Commission, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the Commission and City Engineer shall have power to furnish and use men and material to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor, or may be collected from him or the sureties on his bond in a suit by the City.

PROPERTY OWNERS MAY CONSTRUCT STREETS.

Section 5. Property owners shall be allowed to construct streets and public improvements upon or through their own property, at their own expense, in such cases and upon such terms and regulations as the Commission may prescribe by resolution.

PART II.

SIDEWALKS.

PLANS AND SPECIFICATIONS.

Section 1. The Commission shall, by resolution, adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the city.

From time to time in each year, the Commission shall cause invitations for bids to be published in the official newspaper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the Commission. The bids therefor shall be received and opened, contracts let and bond given, in the same manner as provided in this Chapter for other public improvements.

GRANT OF POWERS. DUTIES OF OWNERS.

Section 2. The Commission shall have the right to cause to be constructed sidewalks along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relayed, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may be ordered by the Commission, and according to the plans and specifications adopted by the Commission therefor.

HOW ORDERED.

Section 3. Whenever the Commission shall deem it necessary that any sidewalk in the city shall be built or relayed, it shall, by resolution, direct such building or relaying according to the plans and specifications adopted therefor.

The publication of such resolution once in the official newspaper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land, construct and fully complete such sidewalk within thirty days after the publication of such resolution, the Commission shall forthwith proceed to build or relay the same by contract as heretofore provided, under the direction of the City Engineer.

REPAIR OF SIDEWALKS.

Section 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the Superintendent of the Department of Streets and Alleys to immediately repair the same in a good and substantial manner and report to the Commission

the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which said repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

NOTICE OF MAKING ASSESSMENT.

Section 5. The said Commission shall give ten days notice, by one publication in the official newspaper, to the effect that at a certain time and place it will proceed to make an assessment for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvement by streets.

ASSESSMENT, TO WHAT AMOUNT, AND ON WHAT PROPERTY.

Section 6. The Commission shall assess the amount, as nearly as it can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment, upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 7. When said assessment is completed, the Commission shall give ten days notice, by one publication in the official newspaper, to the effect that at a time and place therein specified, said assessment will be confirmed, unless sufficient cause is shown to the contrary, and the objections must be filed one day before the time specified in said notice with the City Clerk. The Commission shall proceed on the hearing in the same manner, and shall have the same power to make revise, correct and confirm or set aside such assessment, or to proceed de novo, as in case of other assessments.

ASSESSMENT FINAL AND CONCLUSIVE.

Section 8. Said assessment, when confirmed, shall be final and conclusive, unless appealed from as provided by section 29 of Part II of Sub-Chapter II, and the sections following, of this Chapter, and shall be collected and enforced as other assessments made under Part I of Sub-Chapter II of this Chapter. In case of an appeal, said appeal shall not delay or affect the collection of the assessment except as to the property appealed from.

COMMISSION MAY COMPLETE OR RE-LET CONTRACT.

Section 9. Whenever the contractor shall fail to build, repair or relay any sidewalk within the time designated by the Commission, or in any other respects fail to comply with the terms of his contract, the Commission shall have power to furnish and use men and material to complete the work, and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor, or may be collected from him or his sureties by suit, and the Commission may advertise for bids for the completion of the incomplete part of said contract, and let the contract in the same manner as hereinbefore provided in case of the original contract. The decision of the Commission that said contractor has failed to comply with said contract shall be final and conclusive as between said contractor and the City, and the defaulting contractor and his sureties shall be liable to the City for all damages resulting from his failure to perform such contract.

ESTIMATE ON CONTRACT.

Section 10. In case the contractor shall properly perform his contract, the said Commission may, from time to time, not oftener than once a month, as the work progresses, allow the

contractor estimates of the amount already earned, less fifteen per cent thereof, which may be paid out of the moneys applicable to said work.

PART III.

STREET SPRINKLING.

SPRINKLING DISTRICT.

Section 1. The Commission shall divide the city into sprinkling districts, without reference to ward lines. Said districts shall be designated by numbers, as follows, to-wit:

Sprinkling District number one; Sprinkling District number two; etc.

PROPOSALS TO BE ADVERTISED.

Section 2. The Commission shall, each year, cause proposals to be advertised for, in the official newspaper, in the same manner as in the case of other public improvements, for the sprinkling of the streets, avenues, alleys, parks, or other public grounds, or any part thereof, in each and all of said sprinkling districts which may be ordered sprinkled by the Commission.

PLANS AND SPECIFICATIONS.

Section 3. General plans and specifications applicable to all sprinkling that may be ordered by the Commission shall be made and filed with the City Clerk at least ten days before the day named in said notice for the receipt of said proposals.

CONTRACT. HOW LET.

Section 4. Sprinkling contracts shall be let and made in the same manner as provided for in case of local improvements.

COMMISSION MAY ORDER SPRINKLING. WHEN.

Section 2. The Commission may order sprinkling to be done whenever and wherever it seems the public interest, or sanitary or other cause, requires.

PROCEDURE AFTER SPRINKLING IS ORDERED TO BE DONE.

Section 3. Whenever the Commission shall order any sprinkling to be done, it shall cause the sprinkling contractor to be notified thereof and such sprinkling to be done, and it shall be the duty of the Superintendent of the Department of Streets and Alleys to cause such sprinkling to be done duly inspected, and to be done in accordance with the contract, and report of the fact to the Commission, which shall cause an assessment to be made for said sprinkling in the manner hereinbefore provided.

NOTICE OF ASSESSMENT FOR SPRINKLING.

Section 7. On the first day of September of each year, or as soon thereafter as practicable, the Commission shall give at least ten days notice, by one publication in the official newspaper, to the effect that at a certain time and place it will meet to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled, by streets and districts.

ASSESSMENTS. ON WHAT PROPERTY MADE.

Section 4. The Commission shall assess the amount as nearly as possible which will be required to defray the cost of such sprinkling, including the expense of assessment, upon the real estate benefited, to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 9. When said assessment is completed, the Commission shall give ten days notice, by one publication in the official newspaper, to the effect that at a time and place specified, said assessment will be confirmed, unless cause is shown to the contrary; and that objections must be filed at least one day before such time with the City Clerk; such objections shall be made and filed in the same manner, and the Commission shall proceed in hearing the same, and shall have the same power to revise, correct, confirm or set aside such assessment and proceed de novo, as in case of other assessments for local improvements.

ASSESSMENTS FINAL AND CONCLUSIVE.

Section 10. Said assessment, when confirmed, shall be final and conclusive, unless appealed from as provided in section 29 of Part II of Sub-Chapter II of this Chapter, and the following sections of this Charter, and shall be collected and enforced as other assessments made under Part I of Sub-Chapter II of this

Chapter; provided, a reference in the City Treasurer's notice to the number of the sprinkling district for the sprinkling of which such assessment has been made, shall be deemed a sufficient reference to the territory embraced in such assessment; and provided, further, that said assessment shall not be divided into installments.

In case of an appeal, said appeal shall not delay or effect the collection of the assessment, except as to the property appealed from.

RIGHT OF CITY IN CASE OF DEFAULT.

Section 11. In case the contractor shall in anywise fail to perform his contract, the Commission is hereby empowered to do every act relative to such contract and contractor as in

case of a similar default by a contractor for the construction of a sidewalk, with like result to such contractor and his sureties.

SPRINKLING BY CITY. AGREEMENT.

Section 18. Nothing herein contained shall prevent the Commission from purchasing the necessary tools, equipment and material, and sprinkling any street, highway, public place or sprinkling district in the city, and making agreements for said sprinkling as hereinbefore provided.

CHAPTER XII.

WATER WORKS AND LIGHTS.

POWERS OF COMMISSION.

Section 1. The Commission shall have the power to maintain the water and light system now established in this city, and to enlarge, extend and improve the same, or contract for a new system of water works or lighting at any time when the public necessity demands.

USE OF STREETS AND PUBLIC GROUNDS.

Section 2. The Commission shall have the right to lay water mains and pipes, and to set poles and electric lights, and string wiring for the same, in any and all streets, alleys, highways and public grounds in and outside of the city.

CHAPTER XXII.

VACATING STREETS AND ALLEYS.

POWER OF COMMISSION.

Section 1. The Commission shall have exclusive power to vacate or discontinue public streets, alleys or highways, or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the Commission except upon the verified petition, in writing, of one or more of the owners of real estate on that portion of such street, alley or highway proposed to be vacated. Such petition shall state the reason for such such vacation, and briefly describe the street, alley, or portion thereof, desired to be vacated. The Commission, upon presentation of such petition, at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official newspaper a notice for the period of two consecutive weeks, at least once a week, stating that such petition has been filed with the City Clerk, and its object in brief, and that such petition will be heard and considered by the Commission at a time and place specified therein, which time and place shall be fixed by the Commission at the time of the acceptance of such petition, and the time of hearing such petition shall be at least ten days after the last publication of said notice.

HEARING.

Section 2. The Commission, at the time and place appointed, shall investigate and consider the subject involved in said petition, and may view the premises, and shall hear all testimony offered for or against said petition.

ORDER OF COMMISSION.

Section 3. The Commission, after hearing such petition, may, by resolution, passed by a four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

PUBLICATION OF RESOLUTION.

Section 4. Upon the passage of such resolution, and the approval thereof by the Mayor, as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official newspaper of the city.

COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS.

Section 5. A copy of such resolution, duly certified, by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of Anoka County, and duly recorded in his office.

CHAPTER XIV.

CONTRACTS.

DEFINITIONS.

Section 1. All contracts for commodities or services to be furnished or performed for the City, or any Department thereof, involving an expenditure of more than Two Hundred and Fifty Dollars (\$250), shall be made as in this Charter provided, and not otherwise.

The words "commodities" and "service", as used in this Chapter, shall be construed to include all labor, materials or other property, and the lighting and other service and all local or public improvements.

The word "contract", as used in this Chapter, shall be con-

strued to include every agreement, in writing or otherwise, by which any commodities, labor or service are to be furnished to or done for the City, and every transaction whereby an expenditure is made or incurred on the part of the City, or any Department or officer thereof.

All action in this Chapter required or authorized to be taken by the Commission shall be by resolution or ordinance.

ESTIMATES. AMOUNT OF CONTRACT.

Section 2. The Commission, in the first instance, shall, on its own action, or may on the recommendation or report of any Department or officer of the City, determine in a general way the commodities, labor or service to be done or furnished, and shall estimate the cost thereof, and in order to determine such estimated cost, may require estimates from any officer or employe of the City.

In case such estimated cost does not exceed the sum of Two Hundred and Fifty Dollars (\$250), the Commission may direct that the commodities, labor or service be procured by or through the proper Department or officer of the City without public bids.

In all cases where such estimated cost exceeds the sum of Two Hundred and Fifty Dollars (\$250), said commodities or service shall only be furnished or done upon public bids.

PLANS AND SPECIFICATIONS.

Section 3. Before advertising for bids, the Commission shall cause to be prepared by the proper Department or officer of the City, and filed with the City Clerk, detailed plans and specifications, and the proposed contract for commodities and service.

ADVERTISING.

Section 4. After filling the memo, the Commission shall direct the City Clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the official newspaper, and in such other manner as the Commission shall direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the Commission in the Commission Chamber, upon a certain day and hour.

CERTIFIED CHECKS.

Section 5. In advertising for any bid, the Commission shall require bidders to accompany bids with a certified check upon some reputable bank, payable to the City of Anohn, for at least five per cent of the total amount of such bid, which check shall be forfeited to the City as liquidated damages if the bidder, upon the letting of a contract to him, fail to enter into the contract so let. In all advertisements for bids, there shall be reserved the right to reject any and all bids.

RECEIVING AND OPENING BIDS.

Section 6. At the time and place mentioned in the advertisement for bids, the Commission shall meet in public session, and publicly receive, open and read all bids that may be presented. Before any bids are opened, they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. The Commission shall give all persons who desire the same an opportunity to inspect all bids when they are opened. No bid shall be considered if unaccompanied by a certified check as aforesaid.

ACTION OF COMMISSION.

Section 7. The Commission shall set open such bids and determine which one, if any, shall be accepted. All contracts shall be awarded to the lowest reliable and reputable bidder complying with the foregoing requirements; provided, that the Commission may reject any bids which it may deem unreasonable or unreliable, and the Commission, in determining the reliability of the bid, shall consider the question of the responsibility of the bidder and his ability to perform his contract, without reference to the responsibility of the sureties on his bond; and any person who shall have defaulted in any contract awarded by the City, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the Commission may reject all bids and abandon the proposed contract, or it may require the City Clerk to advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature; and if not executed by him within said time, he shall be deemed to have abandoned the same.

PERFORMANCE OF CONTRACTS.

Section 8. After the acceptance by the Commission of any bid, it shall direct the execution of a contract by the proper officers, in accordance with said plans and specifications, and such contract shall be carried out by the proper Department or officer of the City as in this Charter provided.

In case the Commission shall determine that any commodities or service are to be procured in open market, the same shall be

procured by the proper Department or officer in accordance with such general directions as the Commission may give.

B O N D.

Section 9. Every person to whom a contract is awarded for an amount exceeding Two Hundred and Fifty Dollars (\$250), shall give bond, in such sum as the Commission may direct, and with such sureties as it may approve, for the faithful performance of such contract.

In all cases of contracts coming within the purview of Sections 4535 to 4539, inclusive, of the Revised Laws of 1905, of the State of Minnesota, and the amendments thereof, it shall require such bonds as are required by such laws.

EXPENDITURES.

Section 10. It shall be the duty of each officer or head of Department to report to the Commission quarterly the condition, work and service likely to be needed for the operation of his Department or office for the ensuing quarter, and not theretofore contracted for.

EMERGENCIES, AND THE PROBABLE COST THEREOF.

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

CONTRACTS NOT TO BE ASSIGNED.

Section 12. No contract for which a bond is required shall be assigned or transferred in any manner except as in this section provided for, and any assignment or transfer thereof, ex-

cept by operation of law, or by consent of the Commission, expressed by resolution, shall fully end and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the City; and the City, through its proper authorities, may at once proceed to re-let such contract, or may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

AFFIDAVITS THAT CLAIMS ARE PAID.

Section 13. Before any contractor or his representative shall receive a final estimate on any contract for which a bond is required, said contractor or his representative shall make and file with the City Clerk an affidavit that all claims for materials and labor to date on the work on which said estimate is asked, have been fully paid.

CONTRACTS FOR OFFICIAL ADVERTISING.

Section 14. The Commission shall let annually, in the month of May, or as soon thereafter as practicable, contracts for the official advertising for the ensuing fiscal year. For this purpose the Commission shall advertise for two consecutive weeks, setting forth specifically the work contemplated to be done, and asking for sealed proposals therefor.

The proposals shall specify the type and spacing to be used. The Commission shall let the contract for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a legal newspaper according to the laws of the State; provided, the Commission may reject any and all bids. If the Commission shall deem it best for the interest of the City to

select a newspaper that is not the lowest bidder, they may select such newspaper. The newspaper to which the award is made, shall be designated as the "Official Newspaper". The successful bidder shall be required to give a bond to the City in the sum of Five Hundred Dollars (\$500) for the faithful performance of the contract.

COLLUSION WITH BIDDER.

Section 15. Any officer of the City, or any Department thereof, who shall aid or assist any bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance, and shall be removed from office.

COLLUSION BY BIDDER.

Section 16. If, at any time, it is found that the person to whom a contract has been awarded has, in presenting any bid or bids colluded with any other person, party or parties for the purpose of preventing any other competing bids being made, or has entered into any agreement by which he made a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders, then the contract so awarded shall be null and void, and the Commission shall ad-

vertices for new bids for said work, or provide for such work to be done by the proper Department or officer.

PENALTY.

Section 17. Any contract made in violation of the provisions of this Chapter shall be absolutely void, and any money paid on account of such contract by the City may be recovered by the City, without restitution of the property or the benefits received or obtained by the City thereunder.

CHAPTER XV.

F R A N C H I S E S.

ORDINANCES GRANTING FRANCHISES.

Section 1. Every ordinance by which the Commission shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted that the maximum price for the service or charge shall be stated in the grant thereof.

REGULATION OF RATES.

Section 2. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it to the City, or to the public, but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the Commission, by ordinance, and the Commission is hereby authorized to provide by ordinance for the appointment of commissioners to fully investigate and determine all questions with reference to rates to be charged by any corporation or person.

TERM OF FRANCHISE.

Section 3. The maximum length of time for which a franchise or privilege to use the streets, alleys or other public places of the City may be granted to any person, firm or corporation, shall be twenty-five years.

FORFEITURE FOR NON-COMPLIANCE.

Section 4. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Commission shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

FRANCHISES NOT IN USE FORFEITED.

Section 5. All franchises and privileges heretofore granted which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

MATTERS IN CHARTER NOT TO IMPAIR RIGHT TO INSERT OTHER MATTERS IN FRANCHISE.

Section 6. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall not be construed as impairing the right of the Commission to insert in such franchise or grant such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, con-

trel, forfeitures, or any other provisions whatever, as the Commission shall deem proper to protect the interest of the people.

CHAPTER XVI.

ACTION AGAINST THE CITY FOR DAMAGES.

NOTICE.

Section 1. No action shall be maintained against the City on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of the negligence of its officers, agents or servants, unless such street or highway upon which such injury happened is actually open, used and travelled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall, within thirty days, or if the injury shall have resulted in death or insanity of the person injured, then within sixty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the Commission in writing, stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the City, and give said Commission ten days time after such claim is presented within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after the happening of such alleged injury or loss.

NOTICE BY CITY OF DEFECTS.

Section 2. In the prosecution of actions against the City for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities, it shall be necessary, in order to

maintain said action for the plaintiff, to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said City had actual notice and knowledge of such defect or want of repair at the time such injury happened.

CHAPTER XVII.

M U N I C I P A L C O U R T.

WHEREAS.

Section 1. The Municipal Court shall be held in the city of Anoka, at some suitable place to be provided therefor by the Commission.

JURISDICTION.

Section 2. The Municipal Court of said City shall have exclusive cognizance and jurisdiction of all trials and examinations within said city cognizable before a Justice of the Peace under the laws of the State, and of all suits, prosecutions, proceedings for the recovery of all forfeitures, fines and penalties, or the infliction of punishment for the breach of any by-law, regulation or ordinance of said City, and of all offenses against the same. And in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses, or houses of ill fame, the Municipal Court may, in addition to any fine or punishment authorized and imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior for a period not exceeding six (6) months, and in a sum not exceeding Five Hundred Dollars (\$500).

The Judge and Special Judge of said Court shall have the powers of Justices of the Peace as conservators of the peace, and

in all ministerial and ex-parte matters, and shall have the powers of Justices of the Peace to take depositions to be used in other courts.

Said Court shall also have power in all criminal actions within its jurisdiction, when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any workhouse established by the City for that purpose, or in case of male offenders, to sentence them to labor on any public improvement or work in like manner as in case of offenders against the city ordinances.

FINES AND PENALTIES. DISPOSITION.

Section 3. All fines and penalties imposed by said Municipal Court shall belong to and be a part of the revenue of said City.

FEES PAID JUDGES.

Section 4. The Judge and Special Judge of the Municipal Court shall be entitled to receive fees for any services performed by them whether for the City, County or individuals. Such charges against the City shall be presented, allowed and paid as other claims; and such fees shall be the same as are provided for Justices of the Peace under the laws of the State for like services.

REPORTS TO COMMISSION.

Section 5. The Judge and Special Judge of the Municipal Court shall at least once a month, and as often as the Commission may require, report to the Commission all the proceedings instituted before them in which the City is interested, and shall at the same time account for and pay over to the City Treasurer

all fines and penalties collected or received by them belonging to said City.

RESIDENCE IN CITY DOES NOT DISQUALIFY.

Section 6. The fact that the Judge and Special Judge of the Municipal Court are residents of the city of Anoka shall not deprive them of jurisdiction of actions brought in favor of or against said City when said actions are otherwise within the jurisdiction of said Municipal Court.

CHAPTER XVIII.

M I S C E L L A N E O U S.

CONDUCT OF LEGAL PROCEEDINGS.

Section 1. The City Attorney shall prosecute on behalf of the City all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided, that the Commission shall have control of all litigation of the City, and may employ other attorneys to take charge of any litigation, or to assist the City Attorney therein.

CITY CLERK.

Section 2. The City Clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.

PRISONERS MAY BE REQUIRED TO WORK IN WORKHOUSE OR UPON THE PUBLIC IMPROVEMENTS OF THE CITY.

Section 3. The Commission may provide by ordinance that all persons committed upon sentence, or in the default of the pay-

ment of a fine, may be kept at hard labor in the workhouse or upon the public improvements of the City for a term not exceeding ninety days.

PARKED PART OF STREETS.

Section 4. The Commission shall have power to provide by ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass, to be maintained and the grass properly cut by the occupant or owner of the abutting property, and in case of neglect of the occupant or owner to do so, that the same may be done by the City at the expense of the abutting property, and that said expense may be collected by assessment in the same manner as assessments for ~~lay~~ laying and repairing sidewalks are collected.

PROCESS AGAINST THE CITY.

Section 5. Service of summons, process or notice of any action or proceeding against the City may be made by leaving a copy thereof with the City Clerk, and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the City.

WARRANTS.

Section 6. In all prosecutions for the violation of the laws of the State, the provisions of this Charter, or the ordinances of the City, the first process shall be by warrant; provided, that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of this Charter, or ordinance of the City; and the persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant.

POWER OF POLICE OFFICERS.

Section 7. The Chief of Police, and all regular or temporary police officers, shall possess the powers of constables at common law and under the statutes of this State; and in addition thereto, shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Municipal Court, and shall have authority to pursue and arrest in any part of the State beyond the limits of the city any person charged with any violation of any law, ordinance of the City, or offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant is authorized by the General Laws of the State, or this Charter; and the violation of the City ordinances shall be deemed a public offense.

PUNISHMENT FOR OFFENSES.

Section 8. Every act, or omission to act, which under this Charter or the ordinances and regulations of the City, is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days, or by a fine of not more than One Hundred Dollars (\$100).

INSPECTION OF RECORDS.

Section 9. All records, books, and papers pertaining to the business of the City, or any Department thereof, shall be public and open to the inspection of any citizen of the City at all reasonable times and places.

APPROVAL OF PLATS.

Section 10. The Commission shall have the sole power

to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. The Commission shall have the power to require the owners of unplatted property to make such improvements as it deem proper before a plat thereof shall be accepted and approved by it.

ACTIONS ON BEHALF OF THE CITY.

Section 11. All actions brought to recover any penalty or forfeiture under this Charter, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the City.

NOT INCOMPETENT.

Section 12. No person shall be an incompetent judge, witness or juror by reason of his being an inhabitant of the city, in any proceeding or action in which the City shall be a party in interest.

STATE OFFENDERS.

Section 13. The City shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the City, or any magistrate, to the jail of Anoka County for any offense punishable under the State laws.

DEFINITION OF MISDEMEANOR.

Section 14. The term "misdemeanor", as used in this Charter, shall mean a violation of this Charter, or of any ordinance, of which the Municipal Court shall have jurisdiction.

ATTEND TO DUTIES.

Section 15. All persons holding any office or employ-

ment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment as held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

AFFIDAVITS OF PUBLICATION OF ORDINANCES OR RESOLUTIONS.

Section 16. The proprietor of the official newspaper shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of the Commission, or of any other matter which is required by any provision of this Charter, file with the City Clerk a copy of such publication, with his affidavit or that of his foreman, of its due publication; and such affidavit shall be prima facie evidence of the publication; and no bill or claim for any publication whatever shall be allowed or adjusted by the City Clerk until such affidavit shall have been filed with him, and until he has approved the same.

FIRST ELECTION UNDER THIS CHARTER.

Section 17. After the adoption of this Charter, it shall be the duty of the Mayor, Council and City Clerk of the City of Anoka, in office when this Charter is adopted, to forthwith call a special election for the election of a Mayor and four Commissioners, to hold office under this Charter when the same takes effect. Such election to be conducted as provided in this Charter for the general municipal election. This Charter shall at the end of thirty days after its ratification by the qualified voters of the city become the Charter of the City, and supersede the existing Charter and amendments thereof.

TERMS OF INCUMBENTS IN OFFICE.

Section 18. The terms of office of the Mayor, Aldermen, City Clerk, Treasurer, City Engineer, Assessor, and all other officers and appointees in office in said City at the time of the election and qualification of said Mayor and four Commissioners, except the Judge and Special Judge of the Municipal Court, shall cease and terminate on the election and qualification of the Commission first elected hereunder.

SUCCESSION.

Section 19. When this Charter takes effect, the City of Anoka shall be and become the legal successor of the City of Anoka under its former Charter, and shall be vested with all franchises, rights and immunities formerly vested in said City, except as heretofore otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in the City of Anoka, or in any board or public officer of the same, shall, when this Charter takes effect, be and become vested in and be possessed by the City of Anoka under this Charter, and all previously existing indebtedness, obligations and liabilities of the City of Anoka, or any board or department thereof, together with all such interest accrued or to be accrued thereon, be assumed and paid by the City of Anoka. This section shall not apply to the independent school district of Anoka.

ORDINANCES, ETC., THEN IN FORCE.

Section 20. Nothing herein shall be understood or construed as repealing, amending, or modifying any City ordinance, resolution, rule, or order which may be in force in the City of Anoka at the time this Charter goes into effect and becomes oper-

ative, except so far as the same may be incompatible with any of the provisions of this Charter, but the same shall continue in full force until repealed, amended or modified by the Commission herein provided for.

CHARTER TO BE PUBLIC LAW.

Section 21. This Charter is hereby declared to be a public Act, and may be read in evidence in all courts of this State, and need not be pleaded or proven.

- X -

CERTIFICATE OF COMMISSION.

The foregoing is a draft of the proposed Charter of the City of Anoka, Minnesota, made, framed and adopted by the Commission appointed by the Judge of the District Court for the Eighteenth Judicial District of the State of Minnesota, under and pursuant to the powers given in and by Section thirty-six of Article four of the Constitution of the State of Minnesota, and Sections seven hundred forty-eight to seven hundred fifty-five, inclusive, of the Revised Laws of Minnesota for the year 1905, as amended by Chapters two hundred sixteen and three hundred seventy-five of the General Laws of the State for the year 1907, and Chapter two hundred fourteen of the General Laws of the State for the year 1909, also by the provisions of Chapter one hundred seventy of the General Laws of the State for the year 1909. We, the undersigned, a majority of the said Commission, do hereby sign the said draft as and for the above mentioned purposes, and do hereby return the same to the Honorable Thomas J. Abbott, Mayor of the City of Anoka, to be by him acted upon in manner as the law directs.

Dated this 23rd day of May A.D. 1913.

G. S. Pearce
Mr. J. Case
Arthur S. Edinger
B. G. Smith
W. C. Wood
W. T. Bond
John Branchell

James S. Perry
L. J. McCann
Louis M. Meltz
T. J. Abbott
W. H. Rathbun
Henry M. Meltz

STATE OF MINNESOTA,)
COUNTY OF ANOKA,) SS
CITY OF ANOKA.)

I, Thomas J. Abbett, Mayor of the City of Anoka, in the County of Anoka and State of Minnesota, do hereby certify the annexed and foregoing to be a true and correct copy of the charter proposed by the board of freeholders appointed by the Judge of the District Court for the Eighteenth Judicial District of the State of Minnesota, under and pursuant to Section Thirty-six of Article Four of the Constitution of the State of Minnesota, and Sections 748 to 755, inclusive, of the Revised Laws of Minnesota, 1905, as amended by chapters 216 and 375 of the General Laws of Minnesota for the year 1907, and Chapter 214 of the General Laws of Minnesota for the year 1909, and Chapter 170 of said General Laws of Minnesota for the year 1909. And I do further certify that said Charter was ratified by a favorable vote of more than four-sevenths of the qualified voters of said City, voting at a special election called for that purpose on October 28th, 1913.

Given under my hand and the corporate seal of said City of Anoka, at Anoka, Minnesota, this 26 day of November, A. D. 1913.

Thomas J. Abbett (SEAL)
Mayor of the City of Anoka, Minnesota.

Attest:

Nicholas M. Weber
City Clerk of Anoka, Minnesota.

2426

PROPOSED CITY CHARTER

FOR
City of Warren, Minnesota

TO BE VOTED ON AT A GENERAL
CITY ELECTION TO BE HELD
IN SAID CITY ON

Tuesday, March 17th, 1914

CHAPTER I.

Creation of Corporation.

Sec. 1.—All that part of the county of Marshall, in the State of Minnesota, contained within the limits and boundaries hereinafter described shall be a city, and all the people now inhabiting, and those who shall hereafter inhabit, the same district, shall be and form a municipal corporation under the name of the City of Warren.

The said corporation shall have the power generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and it shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal, which it may alter at pleasure, and it may purchase, lease, take and hold such real, personal and mixed property as may be required for city uses or purposes within or without the limits of the city, and may lease or sell and convey the same.

City Boundaries.

Sec. 2.—The territory included within the following boundaries and limits shall constitute the City of Warren, viz:

All of section thirty-six (36), except the north one-half (1-2) of the north-west quarter (1-4) in township one hundred and fifty-five (155) north, of range forty-eight (48) west; and all of section one (1) in township one hundred and fifty-four (154) north, of range forty-eight (48) west; and beginning on the west line of section thirty-one (31) township one hundred and fifty-five (155) range forty-seven (47) west, in the center of the channel of the Snake river, thence south, variation twelve (12) degrees along said west section line thirty and sixty-nine one hundredths (30.69) chains to a point where the south line of Johnson avenue in the city of Warren intersects the said section line, thence north sixty-six (66) degrees east on a line with said south line of Johnson avenue fifteen and

tive officers shall hold their offices, except as hereinafter specially provided, for the term of two years and until their successors are elected and qualified.

Time of Election.

Sec. 3.—General elections shall be held in each even numbered year and shall be held on the third Tuesday in March.

Regulation of Elections.

Sec. 4.—At least twelve (12) days before any general or special election, the city council shall designate three (3) persons to act as judges or inspectors at such election, and two (2) persons who shall act as clerks at such election. All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given, unless herein otherwise provided. When any election shall be closed the judges or inspectors shall make return thereof to the city recorder within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city recorder shall forthwith give notice to the persons elected of their respective elections.

Charter Adoption. Time of Election.

Sec. 5.—The time for holding the election for the adoption of this charter shall be on Tuesday the 17th day of March 1914.

Manner of Holding Charter Election.

Sec. 6.—The manner of holding the charter election shall be the same as prescribed for holding the general city election under the old charter of the city of Warren, and shall be conducted in the same manner.

Officers. Holding Over

Sec. 7.—All elective city officers of the City of Warren elected at the time of the adoption of this charter, shall continue to hold such offices until after the first election held under this charter, which will be in the year 1916, but no longer.

Special Elections.

Sec. 8.—Special elections in and for said city may be held at any time for any proper purpose upon the order of the city council. At least ten (10) days' notice of any such special elections shall be given as provided by law, and such notice shall state the object of such election.

Elections. How Conducted.

Sec. 9.—The elections shall be held and conducted in the same manner and under the same penalties as provided by the general laws of this state, regarding elections, and all elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of the votes shall constitute an election.

Ties.

Sec. 10.—When two (2) or more candidates for an elective office shall re-

ally, before they enter upon the duties of their respective offices, execute to the city of Warren bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

Failure to Elect.

Sec. 15.—Should there be a failure by the people to elect any persons herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given.

CHAPTER III.

DUTIES OF OFFICERS.

Power and Duties of Mayor. Alderman to Act in His Absence.

Sec. 1.—The mayor shall be chief executive officer of the city and ex-officio president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other officers of the city shall discharge their respective duties. He shall designate one (1) of the aldermen of said city, who, in case of the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, shall be acting mayor, and all acts performed by him while acting in the capacity of mayor shall have the same force and validity as if performed by the mayor. Such designation shall be made in writing at the first meeting after the general election and shall be made a part of the minutes of the council.

City Recorder. Power and Salary of Deputy Recorder.

Sec. 2.—There shall be a recorder of the city, styled the city recorder, who shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council. Copies of all papers filed in his office and transcripts from all records of the 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 upon the city treasury in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations and take acknowledgments. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when or where payable and the rate of interest they respectively bear, and recommend such action to the city council as will secure the interest on such bonds; on or about the first (1st) day of September, or before the time of the levy of taxes in each year, to estimate the expenses of the city, and likewise of the revenue to be raised for the current year. He shall make, or cause to be made, estimates of the expenses of the city

cord of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to inspection of all parties interested.

The city council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the city recorder, a deputy recorder. Said deputy shall have the same powers and be subject to the same duties and liabilities as the city recorder, and he shall be paid for his services out of the salary of the city recorder, who shall be liable for the acts of his deputy.

The city recorder shall receive a compensation to be fixed by the city council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

City Attorney. Appointment. Duties.

Sec. 3.—The city council shall have power to elect an attorney of the city, who shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the city council or its committees. He shall advise with the council and the officers of the city regarding their official duties, and attend the stated meetings of the city council and of such committees as may require his attendance. He shall hold his office for the term of one (1) year, and his compensation shall be fixed by the city council; Provided, the city council shall have the right and authority to employ an attorney to assist the city attorney in the prosecution or defense of any proceeding or action at law in which the city is interested, or to discharge the duties of the city attorney when there is none.

City Constable. Powers.

Sec. 4.—The city constable shall have the powers conferred on constables by the laws of this state, and in addition thereto, all the powers of police officers of said city.

Treasurer. Powers.

Sec. 5.—The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such books and in such manner therein provided as the city council shall furnish.

Treasurer. Reports.

Sec. 6.—The treasurer shall report to the city council annually on or before the first (1st) Tuesday of March of each year, a detailed statement of the receipts, and a gross statement of the city orders paid during the fiscal year ending on the said date, together with the condition of the treasury at such date, which statement shall be filed with the city recorder, and a copy of the same published in the next issue of the official paper of the city. It shall also be the duty of the treasurer at such times as the council may request, to file with said council, in writing, any information in regard to the financial condition of the city that said council may desire.

cute or superintend any such repairs or improvements on streets, alleys, bridges, public or public works of said city be committed to him by the council, and he shall be required to execute a bond with sureties, to the city council, for the faithful performance of his duties, and that he will accept and pay over all moneys collected by him in his official capacity or belonging to the city, receive such compensation as the council shall direct.

Street Commissioner. Poll Tax

Sec. 11.—Every male inhabiting the city between the ages of one and fifty years, and not by law, shall annually pay a poll tax of not to exceed two days' work on the streets, highways or improvements of the city, a number of days shall be fixed by the city council but not to exceed thirty (30) days in each year. All persons to pay such poll tax may, at their option, pay to the Street Commissioner in cash two dollars. The recorder shall not later than the day of May in each year, make a full and complete list, in triplicate, of all residents of the city who are liable to pay poll tax. Said list shall be compiled from the last vote used at any municipal or general election, as the case may be, in the city; and it shall be the duty of the recorder to add thereto the names of all other persons liable to pay poll tax who have been omitted from said list, or who have come residents since the list was prepared. The list shall contain the name of each person, contain a check mark in each column to indicate the status of each person, and if exempt, and if such person is or removed from the city, shall be indicated on said list. The list shall contain the name and every male person between the ages of twenty-one and thirty (21-30) years, who shall at any time between the 1st and April 1st of the year in which said list is made have been residing within the city, and his home within said city of Warren. The list, when completed, shall be submitted to the city council for approval, and when approved and approved one copy shall remain in the office of the recorder, and be at all times open to inspection, one copy shall be filed by the recorder with the city treasurer and the third copy shall be filed by the recorder with the city commissioner, and shall be evidence of the liability of the person named therein to pay poll tax within said city. The recorder shall, not later than the day of May in each year, make a list of all persons in the city who are liable to pay poll tax, by postal card, of this said tax, and the

thence north variation twelve (12) degrees, twenty-two and twenty-five hundredths (22.25) chains to the center of the channel of said Snake river, thence along the center of the channel of said Snake river in a westerly direction to the place of beginning, containing forty-one and eighteen hundredths (41.18) acres, the same being commonly known as Warren Driving Park.

Platted Additions. How Annexed.

Sec. 3.—Whenever any territory abutting upon the city of Warren, or upon any addition thereto, shall have been platted by the owner thereof into streets, alleys, blocks and lots, in a proper shape for record, and conforming to and corresponding with the adjacent city, streets, alleys, blocks and lots, and a plat thereof made showing also the adjoining blocks and lots in the city and connecting streets and alleys of the city, accompanied by a properly certified abstract of title to the said territory showing the title to be in the party or parties represented to be the owners of the same, and which it is desired to annex to the city, the city council shall, upon the petition of the owners of not less than one-half (1-2) of the property of said platted territory, by ordinance, declare the same to be an addition to the city of Warren, and as soon as a proper plat of said addition, together with the petition and a certified copy of such ordinance shall have been duly recorded in the office of the register of deeds of the county in which said city is situated, such territory shall become and be a part of said city and within the jurisdiction thereof as effectually as if the lands had been annexed by an act of the legislature, and the said city council may, by ordinance, divide the same into wards or annex the same to any ward or wards in the city.

CHAPTER 2.

Elective Officers.

Sec. 1.—The elective officers of said city shall be a mayor, recorder, three (3) aldermen, treasurer, two (2) justices of the peace, and constable; Provided, that if at any time the city council shall divide said city into wards, as provided for in this act, thereafter the elective officers of said city shall be a mayor, recorder, one (1) alderman at large, two (2) justices of the peace, treasurer, and constable. Each ward shall elect two (2) aldermen.

Election District. Qualification and Term of Office.

Sec. 2.—Said city, until the same is divided into wards, as provided for in this charter and each ward, after such division has been made, shall constitute an elective district or precinct for the holding of all elections provided for under the General Laws of this state, and also for the election of all officers provided for in this act.

All officers shall be qualified electors of the district in which they shall be elected or appointed, and all elec-

the same office, the election shall be determined by the casting of lots in the presence of the city council, at such time and in such manner as the city council shall direct.

Qualification of Voters.

Sec. 11.—All persons entitled to vote for state or county officers, and who shall have resided in said city for thirty days next preceding any election shall be entitled to vote thereat; provided, that if said city should be divided into wards, or if more than one election precinct shall be provided for, then the voter shall cast his ballot in the election precinct in which he has bona fide resided for a period of ten days next preceding the election.

Vacancies. How Filled.

Sec. 12.—Any person removing from the city or any ward thereof for which he was elected or appointed, or any person who shall refuse for ten (10) days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated the office, and any officer having entered upon the duties of his office may resign by giving notice thereof to or with the consent of the city council; and it shall be the duty of such council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office (except justices) by removal, resignation or otherwise, the city council shall have power, and it shall be their duty, to declare the office vacant by resolution entered upon the minutes; such vacancy shall be filled by the city council or the remaining members thereof.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

Officers Not to be Interested in Contracts of City.

Sec. 13.—No person shall be eligible to, nor shall be elected or appointed to, any office in the city who is in any manner, either directly or indirectly, interested in any contract of the city, regardless as to whether said contract was made with the city council or any officer or board, or committee of such city, for the benefit of such city; and all contracts made by the said city council, or any officer or board of said city, for the benefit of said city, with any officer, either directly or indirectly, shall be wholly void.

Oaths and Bonds of Officers.

Sec. 14.—Every person elected or appointed to any office under the provisions of this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the city recorder; and the treasurer, and recorder, and such other officers as the city council shall require, shall sever-

and the contracts made in behalf of the city, certificates of work authorized by the city council, or by any city officer; and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the recorder.

The city recorder shall at each monthly regular meeting of the council report in writing the financial condition of the city, which report shall contain a statement of the gross receipts and gross expenditures, and the balance, if any, of moneys belonging to the various funds of the city of Warren, and such other matters as said council shall request.

The city recorder shall on or before the first Tuesday in March of each year make and transmit to the council, in writing, a full and detailed report of the condition of said city, which report shall contain a detailed statement of the receipts, and a gross statement of the city orders issued during the last fiscal year, together with an inventory of all city property, and an estimate of the value thereof, and in making said report the same shall show in gross the expenses of each department of said city, and such other matters as may by said council be requested.

The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city and which shall at all times show the precise financial condition of the city, the amount of bonds, orders or certificates, or evidence of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts of all receipts and disbursements of the officers of the city, showing the amounts 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 other purposes and before the levy of the city council of any special tax upon the property of the city, or any part thereof, shall report to the city council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified to by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated; in all cases wherein the validity of such special tax or assessment shall come into question, the city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

The recorder shall examine all the reports, books, vouchers and accounts of the city treasurer, and from time to time perform such other duties as the city council may direct, and shall keep a

the city council, or any member thereof, for inspection, and to its appointed committee therefor, and as otherwise provided for by said council or by this charter.

Treasurer. Bond.

Sec. 7.—The treasurer shall, before he receives any moneys belonging to said office, give a bond to said city with two (2) or more sufficient sureties to be approved by the city council, in such sum as said council may designate. The amount of such bond may be changed by the council at any time, and the treasurer must comply with the orders of the council with respect to the amount thereof. It shall be the duty of the city council to inquire diligently and ascertain beyond question that the bondsmen of such treasurer are worth the amount specified as their liability in said bond above all debts and obligations and property exempt from execution. Provided; that the city council may order that said treasurer give a Surety Company Bond, and if such order is so made, then the city shall pay the amount of the premium thereon out of the general fund of said city.

Assessor. Salary, Power and Duties of.

Sec. 8.—The city council shall, on or before the twentieth (20th) day of April in each year, elect an assessor, who shall be styled the city assessor, and who shall perform the duties in relation to the assessing of real and personal property for the purpose of levying city, county, school and state taxes. Upon the completion of the assessment roll and on or before the fourth (4th) Monday of July, he shall return the same to the city council. The assessor shall, on or before the second (2nd) Monday in August in the year for which the assessment is made, return his assessment books to the county auditor, certified by his affidavit. Said city assessor shall hold his office for one (1) year, and until his successor is elected and qualified, and shall receive such compensation as the city council shall direct.

Board of Equalization.

Sec. 9.—The members of the city council and the city assessor shall be a city board of equalization and shall meet on the fourth (4th) Monday in July, at the office of the city recorder, for the purpose of reviewing the assessment and having each taken an oath to fairly and impartially equalize the value of the real and personal property in said city, they may alter, revise and equalize said assessment as they may deem just and proper, which assessment so equalized shall only be subject to review by the state board of equalization.

Street Commissioner. Power, Duties and Salary of.

Sec. 10.—The city council shall at the first meeting after the regular election, or an adjournment thereof, elect a street commissioner who shall hold his office at the pleasure of the council. It shall be the duty of the street commissioner to conduct exe-

missions, who shall receive all payments, and account therefor to the city treasurer, and the treasurer place such funds in the general fund of said city; and it shall be the duty of the street commissioner and treasurer to make separate and complete reports thereof to the council at its regular meeting in the months of June, July and August, or at such other time as the council may direct. Said report shall give the name of each person who has paid or payment of said poll tax due in the preceding month. All of said tax which shall not have been commuted shall be worked out by the street commissioner in the manner provided of the State of Minnesota for the collection of highway labor in the city, except that the same shall be under the supervision and direction of the street commissioner. Said commissioner shall make a report in writing to the council at the meeting in the months of July and August, which report shall detail and give the names, residences, of all persons who have worked their said poll tax up to the date of the report, and the date and amount thereof, and shall show the names of all persons who have not worked their said poll tax up to the date of the report, and shall also be the duty of the street commissioner to add to said list the names of all persons legally liable to pay poll tax, and to report the same to the council, and to compel all persons to work or commute their said poll tax. Failure on the part of the street commissioner to make said report of any of them, or to add the names of all such persons, known to him to poll tax, to said list and to report the same to the council, shall be grounds for dismissal from his office and forfeiture of all his salary and he shall thereafter be disqualified from holding an office of trust in said city. It shall be the duty of said street commissioner, together with the council, or any or either of them, or such other persons as may be designated by the council, to collect said poll tax and such proceedings shall be taken not later than the first day of October of each and every year. This section shall not be construed to be a bar to any prosecution of said street commissioner for any neglect of duty or other wrong doing. Every person, resident of the city, liable to pay poll tax, who has been duly notified and who refuses to appear at the time and place designated by the street commissioner and work his poll tax shall be deemed guilty of a misdemeanor upon conviction thereof, in the manner provided in the general laws of Minnesota, for neglecting to pay poll tax, and it shall be the duty of the street commissioner to conduct exe-

ally, before they enter upon the duties of their respective offices, execute to the city of Warren bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

Failure to Elect.
Sec. 15.—Should there be a failure by the people to elect any persons herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given.

CHAPTER III.

DUTIES OF OFFICERS.

Power and Duties of Mayor. Alderman to Act in His Absence.

Sec. 1.—The mayor shall be chief executive officer of the city and ex-officio president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other officers of the city shall discharge their respective duties. He shall designate one (1) of the aldermen of said city, who, in case of the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, shall be acting mayor, and all acts performed by him while acting in the capacity of mayor shall have the same force and validity as if performed by the mayor. Such designation shall be made in writing at the first meeting after the general election and shall be made a part of the minutes of the council.

City Recorder. Power and Salary of. Deputy Recorder.

Sec. 2.—There shall be a recorder of the city, styled the city recorder, who shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and papers and records of the city, and keep a record of the proceedings of the city council. Copies of all papers filed in his office and transcripts in all records of the council certified by him under the corporate seal shall be evidence in all courts as if originals were produced. He shall sign and countersign all orders upon the city treasury 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 power to administer oaths and affirmations and take acknowledgments. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when or where payable and the date of interest they respectively bear, and recommend such action to the city council as will secure the interest on such bonds; on or about the first (1st) day of September, or before the time of the levy of taxes in each year, to estimate the expenses of the city, and likewise of the revenue to be raised for the current year. He shall make, or cause to be made, estimates of the expenses of any project

cord of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to inspection of all parties interested.

The city council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the city recorder, a deputy recorder. Said deputy shall have the same powers and be subject to the same duties and liabilities as the city recorder, and he shall be paid for his services out of the salary of the city recorder, who shall be liable for the acts of his deputy.

The city recorder shall receive a compensation to be fixed by the city council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

City Attorney. Appointment. Duties.

Sec. 3.—The city council shall have power to elect an attorney of the city, who shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the city council or its committees. He shall advise with the council and the officers of the city regarding their official duties, and attend the stated meetings of the city council and of such committees as may require his attendance. He shall hold his office for the term of one (1) year, and his compensation shall be fixed by the city council; Provided, the city council shall have the right and authority to employ an attorney to assist the city attorney in the prosecution or defense of any proceeding or action at law in which the city is interested, or to discharge the duties of the city attorney when there is none.

City Constable. Powers.

Sec. 4.—The city constable shall have the powers conferred on constables by the laws of this state, and in addition thereto, all the powers of police officers of said city.

Treasurer. Powers.

Sec. 5.—The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such books and in such manner therein provided as the city council shall furnish.

Treasurer. Reports.

Sec. 6.—The treasurer shall report to the city council annually on or before the first (1st) Tuesday of March of each year, a detailed statement of the receipts, and a gross statement of the city orders paid during the fiscal year ending on the said date, together with the condition of the treasury at such date, which statement shall be filed with the city recorder, and a copy of the same published in the next issue of the official paper of the city. It shall also be the duty of the treasurer at such times as the council may request, to file with said council, in writing, any information in regard to the financial condition of the city that said council may desire. The treasurer's books shall be open

to the city council, and he shall be required to execute a bond with sureties satisfactory to the city council, conditioned for the faithful performance of his duties, and that he will account for and pay over all moneys collected or received by him in his official capacity or belonging to the city. He shall receive such compensation as the city council shall direct.

Street Commissioner. Poll Tax.

Sec. 11.—Every male inhabitant of the city between the ages of twenty-one and fifty years, and not exempt by law, shall annually pay a poll tax of not to exceed two days' work upon the streets, highways or public improvements of the city, and such number of days shall be fixed and levied by the city council before April 30th in each year. All persons liable to pay such poll tax may, in lieu of work, pay to the Street Commissioner in cash two dollars. The recorder of said city shall not later than the first day of May in each year, prepare a full and complete list, in triplicate, of all residents of the city who are liable to pay poll tax. Said list shall be compiled from the last voters' list used at any municipal or general election, as the case may be, held in the city; and it shall be the duty of said recorder to add thereto the names of all other persons liable to pay said tax who have been omitted from said poll list, or who have become residents since the same was prepared. The list shall after the name of each person thereon, contain a check mark in the proper column to indicate the ward in which such person is residing at the time such poll tax list is prepared, and if exempt, the cause thereof; and if such person has died or removed from the city, that fact shall be indicated on said list. Said list shall contain the name of each and every male person between the ages of twenty-one and fifty years who shall at any time between March 1st and April 1st of the year for which said list is made have been living within, residing within, and making his home within said city limits of the city of Warren. The list, when completed, shall be submitted to the council for approval, and when corrected and approved one copy thereof shall remain in the office of the recorder, and be at all times open for inspection, one copy shall be delivered by the recorder to the city treasurer and the third copy shall be delivered by the recorder to the street commissioner, and shall be prima facie evidence of the liability of the person named therein to payment of poll tax within said city. The recorder shall, not later than the first day of May in each year notify each person in the city who is liable to poll tax, by postal card, of the amount of his said tax, and that it may be

cut or superintend any such work, repairs or improvements upon the streets, alleys, bridges, public grounds or public works of said city as may be committed to him by the city council, and he shall be required to

execute a bond with sureties satisfactory to the city council, conditioned for the faithful performance of his duties, and that he will account for and pay over all moneys collected or received by him in his official capacity or belonging to the city. He shall receive such compensation as the city council shall direct.

City Justices.

Sec. 12.—The city council may from time to time designate a civil engineer to act as surveyor for the city and to perform such duties as the council may request, and he shall receive such compensation for services performed as the city council may fix. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the recorder and be open to the inspection of persons interested. He shall hold his office at the pleasure of the council.

Sec. 13.—The city justices shall possess powers, rights and duties, and receive like compensation as justices of the peace of this state, and have concurrent jurisdiction with the justices of the peace of the County of Marshall, and shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offences committed within the city cognizable before a justice of the peace for violation of any provision or provisions of this charter, or any ordinance, by-law, rule or regulation made or adopted by virtue thereof, and in all cases of offenses committed against the same, and in all cases in which the city is a party, except as hereinafter otherwise provided.

In all cases for assault, batteries and affrays, and all other offenses not indictable, and in all civil suits or proceedings before said city justices the same forms and proceedings shall be had and used when not otherwise herein directed as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace.

In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of said city for breach of the peace, disorderly conduct, keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for good behavior and to keep the peace for a period of not exceeding six months, and in a sum not exceeding five hundred dollars.

contracts made in behalf of the city council, or by any city and every contract made in the city, or to which the a party, shall be void unless by the recorder.

city recorder shall at each regular meeting of the council in writing the financial condition of the city, which report shall contain a statement of the gross revenue and gross expenditures, and, if any, of moneys belonging to the various funds of the city, and such other matters as the council shall request.

city recorder shall on or before the first Tuesday in March of each year make and transmit to the council, in writing, a full and detailed report of the condition of said city, which report shall contain a detailed statement of the receipts, and a gross statement of the city orders issued during the last fiscal year, together with an inventory of all city property, an estimate of the value thereof, and making said report the same shall show in gross the expenses of the department of said city, and such other matters as may by said council be requested.

city recorder shall keep regular books of account, in which he shall show all indebtedness of the city, which shall at all times be the precise financial condition of the city, the amount of its orders or certificates, or evidence of indebtedness of the city, and accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts of all receipts and disbursements of the officers of the city, showing the amounts 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 other purposes and before the levy of the city council of any special tax upon the property of the city, or any part thereof, shall report to the city council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and so the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels, of land, which said schedule shall be certified to by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated; in all cases wherein the validity of such special tax or assessment shall come into question, the city council shall, from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

The recorder shall examine all the reports, books, vouchers and accounts of the city treasurer, and from time to time perform such other duties as the city council may direct, and shall keep

the city council, or any member thereof, for inspection, and to its appointed committee therefor, and as otherwise provided for by said council or by this charter.

Treasurer. Bond.

Sec. 7.—The treasurer shall, before he receives any moneys belonging to said office, give a bond to said city with two (2) or more sufficient sureties to be approved by the city council, in such sum as said council may designate. The amount of such bond may be changed by the council at any time, and the treasurer must comply with the orders of the council with respect to the amount thereof. It shall be the duty of the city council to inquire diligently and ascertain beyond question that the bondsmen of such treasurer are worth the amount specified as their liability in said bond above all debts and obligations and property exempt from execution. Provided; that the city council may order that said treasurer give a Surety Company Bond, and if such order is so made, then the city shall pay the amount of the premium thereon out of the general fund of said city.

Assessor. Salary, Power and Duties of.

Sec. 8.—The city council shall, on or before the twentieth (20th) day of April in each year, elect an assessor, who shall be styled the city assessor, and who shall perform the duties in relation to the assessing of real and personal property for the purpose of levying city, county, school and state taxes. Upon the completion of the assessment roll and on or before the fourth (4th) Monday of July, he shall return the same to the city council. The assessor shall, on or before the second (2nd) Monday in August in the year for which the assessment is made, return his assessment books to the county auditor, certified by his affidavit. Said city assessor shall hold his office for one (1) year, and until his successor is elected and qualified, and shall receive such compensation as the city council shall direct.

Board of Equalization.

Sec. 9.—The members of the city council and the city assessor shall be a city board of equalization and shall meet on the fourth (4th) Monday in July, at the office of the city recorder, for the purpose of reviewing the assessment and having each taken an oath to fairly and impartially equalize the value of the real and personal property in said city, they may alter, revise and equalize said assessment as they may deem just and proper, which assessment so equalized shall only be subject to review by the state board of equalization.

Street Commissioner. Power, Duties and Salary of.

Sec. 10.—The city council shall at the first meeting after the regular election, or an adjournment thereof, elect a street commissioner who shall hold his office at the pleasure of the council. It shall be the duty of the street commissioner to conduct ex-

ecutive, who shall receive all such payments, and account therefor to the city treasurer, and the treasurer shall place such funds in the general fund of said city; and it shall be the duty of the street commissioner and of the treasurer to make separate and complete reports thereof to the council at its regular meeting in the months of June, July and August, or at such other time as the council may direct. Said report shall give the name and ward of each person who has made payment of said poll tax during the preceding month. All of said poll tax which shall not have been paid or commuted shall be worked out in person in the manner provided by laws of the State of Minnesota for the collection of highway labor in towns, except that the same shall be worked under the supervision and direction of the street commissioner. Said street commissioner shall make report in writing to the council at the regular meeting in the months of June, July and August, which report shall be in detail and give the names, residences by wards, of all persons who have worked their said poll tax under his direction, and the date and place thereof, and shall show the names of all persons who have not worked or commuted their said poll tax. It shall also be the duty of the street commissioner to add to said list the names of all persons legally liable to the tax who may have been omitted from said poll tax list, and to report the same to the council, and to compel all such persons to work or commute such poll tax. Failure on the part of the street commissioner to make said reports, or any of them, or to add the name of all such persons, known to him, liable to poll tax, to said list and to require them to pay or commute the same, and properly report to the council all such persons who fail, refuse or neglect to pay or commute said poll tax, shall be grounds for dismissal from his office and forfeiture of all moneys then due him as such street commissioner and he shall thereafter be disqualified from holding an office of trust in said city. It shall be the duty of said street commissioner, together with the council, or any or either of them, or such other persons as may be by the council designated to enforce collection of said poll tax uniformly, and such proceedings shall be taken not later than the first day of October of each and every year. This provision shall not be construed to be a bar to any prosecution of said street commissioner for any neglect of duty or other wrong doing. Every person resident, of the city, liable to poll tax, who has been duly notified and does not commute, and who refuses or neglects to appear at the time and place designated by the street commissioner and work his poll tax shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the general laws of Minnesota, for neglecting road duty, shall be liable to all the penalties therein provided, and it shall be the

city justice shall have authority and may commit any person or persons liable to imprisonment under this charter or ordinances of said city to the city prison, or to the county jail of Marshall county, and such person or persons, if committed to the county jail, shall be in charge of the county officers, but if committed to the city prison shall be in charge of such police officers as the city council may designate.

In all actions, prosecutions and proceedings of every kind before either of the city justices, such city justice shall take judicial notice of all ordinances of said city, and it shall not be necessary to prove or plead such ordinances in such court.

And it is further provided, that whenever, in any action or proceedings before either of said city justices, except in prosecutions for violations of this charter or of the ordinances of said city, the defendant in such action, or proceedings shall apply for a change of venue under the laws of this state, if he, or his attorney at the same time, shall in his affidavit for such change of venue make oath that the other and remaining city justice (naming him) is interested in the result of such action, or is a material witness for said defendant, without whose testimony he cannot safely proceed to trial, or that from prejudice, bias, or other cause, he believes that such other city justice (naming him) will not decide impartially in the matter, then upon the filing of such affidavit with the city justice before whom such action is then pending, such city justice shall transfer such actions, and all papers appertaining to the same to one of the justices of the peace of said Marshall county residing within ten miles of the city limits of said city of Warren, in the county of Marshall, who shall thereupon become possessed of jurisdiction, and full power to hear and determine such action, and shall proceed to hear, try and determine the same according to law, whether such action was commenced under the ordinances of said city or the laws of this state. All actions for violations of provisions of this charter or the ordinances or resolution of said city shall run in the name of the city of Warren.

Acting City Justices.

Sec. 14.—In absence, sickness or other inability on the part of the city justices, the mayor may by warrant authorize any other justice of the peace of the county of Marshall, to act and perform, within said city, the duties of said city justices, who shall possess for the time being all the authority of the city justice without any further act whatsoever, and in such cases it shall be the duty of the mayor to inform the city attorney and chief of police of such substitution.

Attendance of City Justices.

Sec. 15.—Said City Justices, shall be in attendance at their offices for the transaction of business at such reasonable hours as the city council may prescribe, and complaints may be

made to, and writs and process shall on request be issued by them at all times in court and otherwise.

Reports of City Justices.

Sec. 16.—Said City Justices shall, as often as the city council may by rule prescribe, and at least once each year, on or before the 1st day of March, make reports to the city council of all proceedings instituted before them in which the city is interested, and also account for and pay over to the city recorder all fines and penalties collected by them belonging to the city within sixty days after said collection; and said justices shall be entitled to receive from the proper municipal corporation such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

Officers of the Peace.

Sec. 17.—The mayor, acting mayor and sheriff of the county of Marshall or his deputy or deputies, coroners, and each alderman, the justices of the peace, police officers, constable and watchman shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within limits of the city, and for such purpose may command the assistance of bystanders, and if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed fifty dollars, and in default of the payment thereof be imprisoned not to exceed thirty days; and in cases where the civil power may be required to suppress riots or disorderly behavior a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

City Printing. Official Paper.

Sec. 18.—The City council at their first meeting after each election, or as soon thereafter as may be, may advertise for proposals to do the city printing, giving public notice of not less than one week in such manner as the council may direct, that sealed bids will be received by the recorder to do said printing. The bids shall be publicly opened and read by the recorder, at such time and place as the council may appoint, and the person or persons offering to do such printing for the lowest sum of money or price, in any newspaper printed in the city of Warren, and shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing two years; provided, that the city council shall have the power to reject any and all bids.

Publication of Ordinances, Etc.

Sec. 19.—In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws, and other proceedings and matter required by this charter or by the by-laws or ordinances of the city council to be published in a public newspaper. Provided, if no newspaper shall be designated as the official pa-

such officer is holding office.

Compensation of Mayor and Aldermen.

Sec. 25.—The mayor and alderman shall receive no compensation for their services as such officers in excess of ten dollars in any one year.

CHAPTER IV.

Mayor Chief Executive Officer.

Sec. 1.—The police force of the city shall consist of the mayor, who shall be the chief executive officer of the city, and who shall at all times have control and supervision of the police of the city, and such other policemen and watchmen as he shall, by and with the consent of the council, appoint. He shall have the power to remove, suspend or discharge any police officer summarily whenever in his opinion the well being of the city may demand it, either for the appointment of another officer in their places, or the reduction of the police force.

Special Police. Appointment.

Sec. 2.—The mayor may likewise, at the request of any person, firm, society, or organization, appoint policemen or watchmen, who shall serve without expense to the city, and have police powers to preserve the peace and protect the property within such limits and places as may be designated in such appointments; but such limited policemen shall not exercise any police authority, nor wear any official badge, outside the limits named in such appointment.

The mayor shall, in case of riot or large public gatherings or disturbances, or when in his judgment the case requires, appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue for more than one week without the consent of the council.

Chief of Police.

Sec. 3.—The mayor shall in his appointments designate one officer to be chief of police, and such other officers for special duties, and with such control over other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

Powers of Police Officers.

Sec. 4.—All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of this state, and in addition thereto shall have power, and it shall be their duty to serve and execute all warrants, processes, commitments and any writ whatsoever, issued by any justice of the peace, and they shall have power, with the consent of or by the directions of the mayor, to pursue and arrest any person fleeing from justice in any part of the state.

Fees of Police Officers.

Sec. 5.—When police officers pursue criminals out of the city and such criminals are charged with offenses against the state law, or shall serve civil process, they shall be entitled to receive for their own use all fees for

the judge of the election and qualifications of its members, and in such cases shall have the power to send for persons and papers. It shall determine the rules and regulations of its own proceedings and have power to compel the attendance of absent members, and may provide for the punishment of such absent members in addition to the forfeiture provided for in this charter. It shall keep a journal of its proceedings, and the ayes and nays, when demanded by any member present, shall be entered on the journal.

Removal of Officers.

Sec. 6.—The city council shall have power to remove from office any officers of said city, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor until each person shall have had reasonable opportunity to be heard in his own defense; continued absence from the meetings of the council, in any case of aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract of the city, shall be good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to compel the attendance of witnesses and to hear and determine the case, and if such officer refuses or neglects to appear or to defend himself, the council shall declare the office vacant.

Control of Finances and Property.

Sec. 7.—The city council shall have the management and control of the finances and all the property of the city, except as otherwise provided in this charter.

Power to Enact Ordinances.

Sec. 8.—The city council in addition to the powers herein vested in them, shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient.

City Jail. County Jail. County Sheriff.

Sec. 9.—The city council shall have power to establish and maintain a city prison; provided, that until otherwise ordered by the city council, the county jail of the county shall be used as a city prison, and it shall be the duty of the sheriff or jailer of the county of Marshall to take into custody and safely keep in said jail all persons committed thereto until discharged according to law.

Power to Impose Penalties.

Sec. 10.—The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-laws passed or ordained by them and all such ordinances

gist, and then only for medical and mechanical purposes; and Provided, that no license shall be granted to any person to deal in or vend within the city limits any spirituous, fermented or malt liquors for a less sum than one thousand dollars as a license for one (1) year, or a part of one (1) year, nor a greater sum than fifteen hundred dollars for the same period of time.

Third. To prevent any fighting, brawling, assault, battery, disorderly noise, riot and disorderly assemblage in said city and to provide for the arrest and punishment of any person or persons who may be guilty of the same; to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purpose of gambling.

Fourth. To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouse, stable, barn, privy, sewer, or other unwholesome nuisance, house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

Fifth. To direct the location and management and location of stockyards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories and bone-boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite, or other explosive or combustible material, and to regulate the use thereof in the city.

Sixth. To prevent incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs or any other material whatever.

Seventh. To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets thru which their tracks may run, and to construct and keep in repair all sidewalks, also suitable crossings at the intersection of streets and alleys, and sewers, ditches and culverts when the council shall deem necessary; to regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at crossings of railroad tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to prevent and punish immoderate driving or riding in

city, and to provide for punishment of all thereof.

Eighteenth. To make rules and regulations for the enforcement of regulations in regard to markets and other to make rules and regulations for the enforcement of regulations in regard to late butchers' stalls, for the sale of game, poultry, butchers' stalls, and to license or restrain and suppress canvassers, solicitors, future delivering of quantities, transient sons selling goods and

Nineteenth. To late butchers' stalls, for the sale of game, poultry, butchers' stalls, and to license or restrain and suppress canvassers, solicitors, future delivering of quantities, transient sons selling goods and

Twentieth. To regulate and manner of well hay and straw, and selling of firewood, to appoint suitable intend and conduct

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per of this city then any and all of the public printing of said city may be done in any newspaper printed or published in the county of Marshall, and all publications so made shall have the same force and effect as if made in an official paper.

Affidavit of Publication. Payment.

Sec. 20. The city printer or printers immediately after the publication of any notice, ordinances or resolutions, which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be prima facie evidence of the publication of such notice, ordinances or resolution. No warrant for the payment of the fees of said printer for such publication shall be signed by the recorder until such affidavit shall have been filed in his office.

Officers Must Deliver Papers to Successors.

Sec. 21.—If any person having been an officer of said city shall not, within ten days after notification and request, deliver to his successors all property, all books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state, and such person shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment for not more than ninety days, or both.

Powers of Council. Duties of Officers.

Sec. 22. The city council shall have power at any time to require other and further duties to be performed by any officers whose duties are herein described and not inconsistent with this charter, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer appointed by the council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year and until his successor is appointed and qualified.

Compensation of Officers.

Sec. 23.—The city council shall have the power unless otherwise provided, to fix the compensation of all officers elected or appointed under this charter, and such compensation shall be fixed by resolution, and in regard to all offices created by this charter the compensation shall be fixed within three months from the organization or meeting of the city council, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officers were elected or appointed, except that of the city recorder.

Officers Interested in Contracts with City.

Sec. 24.—No officer elected or appointed to office under the provisions of this charter, shall be a party to or interested in any contract in which the city is interested, made while

such pursuits and services and all rewards offered for the apprehension of such criminal.

Regulation of Police Force.

Sec. 6.—The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof, as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force. The drinking of intoxicating liquors by any policeman when on duty shall be grounds for immediate dismissal.

Impersonating Police Officer. Penalty.

Sec. 7.—If any person shall, without authority, assume to act as a policeman, or pretend to have such powers, or wear a badge of a policeman in the city, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding one hundred dollars, or imprisonment not exceeding thirty days.

Bond of Police Officer.

Sec. 8.—Before any police officer of said city shall serve any writ or process, civil or criminal, he shall execute to the city of Warren a penal bond, with security to be approved by the city council, to the same amount and conditioned the same as the bond of the constables under the laws of this state; such bond shall be filed in the office of the city recorder for the use of all persons.

CHAPTER V.

CITY COUNCIL—POWERS AND DUTIES.

Quorum.

Sec. 1.—The Mayor, recorder and aldermen shall constitute the city council. A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

Style of Ordinances.

Sec. 2.—The style of all ordinances shall be "The City Council of the City of Warren do ordain."

Regular Meetings.

Sec. 3.—The city council shall hold stated meetings at least once each month, the date of which shall be prescribed by the council by resolution at the first meeting after the regular election.

Special Meetings.

Sec. 4.—The mayor of the city may call special meetings of the council by a written notice to each of the members, to be delivered personally, or left at their usual place of abode or business, which said notice shall contain a statement of the business for which said meeting is called; and no other business shall be transacted in such special meeting except such as shall be designated in such special notices.

Election of, Rules of Procedure, Records.

Sec. 5.—The city council shall be

rules and by-laws are hereby declared to have all the force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws.

First. To license and regulate the exhibition of common showmen and shows of all kinds; the exhibition of caravans, circuses, concerts, theatrical performances and also to license and regulate all auctioneers, billiard tables, pool tables, bowling alleys, nine or ten pin alleys, butcher shops and butcher stalls and vendors of butcher meats; pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, skating rinks, victualing houses, and all places of public amusement, including moving picture shows; and persons vending or dealing in spirituous, vinous, fermented or malt liquors, and all dealers in second hand goods, junk, and all keepers of intelligence offices and employment offices; all draymen and hackmen, and to fix the amount of such licenses in each instance; provided, that the power to regulate above given shall extend to and be construed to include among other powers the power to define who shall be considered pawnbrokers, auctioneers, dealers in second-hand goods and junk dealers.

Second. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling, within the city, and to restrain from vending or dealing in spirituous, vinous, fermented or malt liquors, unless duly licensed by the city council, and no license issued by the city council shall be transferable, except by authority of the city council; provided, that nothing contained in this charter shall be so construed as to prevent the people of the city of Warren from deciding for themselves whether or not license shall be granted to any person or persons in said city to sell lager beer, spirituous, vinous, malt or fermented liquors; and the city recorder is hereby required, on a petition of ten or more legal voters of said city, at any time not less than ten days before any regular city election, to give notice that the question of license will be submitted at said election, and notice thereof shall be given by said city recorder at the same time and in the same manner that notices of regular city elections are given, and said question of license shall be determined by ballot containing the words: "In favor of license," or, "against license" (as the case may be), which vote shall be canvassed and returned as is by law prescribed for canvassing election returns, and if such returns show a majority of the votes cast at such election to be against license, then in such case the city council shall grant no license to sell lager beer, spirituous, vinous, malt or fermented liquors in said city of Warren until reversed in the same manner at a subsequent general election, except to persons legitimately and bona fide engaged in the business or occupation of drug-

the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing on the streets, and to require that all persons driving horses or mules at a faster gait than a walk, attached to sleighs, shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the waters within the city limits; and to regulate the speed, manner of driving, and keeping of automobiles within the city limits.

Eighth. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties for the violation of the ordinance.

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

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

Eleventh. To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs, and to erect lamps; to provide for the lighting of the city; to contract for the erection of gas or electric light plants for lighting the streets, public grounds and public buildings, and for the erection and maintenance of any and all systems of electric lights for private and public purposes; to create, extend, and alter any lamp district, or to contract with other parties to furnish gas or electric lighting for such purposes.

Twelfth. To establish and regulate boards of health, provide hospital and hospital grounds, and for the registration of births and deaths and the return of lists of mortality; and to regulate and prevent the burial of dead bodies, either human or beast, within the city limits.

Thirteenth. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

Fourteenth. To prevent any person from riding or driving any ox, horse, mule, cattle, or other animal on the sidewalks of the city, or in any way doing damage to such sidewalk.

Fifteenth. To prevent the shooting of firearms or fire crackers, and to prevent any exhibition of firearms or fireworks in any situation which may be considered by the city council dangerous to the city, or to any property therein, or annoying to any of the citizens thereof.

Sixteenth. To prevent open and notorious drunkenness and obscenity in the streets or public places of said

and to provide for the use of false weights.

Twenty-sixth. To weighers and gauge the duties and compensation.

Twenty-seventh. To acquire, by gift or in the city limits money of every nature hold by lease such pose of parks or to provide for the same; and also to the planting and mental or shade alleys, parks or and highways of point a suitable place take charge of the compensation and ties.

Twenty-eighth. To abate any nuisance in health or morals, shall have power be considered a nuisance who erect and maintain.

Twenty-ninth. To abate any nuisance or encroachments upon alleys, or public ways of the city.

Thirtieth. To make all regulations necessary and expedient for the health of the city and the suppression of the introduction of diseases into the quarantine laws same within the city.

Thirty-first. To prevent, fine and imprisonment, of all persons visible means to or without employment or rambling about streets, drinking beer or houses of houses, railroad houses, or who shall the nighttime upon the premises of others, themselves in the thoroughfares or public places; also at any gambling houses of fortune telling, cock fighting or vice; and all persons for the purpose of stuffing, or who possession any animal for obtaining money, or who shall where public or held, either on water or places where held.

Thirty-second. To regulate draymen, late draymen, and other persons rying of passenger freight, and to regulate and direct vehicles standing

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cations of its members, and in such
cases shall have the power to send
for persons and papers. It shall deter-
mine the rules and regulations of its
own proceedings and have power to
compel the attendance of absent
members, and may provide for the
punishment of such absent members
in addition to the forfeiture provided
for in this charter. It shall keep a
journal of its proceedings, and the
ayes and nays, when demanded by
any member present, shall be entered
on the journal.

Removal of Officers.

Sec. 6.—The city council shall have
power to remove from office any offi-
cers of said city, but no officer elect-
ed by the people shall be removed
except for cause, nor unless first fur-
nished with a copy of the charges
against him, nor until each person
shall have had reasonable opportunity
to be heard in his own defense; con-
tinued absence from the meetings of
the council, in any case of aldermen,
and neglect of duty in case of other
officers, unless for good reason, or be-
ing in any way interested in any con-
tract of the city, shall be good cause
for removal. The city council shall
fix a time and place for the trial of
any officer against whom charges may
be preferred, of which not less than
ten (10) days' notice shall be given
to the accused, and shall have power
to compel the attendance of witnesses
and to hear and determine the case,
and if such officer refuses or neglects
to appear or to defend himself, the
council shall declare the office vacant.

Control of Finances and Property.
Sec. 7.—The city council shall have
the management and control of the
finances and all the property of the
city, except as otherwise provided in
this charter.

Power to Enact Ordinances.

Sec. 8.—The city council in addi-
tion to the powers herein vested in
them, shall have full power and au-
thority to make, enact, ordain, estab-
lish, publish, enforce, alter, modify,
amend and repeal all such ordinances,
by-laws, rules and regulations for the
government and good order of the city
for the suppression of vice and intem-
perance, and for the prevention of
crime, as they shall deem expedient.

City Jail. County Jail. County Sheriff.
Sec. 9.—The city council shall have
power to establish and maintain a
city prison; provided, that until oth-
erwise ordered by the city council, the
county jail of the county shall be used
as a city prison, and it shall be the
duty of the sheriff or jailer of the
county of Marshall to take into cus-
tody and safely keep in said jail all
persons committed thereto until dis-
charged according to law.

Power to Impose Penalties.

Sec. 10.—The city council shall have
full power and authority to declare
and impose penalties and punish-
ments, and to enforce the same
against any person or persons who
may violate any provisions of any or-
dinance or by-laws passed or ordained
by them and all such ordinances

gist, and then only for medical and
mechanical purposes; and Provided,
that no license shall be granted to
any person to deal in or vend within
the city limits any spirituous, fer-
mented or malt liquors for a less sum
than one thousand dollars as a license
for one (1) year, or a part of one (1)
year, nor a greater sum than fifteen
hundred dollars for the same period
of time.

Third. To prevent any fighting,
brawling, assault, battery, disorderly
noise, riot and disorderly assemblage
in said city and to provide for the
arrest and punishment of any person
or persons who may be guilty of the
same; to suppress disorderly houses
and houses of ill-fame and gambling
houses, and to provide for the arrest
and punishment of the keepers there-
of, and to authorize the destruction of
all instruments and apparatus used
for the purpose of gambling.

Fourth. To compel the owner or
occupant of any cellar, tallow chand-
ler's shop, soap factory, tannery, hide
warehouse, stable, barn, privy, sewer,
or other unwholesome nuisance, house
or place, to cleanse, remove or abate
the same from time to time as often
as may be necessary for the health,
comfort and convenience of the in-
habitants of the city.

Fifth. To direct the location and
management and location of stock-
yards, slaughter houses, markets,
breweries, distilleries, soap factories,
glue factories and bone-boiling estab-
lishments, and to regulate the stor-
age, keeping and conveyance of gun-
powder, dynamite, or other explosive
or combustible material, and to regu-
late the use thereof in the city.

Sixth. To prevent incumbering of
streets, sidewalks, alleys, lanes and
public grounds with carriages, carts,
wagons, sleighs, boxes, lumber, fire-
wood, posts, awnings, signs or any
other material whatever.

Seventh. To direct and control
the laying out and construction of
railroad tracks, bridges, turnouts and
switches in the streets and alleys, and
the location of depot grounds within
the city; to require that the railroad
tracks, bridges, turnouts and switches
shall be so constructed and laid out
as to interfere as little as possible
with the ordinary travel and use of
the streets and alleys; and that suffi-
cient space shall be left on either
side of said track for the safe and
convenient passage of teams and per-
sons; to require railroad companies to
keep in repair the streets thru which
their tracks may run, and to construct
and keep in repair all sidewalks, also
suitable crossings at the intersection
of streets and alleys, and sewers,
ditches and culverts when the coun-
cil shall deem necessary; to regulate
the movement and speed of railroad
locomotives and cars; to require the
maintenance of flagmen, or the con-
struction and maintenance of gates at
crossings of railroad tracks over such
streets and avenues of the city as
the city council shall deem to require
such precaution; to prevent and pun-
ish immoderate driving or riding in

city, and to provide for the arrest and
punishment of all persons guilty
thereof.

Seventeenth. To license and regu-
late porters, hackmen, expressmen
and all runners, agents, solicitors for
stage, cars, public houses or other es-
tablishments.

Eighteenth. To establish public
markets and other public building;
to make rules and regulations for the
government and management thereof;
to appoint suitable officers for the
management thereof, and to provide
for the enforcement of all rules and
regulations in regard to the same.

Nineteenth. To license and regu-
late butchers' stalls, shops and stands
for the sale of game and fish, butter,
poultry, butchers' meat, and provi-
sions. Also to license and regulate
or restrain and suppress all peddlers,
cavassers, solicitors of orders for the
future delivering of goods in retail
quantities, transient traders and per-
sons selling goods at retail by sample.

Twentieth. To regulate the place
and manner of weighing and selling
hay and straw, and the measuring and
selling of firewood, coal and lime, and
to appoint suitable persons to super-
intend and conduct the same.

Twenty-first. To compel the own-
ers or occupants of buildings or
grounds to remove snow, dirt and rub-
bish from the sidewalk, street or alley
opposite thereto, and to compel such
owners or occupants to remove from
the lot owned or occupied by him all
such substance as the board of health
shall direct, and in his default, to
authorize the removal or destruction
thereof by some officer at the expense
of the owners or occupants; also to
compel the owners of low grounds
where water is liable to collect and
become stagnant, to fill or drain such
low places and in their default to
authorize such fillings or drainings at
the expense of such owners, and to
provide that such expense shall be-
come a lien upon the lot or property
so drained or filled.

Twenty-second. To regulate and
prevent the landing of persons from
railroad cars or other conveyance in-
fected with contagious or infectious
diseases or disorders, and to make
such disposition of such persons as
may be necessary to preserve the
health of the city.

Twenty-third. To regulate the time,
manner and place of holding public
auction or vendues.

Twenty-fourth. To provide for
watchmen and fire wardens and pre-
scribe their number and duties, to
regulate the same, and to create and
establish the police of said city, and
to prescribe the number of police
officers and their duties and to regu-
late the same.

Twenty-fifth. To regulate the in-
spection of wood, hay, milk, grain,
flour, pork, beef, mutton, veal, and all
kinds of meat, poultry, game, fish,
salt, whiskey and other liquors and
provisions and to authorize the seiz-
ure and destruction of any grossly im-
pure or adulterated articles sold that
are dangerous to the public health.

public grounds in said city.

Thirty-third. To regulate the con-
struction of all buildings more than
two stories in height, and prescribe
fire limits in said city, and to prohibit
the erection of wooden buildings, or
of placing wooden sidewalks within
said limits.

Thirty-fourth. To provide for and
regulate the erection of hitching posts
or rings for the fastening of horses or
other animals, or to prohibit the same
in any portion of the city.

Thirty-fifth. To regulate the open-
ing of hatchways and cellarways upon
the streets and sidewalks of the city
and to compel proper guards about
the same.

Thirty-sixth. To regulate the num-
bering of houses and lots, and compel
owners of houses and other buildings
to have such numbers designated
thereon.

Thirty-seventh. To require the own-
er or lessee of any building or struc-
ture now or hereafter erected in said
city to place thereon such fire escapes
and such appliances for the protection
against or extinguishment of fires, as
it may direct, and to do each and ev-
ery other act which it may think nec-
essary or advisable to lessen the dan-
ger to human life in the case of fire
or accident.

Thirty-eighth. To regulate and con-
trol the quality and measurement of
gas, to prescribe and enforce rules
and regulations for the manufacture
and sale of gas, to provide for the in-
spection of gas and water meters, and
appoint an inspector and prescribe his
duties.

Thirty-ninth. To regulate the loca-
tion, size and construction of steam
boilers, as it may designate as being
dangerous to life and property.

Fortieth. To regulate and control
or prohibit the placing of poles there-
for, or the suspending of electric or
other wires along or across any of the
streets of said city, and to require
any already placed or suspending,
either in limited districts or thruout
the entire city to be removed and plac-
ed beneath the streets and sidewalks
of the city; to compel the proper in-
sulation of all electric light wires and
other wires in use within the city.

Forty-first. To regulate the pen-
ning, herding and treatment of all an-
imals within the city.

Forty-second. To restrain, regulate
and control the cutting of ice and the
selling of ice within the city limits.

Forty-third. The city council is au-
thorized to permit the construction
and operation of street railways with-
in the said city, and may designate the
street or streets on which the same
may be constructed, and may impose
such restrictions and limitations on
the same as to the council may seem
proper; but no privilege shall be
granted to any individual or individu-
als for a longer period of time than
twenty (20) years, and the said coun-
cil may also provide for the introduc-
tion and use of electric lights within
said city under such regulations as
the council may prescribe.

Forty-fourth. The city council may

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stitution and laws of the United
States, or of this state, and for these
purposes shall have authority by or-
dinances, resolutions or by-laws:

First. To license and regulate the
exhibition of common showmen and
shows of all kinds; the exhibition of
caravans, circuses, concerts, theatrical
performances and also to license and
regulate all auctioneers, billiard ta-
bles, pool tables, bowling alleys, nine
or ten pin alleys, butcher shops and
butcher stalls and vendors of butcher
meats; pawnbrokers, insurance offi-
ces and insurance agencies, taverns,
lager beer saloons, skating rinks, vic-
tualing houses, and all places of pub-
lic amusement, including moving pic-
ture shows; and persons vending or
dealing in spirituous, vinous, ferment-
ed or malt liquors, and all dealers in
second hand goods, junk, and all keep-
ers of intelligence offices and employ-
ment offices; all draymen and hack-
men, and to fix the amount of such
licenses in each instance; provided,
that the power to regulate above given
shall extend to and be construed to
include among other powers the power
to define who shall be considered
pawnbrokers, auctioneers, dealers in
second-hand goods and junk dealers.

Second. To restrain and prohibit
all descriptions of gambling and
fraudulent devices and practices, and
all playing of cards, dice and other
games of chance for the purpose of
gambling, within the city, and to re-
strain from vending or dealing in spir-
ituous, vinous, fermented or malt li-
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council, and no license issued by the
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cept by authority of the city council;
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this charter shall be so construed as
to prevent the people of the city of
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selves whether or not license shall be
granted to any person or persons in
said city to sell lager beer, spirituous,
vinous, malt or fermented liquors;
and the city recorder is hereby re-
quired, on a petition of ten or more legal
voters of said city, at any time not
less than ten days before any regular
city election, to give notice that the
question of license will be submitted
at said election, and notice thereof
shall be given by said city recorder at
the same time and in the same man-
ner that notices of regular city elec-
tions are given, and said question of
license shall be determined by ballot
containing the words: "In favor of li-
cense," or, "against license" (as the
case may be), which vote shall be
canvassed and returned as is by law
prescribed for canvassing election re-
turns, and if such returns show a ma-
jority of the votes cast at such elec-
tion to be against license, then in
such case the city council shall grant
no license to sell lager beer, spiritua-
ous, vinous, malt or fermented liquors
in said city of Warren until reversed
in the same manner at a subsequent
general election, except to persons
legitimately and bona fide engaged in
the business or occupation of drug-

the streets; to compel persons to fasten
their horses or other animals at-
tached to vehicles or otherwise while
standing on the streets, and to require
that all persons driving horses or
mules at a faster gait than a walk, at-
tached to sleighs, shall have a suffi-
cient number of bells to give notice
of their approach; and to regulate
places of bathing and swimming in
the waters within the city limits; and
to regulate the speed, manner of driv-
ing, and keeping of automobiles with-
in the city limits.

Eighth. To restrain the running at
large of horses, mules, cattle, swine,
sheep, poultry and geese, and to au-
thorize the distraining and sale of the
same, and to impose penalties for the
violation of the ordinance.

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

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

Eleventh. To make and establish
public pounds, pumps, wells, cisterns,
hydrants, reservoirs, and to erect
lamps; to provide for the lighting of
the city; to contract for the erection
of gas or electric light plants for
lighting the streets, public grounds
and public buildings, and for the erec-
tion and maintenance of any and all
systems of electric lights for private
and public purposes; to create, ex-
tend, and alter any lamp district, or
to contract with other parties to fur-
nish gas or electric lighting for such
purposes.

Twelfth. To establish and regulate
boards of health, provide hospital and
hospital grounds, and for the registra-
tion of births and deaths and the re-
turn of lists of mortality; and to regu-
late and prevent the burial of dead
bodies, either human or beast, within
the city limits.

Thirteenth. To regulate the size
and weight of bread, and to provide
for the seizure and forfeiture of bread
offered for sale contrary thereto.

Fourteenth. To prevent any person
from riding or driving any ox, horse,
mule, cattle, or other animal on the
sidewalks of the city, or in any way
doing damage to such sidewalk.

Fifteenth. To prevent the shooting
of firearms or fire crackers, and to
prevent any exhibition of firearms or
fireworks in any situation which may
be considered by the city council dan-
gerous to the city, or to any property
therein, or annoying to any of the
citizens thereof.

Sixteenth. To prevent open and no-
torious drunkenness and obscenity in
the streets or public places of said

and to provide for the punishment of
the use of false weights and measur-
ments.

Twenty-sixth. To appoint inspectors,
weighers and gaugers, and to regulate
the duties and prescribe their com-
pensation.

Twenty-seventh. To purchase or
acquire, by gift or device, lands with-
in the city limits, or property or
money of every nature, to take and
hold by lease such lands for the pur-
pose of parks or public grounds, and
to provide for the improvement of the
same; and also to direct and regulate
the planting and preservation of orna-
mental or shade trees in the streets,
alleys, parks or other public grounds
and highways of said city, and to ap-
point a suitable person to inspect and
take charge of the same, and fix the
compensation and prescribe his du-
ties.

Twenty-eighth. To remove and abate
any nuisance injurious to the public
health or morals, and the city council
shall have power to define what shall
be considered a nuisance and to pro-
vide for the punishment of all persons
who erect and maintain such nuis-
ance.

Twenty-ninth. To remove and
abate any nuisance obstruction or en-
croachments upon any of the streets,
alleys, or public grounds and high-
ways of the city.

Thirtieth. To do all acts and make
all regulations which may be neces-
sary and expedient to preserve the
health of the inhabitants of the city,
and the suppression of disease; to pre-
vent the introduction of contagious
diseases into the city, and to make
quarantine laws and enforce the
same within the city.

Thirty-first. To authorize the ar-
rest, fine and imprisonment of vag-
rants, of all persons who not having
visible means to maintain themselves,
or without employment, idly loitering
or rambling about or staying in gro-
ceries, drinking saloons, houses of ill-
fame or houses of ill repute, gambling
houses, railroad depots or fire engine
houses, or who shall be trespassing in
the nighttime upon the private pre-
mises of others, or begging, or placing
themselves in the street or other
thoroughfares or public places to beg or
receive alms; also keepers, exhibitors
at any gambling table or visitors at
any gambling table, gambling house,
houses of fortune telling, place for
cock fighting or other places or de-
vice; and all persons who go about
for the purpose of gaming or watch
stuffing, or who shall have in their
possession any articles or things used
for obtaining money under false pre-
tences, or who shall disturb any place
where public or private schools are
held, either on week days, or Sunday,
or places where religious worship is
held.

Thirty-second. To license and regu-
late draymen, hackmen, expressmen,
and other persons engaged in the car-
rying of passengers, baggage or
freight, and to regulate their charges
therefor, and to authorize the mayor
and chief of police of said city to
regulate and direct the location of
vehicles standing upon streets and

also provide for the laying out, con-
struction, maintenance, repairing, ex-
tension, alteration, or any other thing
necessary or incidental thereto, of a
system of general sewerage within
the said city.

The city council may, without a vote
of the people, issue the bonds of said
city in a sum not exceeding ten thou-
sand dollars, for the purpose of abat-
ing the nuisance now existing in said
city as a result of the sewerage sys-
tem already in operation in said city,
all as more fully set forth in the
pleadings and evidence in the case of
John S. Hilleboe against the city of
Warren, now pending before the Hon-
orable William Watts, one of the
judges of the district court of said
Marshall county, Minnesota. Said
bonds shall run for a period of time
not exceeding twenty years, and shall
bear a rate of interest not exceeding
five and one-half per cent, payable
semi-annually.

Forty-fifth. To divide said city into
wards and number the same whenever
in the judgment of the city council
such division is necessary or proper.

Forty-sixth. To prevent and prohi-
bit all persons, corporations or asso-
ciations from building, constructing,
maintaining or keeping within the
said city any barbed wire fence or
other fence constructed of such ma-
terial as to be dangerous to the public.

Forty-seventh. To purchase and
hold cemetery grounds within or with-
out the city limits; inclose, lay out
and ornament the same; to provide
for the protection thereof, and to sell
and convey lots therein by deed.

Forty-eighth. To provide for the
purchase of a site and the equipment
and maintenance of a pest house, and
public slaughter house.

Ordinances. How passed, published
and recorded.

Sec. 11.—All ordinances shall be
passed by an affirmative vote of a ma-
jority of the members of the city
council by ayes and noes, which shall
be entered upon the records of the
council and published once in the of-
ficial paper of the city, if there is one,
and if not then in one of the news-
papers of the city, if there is one, and
if not then in one of the newspapers
in Marshall county, signed by the ma-
yor and recorder and recorded by the
recorder with the affidavits for the
publication thereof before they shall
take effect. No ordinance shall be
passed at the same meeting at which
it shall have been presented, except
by the unanimous consent of the
members present, which shall be noted
in the records; but this shall not pre-
clude the passage of any ordinance
reported by any committee of the
council, to whom the subject of such
ordinance shall have been referred at
any previous meeting.

Copy of Record of Ordinance Prima
Facie Evidence.

Sec. 12.—A copy of the record of
any ordinance passed, certified by the
city recorder and attested by the seal
of the city, and any copy thereof pub-
lished as aforesaid or compilations of
the ordinance made and published in-
der the direction of the city council,
shall be prima facie evidence of the

contents of such ordinance, and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof.

This Charter and Ordinances to be Published.

Sec. 13.—As soon as practical after the passage of this charter, the city council shall provide for the printing of this charter and all of the ordinances of the city of Warren in pamphlet form.

Appropriations.

Sec. 14.—Unless otherwise in this charter provided, no appropriation shall be made without a vote of a majority of all the members of the city council in its favor, and an appropriation amounting to five hundred dollars or more shall not be made unless by a four-fifths vote of all the members of the council in its favor.

Abatement of Nuisance by Suit not Prevented.

Sec. 15.—The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

Adjustment of Accounts of City Officers.

Sec. 16.—The city council shall audit, examine and adjust the accounts of the treasurer and all other officers of the city, or any department thereof at such times as they deem proper, and also at the end of each fiscal year, and before their term of office shall expire, and if any officer shall refuse to exhibit his book accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare such office vacant, without further action, and the city council shall order suits and proceedings at law against any officer or agent of the city who may be found delinquent or defaulting in his accounts or the discharge of the official duties, and shall make a full record of all settlements and adjustments.

Control of Finances and Property.

Sec. 17.—Except as otherwise in this charter provided, the city council shall have the management and control of the finances and all the property of the city, both real and personal, and may provide for the sale of any city property in such manner as it shall consider for the best interests of the city.

How City May Acquire Private Property.

Sec. 18.—The city council shall have power to acquire by purchase, grant or condemnation, such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks, public squares, public grounds in said city, and to ascertain and determine the value of such private property taken for such uses and the amount of damages occasioned to any such private

the chief of the fire department. Said fire department shall be either volunteer or paid, but a paid fire department shall not be established except by ordinance passed by an affirmative vote of three-fourths of all members of the council, and before it takes effect shall be submitted to and adopted by the voters of the city, by a majority of all the votes cast upon said question at such election, which election may be at any general or special election called for that purpose. Provided, that the council may by a three-fourths vote of all the members thereof provide for paying the members of any voluntary fire department for services rendered as members of such department.

Election of Officers.

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

If a volunteer fire department is maintained, the members thereof shall elect their own chief, assistant chief or chiefs and other officers, and members of said department, subject to confirmation and approval of the council.

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

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

Powers and Duties of Chief.

Sec. 3.—The chief of the fire department under the direction of the mayor, shall have the general superintendence of the department and the custody of all engines, hooks and ladders, trucks, hose, horses and other property used and maintained for the purpose of said department. He shall see that the same are kept in proper order and that all the rules and regulations and all provisions of this charter relative to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property. In case of the absence or disability of the chief for any cause the assistant chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the chief.

Authority at Fires.

Sec. 4.—All money and other property belonging to the city, except as herein otherwise provided, shall be under the management and control of the council, and moneys shall be paid out, except as otherwise in this charter provided upon the warrant of the mayor, countersigned by the recorder, after having been duly authorized by the council, passed by a majority vote of the whole number thereof. The resolution providing for the issuance of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn, and shall be payable to the order of the person in whose favor it is ordered drawn.

Board of Tax Levy.

Sec. 5.—The mayor and the members of the city council shall constitute a board of tax levy. Said board shall meet at the office of the recorder on the second Monday of September in each year, and may adjourn from time to time as may be necessary by the duties hereby required of it, but to not later than the 30th day of September. Said board shall fix a maximum rate of taxation for the various purposes for which the council is authorized to levy taxes for such year, and it shall be the duty of such board to reduce the maximum rate of taxation for such purpose to the lowest practical limit. Provided, however, that a minimum tax of one mill on all the taxable property of the city shall be levied for the sinking fund; and, provided, however, that for all purposes the tax levy shall not exceed twenty-five mills upon the dollar of the assessed valuation of the city.

Funds.

Sec. 6.—There shall be maintained in the treasury a sinking fund, a water, light and power fund, a general fund, and such other funds as the council may, by resolution or ordinance, direct.

Sinking Fund.

Sec. 7.—The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund, there shall be levied an annual minimum tax of one mill on the dollar of the assessed valuation of all taxable property in the city. The treasurer shall keep a separate account with the city depositories of all moneys belonging to the sinking fund and the treasurer is hereby forbidden to place any money, hereby appropriated to the sinking fund, in any other fund. In case the city shall receive any interest from the depositories, or any other person upon said sinking fund, or any other fund, that the said interest shall be placed to the credit of the fund which earns said interest. The council shall have charge of the sinking fund, and shall invest same in such securi-

specifically designated as belonging to any other fund.

The Several Funds.

Sec. 10.—The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the recorder, be apportioned to and kept in the separate funds established by this charter, and by the council, and it shall be unlawful to transfer money from one fund to another, or to divert money from the fund to which it belongs, except that, when there shall be a surplus of cash to the credit of any such fund, the council may by resolution passed by a majority vote of all its members, authorize said surplus cash to be placed in the sinking fund; provided, that money shall never be transferred from the sinking fund until the several purposes for which said fund has been established and maintained, shall have been fully accomplished; provided, further, that the council may by a majority vote of all its members, loan money out of the general fund to any special fund, and make such provision as it deems advisable for the repayment of same into the general fund.

No Debt Created Without Authority of Council.

Sec. 11.—None of the departments respectively of the city or any officer of such department, except as in this charter otherwise provided, shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a majority vote of the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation, for any purpose whatever, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by the council, except as otherwise in this charter expressly provided.

Money Now in Treasury.

Sec. 12.—Within thirty days after it has been declared that this charter has been adopted, it shall be the duty of the council, with the assistance of the treasurer, to apportion the money then in the city treasury among the several funds herein provided for.

Power to Incur Debt.

Sec. 13.—The city may issue bonds in the manner hereinafter provided (1) for the purpose of constructing, extending, enlarging, maintaining and improving a municipal water, light and power plant, or either or any of them, or for the purpose of acquiring or paying for any real estate or other property needed in connection with any such plant; (2) for the purpose of making any public improvement within the power of the city; (3) for the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect, or created at any time in any manner by this charter authorized;

The ordinance for the issuance of bonds may provide that the same shall be general obligations of the

or bonds or securities in any sinking fund maintained by the city of Warren, shall not be counted as part of the outstanding bonded indebtedness of such city of Warren for the purpose of determining its authority to issue further bonds under the limitations herein prescribed.

CHAPTER VIII.

WATER, LIGHT AND POWER DEPARTMENT.

Power of City.

Sec. 1.—The city may construct, purchase, own and operate its water, electric lighting, heating and power plant, or any of them, and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water, light, heat, and power for all municipal purposes and may supply the same to the inhabitants of the city and to such others as it may deem expedient.

Commissioners.

Sec. 2.—The control, management and operation of all such water, light and power plants shall be committed to a commission to be known as the "Water, Light and Power Commission."

Eligibility. Appointment. Election.

Sec. 3.—Said commission shall consist of three members, all of whom shall have been residents and holders and citizens of the city for a period of five years prior to the date of their qualifying for said office. They shall be appointed by the council within sixty days after the adoption of this charter, and shall hold office until the next general election, to be held under this charter. At the first general election held under this charter, one member shall be elected for a term of two years, one member shall be elected for a term of three years and one member shall be elected for a term of six years; and the term of office of each expires on the day that the successor shall be elected for a period of six years, and said election shall take place at the time and in the manner that other officers of said city are elected. The members of said commission shall serve without pay.

Organization. Powers.

Sec. 4.—Said commission shall organize by selecting one of its members as president. The city council shall be the secretary and clerk of said commission. The city council shall be the treasurer of said commission. Said commission shall employ a superintendent, an engineer and such other help as will be necessary to properly perform its duties under this charter, and may discharge employees at will. Said commission shall fix the compensation of its employees, except that of the recorder. One half of the salary of the city recorder, as fixed by the council, shall be paid out of the water, light and power fund. Said commission shall prescribe the duties of its employees. Said commission may enter upon any and all matters for the purpose of examining and making surveys, and

property or reason of any public works, or structures, and for that purpose may appoint juries as committees to appraise such value or damages, or to acquire information thereof in any other manner deemed advisable by said council.

Licenses. For what Time Granted.
Revocation of.

Sec. 19.—Any license issued by the authority of the city council may be revoked by the mayor or council at any time, and upon conviction before any court of any person holding a license for the violation of any provision of any ordinance relative to the exercise of any right granted by such license, the court may, and upon second conviction shall, revoke such license in addition to the penalty provided by law or ordinance for such violation.

No license shall be granted for a longer period than one year, and any license granted for a longer period than one year shall be void from the beginning.

Punishment for Breach of Ordinances.

Sec. 20.—The City Council may impose punishments for the breach of any ordinance, rule or by-law of the city, to the extent of a fine not exceeding one hundred dollars and imprisonment in the city prison or county jail of Marshall county for a period not exceeding ninety days, and offenders against city ordinances may be required to give security to keep the peace and for good behavior for a period, not exceeding five hundred dollars.

Offenders May Be Put to Labor.

Sec. 21.—The city council may also provide that any person convicted of any offense before a city justice of the peace subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in any case a male offender may be kept at hard labor during his term of punishment in such workhouse or upon public improvements or otherwise of said city or both, and may also provide by ordinance that any one convicted of an offense before one of the city justices of the peace, and committed for non-payment of fine imposed, may be kept at hard labor either in both such workhouse or upon public improvements or otherwise, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment, and the council shall have full power to establish by ordinance all needful regulations for the security of such person thus employed, and to prevent escape and secure proper discipline, and shall have power to establish a workhouse in said city for the purpose aforesaid, and under such regulations as the city council may prescribe.

CHAPTER VI. FIRE DEPARTMENT.

Organization.

Sec. 1.—There shall be a fire department, of which the mayor shall have general supervision. The head of said department shall be known as

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

Fire Alarm and Other Property.

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

The council shall also provide for the sale or disposal of any property no longer necessary for the use of the department, and the proceeds thereof shall be paid over to the treasurer. The council shall also have power to provide for the erection of fire stations or engine houses, and the purchase or condemnation of sites therefor.

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

Destruction of Buildings.

Sec. 6.—Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the mayor or chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person or said city therefor, or on account thereof.

Penalties.

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

CHAPTER VII. FINANCIAL DEPARTMENT.

Fiscal Year.

Sec. 1.—The fiscal year of the city shall begin on the first day of the month preceding the general city election.

Debt Not to be Increased.

Sec. 2.—The debt of the city shall not be increased, nor shall any new bond of the city, or warrant, be issued, except as in this charter provided.

Provision to Pay Indebtedness.

Sec. 3.—The council is hereby authorized to provide by taxation for

the amount in the sinking fund, together with interest thereon, is sufficient to meet the bonded indebtedness of the city, the levy of one mill herein provided for shall be discontinued, and all moneys otherwise diverted to this fund may be transferred to the general fund; and in case of decrease of interest, or for any other cause, said fund shall, in the judgment of the council be insufficient to pay said bonds of the city at maturity, such tax shall be resumed.

Water, Light and Power Fund.

Sec. 8.—The water, light and power fund is created to provide for the support and maintenance of any plant owned or operated by the city for furnishing the city or its inhabitants, water, light or power, and paying the cost of the purchase, construction, extension, operation, maintenance and repair of the city water, light and power plant, and the interest on all bonds and outstanding obligations issued on account of said water, light and power plant, and the principal sum of said outstanding obligations. This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the water, light and power plant of the city; also the proceeds of all special assessments levied on account of or in connection with such water, light and power plant, also such amounts as may, from time to time, be realized from the sale of bonds issued on account of said plant; and also all moneys received from the operation of said plant, including water, light and power rates, rentals, supplies, and penalties.

The sum of fourteen thousand dollars of the city bonds now outstanding and unpaid is hereby fixed as an equitable amount of the bonded indebtedness of said city to be borne by said water, light and power department; it being the intent of this provision that said water, light and power plant assume the payment of said fourteen thousand dollars of bonds, together with all interest thereon.

Should there be any accumulation of moneys in this fund, after the payment of all bonded indebtedness and interest thereon, beyond the needs of such plant, the council may, by resolution direct such accumulation or any part thereof to be paid and transferred to the sinking fund, but except as above provided, no moneys belonging to the water, light and power fund shall be transferred to any other fund of the city.

Express power is hereby conferred upon said water, light and power commission to invest any moneys belonging to said fund in excess of the present needs of said commission in such securities as they deem for the best interests of said fund.

General Fund.

Sec. 9.—The general fund is created to provide moneys for the payment of all other legal obligations of the city. It shall be maintained by a tax levy, and there shall also be paid into it all moneys belonging to the city, not

obligations, but shall be payable out of any assessed taxes, assessments, funds or liens held by the city, or may limit the city's liability thereon in any other manner, or shall guarantee that the city shall pay for the same. The city shall have authority to protect itself by acquiring title to any property subject to special assessments for local improvements, and shall have authority by ordinance to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this charter or thereafter, and shall have the power in like manner to assign any lien or right of action, held by the city on account of or arising out of any assessment, as security for the payment of any bond, certificates of indebtedness or other evidence of indebtedness mentioned in this section or to provide that such bonds, certificates or other evidence of indebtedness mentioned herein, may be collected out of any such property, liens or rights of action.

Bond Issue Regulations.

Sec. 14.—The City Council by a majority vote of all the members thereof may from time to time as the occasion arises issue bonds of the city without a vote of the people, authorizing the same, for the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect, or created at any subsequent time in any manner by said charter authorized, provided that such bonds shall not bear a greater rate of interest than six per cent per annum payable semi annually.

Except as in this charter otherwise provided, no bonds of the city shall ever be issued unless authorized by a majority vote of all members of the council, and unless the proposition to issue said bonds shall be first submitted to the legal voters of the city at a general or special election and approved by a majority of such voters voting on such proposition at such election.

The manner of issuing bonds of the city, the conditions to be contained therein or matters pertaining to the manner or form of submitting the proposition for bonding to the voters of the city shall be regulated and prescribed by the city council by resolution at the time of such determination to issue bonds.

No bonds of the city shall hereafter be issued nor any indebtedness incurred which will make the aggregate outstanding indebtedness of the city exceed ten per cent of the assessed valuation of all the taxable property of the city as shown by the last preceding assessment for the purpose of taxation; provided, however, that all bonds issued for the purpose of purchasing, constructing, regulating, maintaining, extending, enlarging or improving water and lighting plants, or either of such plants, owned, maintained, and operated by the city of Warren, or for the purpose of acquiring any real or other property needed in connection with any such plant,

use of water, light, heat and power, or for any injury to any of the property or works entrusted to its care.

Said commission may require from the persons employed by it, bonds for the faithful performance of their duties, the amount thereof to be fixed and approved by the board.

By-laws. Rules.

Sec. 5.—Said commission is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this charter and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose and signed by the president and city recorder, which when so entered and signed, shall be opened at all times for inspection and shall be evidence in any court of justice. Said commission shall fix and maintain the rents and rates of water, light, heat and power furnished by it, so that the water, light, heat and power fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of operation and maintenance of the light, water, heat and power fund of the city, and to pay the interest on all such bonds of the city, designated under this charter to be assumed by said water, light and power department, and such bonds as may be hereinafter issued on behalf of said department.

It shall be the duty of said commission to provide for the ultimate retirement of all bonds issued on behalf of said department, and to do so may provide for a sinking fund for said department, and may place therein such moneys earned by said department as said commission may deem advisable.

Distribution. Price.

Sec. 6.—Said commission shall regulate the distribution and use of water, light, heat and power in all places and for all purposes where the same shall be required for either public or private use, and shall fix the prices and rates therefor; provided, however, that the city council may require the commission to fix and locate at such places as said council shall deem advisable, all hydrants for extinguishing fires, and fountains and watering troughs and lights for streets, public buildings and other public city property. Provided, that said commission shall not charge the city for such water, light, heat and power, a higher rate than actual cost of production. In case such a charge is made, the city council is hereby authorized to pay, out of the general fund of the city, to the commission, the amount so fixed by said commission.

Payment in Advance.

Sec. 7.—The commission shall have full power and authority to require payment in advance for the use of all water, heat, light or power, by requiring the patron desiring same to deposit with the city treasurer an amount sufficient to cover the estimated amount to be so used in any one month, and in case such deposit is not made, it shall shut off such water, heat, light or power.

On the first day of each and every

cept payment of interest, and sinking fund for the purpose of the bonds of the city, whether or hereafter issued.

—All money and other property belonging to the city, except as otherwise provided, shall be under the management and control of the council, and moneys shall be paid or accepted as otherwise in this charter provided upon the warrant of the recorder, countersigned by the recorder, having been duly authorized by the council, passed by a majority vote of the whole number thereof. The warrant providing for the issuance of the warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is drawn, and shall be payable to the order of the person in favor of it is ordered drawn.

Of Tax Levy.

Sec. 15.—The mayor and the members of the city council shall constitute the board of tax levy. Said board shall meet at the office of the recorder on the second Monday of September of each year, and may adjourn from time to time as may be necessary to perform the duties hereby required of it, but not later than the 30th day of September. Said board shall fix the minimum rate of taxation for the purposes for which the council is authorized to levy taxes for each year, and it shall be the duty of the board to reduce the maximum rate of taxation for such purpose to the least practical limit. Provided, however, that a minimum tax of one mill on all the taxable property of the city shall be levied for the sinking fund, and, provided, however, that for purposes the tax levy shall not exceed twenty-five mills upon the dollar assessed valuation of the city.

6.—There shall be maintained in the treasury a sinking fund, a water and power fund, a general fund and such other funds as the council may, by resolution or ordinance, create.

7.—The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund, there shall be levied an annual minimum tax of one mill on the dollar of the assessed value of all taxable property in the city. The treasurer shall keep a separate account with the city deposits of all moneys belonging to the sinking fund and the treasurer is prohibited from placing any money, or any appropriated to the sinking fund, in any other fund. In case the sinking fund receives any interest from depositories, or any other person, the said sinking fund, or any other fund, that the said interest shall be paid to the credit of the fund which it is said interest. The council shall have charge of the sinking fund, and shall invest same in such second-

specifically designated as belonging to any other fund.

The Several Funds.

Sec. 10.—The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the recorder, be apportioned to and kept in the separate funds established by this charter, and by the council, and it shall be unlawful to transfer money from one fund to another, or to divert money from the fund to which it belongs, except that, when there shall be a surplus of cash to the credit of any such fund, the council may by resolution passed by a majority vote of all its members, authorize said surplus cash to be placed in the sinking fund; provided, that money shall never be transferred from the sinking fund until the several purposes for which said fund has been established and maintained, shall have been fully accomplished; provided, further, that the council may by a majority vote of all its members, loan money out of the general fund to any special fund, and make such provision as it deems advisable for the repayment of same into the general fund.

No Debt Created Without Authority of Council.

Sec. 11.—None of the departments respectively of the city or any officer of such department, except as in this charter otherwise provided, shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a majority vote of the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation, for any purpose whatever, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by the council, except as otherwise in this charter expressly provided.

Money Now in Treasury.

Sec. 12.—Within thirty days after it has been declared that this charter has been adopted, it shall be the duty of the council, with the assistance of the treasurer, to apportion the money then in the city treasury among the several funds herein provided for.

Power to Incur Debt.

Sec. 13.—The city may issue bonds in the manner hereinafter provided (1) for the purpose of constructing, extending, enlarging, maintaining and improving a municipal water, light and power plant, or either or any of them, or for the purpose of acquiring or paying for any real estate or other property needed in connection with any such plant; (2) for the purpose of making any public improvement within the power of the city; (3) for the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect, or created at any time in any manner by this charter authorized.

The ordinance for the issuance of bonds may provide that the same shall be subject to the payment of the

or bonds or securities in any sinking fund maintained by the city of Warren, shall not be counted as part of the outstanding bonded indebtedness of such city of Warren for the purpose of determining its authority to issue further bonds under the limitations herein prescribed.

CHAPTER VIII.

WATER, LIGHT AND POWER DEPARTMENT.

Power of City.

Sec. 1.—The city may construct, purchase, own and operate its water, electric lighting, heating and power plant, or any of them, and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water, light, heat, and power for all municipal purposes and may supply the same to the inhabitants of the city and to such others as it may deem expedient.

Commissioners.

Sec. 2.—The control, management and operation of all such water, light, heat and power plants shall be committed to a commission to be known as the "Water, Light and Power Commission."

Eligibility. Appointment. Election.

Sec. 3.—Said commission shall consist of three members, all of whom shall have been residents and freeholders and citizens of the city for a period of five years prior to the time of their qualifying for said office. They shall be appointed by the council within sixty days after the adoption of this charter, and shall hold office until the next general election to be held under this charter. At the first general election held under this charter, one member shall be elected for a term of two years, one member shall be elected for a term of four years and one member shall be elected for a term of six years; and as the term of office of each expires his successor shall be elected for a period of six years, and said election shall take place at the time and in the manner that other officers of said city are elected. The members of said commission shall serve without pay.

Organization. Powers.

Sec. 4.—Said commission shall organize by selecting one of its members as president. The city recorder shall be the secretary and clerk of said commission. The city treasurer shall be the treasurer of said commission. Said commission shall employ a superintendent, an engineer, and such other help as will enable it to properly perform its duties under this charter, and may discharge said employees at will. Said commission shall fix the compensation of all its employees, except that of the city recorder. One half of the salary of the city recorder, as fixed by the council, shall be paid out of the water, light and power fund. Said commission shall prescribe the duties of all such employees. Said commission and its employees may enter upon any premises for the purpose of examining the same and making surveys, and it may

month all amounts owing the city for the use of water, heat, light and power, shall become due and payable; and if not paid within forty days thereafter, said commission shall shut off said water, heat, light or power, and said commission shall not again supply said building, place or premises with water, light, heat or power until all arrears, together with the cost and expenses of turning said water, heat, light or power off, shall have been fully paid.

Liability of Owner of Property.

Sec. 8.—The owner of all private property which has upon it pipes connected with the city water works to convey water thereto, or wires and fixtures connected with the city lighting and power plant, to convey light and power thereto, shall, as well as the lessee or occupant of the premises, if any, be liable to the city for the rents or rates for all water, heat, light and power used upon said premises, and such rents or rates may be recovered in an action against such owner, lessee or occupant, or against any one or more of them. Provided, further, that upon service of written notice upon said water, light, heat and power commission, by the owner, agent, lessee or occupant, of such building or premises, that he, she or it will not in any way be responsible for the payment of such rents or rates, then the commission shall look to the user only of said water, light, heat and power, for such rents or rates, and provided, further, that said commission may in such event discontinue the furnishing of light, water, heat or power to said patron.

Supplies and Labor.

Sec. 9.—All supplies for the water, light, heat and power plant shall be purchased by the commission, and all work and labor in connection with said plant shall be hired by said commission. Provided, always, that in case any contract is to be let and the estimated amount of same shall exceed the sum of \$500.00 the commission shall let said contract by competitive bids, after ten days' notice duly given and published in a newspaper printed in the city of Warren; provided, however, that in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the commission shall make such repairs without giving such notice.

Books. Financial Condition.

Sec. 10.—The commission shall cause to be kept a set of books which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the Commission and paid over to the treasurer, and all payments made for account of water, light, heat and power, and all moneys due and owing to the commission for any cause whatsoever, together with an accurate account of all the expenses of the commission.

Reports of Recorder and Treasurer.

Sec. 11.—It shall be the duty of the city recorder and city treasurer to make a full and complete report of

In the sinking fund, to interest thereon, is suit at the bonded indebtedty, the levy of one mill ed for shall be discon- al moneys otherwise di- fund may be transfer- neral fund; and in case interest, or for any oth- fund shall, in the judg- council be insufficient to is of the city at maturity, l be resumed.

Water and Power Fund.

For the water, light and power ed to provide for the sup- maintenance of any plant- erated by the city for fur- city or its inhabitants, wa- power, and paying the- purchase, construction, ex- eration, maintenance and e city water, light and and the interest on all- outstanding obligations is- count of said water, light plant, and the principal- outstanding obligations. shall not be maintained by- at there shall be paid into- eys derived from the sale- erty acquired for or used- ion with the water, light- r plant of the city; also the- of all special assessments- account of or in connection- a water, light and power- o such amounts as may, from- me, be realized from the sale- s issued on account of said- and also all moneys received- e operation of said plant, in- water, light and power rates, supplies, and penalties.

Sum of fourteen thousand dol- the city bonds now outstand- and unpaid is hereby fixed as an- le amount of the bonded in- ness of said city to be borne- d water, light and power de- ent; if being the intent of this- ion that said water, light and- plant assume the payment of- fourteen thousand dollars of- s, together with all interest- on.

ould there be any accumulation- onies in this fund, after the pay- of all bonded indebtedness and- est thereon, beyond the needs of- plant, the council may, by reso- on direct such accumulation or- part thereof to be paid and trans- ed to the sinking fund, but except- above provided, no moneys belong- to the water, light and power fund- ll be transferred to any other fund- the city.

Express power is hereby conferred- on said water, light and power com- mission to invest any moneys belong- g to said fund in excess of the pres- t needs of said commission in such- urities as they deem for the best- interests of said fund.

General Fund.

Sec. 9.—The general fund is created- o provide moneys for the payment of- all other legal obligations of the city. It shall be maintained by a tax levy, and there shall also be paid into it all moneys belonging to the city, not

obligations, but shall be payable out of any assessed taxes, assessments, funds or liens held by the city, or may limit the city's liability thereon in any other manner, or shall guaran- tee that the city shall pay for the same. The city shall have authority to protect itself by acquiring title to any property subject to special assess- ments for local improvements, and shall have authority by ordinance to assign and convey any property so ac- quired, whether proceedings to ac- quire such title have been had prior to the time of the going into effect of this charter or thereafter, and shall have the power in like manner to assign any lien or right of action, held by the city on account of or arising out of any assessment, as se- curity for the payment of any bond, certificates of indebtedness or other evidence of indebtedness mentioned in this section or to provide that such bonds, certificates or other evidence of indebtedness mentioned herein, may be collected out of any such prop- erty, liens or rights of action.

Bond Issue Regulations.

Sec. 11.—The City Council by a majority vote of all the members there- of may from time to time as the oc- casion arises issue bonds of the city without a vote of the people, author- izing the same, for the purpose of paying, funding or refunding any bonded indebtedness of the city ex- isting at the time this charter goes into effect, or created at any subse- quent time in any manner by said charter authorized, provided that such bonds shall not bear a greater rate of interest than six per cent per annum payable semi annually.

Except as in this charter otherwise provided no bonds of the city shall ever be issued unless authorized by a majority vote of all members of the council, and unless the proposition to issue said bonds shall be first sub- mitted to the legal voters of the city at a general or special election and approved by a majority of such voters voting on such proposition at such election.

The manner of issuing bonds of the city, the conditions to be contained therein or matters pertaining to the manner or form of submitting the pro- position for bonding to the voters of the city shall be regulated and pre- scribed by the city council by resolu- tion at the time of such determina- tion to issue bonds.

No bonds of the city shall hereafter be issued nor any indebtedness incur- red which will make the aggregate outstanding indebtedness of the city exceed ten per cent of the assessed valuation of all the taxable property of the city as shown by the last pre- ceding assessment for the purpose of taxation; provided, however, that all bonds issued for the purpose of pur- chasing, constructing, regulating, maintaining, extending, enlarging or improving water and lighting plants, or either of such plants, owned, main- tained, and operated by the city of Warren, or for the purpose of acquir- ing any real or other property need- ed in connection with any such plant,

use of water, light, heat and power, or for any injury to any of the prop- erty or works entrusted to its care. Said commission may require from the persons employed by it, bonds for the faithful performance of their du- ties, the amount thereof to be fixed and approved by the board.

By-laws. Rules.

Sec. 5.—Said commission is hereby vested with full power to make and enforce such by-laws, rules and regu- lations as may be necessary to carry into effect the object and intent of this charter and to cause all such by- laws, rules and regulations to be en- tered in a book kept for that purpose and signed by the president and city recorder, which when so entered and signed, shall be opened at all times for inspection and shall be evidence in any court of justice. Said com- mission shall fix and maintain the rents and rates of water, light, heat and power furnished by it, so that the water, light, heat and power fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of operation and maintenance of the light, water, heat and power fund of the city, and to pay the interest on all such bonds of the city, designated under this charter to be assumed by said water, light and power depart- ment, and such bonds as may be here- inafter issued on behalf of said de- partment.

It shall be the duty of said com- mission to provide for the ultimate re- tirement of all bonds issued on behalf of said department, and to do so may provide for a sinking fund for said de- partment, and may place therein such moneys earned by said department as said commission may deem advisable.

Sec. 6.—Said commission shall regu- late the distribution and use of water, light, heat and power in all places and for all purposes where the same shall be required for either public or pri- vate use, and shall fix the prices and rates therefor; provided, however, that the city council may require the commission to fix and locate at such places as said council shall deem ad- visable, all hydrants for extinguish- ing fires, and fountains and watering troughs and lights for streets, public buildings and other public city prop- erty. Provided, that said commis- sion shall not charge the city for such water, light, heat and power, a higher rate than actual cost of production. In case such a charge is made, the city council is hereby authorized to pay, out of the general fund of the city, to the commission, the amount so fixed by said commission.

Payment in Advance.

Sec. 7.—The commission shall have full power and authority to require payment in advance for the use of all water, heat, light or power, by re- quiring the patron desiring same to deposit with the city treasurer an amount sufficient to cover the estimat- ed amount to be so used in any one month, and in case such deposit is not made, it shall shut off such wa- ter, heat, light or power.

On the first day of each and every

and power department, as shown by the records of each of said officers, as often as the commission may request. It shall also be the duty of said re- corder and treasurer on or before the 1st Tuesday of March in each year to file with said commission a statement of the transactions of said commis- sion for the year then ending, said re- port to contain an itemized statement of the receipts and expenditures of said commission and such other mat- ters as may be of interest to said commission.

Payment of Accounts.

Sec. 12.—All items of expense in- curred by said commission of whatso- ever nature and description shall be paid by said commission with orders drawn upon the "Water and Light" fund, signed by the president of the commission, and countersigned by the city recorder; and it shall be the du- ty of the city treasurer to pay said warrants out of the water and light fund.

Extensions of Service.

Sec. 13.—Extension of water pipes, heating pipes, and electric lines of the city shall not be made except when ordered by said commission and ap- proved by the council; provided, how- ever, that said commission may, with- out the approval of the council, fur- nish additional wires to be placed up- on poles already established and ap- proved by the council, and make ser- vice connections with watermains al- ready laid.

CHAPTER IX.

ACTIONS AND EVIDENCE.

Injuries to Persons and Property.

Sec. 1.—The city of Warren shall be absolutely exempt from liability to any person for damages for injuries suffered or sustained by reason of de- fective streets or sidewalks within said city, unless actual notice in writ- ing of such defects in said streets or sidewalks shall have been filed with the city recorder within at least forty-eight hours before the occurrence of such injury or damage. In the absence of such notice the city shall not be liable for any injury or damage on account of such defects, and in all cases such notice shall describe with particularity the place and nature of the defects of which complaint is made.

Limitations of Action.

Sec. 2.—No action shall be main- tained against the city on account of injuries received in any manner what- soever to persons or property by means of any defect in the condition of any bridge, street, sidewalks or thoroughfare, unless such action be com- menced within six months from the receiving or happening of the injury, nor unless notice shall have been giv- en in writing to the mayor or record- er within thirty days after the receiv- ing or occurrence of said injury, stat- ing the time and place where the same was received or suffered, and that the person injured will claim damages of the city for such injury.

Obstructions in Streets.

Sec. 3.—If any person or company shall place or leave any obstr

the prompt payment of interest, and for a sinking fund for the purpose of paying the bonds of the city, whether heretofore or hereafter issued.

Warrants.

Sec. 4.—All money and other property belonging to the city, except as herein otherwise provided, shall be under the management and control of the council, and moneys shall be paid out, except as otherwise in this charter provided upon the warrant of the mayor, countersigned by the recorder, after having been duly authorized by the council, passed by a majority vote of the whole number thereof. The resolution providing for the issuance of a warrant shall state the fund upon which such warrant shall be drawn, and every warrant shall designate the specific purpose for which it is issued and the specific fund upon which it is drawn, and shall be payable to the order of the person in whose favor it is ordered drawn.

Board of Tax Levy.

Sec. 5.—The mayor and the members of the city council shall constitute a board of tax levy. Said board shall meet at the office of the recorder on the second Monday of September in each year, and may adjourn from time to time as may be necessary by the duties hereby required of it, but to not later than the 30th day of September. Said board shall fix a maximum rate of taxation for the various purposes for which the council is authorized to levy taxes for such year, and it shall be the duty of such board to reduce the maximum rate of taxation for such purpose to the lowest practical limit. Provided, however, that a minimum tax of one mill on all the taxable property of the city shall be levied for the sinking fund; and, provided, however, that for all purposes the tax levy shall not exceed twenty-five mills upon the dollar of the assessed valuation of the city.

Funds.

Sec. 6.—There shall be maintained in the treasury a sinking fund, a water, light and power fund, a general fund, and such other funds as the council may, by resolution or ordinance, direct.

Sinking Fund.

Sec. 7.—The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the city, and for the maintenance of this fund, there shall be levied an annual minimum tax of one mill on the dollar of the assessed valuation of all taxable property in the city. The treasurer shall keep a separate account with the city depositories of all moneys belonging to the sinking fund and the treasurer is hereby forbidden to place any money, hereby appropriated to the sinking fund, in any other fund. In case the city shall receive any interest from the depositories, or any other person upon said sinking fund, or any other fund, that the said interest shall be placed to the credit of the fund which earns said interest. The council shall have charge of the sinking fund, and shall invest same in such securi-

specifically designated as belonging to any other fund.

The Several Funds.

Sec. 10.—The income and revenue of the city paid into the treasury shall, at once, by the treasurer, under the direction of the recorder, be apportioned to and kept in the separate funds established by this charter, and by the council, and it shall be unlawful to transfer money from one fund to another, or to divert money from the fund to which it belongs, except that, when there shall be a surplus of cash to the credit of any such fund, the council may by resolution passed by a majority vote of all its members, authorize said surplus cash to be placed in the sinking fund; provided, that money shall never be transferred from the sinking fund until the several purposes for which said fund has been established and maintained, shall have been fully accomplished; provided, further, that the council may by a majority vote of all its members, loan money out of the general fund to any special fund, and make such provision as it deems advisable for the repayment of same into the general fund.

No Debt Created Without Authority of Council.

Sec. 11.—None of the departments respectively of the city or any officer of such department, except as in this charter otherwise provided, shall have power or authority to make any contract or to create any debt against the city before the council shall have authorized the same by a majority vote of the members thereof; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation, for any purpose whatever, unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by the council, except as otherwise in this charter expressly provided.

Money Now in Treasury.

Sec. 12.—Within thirty days after it has been declared that this charter has been adopted, it shall be the duty of the council, with the assistance of the treasurer, to apportion the money then in the city treasury among the several funds herein provided for.

Power to Incur Debt.

Sec. 13.—The city may issue bonds in the manner hereinafter provided (1) for the purpose of constructing, extending, enlarging, maintaining and improving a municipal water, light and power plant, or either or any of them, or for the purpose of acquiring or paying for any real estate or other property needed in connection with any such plant; (2) for the purpose of making any public improvement within the power of the city; (3) for the purpose of paying, funding or refunding any bonded indebtedness of the city existing at the time this charter goes into effect, or created at any time in any manner by this charter authorized;

The ordinance for the issuance of bonds may provide that the same shall be general obligations of the

or bonds or securities in any sinking fund maintained by the city of Warren, shall not be counted as part of the outstanding bonded indebtedness of such city of Warren for the purpose of determining its authority to issue further bonds under the limitations herein prescribed.

CHAPTER VIII.

WATER, LIGHT AND POWER DEPARTMENT.

Power of City.

Sec. 1.—The city may construct, purchase, own and operate its water, electric lighting, heating and power plant, or any of them, and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water, light, heat, and power for all municipal purposes and may supply the same to the inhabitants of the city and to such others as it may deem expedient.

Commissioners.

Sec. 2.—The control, management and operation of all such water, light, heat and power plants shall be committed to a commission to be known as the "Water, Light and Power Commission."

Eligibility. Appointment. Election.

Sec. 3.—Said commission shall consist of three members, all of whom shall have been residents and freeholders and citizens of the city for a period of five years prior to the time of their qualifying for said office. They shall be appointed by the council within sixty days after the adoption of this charter, and shall hold office until the next general election to be held under this charter. At the first general election held under this charter, one member shall be elected for a term of two years, one member shall be elected for a term of four years and one member shall be elected for a term of six years; and as the term of office of each expires his successor shall be elected for a period of six years, and said election shall take place at the time and in the manner that other officers of said city are elected. The members of said commission shall serve without pay.

Organization. Powers.

Sec. 4.—Said commission shall organize by selecting one of its members as president. The city recorder shall be the secretary and clerk of said commission. The city treasurer shall be the treasurer of said commission. Said commission shall employ a superintendent, an engineer, and such other help as will enable it to properly perform its duties under this charter, and may discharge said employees at will. Said commission shall fix the compensation of all its employees, except that of the city recorder. One half of the salary of the city recorder, as fixed by the council, shall be paid out of the water, light and power fund. Said commission shall prescribe the duties of all such employees. Said commission and its employees may enter upon any premises for the purpose of examining the same and making surveys, and it may

month all amounts owing the city for the use of water, heat, light and power, shall become due and payable; and if not paid within forty days thereafter, said commission shall shut off said water, heat, light or power, and said commission shall not again supply said building, place or premises with water, light, heat or power until all arrears, together with the cost and expenses of turning said water, heat, light or power off, shall have been fully paid.

Liability of Owner of Property.

Sec. 8.—The owner of all private property which has upon it pipes connected with the city water works to convey water thereto, or wires and fixtures connected with the city lighting and power plant, to convey light and power thereto, shall, as well as the lessee or occupant of the premises, if any, be liable to the city for the rents or rates for all water, heat, light and power used upon said premises, and such rents or rates may be recovered in an action against such owner, lessee or occupant, or against any one or more of them. Provided, further, that upon service of written notice upon said water, light, heat and power commission, by the owner, agent, lessee or occupant, of such building or premises, that he, she or it will not in any way be responsible for the payment of such rents or rates, then the commission shall look to the user only of said water, light, heat and power, for such rents or rates, and provided, further, that said commission may in such event discontinue the furnishing of light, water, heat or power to said patron.

Supplies and Labor.

Sec. 9.—All supplies for the water, light, heat and power plant shall be purchased by the commission, and all work and labor in connection with said plant shall be hired by said commission. Provided, always, that in case any contract is to be let and the estimated amount of same shall exceed the sum of \$500.00 the commission shall let said contract by competitive bids, after ten days' notice duly given and published in a newspaper printed in the city of Warren; provided, however, that in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the commission shall make such repairs without giving such notice.

Books. Financial Condition.

Sec. 10.—The commission shall cause to be kept a set of books which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the Commission and paid over to the treasurer, and all payments made for account of water, light, heat and power, and all moneys due and owing to the commission for any cause whatsoever, together with an accurate account of all the expenses of the commission.

Reports of Recorder and Treasurer.

Sec. 11.—It shall be the duty of the city recorder and city treasurer to make a full and complete report of

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obligations, but shall be payable out
of any assessed taxes, assessments,
funds or liens held by the city, or
may limit the city's liability thereon
in any other manner, or shall guaran-
tee that the city shall pay for the
same. The city shall have authority
to protect itself by acquiring title to
any property subject to special assess-
ments for local improvements, and
shall have authority by ordinance to
assign and convey any property so ac-
quired, whether proceedings to ac-
quire such title have been had prior
to the time of the going into effect of
this charter or thereafter, and shall
have the power in like manner to
assign any lien or right of action,
held by the city on account of or
arising out of any assessment, as se-
curity for the payment of any bond,
certificates of indebtedness or other
evidence of indebtedness mentioned
in this section or to provide that such
bonds, certificates or other evidence
of indebtedness mentioned herein,
may be collected out of any such prop-
erty, liens or rights of action.

Bond Issue Regulations.

Sec. 14.—The City Council by a
majority vote of all the members there-
of may from time to time as the oc-
casion arises issue bonds of the city
without a vote of the people, author-
izing the same, for the purpose of
paying, funding or refunding any
bonded indebtedness of the city ex-
isting at the time this charter goes
into effect, or created at any subse-
quent time in any manner by said
charter authorized, provided that such
bonds shall not bear a greater rate of
interest than six per cent per annum
payable semi annually.

Except as in this charter otherwise
provided no bonds of the city shall
ever be issued unless authorized by
a majority vote of all members of the
council, and unless the proposition to
issue said bonds shall be first sub-
mitted to the legal voters of the city
at a general or special election and
approved by a majority of such voters
voting on such proposition at such
election.

The manner of issuing bonds of the
city, the conditions to be contained
therein or matters pertaining to the
manner or form of submitting the pro-
position for bonding to the voters of
the city shall be regulated and pre-
scribed by the city council by resolu-
tion at the time of such determina-
tion to issue bonds.

No bonds of the city shall hereafter
be issued nor any indebtedness incur-
red which will make the aggregate
outstanding indebtedness of the city
exceed ten per cent of the assessed
valuation of all the taxable property
of the city as shown by the last pre-
ceding assessment for the purpose of
taxation; provided, however, that all
bonds issued for the purpose of pur-
chasing, constructing, regulating,
maintaining, extending, enlarging or
improving water and lighting plants,
or either of such plants, owned, main-
tained, and operated by the city of
Warren, or for the purpose of acquir-
ing any real or other property need-
ed in connection with any such plant,

use of water, light, heat and power,
or for any injury to any of the prop-
erty or works entrusted to its care.

Said commission may require from
the persons employed by it, bonds for
the faithful performance of their du-
ties, the amount thereof to be fixed
and approved by the board.

By-laws. Rules.

Sec. 5.—Said commission is hereby
vested with full power to make and
enforce such by-laws, rules and regu-
lations as may be necessary to carry
into effect the object and intent of
this charter and to cause all such by-
laws, rules and regulations to be en-
tered in a book kept for that purpose
and signed by the president and city
recorder, which when so entered and
signed, shall be opened at all times
for inspection and shall be evidence
in any court of justice. Said com-
mission shall fix and maintain the
rents and rates of water, light, heat
and power furnished by it, so that the
water, light, heat and power fund of
the city shall, in each fiscal year, be
at least sufficient to defray the cost of
operation and maintenance of the
light, water, heat and power fund of
the city, and to pay the interest on
all such bonds of the city, designated
under this charter to be assumed by
said water, light and power depart-
ment, and such bonds as may be here-
inafter issued on behalf of said de-
partment.

It shall be the duty of said com-
mission to provide for the ultimate re-
tirement of all bonds issued on behalf
of said department, and to do so may
provide for a sinking fund for said de-
partment, and may place therein such
moneys earned by said department as
said commission may deem advisable.

Distribution. Price.

Sec. 6.—Said commission shall regu-
late the distribution and use of water,
light, heat and power in all places and
for all purposes where the same shall
be required for either public or pri-
vate use, and shall fix the prices and
rates therefor; provided, however,
that the city council may require the
commission to fix and locate at such
places as said council shall deem ad-
visable, all hydrants for extinguish-
ing fires, and fountains and watering
troughs and lights for streets, public
buildings and other public city prop-
erty. Provided, that said commis-
sion shall not charge the city for such
water, light, heat and power, a higher
rate than actual cost of production.
In case such a charge is made, the
city council is hereby authorized to
pay, out of the general fund of the
city, to the commission, the amount
so fixed by said commission.

Payment in Advance.

Sec. 7.—The commission shall have
full power and authority to require
payment in advance for the use of all
water, heat, light or power, by re-
quiring the patron desiring same to
deposit with the city treasurer an
amount sufficient to cover the estimat-
ed amount to be so used in any one
month, and in case such deposit is
not made, it shall shut off such wa-
ter, heat, light or power.

On the first day of each and every

and power department, as shown by
the records of each of said officers, as
often as the commission may request.
It shall also be the duty of said re-
corder and treasurer on or before the
1st Tuesday of March in each year to
file with said commission a statement
of the transactions of said commis-
sion for the year then ending, said re-
port to contain an itemized statement
of the receipts and expenditures of
said commission and such other mat-
ters as may be of interest to said
commission.

Payment of Accounts.

Sec. 12.—All items of expense in-
curred by said commission of whatso-
ever nature and description shall be
paid by said commission with orders
drawn upon the "Water and Light"
fund, signed by the president of the
commission, and countersigned by the
city recorder; and it shall be the du-
ty of the city treasurer to pay said
warrants out of the water and light
fund.

Extensions of Service.

Sec. 13.—Extension of water pipes,
heating pipes, and electric lines of the
city shall not be made except when
ordered by said commission and ap-
proved by the council; provided, how-
ever, that said commission may, with-
out the approval of the council, fur-
nish additional wires to be placed up-
on poles already established and ap-
proved by the council, and make ser-
vice connections with watermains al-
ready laid.

CHAPTER IX.

ACTIONS AND EVIDENCE.

Injuries to Persons and Property.

Sec. 1.—The city of Warren shall
be absolutely exempt from liability to
any person for damages for injuries
suffered or sustained by reason of de-
fective streets or sidewalks within
said city, unless actual notice in writ-
ing of such defects in said streets or
sidewalks shall have been filed with
the city recorder within at least forty-
eight hours before the occurrence
of such injury or damage. In the ab-
sence of such notice the city shall not
be liable for any injury or damage on
account of such defects, and in all
cases such notice shall describe with
particularity the place and nature of
the defects of which complaint is
made.

Limitations of Action.

Sec. 2.—No action shall be main-
tained against the city on account of
injuries received in any manner what-
soever to persons or property by
means of any defect in the condition
of any bridge, street, sidewalks or
thoroughfare, unless such action be com-
menced within six months from the
receiving or happening of the injury,
nor unless notice shall have been giv-
en in writing to the mayor or record-
er within thirty days after the receiv-
ing or occurrence of said injury, stat-
ing the time and place where the
same was received or suffered, and
that the person injured will claim
damages of the city for such injury.

Obstructions in Streets.

Sec. 3.—If any person or company
shall place or leave any obstr.

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or make any excavation or opening, or cause any defect in any street, road, alley, public ground in the city, or leave any obstruction, excavation or opening or defect unguarded or without proper protection, such person or company shall be liable to any person injured in person or property because of such obstruction, excavation, opening or defect; provided, however, that the city of Warren shall in no event be held liable for any of the provisions of this section, unless said city shall have caused said defect, obstruction, excavation or opening, to have been made by a person in the employ of said city.

CHAPTER X. FRANCHISES.

Ordinances, Granting Franchises.

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

Regulations of Rates.

Sec. 2.—The city shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it within the city limits, but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by said council by ordinance and said council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of Commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by any such corporation or person. The council shall have full power, by ordinance, to regulate the construction of telegraph and telephone lines within the city limits, and may require all persons or corporations now using, or which may hereafter use, the public streets of said city for any purpose mentioned in this chapter, to pay the city for said use such reasonable compensation as said council may deem just and equitable.

Reports.

Sec. 3.—Every corporation or person exercising any franchise in the city of Warren shall file annually on the first Tuesday in February, in the office of the city recorder, or at such other time as said council may designate, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party, the actual income, debts and obligations thereon, if any, the amount of stock

holding such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Jury—Hearing.

Sec. 2.—At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided for in section one of this chapter, shall be filed with the justice, who shall thereupon make a list of twenty-four competent jurors not interested, but residents of the city shall not be disqualified by reason of such residence. He shall hear and decide any challenges for cause or favor made to any one, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the city council by its representative on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the city justice, on the other, shall challenge six named, one at a time, alternating, the city council beginning. To the twelve jurors remaining the justice shall issue a venire, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and, at the same time, shall publicly adjourn the proceedings to the time so named; such venire shall be served by any constable or police officer at least one (1) day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family of suitable age and discretion. The jurors summoned shall appear at the time and place named, and if any be excused by the justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead until twelve be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury to Assess Damages.

Sec. 3.—Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him, to hear such competent evidence as shall be produced by any party; and for such purposes such magistrate shall possess the same powers as a district court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or

opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, but shall not enter upon any such land therefor until the owner be paid in full or the damage be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the recorder to permanently remain subject to his order. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be set apart in the city treasury for whoever shall be entitled thereto, and paid over to the person or persons who shall show a clear right to receive the same. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the city council may discontinue all proceedings theretofore taken and the city shall in such event be liable for the cost only. All the cost of every such proceeding shall be paid by the city, except when it recover costs in the district court or supreme court. Fees and costs shall be the same as in other civil actions.

Special Assessments. How Levied.

Sec. 6.—For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in last preceding section, the council may, by resolution, levy and assess the whole, or any part not less than one-half of such expenses as a tax upon such property as they shall determine is especially benefited thereby, making therein a list thereof in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite.

Such resolution, signed by the mayor and recorder, shall be published once in each week for two weeks in a newspaper, printed regularly in such city, or if there be no such newspaper, three copies thereof shall be posted by the recorder in three of the most public places in such city, and a notice therewith that at a certain time therein stated the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment, or to any part thereof. At the time so fixed, the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day not more than three days, and may, by resolution, modify such assessment in whole or in part. At any time before the first day of September thereafter any party liable may pay any such tax to the city treasurer. On such first day of September, if any tax remains unpaid, the recorder shall certify a copy of such resolution to the county auditor, showing that taxes thereby levied remain unpaid; and the county auditor shall put the same upon the tax roll, in addition to and as a part of all other city taxes there-

street, highway, alley, or any part thereof, or construct or repair such sewer, gutter or ditch, at the next meeting thereafter or as soon as may be, such council shall pass a resolution ordering that such street, highway, alley, sewer, gutter or ditch shall be filled, graded, planked, paved, macadamized, constructed or repaired as requested in said petition, and shall file such order in the office of the city recorder. Both such petitions and said order shall be recorded in the records of the city. The city council shall thereupon cause plans and specifications of the work to be done to be made and filed in the office of the city recorder for the use of all persons interested, and thereupon the recorder shall give public notice that at a time stated the city council will meet at its usual place of meeting, and receive sealed bids for the performance of such work. Such sealed bids shall be left with the city recorder. At the time stated in the notice the city recorder shall open all bids in the presence of the council, and the city council shall consider the same, but shall have the right to reject any and all bids. In case a bid is accepted the city council shall enter into a contract in writing with the person or persons whose bid is so accepted for the performance of such work, and the council may require a bond for the performance of the contract. The city council shall, as soon thereafter as may be, by resolution, levy a special tax or assessment sufficient to cover the contract price of the work, upon all the land abutting upon the work to be done, and upon each piece or parcel thereof, in proportion to the frontage. The city recorder shall thereupon cause a notice to be published in the official paper of the city, if there is one, and if not, then in any newspaper in the county. Such notice shall state the fact of the levy of such special tax or assessment, the amount levied upon each lot or parcel of land, and the names of the owners, if known. The notice shall be published three times; and shall further state that the persons liable to such tax or assessment may pay the same at any time within six weeks from the date of said notice to the city treasurer. At the time of publishing such notice the city recorder shall deliver the assessment roll to the city treasurer. At the end of six weeks the treasurer shall return the assessment roll to the city recorder, showing what taxes have been paid and what remain unpaid. The city recorder shall, before the first day of October following, or at such time as may be required by the laws of this state, certify to the county auditor the description of lots or parcels of land upon which such special tax has not been paid, the amount of tax due on each, and the names of the respective owners, if known. The city recorder shall add a penalty of ten per cent on all such taxes so certified to the county auditor. Such taxes so certified shall be entered and collected in the same manner that state and county taxes are collected, and when so collected

expiration of said city council, or may be appointed purpose, at the pointed, shall in er the said mat testimony and e the parties inte cil shall thereu same, or upon t mittee in favor tion, may, by a four-fifths vote bers elect, grounds, stree vacated, which same shall go published, as and thereupo order, duly e order, shall duly recorded, ister of deeds shall.

Appeal Vacated.

Sec. 11.—An grievance by suc uance may, w the publication writing served city, a copy w vice thereof, s fice of the cle of the county said court from continuance, v be tried by th ordinary cases which court s be the duty o soon as such a mit to the pr copy of the re in the case at pellant. Suc and brought governed by t er respects a of the peace l no pleadings.

Plat of Vacated.

Register of.

Sec. 12.—W street, alley out, widened or any of the continued un act, the city accurate surv made and file ister of deeds Right of Way.

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have the po vote of four-f of the city of of way upon, public street public ground way company upon such li as they may except as ot provided.

Sidewalks.

Sec. 14.—T cause to be e time, and as fence of the the grade of and it shall thereof to be office of the ci

issued, and to whom the gross earnings, the expenses and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

CHAPTER XI.

CONDEMNATION OF PRIVATE PROPERTY TO PUBLIC USE.

Proceedings. Notice. How Served.

Sec. 1.—Whenever the city council shall intend to lay out and open, change, widen or extend any highway, street, lane, alley, public grounds, square or any other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten watercourses therein, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the recorder, and they may purchase or take by donation such grounds as shall be needed by agreement with the owners, and take from them conveyances thereof to the city for such use or in fee; but otherwise they shall by resolution declare their purpose to take the same therein, describe by metes and bounds the location of the proposed improvements, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each district owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where they will apply to a justice of the peace of the city for a jury to condemn and appraise the same. They shall thereupon cause to be made by the recorder, a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested, that the council will, at the time and place named, apply to a city justice of the peace for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in justice court, and the return of the summons shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels then the same shall be also published once in each week for three (3) successive weeks in a newspaper published in such city or county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served, and such publication made for three (3) weeks, complete at least one (1) week before the time fixed therein for such application. If any person so served with notice shall be a minor, or of unsound mind, the justice, before proceeding, shall on the day fixed for

issuing the damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury may render such verdict or appraisal of damages and shall sign the same. Any technical error in such verdict may be immediately corrected, by the justice with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn and proceed in the same manner.

Appeal. How Taken.

Sec. 4.—Within ten days after verdict any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the district court, and the city may likewise appeal from the award of damages to any owner by filing with such justice a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and if a part, what part, and therewith a bond with two sufficient sureties to be approved by the justice, to pay all costs that may be awarded against such appellant on the appeal and paying the justice for the return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisal. Upon an appeal being taken the justice shall transmit to the clerk of the district court, within ten days, the notice of appeal and bond, and thereto annex a copy of all papers and proceedings had before him, with his certificate thereof. He shall after the time for appealing is expired, file with the city recorder, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify and the recorder shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to trial and appeal to the supreme court. The case shall be tried by a jury, unless waived, and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the district court shall transmit a certified copy thereof to the city recorder.

Proceedings Upon Verdict.

Sec. 5.—If the verdict of the jury first called, find it necessary to take such land, or any part thereof, the city council may, upon return thereof to the recorder, enact an act in accordance therewith, for laying out, changing, widening or extending and

in levied on such land, to be collected therewith.

CHAPTER XII.

STREETS, SIDEWALKS, BRIDGES AND SPECIAL ASSESSMENTS.

Power over Streets, Public Grounds, Etc.

Sec. 1.—The city council shall have the care, supervision and control of all highways, bridges, streets, alleys, lanes, public parks, public squares and public grounds within the limits of the city, and shall have power to build and keep in repair bridges and alleys, and lay out, open and alter public squares, parks, lanes, public grounds, streets, highways and alleys, and to extend, narrow, widen or straighten the same, and to purchase, hold and convey lands in fee simple, and to take grounds for the sites of public buildings, and public parks, subject to the assessments of damages hereinbefore provided.

Road Districts. Duties of Street Commissioners.

Sec. 2.—Said city shall constitute one road district, and the streets and highways shall be under the exclusive care and supervision of the city council, and the powers and duties of the street commissioner, in addition to those already enumerated in this charter, shall be the same as those of road overseers under the laws of this state.

Grades of Streets.

Sec. 3.—The city council shall have power to establish the grade of any street when such grade has not been established, and may, by a four-fifths vote of the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city recorder.

Work Done Under Contract—When.

Sec. 4.—All work done pursuant to the provision of this chapter, calling for an expenditure of five hundred dollars or more, shall be done under contract. A public notice shall be given and proposals invited for doing the same in such manner as the council shall direct.

Expense of Grading Streets, Etc.

Sec. 5.—The expense of filling, grading, planking and macadamizing streets, highways and alleys, and of constructing and repairing sewers, gutters and ditches, shall be chargeable to the lots or parcels of land abutting upon such streets, highways, alleys, sewers, gutters, and ditches, in proportion to the frontage without reference to the value of the land.

Proceedings Under Petition.

Sec. 6.—Whenever a petition of the owners of more than one-half of the land abutting on any street, highway or alley, or any part thereof, or of the owners of more than one-half of the land abutting on any street, highway or alley, or any part thereof, in or under which it is proposed to construct or repair any sewer, gutter, or ditch, shall be presented to the city council, requesting that they shall fill, grade, plank or macadamize any such

shall be paid over to the city treasurer.

Proceedings Without Petition.

Sec. 7.—The city council, may, by an affirmative vote of four-fifths of all the members elected, by resolution, order that any street, highway or alley, or any part thereof, shall be filled, graded, paved, macadamized or otherwise improved, or that any sewer, gutter, or ditch shall be built or repaired without petition. When any such order has been made by the city council and recorded, all subsequent proceedings in the matter shall be the same as in case where a petition of owners of more than one-half of the abutting property is presented to the council.

Railroad Company Not to Obstruct Streets.

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

No Liability for Insufficiency of Streets.

Sec. 9.—The acceptance of plats of additions of any grounds or subdivisions thereof, either within or without the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the city council shall direct the same to be graded and opened for travel.

Vacating Streets.

Sec. 10.—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one or more residents and freeholders in said city; such petition shall set forth the facts and reasons for such vacation, accompanied by the plat of such public grounds, streets, alleys or highways, proposed to be vacated, and it shall be verified by oath of the petitioners. The city council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city recorder, who shall give notice by publication in the official paper of the city for four successive weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from

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any such street, lane, alley, round, square or other public constructing and opening, enlarging or extending any ns, canals or sewers, or aldening or straightening any r course, but shall not enter such land therefor until the paid in full or the damage art for him in the hands of urer, and an order therefore executed to him be deposited recorder to permanently re-ct to his order. In case ll be any doubt as to who is o such compensation or dam-ny part of the same, the o award shall be set apart ty treasurer for whoever shall ed thereto, and paid over to on or persons who shall show ight to receive the same. At e before causing any such e actually taken or put to e, and before the rendition of ent in the district court for e the city council may discon-ceedings therefor take e city shall in such event be e the cost only. All the cost such proceeding shall be paid city, except when it recover the district court or supreme ees and costs shall be the n other civil actions.

Assessments. How Levied.

For the purpose of payment expenses, including all dam- costs incurred for the taking e property, and of making rovement mentioned in last ection, the council may, by n, levy and assess the whole, art not less than one-half of enses as a tax upon such pro- e they shall determine is es- benefited thereby, making a list thereof in which shall ribed every lot or parcel of assessed, with the name of er thereof, if known, and the levied thereon set opposite. resolution, signed by the ma- recorder, shall be published each week for two weeks in a per, printed regularly in such if there be no such newspa- ee copies thereof shall be post- the recorder in three of the blic places in such city, and a therewith that at a certain herein stated the said council est at their usual place of meet- d hear all objections which may e to such assessment, or to t thereof. At the time so fix- said council shall meet and ll such objections, and for that e may adjourn from day to day ore than three days, and may, olution, modify such assessment le or in part. At any time be- the first day of September there- any party liable may pay any ax to the city treasurer. On first day of September, if any mains unpaid, the recorder shall e a copy of such resolution to untly auditor, showing that taxes y levied remain unpaid; and untly auditor shall put the same the tax roll, in addition to and art of all other city taxes there-

street, highway, alley, or any part thereof, or construct or repair such sewer, gutter or ditch, at the next meeting thereafter or as soon as may be, such council shall pass a resolution ordering that such street, highway, alley, sewer, gutter or ditch shall be filled, graded, planked, paved, macadamized, constructed or repaired as requested in said petition, and shall file such order in the office of the city recorder. Both such petitions and said order shall be recorded in the records of the city. The city council shall thereupon cause plans and specifications of the work to be done to be made and filed in the office of the city recorder for the use of all persons interested, and thereupon the recorder shall give public notice that at a time stated the city council will meet at its usual place of meeting, and receive sealed bids for the performance of such work. Such sealed bids shall be left with the city recorder. At the time stated in the notice the city recorder shall open all bids in the presence of the council, and the city council shall consider the same, but shall have the right to reject any and all bids. In case a bid is accepted the city council shall enter into a contract in writing with the person or persons whose bid is so accepted for the performance of such work, and the council may require a bond for the performance of the contract. The city council shall, as soon thereafter as may be, by resolution, levy a special tax or assessment sufficient to cover the contract price of the work, upon all the land abutting upon the work to be done, and upon each piece or parcel thereof, in proportion to the frontage. The city recorder shall thereupon cause a notice to be published in the official paper of the city, if there is one, and if not, then in any newspaper in the county. Such notice shall state the fact of the levy of such special tax or assessment, the amount levied upon each lot or parcel of land, and the names of the owners, if known. The notice shall be published three times; and shall further state that the persons liable to such tax or assessment may pay the same at any time within six weeks from the date of said notice to the city treasurer. At the time of publishing such notice the city recorder shall deliver the assessment roll to the city treasurer. At the end of six weeks the treasurer shall return the assessment roll to the city recorder, showing what taxes have been paid and what remain unpaid. The city recorder shall, before the first day of October following, or at such time as may be required by the laws of this state, certify to the county auditor the description of lots or parcels of land upon which such special tax has not been paid, the amount of tax due on each, and the names of the respective owners, if known. The city recorder shall add a penalty of ten per cent on all such taxes so certified to the county auditor. Such taxes so certified shall be entered and collected in the same manner that state and county taxes are collected, and when so collected

expiration of said publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council shall thereupon after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a four-fifths vote of all the council members elect, declare such public grounds, streets, alleys or highways vacated, which said order, after the same shall go into effect, shall be published, as in case of ordinances, and thereupon a transcript of such order, duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county of Marshall.

Appeal Vacating Street.

Sec. 11.—Any person feeling aggrieved by such vacation or discontinuance may, within twenty days after the publication thereof, by notice in writing served on the mayor of said city, a copy whereof, with proof of service thereof, shall be filed in the office of the clerk of the district court of the county of Marshall, appeal to said court from such vacation or discontinuance, where such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of which court shall be final. It shall be the duty of the city recorder, as soon as such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

Plat of Vacated Streets Filed with the Register of Deeds.

Sec. 12.—Whenever any highway, street, alley or public ground is laid out, widened, narrowed or enlarged, or any of the same are vacated or discontinued under the provisions of this act, the city council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds of Marshall County.

Right of Way Over Streets.

Sec. 13.—The city council shall have the power and authority by a vote of four-fifths of all the members of the city council, to grant the right of way upon, over and thru any of the public streets, highways, alleys and public grounds of said city to any railway company or other corporation, upon such limitations and conditions as they may prescribe by ordinance, except as otherwise in this charter provided.

Sidewalks. Grades of.

Sec. 14.—The city council may cause to be established, from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of all sidewalks in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder.

scribe the width of sidewalks, and may establish different widths in different localities, and determine the kind, dimensions and quality of the material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

Expense. What to Include.

Sec. 19.—The expense of constructing or repairing sidewalks in said city shall include all stone work, blocks, support, excavation or filling, to make the same upon established grades, and all expenses of labor and serving the notices provided for in this charter.

If Owner Builds. Subject to Approval.

Sec. 20.—All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land in pursuance of notice under this act, or without such notice, shall be subject to the approval of the city council.

Sidewalks. How Maintained.

Sec. 21.—It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city to maintain in good order and repair such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners respectively as may have been heretofore constructed, or as shall hereafter be constructed; but if the said owners fail to do so, then the city council may proceed to repair such sidewalks in the manner prescribed in this charter.

Liability for Insufficient Sidewalks.

Sec. 22.—The owners of all lands abutting any sidewalk shall be liable to the city for any sums whatsoever which said city may be compelled to pay by reason of any injury to person or property caused by a defect in said sidewalk.

Assessment Not Set Aside for Irregularity.

Sec. 23.—No assessment in this chapter provided for shall be set aside or held invalid by reason of any informality or irregularity in the proceedings prior to the entry thereof on the tax lists of the auditor of said county as herein required, unless it shall appear that by reason of any such irregularity or informality, an injustice has been done to the parties or party claimed to be aggrieved.

City May Bear Part of Expenses.

Sec. 24.—In any case the city council shall deem that a part of the expenses of doing any work provided for in this chapter should be borne by the city at large, they may by resolution order that a part of the expenses shall be paid out of the city treasury, but no such appropriation amounting to five hundred dollars or more shall be made unless by a four-fifths vote of all the members of the council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

This Charter Not to Affect Prior Instruments.

Sec. 1.—All recognizances, obligations, and all other instruments entered into or executed to the city of

levied on such land, to be collected there-with.

CHAPTER XII.

STREETS, SIDEWALKS, BRIDGES AND SPECIAL ASSESSMENTS.

Power over Streets, Public Grounds, Etc.

Sec. 1.—The city council shall have the care, supervision and control of all highways, bridges, streets, alleys, lanes, public parks, public squares and public grounds within the limits of the city, and shall have power to build and keep in repair bridges and alleys, and lay out, open and alter public squares, parks, lanes, public grounds, streets, highways and alleys, and to extend, narrow, widen or straighten the same, and to purchase, hold and convey lands in fee simple, and to take grounds for the sites of public buildings, and public parks, subject to the assessments of damages hereinbefore provided.

Road Districts. Duties of Street Commissioners.

Sec. 2.—Said city shall constitute one road district, and the streets and highways shall be under the exclusive care and supervision of the city council, and the powers and duties of the street commissioner, in addition to those already enumerated in this charter, shall be the same as those of road overseers under the laws of this state.

Grades of Streets.

Sec. 3.—The city council shall have power to establish the grade of any street when such grade has not been established, and may, by a four-fifths vote of the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city recorder.

Work Done Under Contract—When.

Sec. 4.—All work done pursuant to the provision of this chapter, calling for an expenditure of five hundred dollars or more, shall be done under contract. A public notice shall be given and proposals invited for doing the same in such manner as the council shall direct.

Expense of Grading Streets, Etc.

Sec. 5.—The expense of filling, grading, planing and macadamizing streets, highways and alleys, and of constructing and repairing sewers, gutters and ditches, shall be chargeable to the lots or parcels of land abutting upon such streets, highways, alleys, sewers, gutters, and ditches, in proportion to the frontage without reference to the value of the land.

Proceedings Under Petition.

Sec. 6.—Whenever a petition of the owners of more than one-half of the land abutting on any street, highway or alley, or any part thereof, or of the owners of more than one-half of the land abutting on any street, highway or alley, or any part thereof, in or under which it is proposed to construct or repair any sewer, gutter, or ditch, shall be presented to the city council, requesting that they shall fill, grade, plank or macadamize any such

shall be paid over to the city treasurer.

Proceedings Without Petition.

Sec. 7.—The city council, may, by an affirmative vote of four-fifths of all the members elected, by resolution, order that any street, highway or alley, or any part thereof, shall be filled, graded, paved, macadamized or otherwise improved, or that any sewer, gutter, or ditch shall be built or repaired without petition. When any such order has been made by the city council and recorded, all subsequent proceedings in the matter shall be the same as in case where a petition of owners of more than one-half of the abutting property is presented to the council.

Railroad Company Not to Obstruct Streets.

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

No Liability for Insufficiency of Streets.

Sec. 9.—The acceptance of plats of additions of any grounds or subdivisions thereof, either within or without the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets until the city council shall direct the same to be graded and opened for travel.

Vacating Streets.

Sec. 10.—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one or more residents and freeholders in said city; such petition shall set forth the facts and reasons for such vacation, accompanied by the plat of such public grounds, streets, alleys or highways, proposed to be vacated, and it shall be verified by oath of the petitioners. The city council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city recorder, who shall give notice by publication in the official paper of the city for four successive weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from

Right to Order Built. Repaired. Notice to Owner.

Sec. 15.—Whenever the city council shall deem it necessary to construct, relay or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the city council in a written notice to be served upon said owner if he be a resident of the city, personally, or by leaving a copy thereof at his usual place of abode in said city with some person of suitable age and discretion; and if the said owner be not a resident of said city, or if the owner of any such lot or lots or parcels of land be unknown, then such notice shall be served by publication thereof in a newspaper printed in said city for not less than two successive weeks, every such notice to set forth what work is to be done, and the character thereof, by each owner or occupant. Said written notice shall be signed by the mayor and city recorder.

Sidewalk. How Built When Owner Fails to do So.

Sec. 16.—If such work is not done and said sidewalk not built or repaired in the manner and within the time specified, the city council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks. The street commissioner shall keep accurate account of all the work and expenditures and make a verified and itemized and separate report thereof for each lot and parcel of land to which the sidewalk so constructed, relaid, or repaired, adjoins, and within a reasonable time, after the said work is completed, file and report with the city recorder. Said expense shall be assessed upon such lots and parcels of land so chargeable by the city council, in such manner that each lot and parcel shall be charged with the whole expense of the sidewalk adjoining thereto, and said assessment so made shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Statement of Taxes Levied. Transmitted to Auditor.

Sec. 17.—If said assessment, with interest, be not paid to the city recorder on or before the twentieth of September in any year, the city council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county, on or before the first day of October in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof shall be enforced with and in like manner as city, county and state taxes are collected, and payment thereof enforced.

Width of Sidewalk. Material.

Sec. 18.—The city council shall pro-

Warren before this charter goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said city, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this charter going into operation.

Ordinances, etc., not to be Affected.

Sec. 2.—Nothing contained in this charter shall be understood or construed as repealing, amending or modifying any city ordinance, resolution, rule or order which may be in force in the city of Warren at the time this charter goes into effect and becomes operative, except in so far as the same may be inconsistent and incompatible with any of the provisions of this charter, but the same shall continue in full force until repealed, amended or modified by the common council herein provided for.

Plats, etc., to be Kept in Recorder's Office.

Sec. 3.—All papers, files, plats and other public records to be kept, preserved and filed, unless otherwise provided in this charter, shall be kept on file and preserved in the office of the city recorder; except that this shall not apply to plats now on record in the register of deed's office for said county.

Old Charter Repealed.

Sec. 4.—All the provisions of Chapter 44 of the Laws of Minnesota for the year 1891 are hereby repealed, except that such repeal shall not affect any matter whatsoever remaining unfinished at the time of the adoption of this charter.

To the Hon. C. Wittensten, Mayor of the City of Warren, Minnesota:

We, the undersigned, appointed by the Judges of the District Court of Marshall County, Minnesota, as a commission to draft a proposed city charter for the city of Warren, in accordance with the provisions of section 36, article 4, of the constitution of the State of Minnesota, and chapter 9 of the Revised Laws of the State of Minnesota for the year 1905, and the acts amendatory and supplemental thereto, do hereby respectfully submit and return to you the foregoing draft of the proposed city charter of the city of Warren, and do respectfully request that the same be submitted to the people of the City of Warren for adoption on March 17, 1914.

O. H. TARALSETH,
C. E. LUNDQUIST,
A. C. SWANDBY,
W. O. BRAGGANS,
G. S. WATTAM,
C. WITTENSTEN,
W. R. HANEY,
H. L. WOOD,
W. F. POWELL,
C. L. SPAULDING,
NELS JOHNSON,
L. M. OLSON,
C. A. NELSON,
H. M. SWANSON,
L. LAMBERSON,
Commissioners.