

CHARTER
— of the —
City of Chisholm

7190

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 13 1934
Wm. H. H. H.
Secretary of State

Adopted October 8, 1934

Home-Rule CHARTER

—of the—

CITY OF CHISHOLM
St. Louis County,
State of Minnesota

Adopted October 8, 1934

According to Provisions of The Laws of 1923
and Amendments thereof, General Statutes
of Minnesota, and Under the General Laws of
Minnesota in Cities of the Fourth Class.

Charter Commission



Harry L. Cawley, Chairman
Richard Kelly, secretary
Edward Wheelecort
Michael Baich
Walter B. Brown
Bror Magnusson
E. J. Rupp
Emil Rahja
Albert Logefeil
J. P. Vaughan
Harry K. Goldenberg
Louis Bauman
Stephen Stonich
G. L. Train
O. L. Baldrice
Charles T. Wangenstein, Attorney

Charter Commission



In response to a petition bearing the signatures of 358 voters of the City of Chisholm asking that a commission be appointed to draft and present a home rule charter, the six judges of the district court including the Honorable Martin Hughes, Honorable Edward Freeman, Honorable Bert Fesler, Honorable Clarence R. Magney, Honorable Henry J. Grannis, and Honorable Edward J. Kenny, did grant the petition on September 6, 1934 and announced the appointment of the following board of freeholders as the charter commission:

Michael Baich, O. L. Baldrice, Louis Bauman, Walter B. Brown, Harry L. Cawley, Harry K. Goldenberg, Richard Kelly, Albert A. Logefell, Bror Magnusson, Emil Rahja, E. J. Rupp, Stephen Stonich, G. L. Train, Edward Wheelcor, J. P. Vaughan. Members were appointed for a term of four years according to the laws of the State of Minnesota for cities of the fourth class.

The charter commission held its organization meeting at 3 p. m. on September 10, 1934 and elected Harry L. Cawley as chairman and Richard Kelly as secretary. Charles T. Wangenstein was appointed attorney to assist the commission in the drafting of the proposed charter.

The commission completed its work on September 24, 1934 and the proposed charter and an amendment thereto was submitted to the acting officials of the City of Chisholm on September 24, 1934 and was unanimously adopted and voted by resolution at a special meeting to be presented to the voters of the City of Chisholm at the special election of city officials on October 8, 1934.

The voters of the City of Chisholm on October 8, 1934 by a vote of 2646 "yes" to 440 "no" approved the proposed charter and on November 8, 1934 the home rule charter became the law of the city. The amendment to the charter was approved at the same election by a vote of 2289 "yes" and 752 "no", and such amendment simultaneously became a part of the charter.

INCORPORATION OF CITY OF CHISHOLM

On July 25, 1934 petitions bearing approximately 1,300 signatures of residents of the Village of Chisholm were filed with the auditor of St. Louis county asking that the board of commissioners of St. Louis county call a special election for the purpose of securing the mandate of the voters whether the Village of Chisholm and certain additional territory be organized as a city of the fourth class to be known as the "City of Chisholm."

On July 30, 1934 the board of commissioners of St. Louis County at meeting assembled unanimously accepted the petitions and called a special election for Sept. 1, 1934, appointing E. J. Rupp, John L. Sullivan, and Richard Kelly as inspectors of election.

On September 1, 1934 the special election was held and results tabulated

CHARTER COMMISSION

as follows: "Yes"—2186, "No"—841, Spoiled Ballots—26. Accordingly the voters of the proposed city had by more than the legally required sixty percent affirmative ballots voted for the incorporation of the City of Chisholm and certificates of election were filed with the secretary of the State of Minnesota on September 5, 1934 by the county auditor. The Village of Chisholm was declared extinct and the City of Chisholm declared incorporated as a city of the fourth class.

On September 7, 1934 the board of commissioners of St. Louis County by resolution unanimously passed called a special election on October 8, 1934 in the City of Chisholm for the purpose of electing officials to govern according to laws for cities of the fourth class, Laws of 1931, Chapter 289. Inspectors of election appointed by the commissioners included E. J. Rupp, John L. Sullivan, and Richard Kelly. Mr. Sullivan informed the inspectors he could not serve and remaining inspectors appointed Russell J. McDougall for the vacancy.

On October 8, 1934 the special election was held and following were the results:

Mayor		Aldermen—Ward Two	
Rudolph Stukel	1762	Joe J. Arko	469
Ed. Wheelacor	1374	Steve Kasun	411
		Valentine Lesnak	210
		Anton Mahne	289
Recorder		Aldermen—Ward Three	
Frank Centa Jr.	1982	Erick A. Erickson	121
John MacDonald	1088	Anton Klodniski	398
		Jalmer Lindstrom	331
Treasurer		Anton Pluth	273
Frank Paskvan	1744	John W. Winkvist Jr.	321
Neil Kack	1343		
Justice of Peace		Aldermen—Ward Four	
John Dropp	1594	Fred Amato	472
Joe Gruden	549	F. W. Anderson	252
A. O. Takus	735	Herman Junsola	79
		John Latkovich	504
		John Lamuth	215
Aldermen—Ward One		Aldermen—Ward Five	
Charles Peterson	314	Melvin Clark	152
C. O. Lundquist	300	Joseph T. Monte	156
C. M. Tramontin	286	J. L. Barnidge	85
Kurt Kunze	270	S. H. Schenck	90

FIRST OFFICIALS

—of the—

City of Chisholm



Mayor Rudolph Stukel
Clerk Frank Centa Jr.
Treasurer Frank L. Paskvan

President of council Joseph T. Monte, Ward 5
Vice President of council Charles Peterson, Ward 1
Alderman C. O. Lundquist, Ward 1
Alderman Joe J. Arko, Ward 2
Alderman Steve Kasun, Ward 2
Alderman Anton Klodniski, Ward 3
Alderman Jalmer Lindstrom, Ward 3
Alderman John Latkovich, Ward 4
Alderman Fred Amato, Ward 4
Alderman Melvin Clark, Ward 5

Judge George K. Trask
Engineer George T. Anderson
Attorney Frank M. Talus
Deputy Clerk Alvin T. Johnson

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CHARTER

—of the—

City of Chisholm, Minn.



CHAPTER I.

NAMES, POWERS, AND BOUNDARIES

SECTION 1. NAME AND POWERS.—All that territory of the County of St. Louis and State of Minnesota contained within the limits and boundaries hereafter described, and all the people now inhabiting, and all those who shall hereinafter inhabit the said territory shall be a city and shall form a municipal corporation by the name of "City of Chisholm", and by that name shall sue and be sued, complain and defend, plead and be impleaded in any court or tribunal, make and use a common seal and alter the same at its pleasure, and take, hold, purchase, lease, and convey such real and personal or mixed estate as the purposes of the corporation may require within or without the limits aforesaid; it shall be capable of contracting or being contracted with, and in addition to the powers herein before enumerated shall also possess the powers hereinafter specifically granted; and in addition thereto, shall have all such powers possessed by municipal corporation at common law which are not in conflict herewith or with the General Statutes of Minnesota for 1923, and the amendments thereto, and shall also have all powers granted by the general laws of Minnesota in cities of the fourth class, which are not in conflict or inconsistent with, or in derogation of, the powers granted or enumerated in this charter; and the authorities thereof shall have perpetual succession.

SECTION 2. BOUNDARIES.—The territory aforesaid embraces all of the territory of the City of Chisholm as established by the affirmative vote of the electors of said territory by the election duly held on September 1, 1934 pursuant to Chapter 289 of the Laws of 1931, all of which territory is properly adapted and subject to municipal government as a city and includes the territory hereinafter set forth and with limits and boundaries as follows, to-wit: all of Sections twenty-one (21), twenty-two (22), twenty-eight (28), and twenty-seven (27), South half of the northwest quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) in Section twenty-three (23), the northeast quarter ($NE\frac{1}{4}$) and the south half of the northwest quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$), and the southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), the south half of the southeast quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) and the south half of the southwest quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$), Section twenty-nine (29), the northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), and the east half of the northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$), all in Section twenty-nine (29) the east half of the southeast quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$), and the east half of the northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$), all in Section twenty (20), the southeast quarter ($SE\frac{1}{4}$) of Section Seventeen (17), the southwest quarter ($SW\frac{1}{4}$) and

the west half ($W\frac{1}{2}$) of Southeast quarter ($SE\frac{1}{4}$) of Section sixteen (16), and north half of northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$), the northwest quarter of the northeast quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) in Section thirty-two (32), the whole of Section thirty-three (33), all of Section thirty-four (34), excepting the southeast quarter ($SE\frac{1}{4}$); and the northwest quarter ($NW\frac{1}{4}$) of Section thirty-five (35), all in Township fifty-eight (58), Range twenty (20), St. Louis County, Minnesota.

SECTION 3. WARDS.—The City of Chisholm as above constituted is best adapted to government by wards and is hereby divided into five wards to be called the first, second, third, fourth and fifth wards respectively, with boundaries and limits as follows:

WARD NO. 1. Commencing at the intersection of the center lines of Third Avenue and Lake Street in the present City of Chisholm, St. Louis County, Minnesota, thence going north along the center line of said Third Avenue to the point of intersection of said center line of Third Avenue with the north section line of Section twenty-one (21), Township fifty-eight (58) Range twenty (20), thence east along the north section line of said Section twenty-one (21), to the southeast corner of the southwest quarter ($SW\frac{1}{4}$), Section sixteen (16), Township fifty-eight (58), Range twenty (20), thence north along the east boundary line of the southwest quarter ($SW\frac{1}{4}$), of said Section sixteen (16), Township fifty-eight (58), Range twenty (20), to the center of said Section sixteen (16); thence west along the north boundary line of the southwest quarter ($SW\frac{1}{4}$) of Section sixteen (16), and continuing west along the north boundary line of the southeast quarter ($SE\frac{1}{4}$), of Section seventeen (17), to the center of said Section seventeen (17), Township fifty-eight (58), Range twenty (20); thence south along the west boundary line of said southeast quarter ($SE\frac{1}{4}$), of Section seventeen (17), to the south section line of said section seventeen (17); thence east along the south section line of said section seventeen (17), to the southeast corner of the southwest quarter of the southeast quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), of said Section seventeen (17); thence south along the west boundary of the east half of the northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$), of Section twenty (20), in Township fifty-eight (58), Range twenty (20), and continuing south along the west boundary line of the northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of said Section twenty (20) Township fifty-eight (58), Range twenty (20) to the point of intersection of the center line of the old right-of-way of the former Mesaba Electric Railway Company, commonly known as the Mesaba Interurban Line with the west boundary line of said northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), of Section twenty (20) Township fifty-eight (58), Range twenty (20); thence easterly along the center line of said right-of-way, across the northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), of Section twenty (20), and across the northwest quarter of the southwest quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$), of Section twenty-one (21), and along said center line of said right-of-way, and along Lake Street in the present City of Chisholm to the point of beginning—which territory so included shall be known as Ward No. 1.

WARD NO. II. Commencing at the point of intersection of the center lines of Lake Street and Second Avenue in the present City of Chisholm, St.

Louis County, Minnesota thence going south along the center line of said Second Avenue, to the point of intersection with the north section line of Section twenty-eight (28); thence east along the north section line of Section twenty-eight (28), to the northeast corner of said section twenty-eight (28), Township fifty-eight (58), Range twenty (20), thence south along the east section line of said Section twenty-eight (28), to the southeast corner of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of said section twenty-eight (28); thence west along the south boundary line of the north half ($N\frac{1}{2}$) of said northeast quarter ($NE\frac{1}{4}$), and along the south boundary line of the north half of the northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of said Section twenty-eight (28), and continuing west along the south boundary line of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section twenty-nine (29), Township fifty-eight (58), Range twenty (20), to the southwest corner of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of said Section twenty-nine (29), thence north along the west boundary line of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$), of said Section twenty-nine (29), and continuing north along the west boundary line of the east half of the southeast quarter of Section twenty (20), to the point of intersection with the center line of the old right-of-way of the Mesaba Electric Railway Company, commonly known as the Mesaba Interurban Line above referred to; thence easterly along the center line of said right-of-way, and along the center line of Lake Street in the present City of Chisholm to the point of beginning—which territory so included shall be known as Ward No. II.

WARD NO. III. Commencing at the point of intersection of the center lines of Third Avenue and Lake Street in the present City of Chisholm, St. Louis County, Minnesota, thence going north along the center line of Third Avenue to the intersection of said center line with the north boundary line of Section twenty-one (21), thence east along the north section line of Section twenty-one (21), to the southeast corner of the southwest quarter ($SW\frac{1}{4}$) of Section sixteen (16), in Township fifty-eight (58), Range twenty (20), thence north along the east boundary line of the southwest quarter ($SW\frac{1}{4}$), of said Section sixteen (16), to the center of said Section sixteen (16), thence east along the north boundary line of the northwest quarter of the southeast quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$), of said Section sixteen (16), to the northeast corner of said northwest quarter of the southeast quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$); thence south along the east boundary line of the west half of the southeast quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$) of said Section sixteen (16), to the south section line of said Section sixteen (16), thence east along the north section line of Sections twenty-one and twenty-two (21 & 22), to the northeast corner of the northeast quarter ($NW\frac{1}{4}$) of said Section twenty-two (22); thence south along the east boundary line of said northwest quarter ($NW\frac{1}{4}$) of Section twenty-two (22) to the center of said section, thence west along the south boundary line of the northwest quarter ($NW\frac{1}{4}$) of Section twenty-two (22) to the southwest corner of the southeast quarter ($SE\frac{1}{4}$) of the northwest quarter ($NW\frac{1}{4}$), thence south along the West boundary line of the northeast quarter of the southwest quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of said Section twenty-two (22) to the point of intersection of said west boundary line with the center line of Trunk Highway No. 169 (formerly No. 35), thence westerly along the center line of said Trunk Highway No. 169

(formerly No. 35), and continuing west along said center line across Longyear Lake, and along the center line of Lake Street along which said trunk highway No. 169, extends to the point of beginning—which territory so included shall be known as Ward No. III.

WARD NO. IV. Commencing at the intersection of the center lines of Second Avenue and Lake Street in the present City of Chisholm, St. Louis County, Minnesota, thence going south along the center line of said Second Avenue to the point of intersection on the north section line of Section twenty-eight (28), thence east along the north section line of Section twenty-eight (28), Township fifty-eight (58), Range twenty (20), to the northeast corner of said Section twenty-eight (28), thence south along the east boundary line of said Section twenty-eight (28), to the southeast corner of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of the $NE\frac{1}{4}$) of said Section twenty-eight (28), thence east along the south boundary line of the northwest quarter of the northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$), of Section twenty-seven (27), to the southeast corner of said northwest quarter ($NW\frac{1}{4}$ of the northwest quarter ($NW\frac{1}{4}$), thence north along the east boundary line of said northwest quarter of the northwest quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$), of Section twenty-seven (27), and continuing north along the east boundary line of the West half of the southwest quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$), of Section twenty-two (22), Township fifty-eight (58), Range twenty (20) to the point of intersection of said west boundary line with the center line of Trunk Highway No. 169, (formerly No. 35), thence westerly along the center line of said Trunk Highway No. 169, across Longyear Lake, and continuing west along the center line of Lake Street, in the present City of Chisholm to the point of beginning—which territory so included shall be known as Ward No. IV.

WARD NO. V. Commencing at the northwest corner of the southeast quarter of the northeast quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$), in Section twenty-nine (29), Township fifty-eight (58), Range twenty (20); thence going south along the west boundary line of said southeast quarter of the northeast quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$), and continuing south along the west boundary line of the northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) in said Section twenty-nine (29), to the southwest corner of said subdivision; thence west along the north boundary line of the southwest quarter of the southeast quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), and along the north boundary line of the south half of the southwest quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$), to the west section line of said section twenty-nine (29), thence south along the west section line of Section twenty-nine (29) and thirty-two (32), in Township fifty-eight (58), Range twenty (20), to the southwest corner of the northwest quarter of the northwest quarter, ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section thirty-two, Township fifty-eight (58), Range twenty (20), thence easterly along the south boundary line of the north half of the northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$), and along the south boundary line of the northwest quarter of the northeast quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$), in said Section thirty-two (32), to the southeast corner of said sub-division; thence north along the east boundary line of the northwest quarter of the northeast quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) of said Section thirty-two (32), to the north section line of said section thirty-two (32), thence east along the north section line of Section thirty-two (32), to the northeast corner of said Section thirty-two (32); thence south along

the east section line of said Section thirty-two (32), to the southeast corner of said Section thirty-two (32), Township fifty-eight (58), Range twenty (20); thence east along the south section line of Sections thirty-three (33), and thirty-four (34), and to the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of Section thirty-four (34), Township fifty-eight (58) Range twenty (20), thence north along the east boundary line of the southwest quarter (SW $\frac{1}{4}$) of said Section thirty-four (34), to the center of said Section thirty-four (34), thence east along the south boundary line of the northeast quarter (NE $\frac{1}{4}$) of said section thirty-four (34), and along the south boundary line of the northwest quarter (NW $\frac{1}{4}$) of Section thirty-five (35), Township fifty-eight (58), Range twenty (20), to the center of said Section thirty-five (35), thence north along the east boundary line of the northwest quarter (NW $\frac{1}{4}$) of said Section thirty-five (35), and along the east boundary line of the southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), Township fifty-eight (58), Range twenty (20), to the center of said section twenty-six (26), thence east along the south boundary line of the northeast quarter (NE $\frac{1}{4}$) of said Section twenty-six (26), to the east section line of said Section twenty-six (26), thence north along the east section line of said Section twenty-six to the northeast corner of said Section twenty-six (26), thence west along the north section line of said Section twenty-six (26), to the northwest corner of the northeast quarter (NE $\frac{1}{4}$) of said Section twenty-six (26), thence south along the west boundary line of the northeast quarter (NE $\frac{1}{4}$) of Section twenty-six (26), to the southwest corner of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of said Section twenty-six (26), thence west along the south boundary line of the north half of the northwest quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$) of said Section twenty-six (26), to the southwest corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of said Section twenty-six, thence north along the west boundary line of Sections twenty-six and twenty-three (26 and 23), to the northwest corner of the southwest quarter (SW $\frac{1}{4}$) of Section twenty-three (23) thence east along the south boundary line of the south half of the northwest quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section twenty-three (23), to the center of said section, thence north along the east boundary line of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) to the northeast corner of said subdivision, thence west along the north boundary line of the south half of the northwest quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$), of Section twenty-three (23) to the west boundary line of Section twenty-three (23), thence north along the west boundary line of Section twenty-three to the northwest corner of said section, thence west along the north boundary line of Section twenty-two (22) to the northwest corner of the northeast quarter (NE $\frac{1}{4}$) of said section, thence south along the west boundary line of the northeast quarter (NE $\frac{1}{4}$) of Section twenty-two (22), to the center of said section, thence west along north boundary line of the southwest quarter (SW $\frac{1}{4}$) of said section to the northwest corner of the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of said section, thence south along the west boundary line of the east half of the southwest quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section twenty-two (22), and continuing south along the west boundary line of the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section twenty-seven (27), to the southwest corner of said subdivision in Section twenty-seven (27), thence west along the south boundary line of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 27,

and continuing west along the south boundary line of the north-half ($N\frac{1}{2}$) of the northeast quarter ($NE\frac{1}{4}$), and along the south boundary line of the north half of the northwest quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) in Section twenty-eight (28), and continuing west along the south boundary line of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) in Section twenty-nine (29), all in Township fifty-eight (58), Range twenty (20), to the point of beginning—which territory so included shall be known as Ward No. V, provided that in Ward No. 5 there shall be two precincts established with one polling place in each precinct, one of which polling place shall be the Shenango Location and the other polling place shall be at the Monroe Location, in order to best serve the convenience of the voters in said Ward.

Provided further that if 20% or more of the voters of the City shall at any time petition the City Council for a re-division of the city into wards upon certain basis of division specifically set forth in writing containing as nearly as practicable an equal number of voters in each ward and containing not less than 400 voters in any ward, according to the permanent registration lists, the City Council shall submit such basis of division to the voters for approval at the next general municipal election to be held in the city; and if 60% of the voters voting at such election shall approve such redivision of the city into wards as proposed in such petition, such redivision of wards shall become immediately effective; provided, however, that the City Council may prepare and submit to the voters a plan for redivision of wards upon a basis conforming to the provisions hereof upon a two-thirds vote of the members-elect of the Council without a petition from the voters, which plan shall also require 60% vote of the electors to be approved.

SECTION 4. ADDITIONAL TERRITORY.—Additional territory which may be annexed to the city shall be immediately, by the city council, attached to the ward or wards adjacent so as to best suit the convenience of the inhabitants of such annexed territory.

SECTION 5. DETACHING TERRITORY.—And territory now or hereafter included in the City of Chisholm may become detached therefrom upon the question of such detachment being submitted to a vote of the whole of such city at any general city election, and if two-thirds of those lawfully voting upon such question shall vote in favor of detachment, it shall be considered adopted. The city council shall submit the same to a vote of the people after a petition shall have been filed with the city clerk, signed by a majority of the legal voters residing in such territory, or upon the order of the city council without such petition, and the same shall be submitted and voted upon throughout the whole city and the returns of the votes canvassed in the same manner as other votes at a city election are canvassed hereunder.

If it shall be determined that any territory presently included within the city, or hereafter added to the city, shall be, or shall have become undesirable or unsuitable for municipal government as a city, any such territory shall be detached by resolution of the Council which shall be subject to referendum; and the remainder of the territory shall constitute the territorial limits of the city under this charter. The method herein provided shall be the exclusive method.

SECTION 6. SUCCESSIONS.—When this charter takes effect the City

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of Chisholm shall be vested with all of the rights, franchises and immunities and the ownership of all property, real, personal and mixed, which belongs to or was owned by such City of Chisholm as a fourth class city or its predecessor, the Village of Chisholm, and the adjacent territory which together with the Village of Chisholm was incorporated as the City of Chisholm, a fourth class city, except as herein otherwise specially provided; and the City of Chisholm shall thereupon become and be liable and responsible for all debts, obligations, and liabilities then existing against, or previously incurred by, the City of Chisholm or its predecessor the Village of Chisholm, and adjacent territory which in conjunction with the Village of Chisholm was incorporated as the City of Chisholm for any cause or consideration whatever, whether based upon contract, (express or implied) tort or imposed by law, in the same manner and to the same extent as if such debts, obligations, and liabilities had been originally contracted or incurred by, or imposed upon, the City of Chisholm; provided further, that all ordinances, resolutions, and by-laws in force at the time of the adoption of this charter and not in conflict with the provisions hereof, shall continue in force until duly altered or repealed; and all property rights, contracts, and interests of any kind and nature formerly vested in the City of Chisholm, a fourth class city, shall when this charter takes effect be and become vested in, and be possessed by, the City of Chisholm under this charter.

Provided that the City Council shall have full and complete power to adjust, compromise and settle any liability existing against any of the territory within the city on such conditions and terms as it may deem just, or as required by law.

SECTION 7. DISSOLUTION.—The City of Chisholm shall not be dissolved unless the number of inhabitants of the city, as disclosed by the last preceding United States Census, shall be reduced below 100 and unless in addition thereto four-fifths of the legally qualified voters of the city shall at a special election approve of such dissolution. The city council shall not have the power to submit such a question to the voters for approval unless 25 per cent of the legally qualified voters of the city shall petition the city council so to do and such dissolution shall in no event become effective until a certificate executed by the city clerk shall be filed with the Register of Deeds of this County and the Secretary of State showing the approval of the required percentage of voters on said question; and such method of dissolution shall be the exclusive method.

Provided, that in the event of the dissolution of the city, the territory and all of the assets of the city shall revert to the County Board for administration and government in which the territory is situated; and it shall be the duty of such board to levy the necessary taxes to pay and discharge any of the remaining existing obligations of the city, if any, and to manage any trust funds or properties of the city subject to the laws of the state.

CHAPTER II CITY ELECTIONS

SECTION 8. THE DATE OF ELECTION.—The first regular city election under this charter shall be held on the first Tuesday after the first Monday of

December, 1935, and the regular city election shall be held on the first Tuesday after the first Monday of December of each odd numbered year thereafter.

SECTION 9. A Primary election shall be held in the city on the second Tuesday preceding each general municipal election and on the second Tuesday preceding each recall election and each primary election shall be held and conducted under the provisions of Chapter 327, Laws of Minnesota for 1933, except as otherwise provided in this charter.

SECTION 10. REGISTRATION OF VOTERS—After January, 1, 1935, all voters in the city must be registered pursuant to the provisions of Chapter 390, Laws of Minnesota, 1927, as amended by Chapter 144, Laws of Minnesota for 1931; and the provisions of said acts shall govern and control the registration of voters and their right to vote at any election or sign any petition in the city; provided that a change of address within the city of any registered voter shall not deprive such voter of the right of voting within a period of 30 days of such change of address but no such voter shall be permitted to vote in more than one ward or precinct. The City Clerk shall be the Registrar of Registrations, and shall 20 days before each election revise the lists of registered voters.

SECTION 11. FILING OF CANDIDATES FOR OFFICE—Any person desiring to be a candidate for election for any office under this charter shall file with the city clerk not more than thirty and not less than ten days before the holding of such primary election, a certificate signed by himself giving the name of such candidate, residence and street number, if any, and the office for which he proposes to be a candidate and shall deposit with the clerk a filing fee of \$2.00 thereon. The person so nominated shall be eligible to become a candidate, and it shall be the duty of the clerk to place his name on the official ballot as a candidate for nomination for the office specified in such certificate at such primary election, unless such candidate shall at least 7 days before such a primary election, notify the clerk in writing that he is not a candidate for such nomination. No person not so nominated shall be entitled to have his name appear on the official ballot as a candidate at the primary election.

The candidates receiving the highest number of votes at such primary election for each office, equal in number to double the number of vacancies therein, shall be the nominees for such office at the next general municipal election and entitled to have their names appear on the ballots as such nominees. Any candidate nominated for any office at such primary election may withdraw by filing written notice to that effect with the city clerk at any time within seven days after such primary election, in which case the candidate who shall have received the next highest vote at such primary election for such office--and in the event that he declines, the next highest--shall be the nominee for such office, and shall be entitled to have his name placed on the official ballot at the general municipal election as such nominee.

Except as herein provided no person shall be entitled to have his name appear on the official ballot at the general municipal election as a candidate for any office, but the ballots shall contain a blank space or spaces under the names of the candidates for each such office in which the voter may write the name of any person not appearing on such ballot for whom he may desire

to vote.

In the case of recall elections the incumbent sought to be recalled shall not be required to participate in the primary election, and his name shall be placed on the official ballot for the recall election unless he shall withdraw by filing with the clerk written notice within the time above provided. The candidate receiving the highest number of votes at the primary shall be the nominee to oppose such incumbent. In case either the incumbent of such office or such nominee shall withdraw, the candidate receiving the next highest number of votes at such primary shall be entitled to have his name placed on the official ballot at such recall election as nominee, except as inconsistent herewith. Except as otherwise provided in this charter, municipal elections shall be governed by the general election Laws applicable to cities of the fourth class. The methods herein provided for the registration of voters and the filing of candidates for office shall be the exclusive methods.

SECTION 12. BALLOTS, NAMES, HOW PRINTED. The name of each candidate and the office to be filled shall be printed at right angles with the length of the ballot, in plain Roman type not larger than Long Primer or smaller than Brevier; the name of each candidate in capital letters preceded on the same line by the title of the office in capitals and small letters. At the right of and on a line with such names, near the margin, there shall be a space so enclosed by rule work as to make a square three-eighths of an inch in size in which the voter may designate his choice by the mark (X). Above and below each name shall be printed across the ballot a light line, except that above and below each office a heavier line shall be so printed. At right angles with such lines and at the right of the small squares shall be printed opposite each office the words "vote for one," or "vote for two," or more, according to the number to be elected.

The names of candidates for any office shall be printed in alphabetical order for the respective office for which they are candidates. At the top of the ballot shall be printed the words "OFFICIAL BALLOT, CITY OF CHISHOLM," and on the rear of the ballot shall be printed and provided proper blanks for the initials of judges and clerks of election.

SECTION 14. OFFICERS OF ELECTION. The City Council shall at least five days prior to any election by resolution appoint and designate three judges and two clerks of election for each precinct and they shall receive such compensation as the Council may designate. If, for any reason, a vacancy should occur in the judges and clerks of election of any precinct, without time being permitted for the Council to fill such vacancy, then the remaining judges and clerks of election of such precinct may fill such vacancy, but if more than two vacancies exist in any precinct, the vacancies and officers of election shall be filled by the City Council.

SECTION 15. ABSENT VOTERS— Any voter of the city who shall be absent from the city or disabled so as to be unable to attend the polls on the day of any election at which he desires to vote, may make an application to the City Clerk for an application for an absent voters ballot, which shall be provided by the City Clerk and shall be executed by the voter in the presence of the City Clerk or one of his deputies. Such application shall set forth the name, residence of the voter,

the ward wherein he resides and that he will be absent from the city on the day of election, or such disability as will prevent his presence at the polls, and shall be sworn to before the City Clerk or his deputy. Thereupon such voter, if he is legally entitled to vote, shall be provided with a ballot which he may mark and insert in a sealed envelope to be marked "ABSENT VOTER'S BALLOT" and which shall also have marked thereon the ward wherein the voter resides, but no other marks of identification shall be placed upon the ballot whatsoever. Such ballot shall be delivered to the City Clerk prior to the date of election and shall be safely and securely kept by him and deposited in the ballot box of the proper ward at the time of the opening of the polls, together with the name or names of voters voting by absent voters ballot or as soon as is convenient on election day. Such ballot shall be counted by the judges and clerks of election and shall have the same force and effect as any other ballot. Such ballot shall be provided without cost or expense to the voter.

SECTION 16. WHAT SHALL CONSTITUTE AN ELECTION.—The returns shall be made to the clerk and within one week after an election under this charter, the council shall meet and canvass the returns thereof and declare the result, as appears from such returns, and the clerk shall forthwith give notice, in writing, to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by casting of lots, in the presence of the council at such time and place and in such manner as it may direct.

SECTION 17. SPECIAL ELECTIONS.—Special elections for any purpose shall be held and conducted in accordance with the preceding sections in the same manner, and the returns thereof shall be made in the same form and manner as general and biennial elections, and within such time as may be prescribed by resolution. Special elections may be called upon a three-fifths vote of the Council.

CHAPTER III

OFFICERS AND PROVISIONS

SECTION 18. EFFECT OF CHARTER.—This charter shall be in force and effect on October 9th, 1934, and thereafter the various officers of the City of Chisholm, whether then in office, or previously or subsequently elected, appointed, or qualified, shall be vested with such powers and functions, and with such powers and functions only, as are specified and granted in this charter as to their respective offices.

All officers elected at the special city election held on October 8, 1934 pursuant to Chapter 289 of the Laws of Minnesota for 1931 shall hold office until January 1, 1936 or until their successors have qualified and except as herein otherwise provided all offices not specifically provided for in this charter shall be abolished, effective December 31, 1935.

SECTION 19. FISCAL YEAR.—The fiscal year shall be from January 1st to December 31st of each calendar year both dates inclusive for the council and all boards and departments of the city.

SECTION 20. REPORTS.—Every elective and appointive officer (including outgoing officers) and all boards provided for in this charter shall annually, on or before the first Monday of January, make and transmit to the council full and detailed reports, properly verified by affidavits, of the entire business of such office or department for the preceding fiscal year, together with a true and full inventory of all money, property and other effects of the city in the possession of such office or board or under his or its control. Such officers and boards shall likewise make to the council similar reports and exhibit all their books of account, papers and other records kept by them whenever requested by the council so to do.

SECTION 21. OATH OF OFFICE.—Every person elected or appointed to any office under this charter shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the city clerk.

SECTION 22. NEW OFFICES.—Within 15 days after this charter shall go into effect, the City Council shall fill any new or vacant position that is appointive on any board, commission or office herein provided for, and the persons so chosen shall qualify and hold office thereupon provided, however, that offices filled by election on Oct. 8th, 1934, shall not be deemed vacant until January 1, 1936.

SECTION 23. TERMS OF OFFICE.—The regular terms of all appointive officers other than members of boards, shall be two years and shall be construed as ending on the 31st day of December of the proper year. The regular terms of all appointive members heretofore appointed of boards and commissions heretofore created and existing including the Water, Light, Power and Building Commission and Park Board shall be construed in the years 1935, 1936 and 1937, as ending on the last day of March of said respective years and of the Library Board as ending on the last day of June in the years 1935, 1936 and 1937; and of the Police Civil Service and Firemen's Civil Service Commission as ending of each respective year. That appointments made by the city council to all boards or commissions hereafter shall be for such terms so that the term of the first appointed member shall expire on the last day of December 1937 and of the second appointed member to any board or commission will expire on the last day of December 1938, and of the third member of any board or commission will expire on the last day of December 1939, except as in this charter otherwise provided. All appointments to any board or commission (made after 1937) will be made for a period of three years, commencing on January 1st of the proper year and expiring on the last day of December of the proper year.

SECTION 24. SALARIES.—In all cases where the salaries of officers are not fixed by this charter, the salaries shall be fixed by resolution of the city council at the first regular meeting in January of each even numbered year for the term of his office, except as in this charter specifically otherwise provided.

SECTION 25. COMMISSIONS AND MUNICIPAL COURT CONT.—The Water, Light, Power & Building Commission shall be the Water & Light Commission, and the Library Board, the Park Board, the Police Civil Service Commission and Firemen's Civil Service Commission, and Municipal Court,

existing at the time of the adoption of this charter shall be the same respective commissions and boards of the city and all these commissions are hereby continued as departments and agencies of the city.

SECTION 26. VACANCY: HOW FILLED?—When a vacancy shall occur in an appointive office, board, or commission, such vacancy shall be filled in the same manner as the original appointment but for the unexpired term only. When a vacancy shall occur in the office of any officer elected by the people, such vacancy shall be filled by appointment by the city council for the unexpired term; provided that a vacancy in the office of a judge of the municipal court shall be filled as provided by law.

SECTION 27. RESIGNATION.—Any person having entered upon the duties of his office may resign the same by and with the consent of the city council or proper board.

SECTION 28. SALARIES NOT CHANGED.—The salaries of the officers of the city shall not be increased or diminished during the term for which any such officer shall have been elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service; except as herein specifically provided otherwise, and provided further that the first city council may prior to November 1, 1934 fix the salaries of all officers and commissioners of the city.

All officers appointed or elected for the city of Chisholm prior to the going into effect of this charter and who by the terms of this charter continue to act as officers after this charter goes into effect, shall receive the compensation herein provided for such an office.

SECTION 29. GIFTS.—No officer or member of any board or employee of the city shall directly or indirectly, in or about the performance of his office or position, ask to receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

SECTION 30. BONDS.—The council may require a bond from any officer or employee of the city in those cases where a bond is specifically required by the terms of this charter or statute, and may fix the amount of the bond or bonds so required by it, and make any regulations it may deem proper in regard to the sureties thereon. The cost of premiums on any surety bond shall be paid by the city or the proper department thereof.

The amount of the bonds of the treasurer shall be a sum not less than the average amount of monies in the possession of such treasurer in the current funds plus the sum in all the sinking funds; and such bond or bonds may from time to time be increased as conditions may require.

SECTION 31. SURETY BONDS REQUIRED. Every bond given under, or required by any provision of this charter, or any ordinance or regulation made under authority of this charter, which bond is for the sum of Five Hundred (\$500.00) dollars, or more, shall be a surety bond, executed by one or more surety corporations, authorized under the general laws of this state to do a surety bond business, and to give such bond; any other general or specific provision of this charter to the contrary notwithstanding.

SECTION 32. REMOVALS. Any appointive officer provided by this

charter may be removed from his office by the affirmative vote of two-thirds of all the members of the council; but no such officer shall be so removed except for cause, nor unless he has first been furnished with a copy of the charges against him and has had reasonable opportunity to be heard in person or by counsel in his own defense. The council shall have the power to fix the time and place of trial of such officer (who shall be given at least ten day's notice thereof), to arrange the mode of trial, to compel the attendance of witnesses and the production of papers, to administer oaths, and to hear the proofs and arguments. If such officer shall neglect after due notice, to make answer to such charge, the same shall be cause for removal without further notice. When any such hearing is ended, the council shall forthwith proceed without debate to vote viva voce on roll call, upon a motion declaring such officer removed. Among such causes shall be: continued unexcused absence by any member of a board from the meetings of such board, or neglect of duties by any officer, or the incurring of any expenditures in excess of the limits or purposes established by this charter, or any act constituting misfeasance or malfeasance in office.

SECTION 33. REDIVISION INTO WARDS. Whenever the wards or districts of the city are apportioned anew, such apportionment shall take effect at the next ensuing city election, and all officers and members of the city council previously elected, and whose successors would not be otherwise elected at such election, shall hold their respective offices for the unexpired portion of their terms as representing the wards or districts within which they reside. And, in case any such ward or district shall prove to have more than its proportion of resident hold-over officers or members of the city council, then such hold-over officers or members shall be appointed to, and represent some ward or district created in whole or in part of that in which they were elected, which apportionment of officers shall be made by the city council at the time of the apportionment of the wards and districts.

CHAPTER IV

OFFICERS—THEIR POWERS AND DUTIES

SECTION 34. ELECTIVE OFFICERS. The elective officers of the city shall be two aldermen, who shall be elected from the wards wherein they reside, and a mayor, a municipal judge and a special judge who shall be elected at large from the city.

SECTION 35. TERMS OF OFFICE. The mayor and aldermen shall be elected for a term of two years, provided, however, that the mayor and aldermen and all officers elected at the city election to be held on October 8, 1934, shall hold office only until January 1, 1936. The municipal judge and special judge shall be elected for a term of four years at the regular city election in 1935 and every four years thereafter. The term of each elective officer shall commence on the first day of January next after his election and each hold office until his successor is elected and has qualified. (The regular term of the first judge and special judge shall commence on the first day of January 1936, and such judge and special judge shall hold office until his successor shall be elected and qualified.) The terms of all elective officers of the city

shall be construed as continuing until their respective successors have been elected and shall be qualified. Any offices not provided for in this charter, but existing under the city government when this charter goes into effect shall be deemed to be abolished as of December 31, 1935.

SECTION 36. APPOINTMENT OF OFFICERS. At its first regular meeting in January of each even numbered year commencing in 1936, or as soon after as may be, the city council shall by resolution appoint a clerk, treasurer, attorney, engineer, street commissioner, assessor, and health officer for a term of two years. When vacancies occur in any of the following named boards or commissions the mayor subject to the approval of the council shall appoint a member or members, as the case may be, of the Police Civil Service Commission, Firemen's Civil Service Commission, Library board, Park board, and Water and Light board. All such appointive officers and employees of boards and commissions shall be chosen except as in this charter otherwise provided, so that commencing in the year 1937, the terms of all appointees shall expire on the last day of December of the proper year thereafter, provided that all employees shall serve at the pleasure of the appointing body. All such appointees shall continue to hold office until their respective successors have been chosen and qualified. All appointments made prior to January 1, 1936, shall expire on December 31, 1935, except as otherwise provided herein.

SECTION 37.—PENALTY FOR FAILURE TO OBSERVE DUTIES IMPOSED. Any officer or employe of the city who shall offend against any of the provisions of this charter or thing required to be done by him, or by wrongfully doing the same or who shall willingly violate any of the provisions of this charter, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, or by gross and culpable neglect allow the same to be lost to the city, shall be guilty of a misdemeanor and shall be punished, therefore, as misdemeanors are punished by the criminal laws of the state, and shall, as a consequence, thereof, forfeit his office and be forever disqualified from holding an office of trust or profit under the city government, and shall be liable to the city for any amount lost, or damage suffered by reason of such wrongful act or violation of law.

SECTION 38. SALARIES. The mayor shall receive a salary of \$40.00, forty dollars, per month payable in monthly installments. Each alderman shall receive a salary of \$25.00, twenty-five dollars, per month payable in monthly installments. The city council shall have power to fix the compensation of any or all city officers and employees except in this charter otherwise provided.

SECTION 39. RESIDENCE. Any elective or appointive officer, changing his permanent residence from the city, or any alderman from the ward for which he was elected or appointed, and any such officer who shall refuse or, without cause, neglect to 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 to fill, and ten days after being notified by the clerk of his election or appointment, shall be deemed to have vacated and abandoned such office.

MAYOR

SECTION 40. DUTIES OF MAYOR. The Mayor shall be a member of

the City Council and shall preside at all meetings of that body. He shall vote as a member of the Council upon all questions. The Mayor shall take care that the laws of the state, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city. He shall see that all other officers of the city discharge their respective duties and to that end may institute and maintain an action of mandamus or other appropriate action against any delinquent officer of the city. He shall from time to time give the City Council such information and may recommend such measures as he shall deem advantageous to the city. He shall, with the approval of the Council, make appointment to all the boards and commissions established by this charter.

SECTION 41. SHALL SIGN BONDS, OBLIGATIONS AND CONTRACTS. The Mayor shall sign all bonds and obligations of the city, certificates of indebtedness, and all warrants drawn on city treasurer, and shall sign all contracts deeds or documents entered into by the city, except as otherwise provided in this charter, or by law.

SECTION 42. PROCESS AND NOTICES. The Mayor shall upon service of notice or process upon him in an action or proceeding against the city, forthwith inform the city attorney and city council thereof, and proper board; provided that in the absence of the Mayor, process or notice may be served upon the city clerk and in the absence of the city clerk upon the president of the council, and in his absence, upon the vice-president of the council.

SECTION 43. EXECUTIVE CONTINGENT FUND. The city council may during each year appropriate from the general funds of the city from time to time, an amount not exceeding in the aggregate in any one year Fifteen Hundred Dollars, to be known as the Mayor's Contingent Fund, from which fund, the Mayor may pay such sums as he may deem necessary in case of necessity, to secure information and evidence of crime, and to arrest convicts, and to relieve distress in the event of public calamity in this state, and for such other purpose for the welfare of the city as he may deem advisable.

SECTION 44. ANNUAL REPORT. The Mayor shall make to the City Council at the close of each fiscal year an annual written report of the general condition of affairs of the city.

SECTION 45. ACTING MAYOR.—During the absence of the Mayor from the city, or in case of his death or disability for any reason to discharge the duties of his office, the president of the City Council, or in his absence or in case of his disability, the vice-president of the City Council shall for the time being exercise all the powers and discharge all of the duties of the Mayor. The president or vice-president so performing the duties of the Mayor shall be styled the "acting mayor", and his acts while so acting as mayor shall have the same force and validity as if performed by the mayor.

CITY CLERK

SECTION 46. DUTIES.—The clerk shall keep the corporate seal of the city, and all papers and records thereof, except herein otherwise provided; shall attend all meetings of the council and other boards or commissions of which he may be the clerk and keep a record of all proceedings thereof, and be the purchasing agent of the council and such boards and commissions. He

shall be the clerk of all boards or commissions granted power under the charter to expend public monies or incur obligations for the city. He shall draw and sign all orders on the treasurer by the council or any board or commission except as in this charter specifically provided otherwise, and he shall keep a full and accurate account of the orders so drawn by him on the various city funds in books provided for that purpose; and said books shall show to whom and for what purpose the same are drawn. He shall attest the signature of the Mayor to all contracts, and affix the seal of the city thereto, and deliver the same to the proper officer or party. He shall keep regular books of accounts, which shall at all times show the precise financial condition of the city, and the various departments thereof; a record of all bonds, orders, warrants or other evidences of indebtedness which have been redeemed, and the amount of each outstanding.

Said books shall contain separate accounts with the different city officers and the various funds of the city, and the amount, date and purpose of each appropriation, made by the council, and all payments made on account of the same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the Mayor, and the time when it was returned to him by the Mayor. He shall, upon request, furnish certified copies of papers and records in his possession and when so certified by him, under the corporate seal of the city, they will be received in evidence in any and all courts, the same as if the originals thereof were produced by said clerk in such court, and he shall be entitled to collect and receive for such services such fees as are allowed to the clerk of the district court of this county for similar services. He shall record at length in a book provided by the city for that purpose, all official and other bonds running to the city of Chisholm, excepting only the bonds of the clerk and treasurer, which shall be recorded in the office of the register of deeds of this county, and all bonds shall be filed and preserved by the clerk. He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws of this state or by the council. All fees received by him shall be turned in to the city treasury each month. The clerk shall devote his full time and attention to the duties of his office and shall keep his office open for the transaction of business during all regular hours prescribed for the business of the city. The clerk shall be the accounting officer of the city and shall reconcile all funds and accounts. The City Clerk shall have charge of the issuance and delivery of all deeds to cemetery lots and licenses and permits of all kinds and shall be responsible for the collection of all monies due the city and shall cause no deed, license or permit to be delivered unless the money shall first have been paid to the city therefore; and he and the sureties on his bond shall be responsible for the non-payment thereof.

SECTION 47. CITY CLERK. OFFICIAL POWERS. The city clerk will have the supervision over all printing and publications ordered by the council or required under this charter. He shall prepare and cause to be published for two successive weeks in two legal and qualified newspapers published in the City of Chisholm, display advertisement notices of all municipal elections; notice of time for filing of candidates for elective offices, notice of registration of voters, notice of board of review hearings and such other notices as are

required to be brought to the general attention of the public. He shall also cause to be published the proceedings of all council meetings as soon after each meeting as may be practicable and shall also cause to be published all such ordinances as soon as practicable after their final passage.

The city clerk shall during the first week of January of each year prepare a detailed financial statement for the preceding calendar year, including all departments of the city, showing all monies received, from whom received, the date, the amount thereof, for what purpose and also a statement of all monies paid out and disbursed, to whom paid, the date thereof, the amount and purpose of such payment and also a recapitulation of such receipts and of such payments showing the relation thereof to the expenditures and the receipts as specified in the budget, also a statement of outstanding debt including certificates of indebtedness, bills payable, warrants and the bonded debt, and the dates of maturity thereof and any other information that may be necessary to show the true financial condition of the City of Chisholm. The city clerk shall cause such financial statement to be published once in at least two legal and qualified newspapers published within the City of Chisholm prior to February 1st of each year.

SECTION 48. POWERS. The 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. He shall have power, when authorized by the City Council, to appoint one or more deputy city clerks who shall hold office during the pleasure of the city clerk and all such assistant shall be paid by the city, and the amount meetings. The city clerk may, when authorized by the city council, select such other assistants as may be necessary in his office. The salary of such deputy city clerks and all such assistants shall be paid by the city, and the amount of compensation shall be fixed and determined by the city council.

SECTION 49. BOND OF CLERK. Before entering upon the duties of his office, the clerk shall give a bond, with sufficient surety, in such sum as the council may direct, conditioned for the faithful performance of the duties of his office.

DUTIES OF TREASURER

SECTION 50. BOND AND MANAGEMENT OF FINANCES.— The city treasurer shall give a surety bond as required by this charter to be executed by one or more surety corporations authorized by state laws to give such bond and for the amount of funds and securities on hand and in addition, money likely to come into his hands during the fiscal year. The bond shall be conditioned for the safe keeping of all moneys of the city that may come into his possession, and for the faithful performance of his duties; such bond or bonds shall be approved by the city council, recorded in the office of the register of deeds, filed and recorded in the office of the city clerk, and the record of such bond, as well as the original, shall be evidence of the contents and execution thereof. The bond required under this section of this charter shall be an amount adequate to protect the city against all risks, losses and contingencies.

SECTION 51. DUTIES. The treasurer shall receive and safely keep all

monies belonging or accruing to the city and all departments thereof, including license money and fines, and shall keep accurate and detailed account thereof, and he shall be entitled to, and shall demand and receive of the treasurer of this county at time specified by law, all moneys due the city for taxes, and assessments, including interest and penalties thereon, on account of all levies or assessments made by the city or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness, or other securities, held by the city or in the sinking fund of the said city. Upon the receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily, in the name of the city, to the order of the treasurer, in such depositories as shall have been designated by the council therefore.

SECTION 52. FULL TIME OFFICE. The treasurer shall maintain an office in the city hall to be provided by the city council which shall be kept open during usual business hours, and with the approval of the city council, he may appoint a deputy who shall give bond with the treasurer, and who shall be authorized to perform all the duties of the treasurer. He shall collect, receive and receipt for all city funds except as otherwise provided in this charter. He shall devote his entire time and attention to the duties of this office.

SECTION 53. CITY DEPOSITORIES. Any bank, banking house or trust company, having its principal place of business in the State of Minnesota, may be designated by the council by resolution, and stating what security will be given to said city for such funds so deposited, and containing the condition that said funds with accrued interest, if any, shall be held subject to drafts and payments at all times on demand, provided, that the average annual amount deposited in any such depository shall not exceed the assessed capital stock and surplus of said depository, as the same shall appear on the duplicate tax list.

Before any such bank, banking house or trust company shall be designated as such depository, it shall deposit with such treasurer a bond, payable to the city, and executed by some reputable surety company, which bond shall be approved by the council, and shall be in such amount as said council shall direct, and in at least the amount of funds to be deposited in said depository; said bond to be conditioned for the safe keeping and payment of such funds and interest thereon; and whenever required to do so by the council such depository shall furnish a new bond and other sureties, to be likewise approved; provided however, that in lieu of a surety bond the depository may furnish and shall accept in place thereof the council, collateral or securities in a sufficient amount and of a character satisfactory to, and upon conditions to be designated by the council.

SECTION 54. WHAT DEPOSITORY.—Whenever any portion of the funds of the city shall be deposited by the treasurer in such depository, the sureties on his official bond shall, to such extent, be exempt from all liability thereon, by reason of the loss of such deposited funds while so deposited, through the failure or bankruptcy or any other act or default of such de-

pository.

SECTION 55. WHEN TO PAY OUT MONEY. The treasurer shall pay no money out of the treasury except in the following cases: Upon an order or warrant, properly drawn and countersigned by the Mayor and clerk, which has first been duly authorized by the council or proper board, and which shall specify the purpose for which it is drawn, and the fund out of which and the person to whom it is payable; and upon the payment and receipt by him of any such order or warrant the treasurer shall cancel and file the same, and it shall not again be issued, and he shall keep separate the orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the city clerk with his report hereinafter referred to. In case said warrants were issued for the payment of the bonds of said city, or interest coupons thereon, then such bonds or coupons shall be cancelled by the treasurer, and returned by him with such warrants to the clerk. All claims or bills shall be verified by the claimant before any claim or bill is audited or allowed.

SECTION 56. MONTHLY STATEMENT. The treasurer shall, make a statement to the council monthly for the preceding month and the preceding portion of the fiscal year of the amount by him received and disbursed on account of each fund and a statement of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the city's funds, and where placed and deposited. Such statement shall also show the securities in which the sinking funds are invested.

He shall, whenever notified so to do by the council, withdraw all funds from any depository so designated, as hereinbefore provided, and notify the council thereof, and shall deposit no more therein until authorized so to do by the council.

SECTION 57. MISUSE OF CITY MONEY. No funds of the city shall be loaned by the treasurer to any city officer or any other person, or otherwise disposed of, except in accordance with the law. Any violations of any of the provisions of this section shall, unless otherwise punishable by the criminal laws of the state, be punished by a fine in a sum not exceeding one thousand dollars, or by imprisonment in the county jail of this county not exceeding one year. The treasurer is prohibited from paying any warrant which, upon its face, shows that it is drawn in violation of this charter or the laws of the state, and in case of any such payment the treasurer and the sureties upon his bond shall be liable to the city for double the amount of such warrant or order.

CITY ATTORNEY

SECTION 58. QUALIFICATIONS. No person shall be appointed to the office of city attorney unless he be, at the time of his appointment, a counsellor of the Supreme Court of this state of two years experience and in good standing.

SECTION 59. DUTIES. He shall be the legal advisor of the city, and of all the boards and departments thereof; he shall perform all such services incident to that office, and appear in and conduct all civil suits as may be referred to him by the city council, any board or department thereof and shall conduct all prosecutions and proceedings in which the city or any board or department thereof shall be directly or indirectly interested except as in this

charter specifically otherwise provided; and when necessary he shall take charge of and conduct prosecution for, the violation of all ordinances and resolutions of the city or any board or department thereof and for the violation of any of the provisions of this charter and such other duties as may be required of him.

SECTION 60. OPINIONS. He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council or any committee thereof, or by the mayor or any board of the city, in respect to their official duties or municipal affairs. He shall personally attend all meetings of the council; and when requested so to do, the meetings of said committees and boards. He shall keep a registry of files of all actions, suits and proceedings under his charge, in which the city is interested, and safely keep copies of all briefs used in cases wherein he appears for the city, and copies of all official communications and opinions given by him to any officer, department or board. He shall deliver all property of whatever description, or under his control, belonging to the city or to the office, to his successor in office, who shall give duplicate receipts therefore, one of which he shall file with the clerk. He shall prepare all contracts and bonds, and other instruments of writing, in which the city or any department thereof shall be concerned.

SECTION 61. SUITS AGAINST EMPLOYEES.—He shall, when directed to do so by the council, appear and conduct the defense in any action, prosecution or proceeding against any officer or employee of the city, or any board or department thereof, on account of any act done by such officer, board or department while engaged in the performance of official duties.

SECTION 62. INABILITY TO ACT.—In case of sickness or inability of the attorney to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

SECTION 63. LEGAL COUNSEL.—The city council shall have the power to contract with, employ or retain, legal counsel, to take charge of and conduct any litigation in which the city is interested directly or indirectly or to which it may be a party or in which its welfare may be concerned or may appoint such counsel to assist the city attorney in the prosecution or maintenance in any litigation in which the city is interested.

SECTION 64. APPEALS, APPEAL BONDS.—The city attorney, with the approval of the city council by resolution in any case in which the city is a party in any court, may take an appeal from any order, judgment or determination of the court, and in case of any such appeal, or in case of suing out any writ of error, certiorari, mandamus, attachment or any writ from any court, the city shall not be obliged to give any bonds, either for costs, supersedeas or any other purposes whatever. The city attorney shall notify the city council of the result of all actions to which the city is a party, or in which it is interested.

SECTION 65. COMPENSATION.—The city council shall fix and determine the compensation of the city attorney at the commencement of his term of office, and may in addition thereto make such provisions for clerical assistants for such city attorney as it may deem necessary.

ASSESSOR-----EQUALIZATION

SECTION 66. APPOINTMENT.—The city council at the first meeting

following the adoption of this charter shall by resolution appoint a city assessor whose term of office shall expire on December 31, 1935 and thereafter at the first regular meeting in January of each even numbered year, it shall by resolution appoint a city assessor whose term of office shall be for two years. The city assessor must be a freeholder of the city for the past two years and a resident and elector thereof.

SECTION 67. DEPUTY ASSESSORS AND CLERKS.—The city assessor may, each year, appoint such number of deputies as may be required to enable him to properly perform the duties of his office, who shall serve during the time of the making of the list of property for taxation, but only so long as their services may be needed. The city assessor may discharge such deputies from time to time when their services are no longer required, and the city council may order said deputies, or any of them, to be discharged at any time. The city assessor shall present to the city council at the second regular meeting thereof in April in each year the names of such persons as he shall desire to have for deputies, which time shall be long enough before May 1st so that each may, before that day, be assigned to his portion of the work and be properly prepared and instructed to do the same. The city assessor may also employ such clerks as may be necessary, their number to be reduced or increased as occasion may require or the city council may direct, and all deputy assessors shall qualify in accordance with and perform all the duties required by the general laws of the state respecting the listing of property for taxation. The assessor shall attend all meetings of the board of equalization. He shall keep permanent records for all real property, showing the description thereof, improvements and all necessary data required to determine the true value. These records shall be delivered to his successor in office.

SECTION 68. COMPENSATION.—The assessor and assistants shall receive such compensation as may be fixed annually by the council. Each member of the board of equalization shall receive as compensation for his services the sum of Three dollars per day for the actual time necessarily employed.

SECTION 69. BOARD OF EQUALIZATION.—The board of equalization shall consist of the mayor, president, and three members of the city council to be named by the mayor and approved by the council. Such board shall meet at the city council chamber on the fourth Monday of June in each year, and the members shall be sworn according to law as such board of equalization, and at such time and from day to day thereafter as they may adjourn to, such board shall proceed to amend, revise and equalize the assessments made by the assessor.

SECTION 70. POWERS OF BOARD.—Such board shall be vested with all the powers which are or may be vested in county boards of equalization so far as applicable, but shall not be restricted as to reducing the aggregate sum of real or personal property as returned by the assessor. When such equalization is completed, the same shall be certified to the county auditor by the board of equalization.

SECTION 71.—GRIEVANCES.—Any person himself aggrieved by any assessment may appear before such board personally or by counsel and present his grievance for consideration and the said board shall have power to compel

the attendance of witnesses and the production of papers and to examine any person as to any taxable property in said city.

ENGINEER—STREET COMMISSIONER

SECTION 72. APPOINTMENT—The city engineer shall be a civil engineer of at least three years' practical experience as such, whose compensation shall be fixed by the city council and paid monthly in installments. He shall devote his whole time to his duties as city engineer, and shall engage in no other work or business.

SECTION 73. DUTIES OF CITY ENGINEER—The city engineer shall have supervision and general charge of all work done on any street, highway, or alley in the city, and shall have control and supervision of the construction, maintenance and repair of pavements, sewers, streets, sidewalks and maintaining, repairing, cleaning, sweeping, and sprinkling of all streets, alleys, and other public places within the city, and the grading of all streets and alleys, whether in original construction or otherwise, and all work shall be done by the street commissioner under the supervision of the engineer except as in this charter specifically provided otherwise. It shall be his duty to superintend the location and installation of all hydrants, water mains and water pipes, sewers, electric light, telephone and telegraph poles within the city, to inspect all railroad crossings and see that the general laws and ordinances of the city, relating thereto, are properly enforced. He shall report in writing to the city council and city clerk the existence and location of all mining dumps that are unfenced and all ruining caves and caving ground, test pits and excavations resulting from mining operations which are unguarded or unfenced.

SECTION 74. ADDITIONAL DUTIES OF CITY ENGINEER—The services of the city engineer shall be available to all of the boards and commissions of the city. Any board or commission desiring the services of the city engineer will call upon the mayor to direct the city engineer to furnish such services as are required for the best interests of the city; provided in case of emergency any board or commission may call upon the city engineer directly and forthwith without such prior request.

SECTION 75.—SURVEYS—The city engineer shall make such surveys profiles, plans and estimates as the council may direct, and all such shall be filed and carefully preserved in the office of the city clerk and be public records of the city.

SECTION 76. ENGINEER'S FEES—When any person desires to have his lines or corner located or staked or grade established, he shall make his application to the city clerk in writing, designating what he desires performed by the city engineer, and shall pay to the city clerk for having his boundary lines or grade established, such sum as the city council may by resolution or otherwise fix and determine, and the clerk shall give the applicant a receipt for the moneys so paid, and notify the engineer what the applicant desires, and a statement specifying the amount paid by the applicant. The city engineer shall then locate and stake such lines or corner or establish such grade in accordance with said application, and make a certificate in writing and deliver the same to the applicant, and to enter in a permanent book to be kept in the office of the city engineer, the grade or corner or lines so established with the date thereof,

and such record in connection therewith as will enable a person easily thereafter to locate such corner, line or grade established, and the city clerk shall at the end of each month pay over to the city treasurer all moneys so received by him and make report thereof to the city council.

SECTION 77. DUTIES—STREET COMMISSIONER.—The street commissioner shall receive such compensation as the council may determine and shall work under the direction of the city engineer. The city council shall decide any dispute that may arise between the city engineer and the street commissioner as to their respective powers and duties. The council shall have the power to discharge such commissioner at will without cause, at any time, and employ another if deemed expedient. The city council may in its discretion assign the duties of street commissioner to the city engineer.

SECTION 78. BONDS.—Before entering upon the discharge of the duties of their respective offices, the city engineer and street commissioner shall each furnish a bond to the city with sufficient sureties and in such sums as the council may direct, conditioned upon the faithful performance of their respective duties.

CHAPTER V

POWERS AND DUTIES OF CITY COUNCIL

SECTION 79. LEGISLATIVE POWER.—The legislative power and authority of the city shall be vested in the city council composed of the ten aldermen of the city and the mayor.

SECTION 80. ORGANIZATION.—The city council shall biennially, on the first Tuesday in January next succeeding the regular municipal election, organize, and at the time of its organization, proceed to elect from its own number a President and Vice President for the ensuing two years, and such other officers as may be necessary for the transaction of its business. Such election shall be by ballot, and the affirmative vote of a majority of all the members-elect shall be necessary to elect.

SECTION 81. DUTIES OF PRESIDENT.—The President, in the absence of the mayor, and the Vice President, in case of the absence of the President, shall preside over the meetings of the city council and likewise in the absence of the mayor shall sign all resolutions and ordinances passed by the city council, and during the absence of the Mayor from the city, or his inability for any reason to discharge the duties of his office, shall have and exercise all the powers and duties of mayor, under the style of "acting mayor." The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

SECTION 82. RULES AND SPECIAL MEETINGS.—The city council shall prescribe rules for its own guidance and the time for its regular meetings, which shall be at least twice a month, and provide for the calling of special meetings. No business shall be transacted at a special meeting unless the same shall have been specified in the call therefor.

SECTION 83. QUORUM.—A majority of all the members elect shall constitute a quorum, but less than a majority may adjourn from time to time,

and a minority as well as a majority may compel the attendance of absent members.

SECTION 84. CANVASSING VOTES.—The city council shall have power to, and it shall, canvass the returns of votes cast at city elections and declare the results thereof.

SECTION 85. ORDINANCES AND RESOLUTIONS.—Every legislative act of the city council shall be by ordinance or resolution. The style of all ordinances shall be: "The city council of the city of Chisholm do ordain as follows:" No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

SECTION 86.—INTRODUCTION OF ORDINANCES.—No ordinance shall be introduced except at a regular meeting, at which meeting each member of the council shall receive an exact copy of the ordinance as introduced and at which meeting such ordinance shall have its first reading. Its second reading shall be had at subsequent regular or adjourned regular meetings occurring not less than one (1) week after its first reading and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading, and be passed only at a regular or adjourned regular meeting occurring at least one (1) week subsequent to the time at which the second reading was had.

SECTION 87. PASSAGE OF ORDINANCES AND RESOLUTIONS.—Every ordinance, and resolution, except as in this charter otherwise provided, shall be passed by a majority vote of the members-elect of the city council including the mayor, taken by the yeas and nays, which shall be entered upon its journal. It shall then be signed by the mayor and attested by the clerk. Every ordinance shall be published once in the official newspapers of the city before it takes effect.

The proof of such publication of ordinances by affidavit of the foreman, business manager or one of the publishers of such newspapers, with the printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be prima facie evidence of the legal passage and enactment, publication, and promulgation of such ordinance in accordance with the laws of this state. All ordinances shall be recorded and indexed by the city clerk in books to be provided for that purpose.

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

SECTION 88. ISSUANCE OF BONDS.—Any ordinance or resolution authorizing the issuance of any bonds of the city shall require the affirmative vote of two-thirds of all the members-elect of the city council, provided that this section shall not permit the issuance of bonds without a vote of the people, except as otherwise provided in this charter or permitted by law, or in excess of the limitations prescribed by this charter.

SECTION 89. ALDERMEN NOT TO SOLICIT APPOINTMENT.—No

member of the city council shall demand, request or solicit any board, officer or employee, connected with the city, to engage or appoint any person to a position in said city, except that aldermen in open council meeting may make such request or solicitation, and upon proof of the violation of this provision the office of such members shall become and be declared vacant by the city council.

SECTION 90. WITNESSES BEFORE CITY COUNCIL.—The city council and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committee, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigation, to be signed by its president, or the chairman of such committee as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas and other processes.

SECTION 91. PUNISHMENT FOR REFUSAL TO TESTIFY.—If any witness shall refuse to testify to the facts, within his knowledge, or to produce any books or papers in his possession, or under his control, the city council shall have the power to fine or commit him for contempt.

SECTION 92. WITNESSES NOT TO BE EXCUSED.—No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such proceeding or inquiry before the city council or any committee thereof, or before any officer of the city having power to conduct the investigation; but such testimony shall not be used against him in any criminal prosecution except for perjury.

SECTION 93.—CITY COUNCIL TO CONTROL FINANCES.—Limit On Bond Issues.—The city council shall control the finances of the city, and shall have the power to appropriate money for city purposes only, except as herein-after provided; to provide for the payment of its debts, obligations and expenses, whether incurred prior or subsequent to the adoption of this charter; to borrow money on its credit for city purposes; to issue bonds therefor, as herein provided; to issue bonds in place of, or to supply means for paying maturing bonds or to consolidate or refund the same.

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

for the creation and maintenance of the permanent improvement revolving fund shall not be considered as part of the bonded indebtedness of the city for the purposes of this section.

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

Provided, further, that the city council may set aside annually such portion

of the gross income from any water, power, gas and light works, or either, of the city as they shall determine, to create a sinking fund for the payment of any such bonds, or either, as they become due.

SECTION 94. POWER TO LEVY TAXES.—It shall have the power to levy and collect general and special taxes for municipal purposes of real and personal property in the city. It may also, subject to the approval of sixty per cent of the voters of the city, provide for the levy of special assessments for local improvements; provided, however, that no special assessment shall be made unless such approval shall first have been obtained.

SECTION 95. CONDEMNATION.—It shall have the power to acquire, by condemnation, dedication, purchase, or otherwise, lands for and to lay out, open, widen, and extend streets, alleys and avenues, roads, sewers, bridge approaches, parks, boulevards, public grounds, or any other public property; and to establish the grade or width of such streets, alleys, roads, and avenues, and to change the same; and to acquire by condemnation or otherwise easements for the disposal of sewage in any stream or creek, and sites and equipment for the erection of a sewage disposal plant; by condemnation or otherwise to extend or widen any street, alley or highway over or across or to construct any sewer under or through any railroad track, right of way, or land of any railroad, mining company or other corporation; and to acquire by condemnation or otherwise the right to take, use or divert water from any lake, stream, water course, or any real estate belonging to any person whomsoever for water supply of said city; and to acquire by condemnation or otherwise any property required for the use of the city carrying out the purposes or powers provided in this charter.

SECTION 96. IMPROVEMENT OF STREETS.—It shall have power to extend, widen, straighten, grade, drain, pave, repave, macadamize or otherwise improve any street, alley or public ground, and to lay or order laid sidewalks, curb and gutter thereon, also to establish a building line for any residence, avenue or street, and to prevent the erection of buildings in front of such line.

SECTION 97. MAINTAINING, ALTERING AND IMPROVING WATER COURSES AND LAKES.—It shall have the power to build and maintain bridges and viaducts, to deepen, widen, dock, dredge, cover, wall, boulevard, alter or change the channel of any water course or lake within the city, and by condemnation or otherwise, to acquire the lands and rights necessary therefore, and may remove any obstructions or unsightly structure from any pond, lake or watercourse in the city, and to prevent the dumping of any garbage therein. It may, by providing its park board with the necessary funds therefore, require the park board to do any of said things, and in addition, to beautify, improve and plant trees or build parks about any water course, lake or pond in the city; or the council may do any of these things under its own management and supervision.

SECTION 98. APPROVAL OF PLATS.—It shall have the sole power to accept and approve plats of additions within or adjoining the city, and to prescribe the width and location of streets and alleys required in such plats of property. The council shall, by ordinance, provide that, if any, and how much improvement shall be required to be made by the owners of unplatted property before a plat thereof shall be accepted and approved by the council; and the coun-

cil shall provide and prescribe such other conditions as it may deem necessary to be performed before any such plat shall be accepted or approved. Provided, that no plat shall be accepted without a majority vote of the electors in favor thereof.

SECTION 99. BUDGET TO BE ESTABLISHED BY CITY COUNCIL.

—It shall have direct and immediate supervision of all public boards and commissions and shall fix the budgets of said boards and commissions at the first regular meeting in January of each year, which shall conform to the levy made therefor as far as practicable, and shall allot to each public board or commission the money that shall be available for expenditure during the fiscal year. It may require each of the public boards and commissions to submit tentative proposed budgets to the council with such other data as may be required to enable the council to properly determine the amount of the budgets that shall be allowed to any such board or commission. It shall require each board and commission to make a monthly report to the council of its doings, which monthly report shall show the total amount available to be expended during the fiscal year, the amount expended during the expired portion of the fiscal year and during the preceding calendar month, and the amount required to be expended for fixed charges and current expenditures for the remaining portion of the fiscal year.

Any member of any board that exceeds its budget as fixed by the council, shall be subject to removal upon notice or as otherwise provided in this charter.

SECTION 100. DEPOSITING FUNDS AND AUDITING ACCOUNTS.—

It shall designate the depositories of the funds and securities of the city treasurer, and by resolution approve all bonds given for, and provide for, the safe keeping thereof, and it shall examine and audit the accounts of all city officers.

SECTION 101. SPECIFIC POWERS.—The city council, except as in this charter otherwise provided, shall have the general management and control of the finances and all property of the city, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and public health, comfort, and safety, for the suppression of vice and intemperance and the prevention of crime. It shall have power and authority to declare and impose penalties and punishments for violation of ordinances and resolutions, and to enforce the same against any person who may violate the same; and all such ordinances and resolutions, not inconsistent with the constitution and laws of this state, nor of the United States, are hereby declared to have full force of law. For these purposes the city council shall have specific authority, by ordinance:

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

Second. To regulate and prevent the throwing or depositing of garbage or any other offensive matter or obstruction in or upon any street, avenue, alley, public ground, place or public stream of waters.

Third. To regulate the making and maintaining of openings and excavations in streets, alleys, public grounds and public places for the laying of gas and water mains and pipes, construction of sub-ways and conduits, and for other

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

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

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

Sixth. To regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric light poles, racks and other obstructions, posting and distributing of hand bills and advertisements; to remove and abate any nuisance, obstruction or encroachment upon walks, streets, alleys and public grounds, and regulate and prevent the encumbering of the same with vehicles, boxes, lumber or any other thing in any portion of the city.

Seventh. To regulate and prohibit the exhibition or carrying of banners; painting, posting, distributing or placing placards, advertisements, hand bills or other articles upon telegraph, telephone or electric light poles, or in or upon the streets, alleys, sidewalks and public places, also to regulate and control or prohibit the placing of poles therefore or the suspending electric light or other wires along or across any of the streets or other public places of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed or placed in such manner as it may designate beneath the streets and sidewalks of the city, and to compel the proper insulation of all electric light wires and other wires in use within the city.

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

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

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

hibit the same in any portion of the streets, sidewalks, alleys and public grounds.

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

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

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

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

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

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

Seventeenth. To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over their tracks and to fence their respective railroads, or any portion of the same, and to construct cattle guards on the streets and public roads and to keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance it shall be liable for all damages to the owner of any cattle, horses or domestic animals which he may sustain by reason of injuries thereto while on the tracks of such railroad company, in like manner, and to extent as under the general laws of the state relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction. Also to regulate or prohibit the whistling of locomotives and the discharge of steam, cinders, sparks and dense smoke therefrom, and to designate the kind of coal any yard or switch engine may consume while operating within the limits of the city.

Eighteenth. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railroad trains, cars or engines, and to provide protection against injury to persons and property in use of such railroad, and to prevent, prohibit, control and regulate the landing and conveyance of paupers and persons in destitute conditions into said city, not having a legal settlement or residence therein, by any railroad train or other means of conveyance, and to require that such persons

shall be taken back to the place from whence they may have been brought by the person or persons conveying or leaving them in said city.

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

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

Twenty-first. To compel the owner of low ground where water is liable to collect or become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner.

Twenty-second. To fix the amount, terms and manner of issuing licenses not inconsistent with the law and subject to the provisions of this charter; provided, that no license shall be issued for a longer term than one year.

Twenty-third. To license and regulate or prohibit conductors of gifts, fire, auction or bankrupt sales, itinerant merchants, photographers and transient venders of merchandise, and tax the proceeds of their sales, and to license and regulate runners, agents and solicitors for stages, cars, vessels, public houses, or other things or persons.

Twenty-fourth. To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, places of amusement and museums for entrance into which money is charged.

Twenty-fifth. To license and regulate auctioneers second-hand dealers and junk dealers and to compel all such persons to keep such records of their transactions as it may direct, and to make report thereof. To define, license and regulate pawnbrokers and intelligence and employment offices and agents, and to compel such pawnbrokers, intelligence and employment offices to give bond with such sureties as the said common council may provide in a sum not to exceed five thousand dollars, conditioned for the payment of any and all damages which any person may sustain by reason of the improper or wrongful acts or omissions of false information may sustain an action on such bond against such pawnbroker or agent and said sureties in any court having jurisdiction thereof.

Twenty-sixth. To license and regulate newsboys, boot blacks, fortune-tellers, clairvoyants, and astrologists.

Twenty-seventh. To license and regulate all peddlers, book agents, canvassers, street hawkers, venders and public cryers doing business in the city.

Twenty-eighth. To tax, license and regulate distillers, breweries and pawnbrokers.

Twenty-ninth. To license and regulate the sale of intoxicating liquors, and the city council may designate within the territory in the city more particularly devoted to trade and manufacture than to residences, certain definite limits to be known as the patrol limits, wherein intoxicating liquors may be sold, and no such limit shall comprise any territory devoted more especially to residence than to trade and manufacture, and no license shall be granted to any person to keep or maintain a saloon or place where such liquor may be sold outside of such limits (except to regularly licensed druggists to sell for medicinal, chemical or mechanical purposes, not to be used or drank upon the premises), and where such limits now exist or are, or shall be hereafter established by law or ordinance, the same shall not be enlarged or added to except as follows: Upon a petition signed by four-fifths (4-5) of the owners of real property within the territory sought to be included within such limit being presented to the city council, by a four-fifths (4-5) vote of all its members, the city council may include such territory within such limits; provided that in no case shall a license be granted by the city council of such city to any person or persons to vend, deal in or dispose of any such liquors within a distance of three hundred feet of any public school or church located within such limits.

Thirtieth. To license and regulate butchers' stall and shops and stands for the sale of game, poultry, meat, fish and perishable provisions, and to provide for the inspection of all animals, poultry and meats to be slaughtered, butchered or offered for sale in the city of Chisholm and to prevent the sale or offering for sale of any diseased or unwholesome meats, poultry or fish in said city.

Thirty-first. To license and regulate plumbers and to regulate sewer and water connections of all kinds and the laying of branch sewer and water pipes.

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

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

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

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

Thirty-sixth. To prevent and suppress riots, bouts, affrays, disturb-

ances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions or sports.

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

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

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

Fortieth. To prevent the running at large and regulating the penning, herding and treatment of horses, mules, sheep, cattle, swine and poultry and other animals, and authorize the impounding and sale of such animals or poultry when found running at large contrary to ordinance, also to prevent and prohibit all persons from riding or driving an ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in anyway doing any damage to such sidewalks, ground or property.

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

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

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

Forty-fourth. To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour meal, milk, fruits and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome, and to regulate or prevent the bringing into the city and having or keeping of such unsound or unwholesome product.

Forty-fifth. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring the selling firewood, coal and lime and to establish the city scales.

Forty-sixth. To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the

keeping and use by venders of proper weights and measures duly tested and sealed.

Forty-seventh. To prescribe the limits within which wooden buildings shall not be erected or placed, nor repaired without permission; and to direct that all and any building within such fire limits, when damaged by fire, decay, or otherwise to such extent as to be detrimental to public safety; and to provide for requiring the owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down, to prevent accident, and in case of refusal or neglect of said owners to so take the same down when ordered by the officers designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made a special assessment on the land on which said buildings stand, and collected as other special assessments.

Forty-eighth. To prohibit and prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks or chimneys within the city limits and to provide for their summary abatement; and to regulate the construction of all buildings, chimneys and stacks within the fire limits of said city and by such regulations to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls and area walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size material and construction of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, and all other parts of the structure, and to apportion and adjust such regulations to the size and height of the building to be erected; to regulate the construction and location of privies and vaults in such buildings; to prohibit the construction of buildings within said limits, and to require all persons intending to erect buildings therein first to submit to such inspector or inspectors the plans and specifications thereof, and to obtain from him or them a permit for the erection thereof; and to authorize such inspector or inspectors to enter, examine and inspect any building in process of construction within said limits, and to direct the suspension of work on any such building, the construction or material whereof does not conform to the prescribed regulations. Provided, however, that neither said council nor any inspector of said city shall have the power to control or regulate the construction of any building erected by the United States or the State of Minnesota.

Forty-ninth. To require the owner or lessee of any building or structure now or hereafter built in the city, to place thereon such fire escapes and appliances for protection against or for the extinguishment of fires as it may direct, and to require such owner or lessee to do any act necessary or advisable to lessen the danger to human life in case of fire, or accident, also to regulate lodging tenement and apartment houses, hotels and restaurants and to prevent the over-crowding of the same and to require the same to be put and kept in proper sanitary conditions.

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

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

Fifty-first. To regulate the operation of blasts and blasting and the construction, location and operation of derricks, windlasses, freight and passenger elevators, and other mechanical structures and apparatus or operations hazardous to life or property.

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

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

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

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

Fifty-sixth. To direct the location and regulate the use and construction of breweries, dispensaries, stables, livery stables, gasoline stations and pumps, blacksmith shops and foundries within the city limits.

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

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

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

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

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

Sixty-second. To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression

of disease, and to make regulations to prevent the introduction of contagious, infectious or other diseases in the city, and to make quarantine laws, and to enforce the same within the city, and to regulate, prevent and control the landing of persons, baggage, merchandise or property from cars, boats or other conveyances, whereon are infectious or contagious diseases or disorders, and to make such disposition of such person or property as to preserve the health of the city, and to prevent infected cars, boats or other conveyances from coming within or near the limits of the city, and to regulate hospitals and pest houses within the city.

Sixty-third. To establish and regulate public well, cisterns, hydrants and reservoirs, fountains and watering troughs.

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

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

Sixty-sixth. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition; and to protect birds and harmless wild animals, and to inspect and test dairies and dairy products, and to regulate persons engaged in selling milk within the city, and to require cows supplying milk to the inhabitants of the city to be tested for disease and pay the whole or part of the cost thereof.

Sixty-seventh. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kind of business not hereinbefore expressly referred to and provided for, as in the opinion of the city council may require regulation, and, in general, to adopt all such measures and to establish all such regulations, in cases where no express provision is hereinbefore made, as the city council shall from time to time deem necessary for the peace and good order, the suppression of vice and the enhancement of public welfare in said city.

Sixty-eighth. To license, regulate and control the employment or occupation of minors on the public streets and other places.

Sixth-ninth. To compel the owners or keepers of vacant property within the city limits, to keep the same clear of noxious weeds or vegetation, any brush, timber, or other material or substance that may be objectionable or unsightly, or liable to receive or communicate fire to adjoining property, and in case the owner or owners of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the city council, either personally or by one publication in the official newspaper of the city, the city council shall have the authority to have the same done at the expense of the owner or owners, and in case such owner or owners shall refuse to pay such expense, shall have the right to assess the same against

said property, and to make, enforce and collect such assessments as other assessments for local improvements, for benefits are made, enforced and collected.

Seventieth. To regulate, control the location of mining dumps, excavations, caving ground and test pits resulting from mining operations and to require such dumps, excavations, caving grounds, and test pits resulting from mining operations to be fenced or otherwise properly guarded so as to prevent human beings and animals from falling therein, and to serve notice in writing upon the owners of such property or the operator of any such mining property requiring such owner or operator to fence or guard such dump, excavation, test pits and caving ground. Any person sustaining damage by reason of a violation of this section shall have a cause of action for damages against such owner or operator and also against the city clerk and the surety on his bond, if he shall neglect for more than sixty days to serve such notice.

Seventy-first. To establish fire limits and zones within and around the city and as near to the city boundaries as possible to prevent the spread of forest fires into the city and to provide the necessary means for the extinguishing and prevention of fires coming into the city, and to require the fire department as an agency of the city and to provide for enforcement, and penalties for the violation, hereof.

SECTION 102. OTHER POWERS.—The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this charter, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (\$100.00) dollars, or to be confined and kept at hard labor in the work house of the city, or upon the public works, or to be confined in any place of confinement maintained by the city, or in case there is no such place, then to be confined in the county jail of this county, not to exceed the term of three months, and may provide that such imprisonment may be cumulative or for an indefinite term, not to exceed three months, subject to suspension or termination by reason of or during good behavior of the person so imprisoned.

SECTION 103. REVOCATION OF LICENSE.—The city council shall have power to revoke any license granted by it.

SECTION 104. GRANTING OF FRANCHISES, ETC.—No perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of the city and adopted by a three-fifths (3-5) vote at such election on the question, nor in such case for a longer period than twenty-five years, nor shall any franchise be granted which does not contain a provision that the rates or charges for the service provided may be adjusted once in every five years.

SECTION 105. PROTECTION OF STREETS.—It shall have the power to punish any person wilfully damaging any sidewalk, pavement or appurtenance to the water works or sewage system, or to any other property in or upon the public works of the city, and shall have power to punish interference with or the withholding any property of the city by any officer thereof, or any party, and to require any officer, member or employee of

any department to produce the books and accounts thereof at any time for inspection and examination, and at the expiration of the time for which elected, appointed or employed, to turn over the same and all property in his possession to the proper custodian thereof or to his successor in office, and to require reports at any time from any person of the condition or operation of the business under his management.

SECTION 106. APPOINTMENT BY BALLOT.—The appointment of any officer by the city council shall require the affirmative vote of a majority of all its members, taken by ballot, or by roll call, and recorded by the clerk.

SECTION 107. LETTING OF CONTRACTS.—It shall have power to let contracts for the erection, improvement and repair of any of the public works or buildings of the city under its control, and for the performance of any work required to be done, and material to be furnished in carrying into execution its powers and the operation of its departments, except as in the charter specifically provided otherwise.

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

And provided, that where proposals have been received for the doing of any public work, if the lowest of such proposals is higher than the estimate of the cost of such work, the city council may, if it deem it for the best interests of the city so to do, by a two-thirds (2-3) vote of all its members-elect, direct such work to be done by day's labor.

SECTION 108. ADVERTISEMENTS.—It shall let no contract for the performance of work or the furnishing of material or supplies or property (except for the purchase of necessary real property) or lighting service involving the expenditure of more than two hundred fifty (\$250.00) dollars by the city, nor authorize the purchase, or sale, of any property of a greater value than two hundred fifty (\$250.00) dollars nor grant any public franchise, nor authorize the sale or negotiation of any bond or evidence of indebtedness issued by the city, except upon advertisement for proposals thereof published in the official newspapers of the city, or such other newspapers as the council may determine.

SECTION 109. CONTRACT TO LOWEST BIDDERS.—It shall let all such contracts to the lowest responsible bidder who will enter into the contract and give security for the performance thereof, and shall let no contracts to any party in default to the city in the performance or by reason of any other contract. It shall sell all property, bonds and other evidences of indebtedness only to the highest bidder for cash therefor, and shall not sell or negotiate any such bond or evidence of indebtedness below its par value, the same being its face value and accrued interest.

SECTION 110. BONDS OF CONTRACTORS.—It shall require of every party entering into a contract with the city or any of its departments or accepting any license, immunity, privilege or franchise from or under the city pursuant to any power or authority herein vested, a bond to be approved by the city council for the full and faithful performance of such contracts or

the just and lawful exercise of the powers and privileges conferred, which bond shall be sufficient in amount to indemnify the city against any loss or damage that may be sustained by a breach of contract, or any wrong committed in the exercise of such power or privilege. Such bonds shall also be conditioned to pay for all labor, supplies, and materials required to be furnished under the contract pursuant to the provisions of the general public contractors bond statute, for the benefit of any labor or material or men furnishing labor, materials, and supplies under any contract.

SECTION 111. ADVERTISING FOR PROPOSALS.—Every advertisement for proposals shall be made by publication in the official newspapers of the city, at least twice, of a notice containing a general description of the contract to be let or the property to be purchased or sold, or bond or other indebtedness to be negotiated, or franchise to be granted, and shall invite sealed proposals therefor, which proposals shall be filed with the city clerk at such time as shall be designated in said advertisement, not less than one week after the last publication. All proposals shall be opened and read by the city clerk in the presence of the city council before any of the same are acted on or accepted.

SECTION 112. DESIGNATION OF OFFICIAL PUBLICATIONS.—

The city council shall annually at its second regular meeting in January of each year or as soon thereafter as may be practicable, designate two legal newspapers as the official newspapers in which publication all of city council proceedings, ordinances, resolutions and notices shall be made. A newspaper in order to be qualified as a medium of such legal and official publications must be printed in the English language and be printed and published in the City of Chisholm and must conform to the requirements governing legal newspapers as defined by the statutes of the State of Minnesota; and such newspapers must have been properly entered as second class matter in the United States Post Office at Chisholm for a period of at least one year prior to its designation as an official newspaper.

SECTION 113. POWER TO ENTER PRIVATE PROPERTY.—It may authorize the entry into lands or tenements within or beyond the city limits for the purpose of carrying into effect its inspection laws and may enter upon any land to lay any branch sewer or water main, or drain any marsh, or make any changes or erections in, upon, or about any water course.

SECTION 114. AUTHORITY TO REPAIR ROADS AND BRIDGES.—

The city council of this city, by a two-thirds vote of all the members-elect, shall have the power to build, repair, and maintain roads and bridges beyond the city limits, and erect and maintain suitable display signs, whenever they deem it proper, and fix the amount and manner in which the appropriations for such purposes shall be expended.

SECTION 115. VACATION OF STREETS.—The city council shall have the sole and exclusive power to vacate and discontinue public grounds, streets, alleys, or highways, other than parks and parkways, within the city, and also all county, territorial and state roads, whether actually traveled and used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the city council except upon petition of a majority of the owners, which petitioners must own a majority of the property frontage, and also a majority of the land and im-

provements thereon based upon actual value, upon the portion of the line of such public ground, street, alley or highway proposed to be vacated, which petition provided for in this section shall state the facts and reasons for such vacation and be accompanied by a plat of such public grounds, street, alley or highway, county, territorial or state road proposed to be vacated, and shall be verified by the oath of one of the petitioners. A corporation, whether domestic or foreign, may when interested, join in and verify such petition by any officer thereof. The city council, if it deem it expedient that the matter be proceeded with, shall order the petition to be filed of record with the city clerk, who shall give notice by publication in the official papers of the city for four weeks at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council at a certain time and place therein specified, not less than ten days from the expiration of said publication. The city council at the time and place appointed, shall investigate and consider such matter, and shall hear the testimony and evidence on the part of the parties interested, and thereupon, after hearing the same, may by resolution passed by a three-fourths ($\frac{3}{4}$) vote of all the members elect, declare such public grounds, streets, alley or highway, county, territorial or state road, vacated, which resolution shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution and of said plat, duly certified by the city clerk shall, before the same shall take effect, be filed for record and duly recorded in the office of register of deeds of this county. No vacation shall be ordered that will result in leaving any residents in a cul-de-sac without reasonable ingress or egress, unless provisions be made for compensation for damages thereby occasioned.

SECTION 116. VACATION TO TAKE EFFECT, WHEN.—No vacation shall take effect until the value of the premises so vacated shall have been deposited in the treasury of the city, which value shall be fixed by a resolution of the city council by a three-fourths ($\frac{3}{4}$) vote of all the members-elect, and in no case shall be less than the proportionate average value of the abutting property.

Provided, in case the city council shall have approved a plat embracing the premises proposed to be vacated, which plat dedicates to the public use, land equivalent in area and value to the premises sought to be vacated, then the city council may, by a three-fourths ($\frac{3}{4}$) vote of all its members, accept said plat and pass said resolution of vacation, and after said plat and resolution have been recorded in said register of deeds office said vacation shall be valid without the payment of any money into said city treasury.

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

SECTION 117. ADDITIONAL POWERS.—The city council in addition to all other powers granted in this charter shall have the right to acquire

by purchase, gift or condemnation, or contract for or lease, a suitable site or sites for, and erect, build or construct thereon, and provide for the necessary equipment for, and operate, manage and maintain, a municipal tourist camp, warehouse, garage, incinerator, market place, athletic field, playgrounds, cemetery, and a common pasture. The city council shall also have the power to appropriate in any one year the sum of \$1000.00 for the purpose of advertising and publishing facts and information relating to the City of Chisholm and for promoting the trade, industrial and agricultural advantages of the city in its trade area.

SECTION 117-1. APPROPRIATION FOR CHAMBER OF COMMERCE.—The city council may also appropriate and expend from its general fund such sums as it may deem necessary, not exceeding, however the aggregate amount of fifteen hundred (\$1500.00) dollars in any one year for the use of an established Chamber of Commerce in the city; and provided, however, that the council shall not appropriate or expend on such account or purpose an amount in excess of the annual dues paid in for such year by the members of such organization.

SECTION 117-2. POWER TO REGULATE PUBLIC CARRIERS AND PUBLIC SERVICE CORPORATIONS.—The city council shall have the power to regulate by ordinance all public carriers or public service corporations doing or transacting business within the city and to regulate any transportation company or carrier of passengers to maintain suitable and proper stopping places or depots to take on and discharge passengers and to provide stopping places at street intersections or such other places as the council may require, and to make such other rules and regulations with reference to such carriers, or any public service corporation as the welfare, safety, convenience and best interests of the people of the city may require, and to provide penalties for the violation thereof.

CHAPTER VI

INITIATIVE, REFERENDUM AND RECALL

SECTION 118. THE INITIATIVE.—Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk, shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show

the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

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

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 119 of this Charter).

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

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

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

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

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding regular city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition together with a sample ballot to be printed in the official newspapers of the city and published in like manner as ordinances adopted by the council are required to be published; provided that the city council may in its discretion require that in addition thereto the city clerk shall cause a printed copy of

the ordinance or proposition to be mailed with a sample ballot in an envelope to each voter at least 10 days prior to the election.

SECTION 119. THE REFERENDUM.—No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its signature by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty percent of the entire vote cast for all candidates for Mayor at the last preceding regular municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in Section 118 of this charter, to the vote of the electors of the city, either at the next regular municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 118, of this charter, except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

SECTION 120. THE RECALL.—The holder of any elective office may be removed for cause as herein provided at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement of the cause or grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the signers to each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine, and from the poll lists of the last regular municipal election, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days

from the date of said certificate. The clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the city council shall order and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

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

Provided that the exclusive causes of recall of any elective officer shall be the following: first, conviction of a felony; second, malfeasance or misfeasance in office; third, wilful violation of any provision of this charter; fourth, nonfeasance in office or neglect of duty; and fifth, in the case of any council member, unexcused absence from four consecutive regular meetings of the city council.

Provided further that any voter signing a petition for recall may cause his signature to be withdrawn by filing notice of such withdrawal with the clerk of the city prior to the execution of the certificate of the city clerk as to the sufficiency or insufficiency of the petition.

CHAPTER VII

FINANCE

SECTION 121. FISCAL YEAR, FUNDS.—The fiscal year of the city shall begin on January 1st, and end on December 31st of each year.

There shall be maintained in the city treasury the following funds: a general fund, a permanent improvement and replacement fund, a permanent improvement revolving fund, a library fund, a park fund, an interest and sinking fund, a water and light fund, a music fund, a poor fund, a pension fund, a mayor's contingent fund, a judgment fund, and a cemetery improvement fund, and such other funds as the council may by resolution or ordinance establish.

SECTION 122. PROPERTY SUBJECT TO TAXATION.—All property in the City of Chisholm, taxable under the laws of the state, shall be subject to taxation for the support of the city government and the pay-

ment of its debts and liabilities, and the same shall be assessed as provided for by law and this charter.

The city council, by a majority vote of the authorized membership thereof, may levy an annual tax upon taxable property in said City for the support of such funds and purposes.

SECTION 123. GENERAL FUND.—There shall be maintained in the city treasury a fund to be designated as the "general fund," into which shall be paid all moneys not specifically designated as belonging to any particular fund, or from which there may be drawn to be credited to any such fund, or for such other purposes as may be designated by law or authorized by the city council. It shall be maintained by an annual tax levy sufficient for the purposes thereof.

SECTION 124. PERMANENT IMPROVEMENT AND REPLACEMENT FUND.—There shall be maintained in the city treasury, a fund to be designated as the "Permanent Improvement and Replacement Fund," into which shall be paid all the moneys received from the sale of any property or permanent improvements of the city not otherwise provided, and such amounts from time to time as may be realized from the sale of any bonds or certificates of indebtedness issued on account of such fund, and all amounts collected on special assessments advanced in first instance out of such fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax levy to be made by the city council of an amount necessary, except as in this section otherwise provided. And out of such fund shall be paid the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements of any kind that the city is authorized to provide or acquire which shall not be otherwise specifically provided for out of other funds, and also the cost of all local improvements, unless the city council shall make special assessments therefor; and the city shall maintain such fund sufficient to meet the expenses or cost of all such improvements as the same become payable as in this Charter provided, and out of such fund shall also be paid cost of replacements of permanent improvements, other than ordinary repairs, maintenance or supplies.

Not more than one-third of the aggregate accumulations of said fund shall be expended for the purposes of replacements and the remaining two-thirds shall be expended only for the purposes of permanent improvements as provided herein.

In each year the city council shall levy and set aside a permanent improvement and replacement fund in an amount in taxes equal to fifteen (\$15) dollars per capita based upon the population of the city. No expenditure shall be made during any of the first five years after the adoption of this charter exceeding fifty per cent of the annual receipts of said fund for such year, and then only upon a two-thirds vote of the council. No expenditure shall be made from said fund in excess of Forty Thousand (\$40,000) dollars for Permanent Improvements and twenty thousand (\$20,000) dollars for Permanent Replacements, in any year without first obtaining the approval of a majority of the voters at a general or special municipal election. In submitting any proposition to the voters for approval the amount of the pro-

posed expenditure and the exact purpose thereof and the nature and cost of the entire project to completion shall be briefly and specifically stated.

Provided, that, if the maximum legal limitation of the aggregate taxes that the city can levy, shall be reduced below \$70.00 per capita, then the tax levy in any one year for the "permanent improvement and replacement fund" shall be and shall not exceed 15-70th of the aggregate maximum levy for all purposes, exclusive of indebtedness incurred prior to January 1, 1929. And provided further than any appropriation made by the city council from the permanent improvement and replacement fund to the fund of any board or commission shall be construed to constitute a part and portion of the amount that the city council may expend therefrom annually without a vote of the people.

SECTION 125. PERMANENT IMPROVEMENT REVOLVING FUND.—There shall be created, if necessary and maintained in the city treasury, if the city council shall so direct by ordinance, a fund to be designated as the "Permanent Improvement and Revolving Fund," into which shall be paid all amounts realized from the sale of certificates of indebtedness issued on account of such fund, and the principal sum of all special assessments and benefits assessed and levied on account of any local improvements, as well as all taxes levied on account of such fund, and there shall be paid out of such fund that portion of all local improvements for which special assessments are levied, and such amount of excess assessments as may in any instance be refunded, and for no other purpose whatever. And the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this charter provided. And the city council may from time to time by ordinance by a three-fourths ($\frac{3}{4}$) vote, issue, negotiate and sell certificates of indebtedness for the creating or maintaining of such fund, and such certificates shall not be sold for less than par and accrued interest, and shall bear interest at a rate not to exceed six per cent per annum, and shall be made payable from said fund and at such time as the city council may determine; provided, however, that the amount of certificates so issued shall not exceed at any one time one (1) per cent of the total value of taxable property of such city, according to the last preceding assessment for purpose of taxation.

126. LIBRARY FUND.—There shall be maintained in the city treasury of this city a fund to be designated as the "Library Fund," which shall be under the control of a library board herein provided for and subject to be paid out upon its order, and into such fund shall be paid all amounts received from the sale of any property under the control of such board, and the appropriations thereto, and all taxes, interest and penalties accruing thereto, by reason of the levy of any taxes for such fund, and the proceeds of all gifts made to said library board, and out of such fund shall be paid the expenses of such board and all salaries, and the cost of the acquisition, maintenance and operation of the system of public libraries of the city, and of the property under the control of such board. It shall be maintained by a tax levy of an amount sufficient to meet the annual expenditures but not less than two and one fourth ($2\frac{1}{4}$) mills in any year for general purposes.

Provided also that the library board shall be required to set up a permanent improvement and replacement fund for which the city council shall levy one-fourth of one mill of the assessed valuation of the city in each and

every year, which shall be deposited into the special permanent improvement fund and used only for permanent improvements and replacements of the library.

SECTION 127. PARK FUND.—There shall be maintained in the city treasury, by an annual levy of not less than five-eighths of a mill, a fund to be designated as the "Park Fund," which shall be under the control of the park board herein provided for and subject to be paid out upon its order, and into such fund shall be paid all amount received from the sale of any property under the control of such board, and appropriations thereto, and all taxes, interest and penalties accruing thereto by reason of the levy of any taxes for such board, and the proceeds and all gifts made to said park board, and out of such fund shall be paid the expenses of such board and all salaries and the costs of acquisition, maintenance and operation of the system of public parks of said city, and of the property under the control of such board.

Provided that the city council in its discretion may establish a park improvement fund and levy specially therefore a sum not less than three-eighths ($\frac{3}{8}$) of one mill and may appropriate funds thereto from the general fund, which funds shall be used only for permanent improvements, including tree planting, the construction of boulevards and park ways in the city, and such other permanent improvements and additions to the park system as may be for the best interest of the city. Any fund so levied or appropriated shall not be used for any other purpose.

SECTION 128. INTEREST AND SINKING FUND.—There shall be maintained in the city treasury, a fund to be designated as the interest and sinking fund, which shall be maintained by an annual levy on all the taxable property of the city of an amount which, in addition to any balance remaining in said fund shall be sufficient to pay the interest and principal to become due during the next fiscal year upon all the bonds and debts of the city.

In order to provide for the certain payment of the bonds of the city, the city council shall provide or maintain a sufficient amount in said fund to insure the prompt payment of all bonds and interest. It shall provide by ordinance for the care, investment, and security of such fund, but shall have no authority to abolish the same until all bonds of the city are fully paid; and it shall not divert such fund or any revenue or increase thereof for any purposes unless and until all bonds of the city are fully paid.

The city council shall be required to levy an annual tax in the amount not less than ten (10) per cent in excess of the total amount of bonds and bond interest to become due during the next fiscal year, to maintain the interest and sinking fund. There may also be placed in said fund all monies not otherwise appropriated. Provided that such levy for the "interest and sinking fund" shall be in addition to all other levies whether for current and capital purposes, and in addition to any per capita limitation imposed by statute, as concerns indebtedness existing prior to January 1, 1929, or obligations subsequently issued to fund or refund any part of such previously existing indebtedness.

SECTION 129. WATER AND LIGHT FUND.—There is hereby created a "Water and Light Fund" into which shall be paid all money derived from the sale of any property acquired for or used in connection with the water, heat, power, gas and light plants of the city or either of them, or

such other plants as may hereafter be acquired, and the proceeds of all taxes and special assessments levied on account of or in connection with such water, heat, power, gas and light plants, or either of them; also such amounts as may from time to time be realized from the sale of bonds issued on account of said water, heat, power, gas or light plants, or either of them, and also moneys received from the operation of said plants or either of them, including water, heat, power, gas and light rates, rentals and penalties.

The city treasurer shall keep a separate account of the proceeds of the sale of bonds issued by the city for the construction, extension or purchase of water, heat, power, gas and light plants, or either, and if practicable, shall keep a separate account for each plant.

There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance, and repair of said water, heat, power, gas and light plants, or either of them, and the interest upon all bonds which may be liens upon such plants or either of them. Should there be any accumulation of moneys in this fund beyond the needs thereof, the city council, upon the written request of the Water and Light Commission, may, by resolution, direct such accumulation or any part thereof to be paid and transferred to the sinking fund or general fund of this city.

The city council may with the approval of the water and light commission set aside annually such a portion of the gross income from any water, heat, power, gas or light works, or either, as may be owned, maintained, or operated by the city as the council shall determine or such an amount as the city council may appropriate or set aside from the permanent improvement and replacement fund, in order to create a "Water and Light Sinking Fund," for the payment of any water and light bonds or either as they may become due and for the purpose of making permanent improvements and permanent replacements of properties under the management, care and custody of the water and light commission.

Provided that the Water and Light Commission shall be required to set aside not less than 20 per cent of the gross revenues from the water plant in each and every year and not less than 10 per cent of the gross revenues of any other public utility plant that may hereafter be established in each and every year in the city, to be deposited in the Water and Light Sinking Fund for the purpose of permanent improvements and permanent replacements, which sums shall be used for no other purpose whatsoever.

SECTION 130. MAYOR'S CONTINGENT FUND.—

The city council shall have power to appropriate from the General Fund by resolution, passed by a two-thirds (2-3) vote of all the members of such council, a sum not exceeding Fifteen Hundred (\$1500.00) Dollars in any year for the mayor's contingent fund as it may deem proper to advance the interest of the city as in this Charter provided.

SECTION 131. MUSIC.—The city council shall either authorize during each year an appropriation from the general revenues or levy an amount equal to not less than five-tenths of one mill of the assessed valuation and not exceeding the sum of \$10,000 for the encouragement and support of a musical band or other musical organization of the city which has been established for five years and to provide for concerts for the general public of the city. Such moneys shall be paid out only in such manner and on such

conditions as may be prescribed by the city council.

SECTION 132. POOR FUND.—The city council is hereby authorized and directed each year to appropriate from the revenues of said city in the general fund, such sums of money from time to time as shall be necessary and place the same in a fund to be known as the "Poor Fund" and such moneys shall be used for the support of the poor of the city on the general direction of the city council, but the sum so appropriated shall not exceed \$5,000.00 in any one year. Provided, that in case of catastrophe requiring a larger appropriation of dire economic conditions or severe unemployment requiring a larger appropriation, the city council may appropriate for the support of the poor such sums in addition thereto as in its judgment may be necessary, but not exceeding in the aggregate in any one year the sum of \$12,000.00. And provided further, that the unanimous vote of the city council and the approval of the mayor shall be necessary for the passage of any resolution appropriating for poor fund any sum in excess of \$5000.00 in any one year. All sums expended for the poor shall be by way of supplementing county and state aid for the poor and not in lieu thereof.

SECTION 133. PENSION FUND.—The City council is hereby authorized and shall maintain in the city treasury a fund to be known as a "Pension Fund" and shall be divided into two parts; first, the pension fund for the firemen's pension as established under Chapter 124 Laws of Minnesota for 1933, and second, another part for policemen's pension as established by Chapter 122, Laws of Minnesota for 1933, which shall be maintained by an annual levy upon all the taxable property of the city of an amount as the council may determine, pursuant to said statutes.

SECTION 134. JUDGMENT FUND.—There is hereby created and shall be maintained in the city treasury of this city a fund to be known as the "Judgment Fund" which shall be under the control of the city council and subject to be paid out on its order and into such fund shall be paid all amounts received or realized on judgments in favor of the city not belonging to any other fund, and all taxes, interest and penalties accruing thereto by reason of any levy of taxes therefore, and out of such fund shall be paid all judgments and awards rendered against the city with interest accrued thereon. A levy shall be made of an amount which with any balance in such fund shall be sufficient to pay all judgments and awards against the city. Such levy shall be in addition to all other levies and in addition to any limitation thereof, provided, however, that any judgments, based upon contract or services, for which the city received the benefits, shall be charged up against and paid out of funds belonging to the city or the department of the city government which created the liability.

SECTION 134-1. BUDGETS.—The city council in establishment of its budget shall set up a separate budget for each fund. The general fund shall be budgeted as to the following separate items: first, Police Department; second, fire department; third, streets, sidewalks and alleys; fourth, city administration, (including clerk, assessor, treasurer, attorney and city council); fifth, health department; sixth, municipal court, and such other items or departments as the city council may deem expedient. All departments shall be further budgeted to show: first, salaries; second, other fixed charges; third, labor; fourth, material and supplies; fifth, maintenance and repair;

and sixth, improvements and replacements.

SECTION 135. CEMETERY IMPROVEMENT FUND.—There is hereby created and established in the City treasury a fund to be known as the "Cemetery Improvement Fund" into which shall be deposited and placed all proceeds of sales of lots in the Chisholm cemetery and all divisions thereof entitled to receive the benefits of this fund and in addition all appropriations that the City Council may make thereto from the general fund and all increments or interest, or any gifts or devises that might be made thereto. During the first fifteen years the City Council shall annually appropriate a sum not less than the amount of \$5,000 per year to such fund and thereafter such an amount may be levied as the Council in its discretion may determine. No expenditure for any purpose shall be made from said fund during the first ten years and thereafter, and until the fund reaches the sum of \$75,000.00 expenditures shall only be made for the purpose of acquiring such additions to the cemetery as may be approved by a majority of the people of the city. After the fund shall have attained the amount of \$75,000.00 the interest and increase thereof may be used only for purposes of improving and maintaining the Chisholm Cemetery, or any division or portion thereof regardless of sect or creed, provided that no expenditures for maintenance or improvements shall be made without a two-thirds vote of the voters of the city. The principal shall be kept intact.

The monies of this fund shall be invested by the Board of Sinking Fund Commissioners in accordance with the provisions of this charter and shall not be transferred or used for any other purpose than specified in this section.

Disbursements from this fund shall only be made upon unanimous vote of the city council by resolution.

SECTION 136. SINKING FUND COMMISSIONERS.—The mayor, clerk and treasurer and two persons actually engaged in banking, and having ten years' banking experience, to be chosen by the city council, shall constitute a board of sinking fund commissioners, and the city council shall define such of their duties as are not herein enumerated. Such commissioners shall have charge of such sinking fund, and by and with the consent of the city council may invest the same in the bonds, certificates or warrants of the City or of the Chisholm School District, and such other bonds or securities as are approved for the investment of the permanent school fund of the State of Minnesota, and in the bonds of any first class city in the State of Minnesota, and any such county and school bonds in the State of Minnesota as may be approved by the city council, and not otherwise.

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

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

In case the sinking fund commissioners, or other city officers shall

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

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

SECTION 137. CONFERENCE COMMITTEE.—There shall be a conference committee of the city, which shall consist of the Mayor, the president of each elective or appointive board or commission, and the head of each other department of the city, which is authorized to expend city funds. Such committee shall meet on or before the first day of September of each year and shall report to the city council an estimate of the amount of the expenses of each department for the next ensuing fiscal year, and the amount required in each of the funds for which a levy may be made during the next fiscal year. Five days before the meeting of such committee, each member thereof shall file with the city clerk a written estimate of the needs of his department for the next ensuing fiscal year.

SECTION 138. ANNUAL TAX LEVY.—The city council shall at the time of the certifying of the report of the conference committee as above provided, report to the city council an estimate of the accrued expenses of the city for the next ensuing fiscal year, together with a statement of all revenues received by the city for the then current year.

Provided that ten days' published notice shall be given to the voters of the city specifying the aggregate amounts requested by the various departments of the city government for the various funds and the date and the place of the meeting at which the tax levy will be determined, at such meeting all tax paying voters who paid their taxes in full may make objections or suggestions if any to the proposed levy and offer such changes as the conditions and circumstances may warrant or require. No tax levy shall be made until such notice has been given and hearing held thereon.

The city council shall on or before the 10th day of October of each year, upon the coming in of the said reports of the board of tax levy and the city clerk, levy an annual tax upon all property in such city, taxable under the laws of this state, for the purpose of defraying and paying all the expenses, obligations, debts and liabilities existing or authorized by this charter, and the said levy so made, as aforesaid, shall be reported by the city clerk forthwith to the county auditor of this county and shall be entered up-

on the tax duplicate of such county and collected annually in like manner as county and state taxes are collected.

SECTION 139. LIMIT OF DEBT OR LIABILITY.—Neither the city council of the city nor any board or commission or any officer or officers of the city shall, except as in this charter provided, have authority to issue any bonds or create any debt or any liability against the city in excess of the limitations specified in this charter; and no board or commission shall have power during any year to contract any indebtedness or incur any pecuniary liability which shall, together with prior indebtedness and the amount of expenditures necessary to complete the fiscal year, exceed the sum that may be allowed to said board or commission for expenditure for the said year by the city council in the annual budget. It shall be the duty of the city council by resolution prior to February 1st of each year to set up and establish a budget wherein each department, board, and commission of the city is allotted such sums for expenditures (not in excess of the tax levy) as it deems necessary and adequate for the proper operation thereof; and the budget as so established (but not in excess of the levy and sums otherwise appropriated) shall be the maximum amount that can be expended by any such department, board or commission.

SECTION 140. MONEY, HOW PAID OUT. CITY ORDERS.—All moneys belonging to the city expended by the council, except as otherwise provided in this charter, shall be under the control of the city council, and shall be paid out only upon the order of the Mayor, countersigned by the clerk, duly authorized by an affirmative vote of a majority of the city council.

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

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

SECTION 141. TAX SETTLEMENTS.—The county treasurer shall pay over all taxes collected for the city, together with all interest and penalties which shall be collected on account of the same when collected, to the treasurer of said city in the several settlements of the funds to be so paid over as provided by general law. Said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by banks, with whom funds of said county are deposited, as they accrue upon funds arising from said taxes and assessments therefor which have been made by said city, so deposited with such county funds or parts thereof. Whenever, previous to any settlements provided for by law, there shall be a lack of money in any of the regular city funds, and there shall be funds in the county treasury which shall have been collected on account of such fund or funds, the county treasurer shall, upon the application of the city treasurer, advance

and pay over such sums as shall be estimated to be the amount collected on account of such city taxes and assessments, and such advances shall be accounted for and adjusted at the next regular settlement, and the city treasurer shall also forthwith after such settlement adjustment and apportion all moneys so advanced among the several funds of the city.

SECTION 142. TAX LIMITATIONS.—The aggregate tax levy of the city for all purposes exclusive of bonds (specified in Sec. 128 and 143), shall not exceed the following maximum limitations: first, when the population is less than 10,000, and the assessed valuation is less than \$25,000,000, \$70.00 per capita limitation; second, when the population exceeds 10,000 or when the population is less than 10,000 and the assessed valuation of the city exceeds \$25,000,000, \$65.00 per capita limitation; third, when the population is less than 10,000 and the assessed valuation of the city exceeds \$50,000,000, \$60.00 per capita limitation; provided that these limitations shall not be changed without the affirmative vote of 60 per cent of the voters of the city.

SECTION 143. CONFIRMATION OF DEBTS.—All of the debts, obligations, bonds, certificates of indebtedness, warrants, contracts, and expenses created or incurred whether by resolution, motion or otherwise by either the previously existing Village of Chisholm or the officers of the territory included with the Village of Chisholm in the City of Chisholm or the council and officers of the prior Village of Chisholm, as the temporary officers of the city, are hereby ratified and confirmed as the debts and obligations of the City of Chisholm; and all of the bonds of the Village of Chisholm presently outstanding are hereby declared to be excess indebtedness of the City of Chisholm and obligations incurred prior to January 1, 1929, within the purview of Chapter 206, Laws of Minnesota for 1929, or obligations issued to fund or refund the same and that all of such excess indebtedness may be levied for in excess of any per capita tax limitations imposed for current expenditures by this charter or otherwise.

SECTION 144. NO ORDERS ISSUED UNDER CERTAIN CONDITIONS. CERTIFICATES OF INDEBTEDNESS.—From and after the adoption of this charter, neither the city nor any department, board or commission or officer thereof shall draw any order or warrant on any fund until there is sufficient money in such fund to pay the same, together with all orders previously issued against such fund; provided, however, that the city may after the annual tax levy has been certified to the county auditor, and not earlier than October 10th in any year for the purpose of the succeeding year, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in the tax levy for the purpose of raising money for any such fund but no certificate shall be issued for any of said separate funds prior to July 1st exceeding 50 percent of the amount named in said tax levy as set by the County Auditor 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 levy certified to the county auditor as the aforesaid was made, except as in this Charter otherwise provided. Such certificates shall not be sold for not less than par and accrued interest and shall not bear interest a rate greater than 6 percent per annum; each certificate shall state upon its face the fund for which said certificate is issued, the total amount of said certificate so issued, and the

whole amount appropriated in any said tax levy for that particular purpose. They shall be numbered consecutively, in denominations of \$10.00 or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms and be made payable at such places which best aid in their negotiation; and the proceeds of the tax assessed and collected as aforesaid on account of said fund and the full faith and credit of the city shall be irrevocably pledged for the redemption of certificates so issued. Such certificates shall be paid from the monies received from the tax levy for the year against which such certificates were issued. The money derived from the sale of said certificates shall be credited to such fund or funds for the calendar year immediately succeeding the making of such levy and shall not be used or spent until such succeeding year. No certificates shall be issued for any year until all certificates of prior years have been paid, nor shall any certificate be extended; provided that money derived from the sale of certificates for any one year may if necessary be used to redeem unpaid certificates issued for a prior year; and provided further, that if it shall be impossible for any reason to sell such certificates of indebtedness, then the city council may deposit the certificates of indebtedness with the city treasurer and issue warrants or orders in any amount against such certificates of indebtedness, or in lieu thereof, may issue certificates of indebtedness in any amount direct to the creditor to whom the debt is payable. If certificates of indebtedness are so deposited with the city treasurer the bond of the city treasurer shall be in such amount as will adequately protect the city to the extent of certificates so deposited.

SECTION 145. CITY TO BE ON A CASH BASIS FROM AND AFTER THE ADOPTION OF THIS CHARTER.—The city shall be deemed for all purposes to be on a cash basis and shall thereafter remain on a cash basis. All taxes levied in 1933 shall be considered as tax revenues for the year's revenue for 1934 and after 1933 all city taxes shall be levied as now provided by law but for the succeeding year.

SECTION 146. CITY MAY ANTICIPATE TAX LEVY.—Whenever after the adoption of this charter the expense and obligations incurred chargeable to any particular fund of the city in any calendar year are sufficient to absorb 90 percent of the entire amount of the tax levy payable in that year including such amount as may remain in the fund of the levy of any prior year or years, neither the city council, any officer, board, or any other official body of the city shall have the power, and no power shall exist, to create any additional indebtedness (save as the remaining 10 percent of said tax levy is collected) which shall be a charge against that particular fund, or shall be in any manner a valid claim against the city; but such additional indebtedness attempted to be created shall be a personal claim against the officers or members of the municipal board or body voting for or attempting to create the same, and in no event shall any officer, board, commission or the council of the city have power, and no power shall exist, to create any indebtedness which shall be a charge against the city in excess of the tax levy payable in that year for the particular department, board, commission or council; provided, however, that if delinquency in taxes shall occur by reason of the withholding or nonpayment of taxes by any taxpayer or corporation responsible for the payment of more than 10 percent of the aggregate taxes of the City, then and in such event the city and its de-

partments, boards and commissions may anticipate the tax levy payable in that year to the extent of 95 percent of the entire amount of tax levy.

CHAPTER VIII

WATER AND LIGHT DEPARTMENT

SECTION 147. PURPOSE.—The city may acquire or establish water, gas, heat, power and light plants, or either of them, and dispose of the same at will. The city may maintain, enlarge, extend, repair and operate the same. It may furnish water, heat, power, gas and light for all municipal purposes, and may supply the same to the inhabitants of the city, and to such others as it may deem expedient, provided that the city shall not acquire any of the above mentioned plants not presently owned or operated by the city without first submitting the proposal of such purchase to the voters for approval or rejection; in which proposal the cost of the completed project and other data relating thereto, including the estimate of a competent disinterested engineer or architect, shall be specifically stated, and unless 60 per cent, and unless in the case of a heating plant, two-thirds of the voters voting upon the proposition approve of such purchase and investment.

SECTION 148 COMMISSIONERS.—The control, management and operation of all such water, heat, power, gas and light plants or buildings constituting a part thereof shall be committed to a board to be known as the "Water and Light Commission."

Provided that the management, care and control of all buildings presently under the jurisdiction of the Water, Power, Light and Building Commission of the prior Village and City of Chisholm shall continue under the Water and Light Commission of the city until December 31, 1935, and thereafter the exclusive management, control, supervision and jurisdiction of all said buildings and all property except as otherwise provided in this charter, shall be completely vested in the city council; and provided further that until December 31, 1935, the management, maintenance, control and operation and supervision of the city sanitary and storm sewage and disposal systems shall remain under the jurisdiction of the city council and thereafter the maintenance, management and operation of the city sanitary and storm sewers and the entire sewage disposal system shall be vested in the Water and Light Commission of the city, and provided further that subsequent to January 1, 1935 the construction, erection and extension of the sewer system of the city or of any sewage disposal plant in conjunction therewith shall be under exclusive jurisdiction of the city council but the subsequent maintenance, management and operation of any and all additions, extensions or plants thereto shall be placed under the supervision, maintenance and operation of the Water and Light Commission subject to the other provisions of this charter.

Provided that the Water and Light Commission may prior to January 1st of 1936 appoint the Adjutant of the American Legion Chisholm Post as one of the custodians and caretakers of the Recreational Building, and may fix and pay his compensation.

SECTION 149. ELIGIBILITY—APPOINTMENTS—SALARIES.—Said board shall consist of three members, all of whom shall be residents and citizens of the city and at least two of whom shall be freeholders and resi-

dents of the city for five years prior to the time of their appointment. They shall be appointed by the council as follows: upon the expiration of the term of the first expiring member on March 31, 1935, one member shall be appointed, whose term of office shall expire on December 31, 1937; upon the expiration of the term of the member whose office expires March 31, 1936 one member shall be appointed whose term of office shall expire December 31, 1938; and upon the expiration of the term of the member whose office shall expire on March 31, 1937 one member shall be appointed whose term of office shall expire December 31, 1940. All other appointments to said commission shall be for a term of three years commencing January 1 and expiring December 31 of the proper year, made by the mayor and approved by two-thirds of all of the members-elect, on the council, and said commissioners before entering upon the duties of their office shall qualify. The secretary of said board shall give a bond in such sum as the council shall prescribe. The salaries of the members of the board and the secretary shall be fixed and determined by the city council provided that such salary shall not exceed the sum of twenty-five (\$25) dollars per month.

SECTION 150 ORGANIZATION. POWERS.—Said board shall organize by electing one its number president. The city clerk shall be the clerk of the board. The board may appoint a cashier who shall be the book-keeper and private secretary and confidential clerk of the water and light department, and shall receive, for his services, such compensation as said board and the council may direct. Said board may employ a superintendent who shall be skilled and experienced in the operation of a public utility, a collector, (who may be one of its number), and other necessary help as will enable it to properly perform its duties under this charter, and may discharge said employees at will. Said board shall prescribe the duties of all such employees and shall fix their compensation. Said board and its employees may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the city against any person for the use of water, heat, power, gas, or light or for injury to any of the property or works entrusted to its care.

Said board shall require from the persons employed by it, bonds for the faithful performance of their duties. The amount of such bonds shall be fixed by the board, provided that the collector shall give a bond in such sum as the council may direct, which bond shall be in at least the sum of five hundred (\$500.00) dollars. Such collector and the sureties on his bond shall be responsible for the collection of all sums due the city for all service rendered.

SECTION 151 BY-LAWS. RULES.—Said board 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 chapter 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 clerk, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for water, heat, power, gas and light furnished by it, so that the water and light fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of the operation and maintenance of the water, heat, power, gas, and light system of the city.

SECTION 152. DISTRIBUTION. PRICE.—Said board shall regulate the distribution and use of water, heat, power, gas and light in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided that, in case of hydrants for extinguishing fires, and fountains and water troughs, and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct. The city shall pay, out of the general fund, at the price and rate fixed by the board, for all water, heat, power, gas, and light supplied to the city for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, heat, power, gas and light, and may, when in its judgment necessary, shut off the water, heat, power, gas, or light or take such other action as in its judgment may be proper.

SECTION 153.—PAYMENT IN ADVANCE REQUIRED.—The board is empowered to require payment in advance for the use of water, heat, power, gas, or light furnished by it in or upon any building, place or premises, and in case prompt payment for the same shall not be made, then it shall shut off such water, heat, power, gas, or light, and said board shall not again supply said building, place or premises with water, heat, power, gas or light until all arrears, with interest thereon, together with the costs and expenses of turning said water, heat, power, gas, or light off and on, shall have been paid. Provided, that if the owner of said building, place or premises shall, in writing, notify the board that he will not be responsible for water, heat, power, gas, or light thereafter furnished, the board shall forthwith shut off such water, heat, power, gas, and light supply, and not again supply said building, place or premises with water, heat, power, gas, and light, or either of them, until such owner withdraws his said notice unless the applicant for water, heat, power, gas, or light shall pay in advance or deposit in advance with said board, such sums of money as the board may require to justify it in furnishing water, heat, power, gas or light in said building, place or premises or any part thereof.

SECTION 154. LIABILITY OF OWNER OF PROPERTY.—The owner of any private property which has upon its pipes connected with the city water works to convey water thereto, or pipes connected with the city heating plant to convey heat thereto, or wires and fixtures connected with the city heat, power, gas, or lighting plant to convey heat, power, gas or light thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for rents or rates for all water from said works, all heat from said heating plant, and all lights, gas, and power from said light, gas, and power plants used upon such 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.

SECTION 155. SUPPLIES, SALARIES AND REPORT.—All supplies for water, heat, power, gas, and light plants or either of them, or work required to be done or performed to repair and extend any of said plants, shall be made or procured to be made by the board constituting the water and light commission, but in case the purchases required to be made at any one time or the work and labor required to be performed, shall exceed one hundred (\$100) dollars in value, except in case of emergency, said board

shall invite bids or proposals for the furnishing of the material or supplies or performance of such work and labor upon advertisement as provided for by Section 109 of this charter, and the proposals or bids shall be filed with the clerk of said commission, and shall by him be opened in the presence of said board, and such contracts shall be let to the lowest responsible bidder, who will enter into a contract and give security as required by said board, for the performance of such contract, and said board shall not make contracts which will overdraw the water and light funds in the city treasury, without the consent of the city council.

All bids contracted for by said board in connection with the operation, repair or extension of said plants, and all bills for labor, including all salaries of the secretary, bookkeeper and assistants and employees, shall be audited by said board, and orders shall be drawn for the amount so audited to the person entitled thereto on the water and light funds in the city treasury, and such orders when signed by the mayor and clerk of the city shall be paid by the city treasurer out of any moneys which may be in the water and light funds in the city treasury. Nothing in this section shall be construed as limiting the power and authority of said board in the regular running or operation of said plants, except that salaries and expenditures shall be audited and paid in the manner above stated.

The cashier of said board shall make monthly reports to the city council showing receipts, credits, payments, outstanding bills whether audited or not, and contracts entered into by said board pertaining to the operation, maintenance and extension of said plants and the balance in the light and water fund in the city treasury, and submit such accounts to said board for its approval before delivering said reports to the city council, and the cashier shall keep a record each of said reports in the office of said commission, and the city clerk shall file and preserve all such reports in his office, and on demand the water and light commission shall furnish copies of said report to the press.

SECTION 156. DUTIES OF COLLECTOR AND SECRETARY.— It shall be the duty of the collector, under the direction of the board, to collect and pay forthwith into the treasury all moneys due on account of the operation of the water, heat, power, gas, and light plants, and all the money which may come into his hands belonging to the city. In case any water, heat, power, gas, or light rate of any tenant of premises shall not be paid for ten days after the same fall due, said collector shall give the owner of such premises notice in writing of such default, and that the city will hold him liable for such bill contracted by such tenants. Such notice shall be served as follows: If the owner is a resident of the city, then in the manner provided by law for the service of a summons in the district court; if a non-resident having an agent in the city, then upon the agent; if a non-resident, without a resident agent, then by publishing said notice in the issue of the official papers next following the expiration of said ten days. The secretary shall keep a set of books in his office, which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the board and paid over to the treasurer and all payments made for account of the water, heat, power, gas, and light plants and all moneys due and owing to the board for any cause whatever, together with an accurate account of all the expenses of the board. At the beginning of every month

the secretary shall present to the council, upon carefully prepared vouchers, all the bills for labor and material previously obtained or purchased by the board as herein provided, which, after being examined and certified by the board shall be presented to the council at its next meeting for allowance and payment.

SECTION 157. EXTENSIONS.—The city shall not be obligated to make extensions to said plants, when in the judgment of said water and light commission, or the city council, such extensions should not be made. In case extensions of said plants are petitioned for and the water and light commission or the city council shall decide that such extensions so petitioned for should not be made at the expense of the city, on recommendation of the water and light commission, the city council may if the voters approve as in this charter elsewhere provided, make such extensions and provide that the whole or any part of the expense of making such extensions shall be levied against the lots or lands abutting on either side of the street or alley through which such extensions are made, and such expense shall be levied per front foot without regard to the value of the lands or lots so abutting, and such costs of making such extensions or such part thereof as may by the city council be ordered levied against said property with interest thereon at 6 percent per annum, may be levied in one year, or may be levied to be paid in annual payments extended over a period of not exceeding ten years; but nothing herein shall be construed so as to prevent the city council on recommendation of the water and light commission from making any such extension wholly at the expense of the city, to be paid for by a general tax levy, and in case it may be found necessary to lay in any street or alley of the business section of said city, larger or additional water mains the same may be laid, and the expense therefore on recommendation of the water and light commission may, by the city council, be levied as a general tax upon the property of the city generally.

SECTION 158. TAX LEVY.—The city council shall each year levy a general tax sufficient with the available money in the treasury for that purpose, to pay all outstanding indebtedness of the city, whether evidenced by certificates of indebtedness or otherwise, and all interest on bonds or other indebtedness of the city, provided, however, that this section shall not warrant expenditures in excess of its limitations or budget as determined by the city council.

SECTION 159. BUDGET.—The budget of the water and light commissions shall be fixed and determined by the city council in January of each fiscal year after the water and light commission shall have submitted to the city council a written, itemized, budgeted statement of the financial needs of said commission for the fiscal year showing expenses of administration, salaries, fixed charges, including insurance, capital outlays, new improvements, and replacements to be made and the cost thereof and the actual and estimated operating revenues.

SECTION 160. PENALTIES FOR INJURIES TO WORK.—Any person who shall wilfully and without authority from said board, break, remove, or in any manner damage any of the pipes, gates, boxes, hydrants, machinery, hose, wires, poles, transformers, or other property of any description belonging to or in any manner connected with said water, heat, power, gas,

and light plants or either of them, or permit any other person to use such water, heat, power, gas, or light without authority of said board, shall on conviction thereof be punished by imprisonment in the common jail of this county not exceeding three months or by a fine of one hundred (\$100.00) dollars, at the discretion of the court.

SECTION 161. TAMPERING.—Any person who shall, without authority from the board, tap or tamper with any main or surface pipe, or take water or heat therefrom or open or shut any surface cock or fire hydrant or unscrew wholly or partially the tap from any such hydrant, or turn water into any tunnel or ditch, excavated or used by the board for the purpose of laying the pipes or mains, or who, being authorized by the board to take water or heat from any pipe for any specified purpose, shall, without authority from said board, use such water, or heat for other than such specified purpose, or permit any other person to use any such water or heat shall be deemed guilty of misdemeanor, and shall be punished by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment in the county jail of this county for not exceeding three (3) months.

SECTION 162. INTERFERENCE WITH WATER.—If any person shall maliciously or wilfully divert the water, or any portion thereof, from said works or plant, or shall corrupt or render the same impure, or shall interfere with, destroy or injure any pipe, conduit, machinery, or other property, used or required for procuring or distributing water, shall forfeit to the city, to be recovered in a civil action, treble the amount of damages occasioned by him, besides costs, and all such acts are hereby declared to be misdemeanors, and may be punished as provided for in Section 157 of this charter.

SECTION 163. OMISSIONS FROM WATER RATES.—It is hereby declared to be punishable by a fine of not exceeding one hundred (\$100.00) dollars or by imprisonment in the county jail of this county for not exceeding three (3) months or by fine and imprisonment in the discretion of the court, for any member of said board to wilfully neglect or refuse to collect the water, gas, power, or light rates or rentals, or the cost of labor or supplies furnished by said board to any person or corporation or to discriminate in favor of or against any individual in regard thereto.

SECTION 164. CITY MAY ACQUIRE.—The city, when authorized so to do by a three-fifths (3-5) majority of the votes cast upon the question (except in the case of a heating plant where a two-thirds vote is required) may acquire and thereafter operate any water works, gas works, electric light, or power works, in or partly within the city, upon paying to the corporation or person owning the franchise the value of such property to be ascertained in the manner provided in this charter for acquiring property under the "Right of Eminent Domain". Such vote shall be taken at a special election called for that purpose. The consideration for such works or property shall first be applied to the payment of any encumbrances thereon and the remainder, if any, shall be paid to the owner of said franchise.

Provided that the city when authorized to do so by a two-thirds (2-3) majority of the votes cast upon the question of the entire city, may acquire, erect, or build, and thereafter, operate and maintain a heating plant under the provisions provided in this charter but no such plant shall be acquired

or operated without such vote of the electors.

SECTION 165. MEETINGS.—The water and light commission shall have at least two regular meetings in each month and such other special meetings as may be called by the president or two members of the board. The failure of any member to attend the three consecutive regular meetings without excuse shall be cause for removal.

CHAPTER IX

POLICE AND FIRE COMMISSION

Police Department

SECTION 166. POLICE CIVIL SERVICE COMMISSION.—The Police Civil Service Commission created by Chapter 299, Laws of Minnesota for 1929, is hereby continued and its duties and powers shall be as prescribed by said act.

SECTION 167. EXPENDITURES.—All expenditures of money for the police department shall be made by the city council, which shall in its annual budget set up an item of the budget for the police department, and all expenditures therefor shall be made, authorized and audited by the commission, and shall be paid from the general fund upon order signed by the mayor and clerk.

Provided all purchases of supplies and materials for the department shall be made on requisition thru the city clerk which the commission shall approve prior to the making of such requisition and before payment thereof, the commission shall audit and allow the same.

SECTION 168. POLICE DEPARTMENT.—There shall be maintained in the city a police department subject to the control and supervision of the Police Civil Service Commission, which shall consist of a Chief of Police and other officers of the police department and employees as may from time to time be authorized by the commission. All persons who were police officers of the Village of Chisholm at the time of the adoption of the Police Civil Service Commission in 1929 and such other police officers as may have been added since that time, with the exception of those who have been rightfully discharged, shall be members of the police department of the City of Chisholm.

SECTION 169. COMPENSATION.—The compensation of the Chief of Police, officers, patrolmen, detectives and other employees of the police department shall be fixed by the commission on the first Monday of each year or as soon after as may be for the ensuing year.

SECTION 170. DUTIES OF POLICE DEPARTMENT.—It shall be the duty of the police department and its members to enforce the ordinances, rules and regulations of the city and the various departments thereof, which may have been heretofore or hereafter adopted or are now existing under the statutes of the State of Minnesota, and to maintain law and order and to do everything necessary to promote the safety, health, good order and security of the inhabitants within its borders.

Fire Department.

SECTION 171. FIRE DEPARTMENT. ITS ADMINISTRATION,

MANAGEMENT AND CONTROL.—There shall be a fire department in the City of Chisholm of which the Firemen's Civil Service Commission shall have control and supervision; and the duties and powers of the commission shall be as prescribed by Chapter 57, Laws of Minnesota for 1929.

SECTION 172. EXPENDITURES.—All expenditures of money for the fire department shall be made by the city council, which shall in its annual budget set up an item for the budget for the fire department, and all expenditures therefor shall be made, authorized and audited by the commission, to be paid from the general fund.

clerk.

Provided all purchases of supplies and materials for the departments shall be made on requisition through the city clerk which the commission shall approve prior to the making of such requisition and before payment thereof, the commission shall audit and allow the same.

SECTION 173. FIRE DEPARTMENT.—The fire department shall consist of a Chief and such other officers and members as may be prescribed by the Firemen's Civil Service Commission, shall consist of all the persons who were in the employ of the Village of Chisholm at the time of the adoption of the Firemen's Civil Service Commission and such members as may have been added with the exception of such members as may have been rightfully discharged.

SECTION 174. DUTIES OF THE FIRE DEPARTMENT.—It shall be the duty of the fire department to have charge and supervision, management and control of the prevention and extension of all fires within the city and to enforce all ordinances, rules and regulations of the city council and the various departments thereof relating to the prevention of fire and fire hazards, to inspect all premises and buildings and to eliminate fire hazards of all descriptions and to establish fire limits and fire zones near the boundaries of the city, to require property owners or operators or occupants of premises to brush away and remove all timber, lagging, slashings, brush or combustible materials of any kind so as to prevent the coming in or spreading of forest fires into the city and to perform all duties that may be assigned to the department by the city council.

SECTION 175. COMPENSATION.—The compensation of the Chief of the Fire Department and all members thereof and employees of the department, shall be fixed by the commission on the first Monday of each year or as soon thereafter as may be for the ensuing year.

CHAPTER X.

BOARD OF HEALTH

SECTION 176. APPOINTMENT—QUALIFICATIONS.—The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota, of good standing in his profession, and who shall have been in active practice for at least three years. He shall be styled "Health Officer."

Each member of said department shall be a resident and elector of the city at the time of his appointment. They shall be appointed as other officers for a term of three years; provided that the terms of office of the

first board shall expire as follows: one member on December 31, 1936, one member on December 31, 1937, and one member on December 31, 1938, and the terms of all other appointees shall commence on January 1st and expire on December 31st of the proper year.

SECTION 177. GENERAL POWERS, DUTIES.—Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and power and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said state governing such local boards shall, so far as applicable, apply and be in force in this city.

SECTION 178. SPECIAL POWERS AND DUTIES. The members of said department, in addition to the powers and duties mentioned in the preceding section, shall have the following and additional duties and powers:

To enforce the laws of the state and the ordinances of the city, and the provisions of this charter relating to public health; and for the enforcement of all such laws, provisions of this charter and ordinances, they and each of them shall have, and be vested with, all the powers of police officers of the city.

SECTION 179. PROFESSIONAL ADVICE.—The health officer shall give to the mayor or other city authorities all such professional advice and information as they may require with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same and adopt measures to arrest its progress.

SECTION 180. TO MAKE A CIRCUIT OF OBSERVATION.—It shall be the duty of the health officer to make a circuit of observation of every part of the city and environs, from time to time, and in all cases wherein he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the city council, accompanied by his written opinion of the necessity of extraordinary or particular action.

SECTION 181. SITES—QUARANTINE STATIONS.—The health officer, by and with the approval of the city council, may select such sites, places and boundaries for quarantine stations and purposes as may be necessary.

SECTION 182. RIGHTS TO ENTER BUILDINGS.—For the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all dead animals or other nuisances or unwholesome things to be burned or removed or disposed of, as he may direct.

SECTION 183. NOTICES TO ABATE NUISANCES.—To serve notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon any person who shall have caused such nuisance, requiring him to abate the same within a reasonable time, and such notice may be given or served by any officer who

may be directed to give the same.

SECTION 184. BOOKS FOR RECORDS.—It shall be the duty of the health officer to provide, at the expense of the city, the necessary books for keeping a record of all transactions of the health department, including the proper registration of births and deaths, and such other statistical information necessary for such official work of said department.

SECTION 185. VISIT AND EXAMINE THE SICK.—It shall be the further duty of the health officer to visit and examine or cause to be visited and examined, all sick persons who shall be reported to him as suffering from any infectious or contagious disease, and to cause such person to be removed to the hospital or such other place as he may think proper, and cause him to be provided with suitable nurses and attendants at his own expense, if he is able to pay for the same, but if not, then at the expense of the city.

SECTION 186. PROVIDE EQUIPMENT AND MEDICINE.—To provide, under the direction of the city council, furniture, fuel, food, medicine and such other articles as may be necessary for the equipment and maintenance of any hospital for the prevention and control of infectious or contagious diseases, among men or animals. To control all such hospitals and to secure the decent and prompt burial of bodies of all persons dying at such hospitals.

SECTION 187. FURNISH MEDICINE, ETC., TO INDIGENT SICK.—He shall, when directed by the Poor Committee of the City Council or the board of health, attend any indigent sick person in the city, and furnish, at city expense, medicine for such person.

SECTION 188. PENALTIES.—Any person who, without a permit from the health officer, shall bury or remove the body of any dead person, or shall leave unburied any such dead body longer than four days, or who shall fail to bury the body of any person dying of any infectious or contagious disease within twenty-four hours after death when ordered by such health officer so to do, or who shall refuse or neglect to abate any nuisance for the existence of which, as owner, occupant or agent, of the place upon or within which such nuisance exists, he is responsible, after having received a notice from the health officer so to do; or who shall neglect to report the occurrence or existence of any birth, death or case of contagious or infectious disease as provided for in this charter, the ordinances of the city or the laws of the state; or who shall import or bring into the limits of the city knowingly, any person or animal sick of contagious or infectious disease, or who shall remove or cause to be removed, without permission from the health officer, any placard, announcing any contagious or infectious disease, attached to any house or building, or enclosure, by said health officer or his subordinates, or who shall disobey or wilfully avoid quarantine regulations imposed by the health officer, or who shall interfere with the health officer or his subordinates in the exercise of his or their duty; or who shall violate any of the provisions of this charter or the laws of the state, or the ordinances of the city relating to the public health shall, upon conviction, be deemed guilty of a misdemeanor, and punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinances of the city, then as misdemeanors under the criminal laws of the state.

SECTION 189. ASSISTANTS.—The board of health, with the approval of the council, shall appoint such helpers and assistants for the health officer as may be deemed necessary.

SECTION 190. COMPENSATION.—The health officer, and such helpers and assistants as may be employed from time to time shall receive such compensation as may be fixed by the council.

SECTION 191. CITY HOSPITAL. DETENTION HOSPITAL.—The city may acquire by purchase or condemnation, build, erect, construct, operate, manage or lease a city hospital and a detention hospital for contagious diseases for the people of the city, provided that a city hospital shall not be purchased, acquired, operated, maintained, or leased until the proposal to do so shall first have been approved by the city council, and thereafter submitted to the voters for approval and if three-fifths (3-5) of the voters of the city voting at the election approve, such city hospital may be acquired, established or leased.

If and when such city hospital be established the indigent sick of the city shall be furnished medical care, treatment, hospitalization, without cost and medical care and treatment and hospitalization shall be furnished to any or all persons of the city, upon such conditions as the Board of Health may prescribe. Such city hospital and detention hospital for contagious diseases shall be under the control and management of the Board of Health.

SECTION 192. EXPENDITURES.—All expenditures of the Board of Health shall be made by the city council which shall set up and establish a separate item in its budget in January of each year and all expenditures shall be made by the city council and paid from the general fund of the city. If the city hospital be acquired the city council may at its discretion establish by resolution a hospital fund into which shall be set aside monies appropriated for that purpose and in addition, all receipts for medical care, treatment and hospitalization afforded by such hospital, and out of which shall be paid all expenses of acquisition, management, maintenance and operation.

CHAPTER XI

PARKS

SECTION 193. MEMBERSHIP.—There shall be a park commission, consisting of three members, who shall be residents and citizens of the city and two of whom shall be freeholders of the city. They shall be appointed by the mayor, subject to the approval of the council, and shall hold office for a term of three years and until their respective successors are appointed and have qualified; provided that the first appointment to fill the vacancy occurring on March 31, 1935 shall be made for a term expiring on December 31, 1937; and the appointment to fill the vacancy occurring on March 31, 1936 shall be made for a term to expire on December 31, 1938; and the appointment to fill the vacancy occurring on March 31, 1937 shall be made for a term to expire on December 31, 1939. All other appointments shall be for three years to begin on January 1 and expire on December 31 of the proper year. The compensation of the members shall be fixed by the Council but shall not exceed \$25.00 per month.

SECTION 194. VACANCIES.—Vacancies in said commission shall be filled by appointment by the mayor, subject to the approval of the council, made only for the unexpired term or terms. The resignation of a member shall not take effect until his successor shall have been appointed and have qualified.

SECTION 195. MEETINGS AND OFFICERS.—The park commission shall meet on the second Monday of each month at the city hall and at such other times as they may fix. The said commission shall, at its regular meeting in January in each year, elect from its members a president and a vice-president. It shall also appoint a secretary and employ such other agents, landscape gardeners, engineers, superintendent, and employees as it shall deem necessary, whose compensation shall be paid out of the park fund.

SECTION 196. DUTIES OF PRESIDENT.—The president shall be the presiding officer and shall sign all contracts and perform such other duties as usually pertain to such office.

SECTION 197. DUTIES OF SECRETARY.—The secretary shall keep the seal and all records of the commission. He shall sign all contracts and affix the seal thereto. The secretary of the commission shall each month make a regular report to the clerk of the city council showing the expenditures made for the preceding part of the year, during the preceding month and the unexpended balance for the remainder of the year and the amount of money required for the remainder of the year.

SECTION 198. DUTIES OF OFFICERS. REPORTS.—In the absence or disability of the president, the vice-president may act in his stead. The city treasurer shall be ex-officio treasurer of said commission. He shall keep separate all money received into the park fund and shall pay them out only on orders countersigned by both the City Clerk and the Mayor, provided that all bills before payment must be examined, approved and a resolution of the board adopted directing payment thereof.

The park commission shall make, and file with the city clerk, monthly and annual reports of all moneys received and expended, which reports shall be published in and as a part of the minutes of the council meeting next after the filing of such reports. The park commission shall make such other reports as it deems necessary or as the council directs.

SECTION 199. CONTRACTS.—Such commission shall have a common seal and shall be capable of entering into, performing and enforcing, on behalf of the city, contracts relating to matters within the jurisdiction of the commission and such acts and contracts shall be as binding in law as if done by the city council. All such contracts shall be signed by the president and secretary of the commission and have affixed thereto its official seal.

SECTION 200. RULE. QUORUM.—Said commission may adopt rules governing its meetings and proceedings, and the duties of its officers and employees.

A majority of the members of the said commission shall constitute a quorum; but a lesser number thereof may adjourn a meeting from time to time.

SECTION 201. INTEREST IN CONTRACTS.—No commissioner, officer or other employee of said commission shall be interested in any contract

made under authority of said commission, except that if any commissioner shall be the owner of or interested in any lands which may be designated and appropriated under the provisions of this charter, or be entitled to receive compensation therefor, as herein provided, he shall not act officially in respect to any matter in which he shall be pecuniarily interested.

SECTION 202. REMOVALS.—The office of any commissioner, who shall fail to attend any three consecutive regular meetings of the commission without reason satisfactory to the commission, or without leave of absence from it, may, by said commission, be declared, and thereupon become, vacant.

SECTION 202-1. POWERS.—Said commission shall have the exclusive management and control of the park fund and of all lands which have not been or may be acquired for parks or parkways, and such lands shall not be alienated or diverted for other uses but shall remain forever parks and parkways, for the use and enjoyment of the inhabitants of the city, subject to the regulation and control of said commission.

Such commission shall, only by resolution entered in full on its records, direct all expenditures from the park fund for the acquisition, maintenance and improvement of the parks and parkways and shall have power to provide, either directly or by lease of privileges, such conveniences, accommodations and entertainments as said commission may deem proper for the use, enjoyment or recreation of visitors to said parks.

SECTION 203. ADDITIONAL POWERS.—The park commission may from time to time, on behalf of the city acquire by gift, devise, purchase or condemnation any lands within or without the corporate limits of the city for park or parkway purposes, and upon obtaining title thereto said commission may assume the possession and supervision thereof, and may call upon the city engineer for the purpose of laying out and improving the parks and parkways of said city. Said commission may sue and be sued in its own name and may prosecute any action for breach of contract involving any matter pertaining to parks or injury to same, and may receive and disburse the donations of money or other property for the use of said city for purposes connected with parks and parkways.

SECTION 204. STREETS.—The common council shall have power to set apart any street or avenue or any section thereof, as a parkway, and to place the same under the supervision of the board of park commissioners for such specific and limited purposes of improvement and ornamentation as may be named in the resolution or ordinance of the common council.

SECTION 205. PARK SYSTEMS.—Said park commission, and its successors, shall have exclusive power, and it shall be its duty, to devise and adopt a system of public parks and parkways within the limits of the city of Chisholm, and to take under its control all public parks now existing within said city.

SECTION 206. EMINENT DOMAIN.—When the park commission shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land, or any interest therein, shall be acquired for the use of said city for any public park, parkway, public ground or boulevard within or without the limits of said city, and shall so determine by resolution adopted by the affirmative vote of all members of said commission, and entered in full

upon the records of the commission, it shall cause such land to be surveyed and two plats thereof to be made, one of which plats shall be attached to a copy of said resolution, certified by the secretary, and thereafter filed with the city clerk. If said property or any part thereof is not acquired by satisfactory agreement between the commission and the owner thereof, said commission, may thereupon appoint appraisers and condemn such land, or part thereof, or interest therein, in the same manner as land for a street may be condemned under this charter, the park commission to have the powers and duties in such proceedings as are vested in the city council, as to condemnation for streets, and may exercise such power by resolutions adopted by a majority vote, taken by ayes and nays and entered in full on the records of the commission; provided, that if a plat of such property has been approved by the commission and filed with the city clerk, no new plat shall be necessary.

SECTION 209. MUNICIPAL GOLF COURSE.—With the approval of the city council the Park Commission may, in the name of the city, acquire, purchase, by gift or condemnation, or lease suitable grounds for a municipal golf course and may build, alter or extend the same; provide such buildings as may be necessary therefor and manage, operate and control the same under such rules and regulations as the city council and the park commission may establish. All receipts shall be accurately recorded and shall be turned over monthly to the general fund of the city, from which such appropriations as may be necessary, may be made by the city council for its acquisition, management and operation.

CHAPTER XII

LIBRARY BOARD

SECTION 210. POWER TO MAINTAIN LIBRARIES.—The city council shall have power and authority to establish and maintain within the city libraries, reading rooms, galleries, of art and museums for the use and benefit of the inhabitants thereof, the management and control thereof, shall be vested in a library board, with such other duties as the council may determine.

SECTION 211. LIBRARY BOARD, APPOINTMENT, AND TERMS.
There shall be maintained in the city a library board which shall consist of nine directors who shall hold office for a term of three years from the 1st day of January of the year in which they shall have been appointed and until their successors are appointed and duly qualified. Provided, that the three directors whose term shall begin July 1, 1935 shall expire on December 31, 1937; and the terms of the three directors whose terms shall begin on July 1, 1936 shall terminate on December 31, 1938; and the terms of the directors whose terms shall begin on July 1, 1937 shall end on December 31, 1939, and all other appointments shall be for a period of three years to begin on January 1 and end on December 31 of the proper year. The said directors shall be appointed by the mayor with the consent of the council from the citizens of the city at large, without reference to sex or political opinions but with reference to their fitness for said office.

SECTION 212. REMOVALS, VACANCIES, COMPENSATION.—The council, may remove any director for misconduct or neglect of duty and va-

cancies in the board of directors occasioned by removals, resignations, death or otherwise, shall be reported to the mayor and be filled in like manner as original appointments, but appointments to fill vacancies shall be for the unexpired term. No director shall receive any compensation as such.

SECTION 213. ORGANIZATION OF BOARD.—On the first Wednesday in January of each year the members of said library board shall meet and organize by the election, from their own number, a president, a vice-president, and such other officers as the board may deem necessary, whose duties shall be such as usually devolve upon like officers.

SECTION 214. MANAGEMENT AND CONTROL FUNDS.—The library board shall be a department of the city government and shall have the exclusive management and control of the expenditures of all moneys collected and received on account of the library fund from taxation or otherwise. No moneys shall be paid out of such fund except upon the warrant or orders of said board.

In January of each year the library board shall submit to the city council an itemized, budgeted statement in writing showing the amounts required for the operation and management of the library for the ensuing year, budgeted as to administration, salaries, and supplies, acquisition of books and periodicals, permanent improvements and replacements and the amounts of money required thereupon, and the city council shall thereupon fix and determine the budget that shall be available for the library board which shall be in the amount not less than two and one-fourth ($2\frac{1}{4}$) mills on the taxable valuation of the city.

SECTION 215. CUSTODY OF LIBRARY, BUILDING AND PROPERTY.—Such board shall also have exclusive control and supervision of the library building as well as the control, care and custody of all grounds, reading and rest rooms or buildings held, leased, constructed or set apart for such purpose and the books, papers and other personal property there placed and kept; shall have the power to lease and provide appropriate rooms for the use of said library; it shall have the power to appoint a suitable librarian and necessary assistants and employees and fix their compensation.

SECTION 216. ORDERS FOR THE PAYMENT OF MONEY.—All orders for the payment of money for this department shall be authorized and allowed by said board by resolution by a majority vote of all its members, taken by yeas and nays, and entered upon the record of its proceedings, and shall be signed by the mayor and attested by the clerk, and thereupon such orders shall be paid by the city treasurer. Such orders shall be made payable to the order of the payee therein named and shall not be paid without his endorsement.

SECTION 217. REPORT. SECRETARY'S BOND.—Said board shall make on or before March 31st in each year, an annual report to the city council stating the condition of their trust up till that date; the various sums of money received from the library fund and other sources, and how moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of persons attending; the number of books loaned out and the general character and kind of such books, and

such other statistics, information and suggestions as they may deem of general interest, and shall send one copy of such report to the Minnesota State Public Library Commission, and shall make a monthly report to the city council of receipts and disbursements. The clerk of said board shall give a bond in such amount and conditioned as the board shall prescribe and subject to the approval of the board before entering upon the duties of his office as clerk of the board.

SECTION 218. LIBRARIES AND READING ROOMS, FREE.—

Every library and reading room, or either of them, established under this charter, shall be forever free to the use of the inhabitants of the city, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading rooms, or either of them, any and all persons who shall wilfully violate such rules.

SECTION 219. ORDINANCES, AND RULES.—The city council shall have the power to pass ordinances imposing penalties for the punishment of persons committing injury upon such library or other property.

The board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law.

SECTION 220. DONATIONS AND BEQUESTS.—Any persons desiring to make donations or bequests of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money, property or real estate so donated, in the city, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the city shall be held and considered to be a special trustee, such trust to be managed and administered through and by the library board as a department thereof.

SECTION 221. ASSOCIATION WITH INDEPENDENT SOCIETIES.

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

SECTION 222. RECREATIONAL ACTIVITIES AND DIRECTOR.

The Library Board, except as otherwise provided in this Charter or subsequently changed by the City Council, under the powers granted by this charter, shall have the power to provide recreational activities and municipal games in the City and may appoint a recreational director and such assistants as may be necessary to properly maintain, operate, conduct and supervise municipal playgrounds, recreational activities and games, and shall have power to fix their compensation. Such board shall also have power to provide the necessary equipment, supplies and materials as may be necessary for the proper conduct of such activities, and may conduct such recreational activities in conjunction with the public school system or with the Girl Scouts organization and Boy Scouts organization and may enter into contractual arrangements with all or either of them; provided, however, that there shall not be expended in connection with the activities of the Girl Scouts and Boy Scouts a sum exceeding the sum of \$2000.00, in any one year; and provided

further that the total expenditure for Recreational activities for all purposes shall not exceed the sum of \$10,000 in any one year. The City Council shall fix the budget for such purpose, determine and fix separately the amounts which shall be available for various recreational purposes, and which sums shall be appropriated from the general fund of the city which shall be expended in the same manner as other funds are expended by such Board; provided that the City Council may in its discretion transfer by a unanimous vote the functions and duties provided by this section to the Park Board or may establish in its discretion by resolution an independent Recreational Board upon such rules and regulations as the Council may deem proper and with such duties and powers as the City Council may prescribe, subject to the limitations of this section, and in the event of such transfer all property of the recreational department shall be delivered to the board to which its duties are transferred.

SECTION 223. PROPERTY NOW BELONGING TO LIBRARY BOARD.—Any and all property, whether real or personal, the title to which is vested in the existing library board of the City at the time this charter becomes fully operative upon the city shall forthwith become and be fixed in the city as the corporate successor on such board.

CHAPTER XIII.

MUNICIPAL COURT

SECTION 224. GOVERNMENT.—The municipal court of the City of Chisholm shall by Section 212 to 240 inclusive, Mason's Minnesota Statutes for 1927, and such amendments thereto as have already been or may hereafter be enacted.

SECTION 225. CLERK, REPORTER.—There shall be a clerk of court who shall be the court reporter, who shall be appointed by the municipal judge, and shall receive such compensation as may be fixed by the council, provided that in cases of necessity or emergency the municipal judge may appoint a special reporter to report a special case or cases who shall be paid by the council.

SECTION 226. JUDGES.—There shall be two judges of the municipal court; one of them shall be known as the Municipal Judge and one who shall be known as the Special Municipal Judge, each of whom may exercise all the powers thereof as hereinafter provided.

The special judge shall act only in case of a press of business requiring attendance of two judges at one time in said court, at the request of the municipal judge; or, in case of the absence or sickness of the municipal judge, at the request of the mayor, or the acting mayor of said city, the said special municipal judge shall act as judge of said court, and when the special judge shall act as judge of court, judge and municipal judge may each have and exercise the powers of said court and may sit in the trial and examination of cases at the same time. Provided that when the special judge acts in the absence of the judge, his compensation shall be paid by the city and be deducted from the salary of the judge; otherwise, the salary of the special judge shall be paid by the city in addition to the salary of the judge. The compensation of the special judge shall not exceed \$10.00 per day.

SECTION 227. BONDS.—Before performing any duties as such each judge shall give a bond to the city in at least the sum of \$1,000.00 to be approved by the city council, conditioned for the faithful discharge of his official duties and for the payment as required by law or order of court of all moneys coming into his hands. Every clerk and deputy shall give a bond to the city in at least the sum of \$1,000.00 to be approved by the city council conditioned for the faithful discharge of his official duties and for the payment as required by law or order of court of all moneys coming into his hands.

SECTION 228. RECEIPTS.—The judge or clerk shall give a receipt to each person who pays any fine or costs, stating the items thereon, and at the same time shall give a duplicate of said receipt to the Chief of Police. At the end of each month the clerk of municipal court shall make a report to the clerk of the city council showing all receipts, the name of the person, naming each amount, the source of the receipts for the month and the aggregate receipts for the year including the month for which the report is made and in addition thereto, the number of civil cases and criminal cases separately, tried and commenced during the month.

SECTION 229. COURT OFFICER.—The Municipal Judge shall appoint a Court Officer who shall be a voter who shall have resided in the city five years last past and shall have had at least one years experience as constable or peace officer, who shall be endowed with all of the duties and powers of a Constable and shall serve all papers of the Municipal Court and may be required upon the request of the city council or mayor to serve and post all official notices or papers and shall serve all warrants, subpoenas and other papers as he may be directed to do by the Judge of the Municipal Court. He shall have power to serve process, serve and execute Writ of Attachment, Replevin and execution, and all other duties and powers commonly vested in a Constable.

For his compensation he shall receive and retain such fees as he may obtain for the service of civil process or the execution of writs; provided further that he shall receive in addition thereto such compensation as may be fixed by the Council not exceeding, however, the sum of \$25.00 per month. The duties of the Court officer shall be considered part time duties

CHAPTER XIV

EMINENT DOMAIN AND LOCAL IMPROVEMENTS.

SECTION 230. POWERS TO ACQUIRE PROPERTY.—The City of Chisholm is hereby empowered to acquire, by purchase, condemnation proceedings or otherwise, any property, corporeal or incorporeal, wheresoever situated, either within or without the limits of the city, which may be needed by the city or any board or department thereof for any public purpose whatever.

And the fact that the property so needed has been obtained by the power under eminent domain, or is already devoted to a public use, will not prevent its acquisition by the city.

Where nothing is specified to the contrary, the city, in any acquisition of property shall be deemed to have acquired the fee title and absolute

ownership of such property, except in case of streets and alleys.

The City of Chisholm is hereby empowered, if authorized by a vote of the electors as is in this charter provided, to levy assessments upon any property benefited by any improvement which may be made by the council under the provisions of this chapter, to the extent of such benefits, without regard to valuation.

SECTION 231. LIMITATIONS.—No special assessments shall be made without the approval first being obtained of sixty (60) per cent of the voters of the city, if the entire city be equally or generally affected, or sixty (60) per cent of the voters of the ward or wards that might be affected. Such special assessments when made, shall be made pursuant to the general laws applicable to the cities of the fourth class. No special assessment shall be made for sidewalks, streets or sewers.

SECTION 231-1. POWERS TO MAKE IMPROVEMENTS.—The City of Chisholm is hereby authorized to fill, excavate, grade, level, pave, re-pave, curb, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or light any street, avenue, lane, alley, or highway, and keep the same in repair, also to fill, excavate, grade, improve, protect and ornament any park, public park, square or ground; also, to construct, improve or ornament any park boulevard, grass plot; also, to plant and protect shade and ornamental trees along streets and avenues; also to construct, lay, re-lay, and repair sidewalks, sewers, retaining walls, gutters, drains and pipes for surface water and private drains in, over or under any street, lane, alley or highway; also, to abate nuisances.

SECTION 232. PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.—Whenever any public improvement shall be ordered, the city council shall cause the city engineer to prepare and file with the city clerk, a plan and profile of the project proposed together with the specifications for the doing of the same to be prepared, which shall be deposited with the clerk and kept by him for public inspection.

The city council shall have the power to, and shall require before any street is paved, that the water, gas, and sewer pipes be laid therein, and connections made with the front line of each lot.

CHAPTER XV

MISCELLANEOUS PROVISIONS

SECTION 233. CIVIL ACTION TO BE BROUGHT IN NAME OF CITY.—All civil actions to recover any penalty or forfeiture under this charter or under any ordinance or regulations passed in pursuance thereof or for any other authorized purpose and all prosecutions for the violations of any penal provisions in this charter or of any ordinance or regulation adopted in pursuance of this charter, shall be brought in the corporate name of the city, except as in this charter specifically provided otherwise.

SECTION 234. VAGRANCY CHARGE.—In any complaint for the violation of any ordinance of the city relating to the offense of vagrancy, it shall be sufficient to charge the defendant with being a vagrant, and evidence of all facts constituting the said offense in the particular case may be given under such general charge.

SECTION 235. CITIZENS NOT DISQUALIFIED AS WITNESSES.

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

SECTION 236. JUDGMENTS—HOW DISCHARGED.—No judgment in favor of the city in either a civil or criminal action shall be remitted or discharged, except by a vote of three-fourths ($\frac{3}{4}$) of all the members of the city council.

SECTION 237. CLAIM TO BE PRESENTED TO COUNCIL BEFORE ACTION MAINTAINED.—No action shall be maintained against the City of Chisholm on account of or to recover damages for any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, public building, or public works of any kind; or by reason of any alleged negligence or misconduct of any officer, agent, servant, or employe of the city, at any time or place, unless the person claiming to have sustained such injury or loss, or his lawful representative, shall, within thirty (30) days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within six (6) months, after the happening of such injury or loss, present his or their claim to compensation, damages or other relief on account thereof to the city council in writing, stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said council ten (10) days time after such claim is so presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one (1) year after the happening of such alleged injury or loss, provided that if such loss or injury was sustained prior to the adoption of this charter, the time provided in the general statutes shall be applicable contrary hereto.

SECTION 238. PROCESS MAY BE SERVED ON MAYOR.—Service of process and writs in any action or other judicial proceedings against the city, may be made by serving upon the Mayor and presiding officer of the proper board, and upon such service being made the mayor shall immediately inform the city council or proper board thereof, and shall take such other steps in relation to the action or proceedings in which such process or writs were issued, as may be required by ordinance in such case provided, or by resolution of the city council, or proper board.

In the absence of the mayor, process may be served upon the city clerk, and in the absence of the city clerk, upon the president of the council, upon his absence, upon the vice president of the council.

SECTION 239. CITY PROPERTY EXEMPT FROM TAXATION.—

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

SECTION 240. PAYMENT OF JUDGMENTS AGAINST CITY.—

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

SECTION 241. CITY OFFICERS AND EMPLOYEES EXEMPT FROM JURY DUTY.—All officers of the city while in office, and all employees of the city, while in service, and all officers and active members of the fire department in the city shall be exempt from duty as jurors in any court or tribunal of this state.

SECTION 242. FAILURE TO HOLD ELECTION.—Any failure to hold any election in the city at the time or in the manner in this charter prescribed or any failure on the part of the city council or of any city officer or officers to perform any duty prescribed by this charter at the time when or in the manner in which it should be performed, shall not operate to dissolve or suspend the city as a municipal corporation, or to diminish or affect the city's municipal or corporate rights, powers or privileges, but such election may be held or such duty may be performed at a subsequent time with full force and effect.

SECTION 243. POWER CONFERRED BY CHARTER NOT A BAR TO COURT PROCEEDINGS.—The powers conferred by this charter upon the city council or upon any officer or officers of the city for the abatement or removal of nuisances or for the arrest and punishment of persons creating or maintaining the same, shall not operate as a bar to private actions or proceedings in the courts to abate the same.

SECTION 244. NUISANCES ENUMERATED.—Buildings wherein is deposited any greater amount of gun powder or other explosive materials or agent than may be authorized by city ordinance, gambling houses or places, houses of ill fame or of assignation, disorderly houses, saloons or other places where traffic in intoxicating liquors is carried on without the city license required therefor, and all unauthorized incumbrances or obstructions on public streets, roads, alleys or bridges, and all unprotected and unguarded mining excavations, caving ground and test pits resulting from mining excavations, and unfenced mining dumps in said city, are hereby declared public or common nuisances.

SECTION 245. CITY HAS RIGHT OF APPEAL. APPEAL BONDS.
The city shall have the right to make and to prosecute an appeal to the district court of this county, or to the supreme court of this state, in any action or proceeding to which it may be a part, if the judgment, order or decree from which it may desire to appeal is one from which an appeal will lie under the general statutes of this state. And whenever such an appeal is taken by the city the requisite bonds on appeal may be executed in the name of the city by the mayor, and attested by the clerk, who shall affix the corporate seal of the city thereto; but no sureties or justification shall be required on such bond.

The provision of this section respecting bonds on appeal shall also

apply to all bonds which it may become necessary for the city to furnish in actions or other judicial proceedings.

SECTION 246. APPROVAL OF PLATS.—Whenever any plat of any parcel of land within the limits of the city, showing divisions and subdivisions of such parcel into lots, blocks, and streets, shall be submitted to the city council for approval pursuant to the provisions of Chapter 64 of the General Statutes of 1923 of this State, with intention to dedicate such streets to public use, such plat shall be accompanied with a delineation of a sufficient part of other platted portions of the city to indicate how the streets marked on such plat correspond and connect with streets already in use in the city; and the council may require such alterations to be made in the streets as shown on the plat so presented as in its opinion are necessary to preserve uniformity and regularity in the public streets of the city, and may withhold approval of the plat presented until such alterations shall be made; and should any lot or block outlined in such plat be sold or offered for sale as such lot or block before such alterations are made or before approval of the plat by the council, the person selling or offering the same for sale shall be liable to the penalty prescribed in Section 8240 of the General Statutes 1923 of this State, provided that no plat shall be approved except as provided in this charter.

SECTION 247. CITY ENGINEER TO FILE PLAT.—When any public street, road or alley, or part thereof, or any public play grounds shall be laid out and opened in the city pursuant to the provisions of this charter, or shall be dedicated to the public use by deed, the city engineer, shall make and file an accurate plat thereof in the office of register of deeds of this county, and the same shall be there recorded.

Provided that no plat shall be accepted by the city council after the adoption of this charter without first obtaining the approval of the voters of the city at a regular election for which purpose the majority vote shall be required.

SECTION 248. OBSTRUCTIONS IN STREET OR ALLEY.—If any person or company shall place and leave any unauthorized obstruction, or make any unauthorized excavation in or under any street, road or alley in the city, or leave such obstruction or excavation unguarded when authorized, such persons or company shall be liable to any person who may be personally injured or whose property may be injured or destroyed without his fault by means of such obstruction or excavation; and in case any damage shall be reconstruction of excavation, the city shall have the right to recover the amount of such damages in turn from the person or company placing such obstruction or making such excavation. Provided, that upon the commencement of such action against the city, notice thereof shall be immediately given in writing to such person or company so liable, with a statement that the city will look to such person or company to pay the amount of any judgment against the city which may be recovered in such action, and an opportunity given to such person or company to defend such action; and such person or company may upon his or its own application, or upon the application of the city, be made a party defendant to such action, in which case, if judgment be recovered against the defendant, execution thereon shall be first issued against such person or company only, and the city shall not

be required to pay such judgment until such execution shall be returned unsatisfied.

SECTION 249. UNIFORM SYSTEM OF BOOKKEEPING.—The city council may by ordinance adopt and establish a uniform system of bookkeeping for all departments of the city government pertaining to the finances of the city, and prescribe the form to be used therefor, and when so established it shall be used in, and adopted by, all departments and boards of the city government; and the annual estimate of the city clerk required by this charter on the subject of finances shall be made to conform thereto. The city council may employ a certified public accountant to install and establish such system of accounting, and to make audits when necessary.

SECTION 250. LAWS TO REMAIN IN FORCE.—All provisions of law now in force and which are also contained in this charter shall be regarded as being continued in force, and all provisions of law now in force which are changed, modified or amended shall be regarded as continued in force as so changed, modified or amended.

SECTION 251. LAWS HEREAFTER PASSED.—No general law of this state hereafter passed shall be deemed to repeal, amend or modify any of the provisions of this charter, unless an intention so to do be expressly set forth in such general law.

SECTION 252. PROCEDURE GOVERNED BY GENERAL LAW.—All matters of procedure, including election procedure, not provided for in this charter, shall be governed by the general laws of the state of Minnesota applicable thereto.

SECTION 253. BONDS OF CONTRACTORS.—Before any contract whatsoever for the doing of any work or labor or furnishing any skill or material to or for the city shall be valid and binding against such city, the contractors shall enter into a bond with such city for the use of such city and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay, as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save such city harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract, and also to complete such contract, according to the terms thereof and the contract price, and to comply with all the requirements of this charter; which bond shall be in such amount as the city council or proper board shall determine, not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contract and two (2) or more sufficient sureties, or by a surety company, and after being approved shall be filed, with the contract, in the office of the city clerk which said bonds shall be prepared by the city attorney and approved by the council or proper board.

SECTION 254. SURETIES.—The sureties of such bond shall each take and subscribe an oath that he is a resident of the State of Minnesota and that he is seized in fee of real estate situated in said state, and not exempt by law from sale or execution, of the value and worth over and above all incumbrances thereof on the same, for double the amount for which he

is to justify in said bond. More than two (2) sureties may be accepted on such bond, and they may justify in separate and different sums less than the sum specified in such bond; Provided, that the aggregate of their justification shall be equal to two (2) sureties, each justifying in a sum equal to the amount of said bond; Provided, further, that a surety bond shall be exempt from the provisions of this section.

SECTION 255. RIGHT OF ACTION ON BONDS.—Whoever shall perform or cause to be performed, any work or labor or furnish, or cause to be furnished, any skill or material including any work, labor, skill or material necessary in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor, in the execution of such contract, at the request of the contractor, his agents, heirs, administrators, executors or assigns, or at the request of such city, in case such city shall have determined such contract and shall have completed the same at the cost of the contractors, shall be considered a party in interest in said bond, and may bring an action thereon for the reasonable value or agreed price, as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract.

SECTION 256. ACTION ON BOND. LIMITATION.—No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues or the completion of the project.

SECTION 257. JUDGMENTS. HOW PAID.—Whenever any final judgment shall be recovered in any competent court against the city no execution shall issue thereon against such city, but such city shall cause the same to be paid.

SECTION 258. ISSUANCE OF CRIMINAL WARRANTS.—In all prosecutions for any violation of this charter or of any ordinance of this city, the first process shall be a warrant; provided, that no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of this city; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, processes, or writs by any court for violation of any ordinance of this city shall run in the name of the city and shall be directed to the chief of police or any police officer of said city.

SECTION 259. RATIFICATION.—All of the acts, actions, doings, proceedings, motions and resolutions of the Council of the Village of Chisholm, and as the temporary officers of the City of Chisholm, relating to, and of the electors in voting the establishment of a city form of government, and all of the acts of the Charter Commission in submitting the charter to the electors and of the Council in calling a special election thereon are hereby in all things ratified and approved, validated and confirmed.

SECTION 260. AFFIDAVIT OF PUBLICATION OF CITY PRINTER.—The proprietor of any legal newspaper in which any official notice or publication of the City of Chisholm was published, whether such notice was set in solid or display form, shall immediately after such publication is completed, file with the city clerk a copy of such publication with his

affidavit or the affidavit of the business manager of such newspaper or the foreman of such newspaper, setting forth the time such notice or publication was made; and such affidavit shall be prima facie evidence of the publication of any such notice, ordinance, resolution or proceeding. No account or claim for any publication shall be allowed and adjusted by the city clerk, nor shall the city council in any case allow the payment of any such claim until such affidavit shall have been filed with the city clerk.

SECTION 261. WHO MAY ADMINISTER OATHS.—The mayor, acting mayor, president of the city council or presiding officer thereof, the president, chairman or head of any board authorized by this charter shall, by virtue of their office, in all matters and proceedings before them relating to or appertaining to the city, be and are hereby authorized to administer oaths and receive testimony under oath or affirmation.

SECTION 262. NO RIGHT TO BE AFFECTED.—No rights already accrued to the city, or to any person having previously contracted with the Village of Chisholm or the City, incurred in favor of the city or any person dealing with the city or its predecessor under the provisions of any act of this state shall be affected by this charter.

SECTION 262-1. CHARTER TO BE LIBERALLY CONSTRUED.—

The provisions of this charter shall be liberally construed in favor of the powers granted and strictly construed against any limitation upon, or derogation of, such power. The City of Chisholm shall have all other powers granted to cities of the fourth class that are not inconsistent with the provisions of this charter.

SECTION 263. AMENDMENTS.—This charter may be amended by 60 percent vote of the electors at any general or special election called for that purpose.

SECTION 264. SAVING CLAUSE.—If any part, section, provision, sentence, clause or phrase of this charter shall be declared to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions of the charter not clearly dependent on it.

CERTIFICATE OF SUBMISSION OF CHARTER

TO: THE HONORABLE EDWARD WHEELER, MAYOR OF THE CITY OF CHISHOLM:

STATE OF MINNESOTA, }
County of St. Louis, } SS.
CITY OF CHISHOLM, }

We, the undersigned members of the Board of Freeholders and Charter Commission, of the City of Chisholm, duly appointed by the Judges of the District Court, Eleventh Judicial District, and State of Minnesota, to frame, prepare and present a charter for the City of Chisholm, pursuant to Section 36, Article 4, of the Minnesota State Constitution and the Statutes of the State, do hereby certify and state that subsequent to such appointment we duly qualified as members of the Board of Freeholders and that subsequent

CHARTER OF THE CITY OF CHISHOLM

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thereto numerous meetings of the Board of Freeholders and the Charter Commission have been held and as a result of our deliberations, we have prepared and framed a charter for the City of Chisholm which is herewith and hereby returned to you as the acting mayor of the City of Chisholm to be submitted to the electors of the City of Chisholm according to law, and we do recommend that a proposed charter be submitted to the electors at the City election to be held on October 8, 1934.

Dated at the City of Chisholm in the County of St. Louis, State of Minnesota, this 24th day of September, 1934.

H. L. CAWLEY, President
RICHARD KELLY, Secretary,
WALTER B. BROWN,
G. L. TRAIN,
J. P. VAUGHAN,
E. J. RUPP,
LOUIS BAUMAN,
EMIL RAHJA,
STEPHEN STONICH,
MICHAEL BAICH,
ED. WHEELCOR,
O. L. BALDRICA,
BROR. MAGNUSSON,
HARRY K. GOLDENBERG,
ALBERT A. LOGEFEIL.

Received this 24th day of September, 1934.

ED. WHEELCOR, Acting Mayor
of City of Chisholm.

STATE OF MINNESOTA, COUNTY OF ST. LOUIS,
CITY OF CHISHOLM,—ss.

The within instrument filed in my office on this 24th day of September, 1934.

C. M. TRAMONTIN,
Acting City Clerk.

AMENDMENTS



AMENDMENT NO. 1

By vote of the charter commission at a meeting on September 26, 1934 the following proposed amendment was submitted to the electorate for vote at the special election on October 8, 1934 for approval or rejection:

"No elective or appointive officer of the city shall hold any other elective or appointive office in the city or any elective office in any school district or county."

On October 8, 1934 at the special election the amendment received an affirmative vote of 2289 and a negative vote of 752 and was declared adopted and became a part of the charter.

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CERTIFICATE

STATE OF MINNESOTA }
COUNTY OF ST. LOUIS } ss.
CITY OF CHISHOLM

I, the undersigned acting Mayor of the City of Chisholm, County of St. Louis, and State of Minnesota, do hereby certify and return that the attached Charter of the City of Chisholm is the charter proposed and submitted to the qualified voters of the City of Chisholm on the 8th day of October, 1934 and that said charter was adopted and ratified, as set forth in the resolution of the City Council canvassing said vote, a copy of which resolution is hereunto attached and made a part hereof, by a 82.49 or more than four-sevenths (4/7ths) percent of the voters legally voting at said election.

And I do hereby further certify that the additional provision in said charter as submitted to the legally qualified voters of the City of Chisholm on October 8, 1934, which addition provision being #265 is hereunto attached and made a part hereof, was adopted and ratified as shown by the return and resolution of the City Council of the City of Chisholm on the canvassing of said vote, a copy of which resolution is hereunto attached and made a part hereof by a 28.26 or more than four-sevenths (4/7ths) percent of the voters legally voting at said election.

Dated October 10, 1934, at Chisholm, Minnesota.

[Signature]
Acting Mayor of the City of Chisholm

ATTEST:

[Signature]
Acting Clerk

(SEAL)

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