

## CHAPTER II.

*An Act to amend an act to incorporate the city of Rushford.* Feb'y 27, 1869.

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*Be it enacted by the Legislature of the State of Minnesota :*

That chapter thirty-two (32) of the special laws of one thousand eight hundred and sixty-eight be amended so as to read as follows :

ARTICLE I.

SECTION 1. That all the district of country known and described as the west half of section thirteen ; the east half of section fourteen ; the south half of the south-east quarter of section eleven ; the south half of the south-west quarter of section twelve ; the south-east quarter of the south-west quarter of section eleven ; the east half of the north-west quarter of section fourteen ; and the east half south-west quarter of section fourteen ; all of town one hundred and four north, range eight, west ; shall be and is hereby created a city by the name of Rushford.

Boundary lines of the city of Rushford.

SEC. 2. That the people who now do or hereafter may reside within the said city, are hereby created a corporation for municipal purposes, with perpetual succession under the name and style of the city of Rushford, and as such corporation shall possess and enjoy all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the state of Minnesota.

Incorporation of the city of Rushford.

SEC. 3. That all subdivisions of said city shall be termed wards, and be numbered in order of creation, that until the first subdivision thereof the whole of said city shall constitute the first ward, and new wards may be established, altered or changed by a vote of the council whenever it may be deemed necessary or proper.

Subdivisions to be termed wards.

ARTICLE II.

(ELECTIONS.)

SECTION 1. There shall be an annual election held in said city on the first Monday in April in each year, at such place as the council shall designate, and the polls shall be

Annual election when held.

kept open from nine o'clock in the forenoon until five o'clock in the afternoon. Ten days notice shall be given of the time and place of holding said election, and of the officers to be elected, by the posting by the clerk of written or printed notices in three of the most public places in said city.

What to be elective officers—term of office.

SEC. 2. The elective officers of said city shall be a mayor, five councillors, one treasurer, one clerk, one city justice and one city constable, all of whom shall be elected from among the and by the legal voters of said city; all other officers necessary for the proper management of the affairs of the city shall be appointed by the council, unless otherwise provided. All officers hereafter elected shall hold their respective offices for one year and until their successors are elected and qualified.

Officers may be removed for cause—how.

SEC. 3. Every person appointed to any office by the council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of the councillors authorized to be elected. But no officer elected by the people shall be removed except for cause; nor unless furnished with a written statement of the charges against him; nor until he shall have had a reasonable opportunity to be heard in his defence.

Vacancies, how filled.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or councillor by death, removal, resignation or otherwise, the council shall declare the office vacant, by resolution entered upon their minutes. Such vacancy shall be filled by a new election which shall be ordered by the council within ten days after said vacancy is declared, and held within twenty days after such declaration. Any vacancy happening in any other office, shall be filled by the council, unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold the office for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections shall be by ballot—in case of a tie how decided.

SEC. 5. All elections by the people shall be by ballots, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers, and who reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created; and the city, or in case of a division, the different wards shall constitute election districts for state and county as well as city elections, and the mode of conducting all state and county elections in said city, shall be the same as prescribed in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county of Fillmore, within the time prescribed by law.

Qualifications of electors.

SEC. 7. The elections in said city shall be held and conducted by the councillors (in each ward, if the city shall be divided into wards) who shall be the judges of election in all elections of state, county or city officers, and shall take the usual oaths or affirmations as prescribed by the general laws of the state to be taken by judges of election, and shall have power to appoint clerks of such elections; and to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties as provided for state and county elections, and vacancies among the judges thereof filled, as required by the laws of this state regarding elections. *Provided*, That no councillor shall be a judge of any election at which he is a candidate for any office.

Elections how conducted.

SEC. 8. When a city election shall be closed, and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such returns to the clerk of the city within three days after the election, and the council shall meet and canvass said returns and declare the result as it appears from the same within three days thereafter. The city clerk shall forthwith notify the officer or officers elected of their election, by written notice served upon such officers in person, or left at their usual place of abode with some person of suitable age and discretion.

To whom returns of election to be made.

SEC. 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

Sp. cml elections how conducted.

SEC. 10. Any officer removing from the city or (in

When office  
deemed vacant.

the case of a division) from the ward for which he is elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the council shall proceed to fill the vacancy.

When term of  
office to begin.

SEC. 11. The term of every officer elected under this law, shall commence on the second Monday in April of the year for which he was elected, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

When council  
may order new  
election.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the council may order a new election to be held, ten days notice of the time and place being given.

### ARTICLE III.

#### POWERS AND DUTIES OF OFFICERS.

Officers to take  
oath and give  
bonds.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office take and subscribe an oath of office, and file the same with the clerk, to support the constitution of the United States and the constitution of the state of Minnesota, and to faithfully discharge the duties of his office. And shall also give such official bond as the council shall by ordinance prescribe, all of which official bonds shall be filed with the clerk, save and except the official bond of the clerk, which shall be filed with the treasurer, and the council may from time to time require new bonds, and remove any officer refusing or neglecting to give the same.

Du les of  
Mayor.

SEC. 2. To the mayor shall belong the exclusive right to exercise all the executive powers granted by this act to said corporation, except such of said powers as are thereby specially vested in or must from the nature of their several offices necessarily pertain to the other executive officers of said corporation. He shall have power, and it shall be his duty, to call out and use in such manner as to him may seem most proper, all the constabulary or police force or any organized or unorganized force of armed citizens of said city, or the whole or any part thereof whenever he may deem the same necessary to quiet or prevent riot, but he shall forthwith report to the council the fact of such

call or use, with the reasons therefor, and the circumstances connected therewith, and upon the action of the council on such report, shall depend the length of time said force or forces or any part thereof shall continue on such duty. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided therefor by ordinance, or in default of such provision, as he may deem proper. In the absence of the mayor, the council may elect one from their number mayor *pro tempore*, who shall exercise all the powers and duties of the mayor during his absence. The mayor shall preside at all the meetings of the council, unless unable to attend from any cause. It shall be the duty of the mayor to take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties.

SEC. 3. The clerk shall be the recording officer of the city and the council, and shall attend at all meetings thereof. He shall keep a record book in which he shall record all the proceedings of the council, and the ayes and noes on every ordinance voted upon shall be entered therein. He shall have the custody of the seal of said corporation, and of all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of said corporation, and shall audit all claims against the same, but no claim shall be allowed by him unless he shall have authority to do so by some special ordinance or resolution. He shall draw all orders upon the treasurer for money payable by said corporation; but no such order shall ever be drawn by said clerk unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed, and unless there shall be in the hands of said treasurer moneys belonging to said corporation otherwise unappropriated, and undrawn for, sufficient to pay said order. Every order shall bear the seal of said corporation and be endorsed by the clerk over his official signature, as follows: "By order of the Council," with the date of the meeting when ordered. The clerk shall levy or assess all taxes or assessments authorized by ordinance of the council as hereinafter provided. He shall make at the close of each official year to the council, a

Duties of City Clerk.

condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance of the council, and he shall with all reasonable dispatch make such other reports and at such times as the council may require.

Duties of City  
Treasurer.

SEC. 4. The treasurer shall receive all moneys belonging to the corporation from the clerk, and receipt to him therefor. He shall keep accurate and detailed account thereof in such manner as the common council shall from time to time direct. He shall also report to the council at such times and in such manner as they may require. He shall from the moneys in the treasury pay all orders drawn therefor by the clerk. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payer therein and the party receiving the money therefor.

Duties of City  
Justice.

SEC. 5. The city justice elected under the provisions of this act shall have separately and exclusively, as to all other officers and courts, the right to exercise originally, all the judicial powers granted to said corporation by said act, except as elsewhere herein specially provided for, but the council shall fix the kind and amount of compensation of said city justice, in proceedings arising specially under this act. Said city justice shall within the county in which he shall reside and keep his office as such, also have and exercise all the powers and jurisdiction of, and when acting as such receive the same compensation as justices of the peace elected under the general laws of the state of Minnesota; all portions of general laws relating to trial by jury, change of name and appeals in and from justices court shall apply to the entire jurisdiction of said city justice. *Provided*, That in matters arising entirely and solely under this act or under the ordinances made in pursuance thereof, no change of venue shall be taken from the city justice except to another city justice, whenever said city shall have more than one city justice. The city justice shall keep a record of all his official doings, and report the same to the council whenever required, and he shall forthwith pay over to the clerk of said city all fines collected by him.

Duties of City  
Constable.

SEC. 6. The city constable shall be the chief of the entire police force of said city, but as such, shall be subordinate to the mayor. He shall be the ministerial officer of the council and the court in and for said city. The

kind and amount of compensation for his services arising particularly under this act, shall be fixed by the council. Said constable shall within the county where he resides, also have and exercise all the powers and perform all the duties of, and when acting as such, receive the same compensation as constables under the general laws of the state of Minnesota.

SEC. 7. The city attorney shall be the legal adviser of the officers and council of said corporation in matters relating to their several duties, and he shall render such legal counsel to them or any of them as required, and when required, shall furnish the same in writing. When made in writing, said legal opinion or counsel shall be preserved in his office and delivered by him to his successor in office. It shall be his duty to prosecute all of the ordinances of said city, and when required by the city justice or any justice of the peace in said city, he shall appear and prosecute for the state all criminal offenses arising in said city under the laws of the state of Minnesota. He shall also be and act as the attorney of said corporation in all actions or proceeding to which the said corporation may be a party.

Duties of City  
Attorney.

#### ARTICLE IV.

##### THE GENERAL POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. The mayor and councillors shall constitute the council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, except as otherwise therein specially provided. All actions of the council intended to have the force of rules or law shall be by ordinance under the style of—"Be it ordained by the Council of the City of Rushford." No ordinance shall embrace more than one subject, which shall be expressed in its title. No ordinance shall be in force until the same shall have been posted up for ten days in three of the most public places in said city. The certificate of the clerk entered in the books of said city or endorsed upon said ordinance, shall be deemed sufficient evidence of the publication of the same.

Who to constitute the council  
—style of all  
ordinances.

SEC. 2. The council shall have the management and control of the finances and all the property of the city, and shall likewise in addition to the powers herein vested

Council to control finances—  
further powers.

in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a city prison for the imprisonment, custody and safe keeping of all persons arrested, or charged with any offense whatever, in any way cognizable before the city justice, to make all rules and regulations for the government and management of such prison, and to appoint a keeper for the same, and prescribe his duties and fix his compensation. The keeper of said prison shall have and possess all the authority of a jailor at common law, or by the laws of this state. The council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them. And all such ordinances, rules and by-laws are hereby declared to have all force of law.

SEC. 3. The council shall have power:—

Further powers  
of council.

*First*—To license and regulate exhibitions of common showmen and shows of all kinds, of circuses, concerts, theatrical performances, also to license auction stores, billard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, butcher shops, groceries and taverns.

*Second*—The council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said city, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, fermented or malt liquors, without first having obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than twenty five dollars, and that previous to the granting of any such license a bond shall be filed with the clerk, with the same conditions and with the same penal sum as required by the general act, and the council shall have power to restrain any person from vending, giving or dealing in spirituous, vinous, malt or fermented liquors, unless duly licensed by the city.

*Third*—To prevent and punish horse racing, immode-

rate riding or driving in the streets, to compel persons to fasten their horses or mules attached to vehicles, while in the streets; and to regulate places of bathing and swimming in waters in the limits of said city.

*Fourth*—To prevent the incumbering of streets, sidewalks, lanes, alleys and public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other materials or substances whatever.

*Fifth*—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to impose penalties on the owners of such animals or fowls for violation of the ordinances.

*Sixth*—To prevent the running at large of dogs, and to impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

*Seventh*—To prevent all persons riding or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

Further powers  
of council.

*Eighth*—To direct and regulate the planting and preserving of ornamental trees in the streets or public grounds.

*Ninth*—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds or highways of the city.

*Tenth*—To prevent the erection of slaughter houses within the limits of the city, and to regulate the storage or keeping of gunpowder or other combustible materials.

*Eleventh*—To compel the owner or occupant of any cellar, tallow-chandler shop, soap factory, tannery, stable, privy, sewers or any unwholesome, nauseous house or place, to cleanse, remove or abate the same.

*Twelfth*—To establish and create pounds, pumps, water cisterns, reservoirs, drains or ditches.

*Thirteenth*—To lay out, alter, open, widen, extend, establish, grade, repair or otherwise improve, or keep in repair, streets, avenues, lanes, alleys, commons, parks, sidewalks, culverts and public grounds, and establish and record with the clerk grades of streets or walks to which buildings and erections shall conform.

*Fourteenth*—To prescribe the limits within which wooden buildings or buildings of other material not deemed to be fire-proof, may or may not be erected, placed or repaired.

*Fifteenth*—To prevent the dangerous construction,

placing or continuing of chimneys, fire-places, hearths, stoves or stove-pipes, or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to (be) made secure or removed, and to prosecute the deposit of ashes in any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

*Sixteenth*—To erect all suitable buildings for city purposes.

*Seventeenth*—To prevent riding or driving on bridges, within the limits of said city faster than a walk.

*Eighteenth*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices.

*Nineteenth*—To prevent any riots or disorderly assemblages in said city, and to provide for the arrest and punishment of any person who shall be guilty of any disorderly conduct. To suppress and restrain disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers and frequenters thereof.

Further powers  
of the council.

*Twentieth*—To establish and regulate boards of health, and provide hospitals and hospital grounds.

*Twenty first*—To prevent the discharge of fire-arms or the exhibition of fire works in any situation which may be considered by the council as dangerous to the city or any property therein or annoying to the citizens thereof.

*Twenty-second*—To prevent open and notorious drunkenness or obscenity in the streets or public places of the city.

*Twenty-third*—To regulate the manner of weighing and measuring wheat and other grain, hay and straw, firewood and every other article or thing subject to sale in said city. To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to provide for the punishment of false weights and measures.

*Twenty-fourth*—To do all acts, and make all regulations which may be necessary and expedient for the preservation of the public health, or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make Quarantine laws, and enforce the same within the city.

*Twenty-fifth*—To restrain and punish vagrants, mendicants and street beggars, and provide for the punishment of the same.

SEC. 4. Fines, penalties and punishments imposed by

the council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding *one hundred dollars and imprisonment in the city prison or county jail not exceeding ninety days.* And offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

*Limitation to fines and punishments.*

## ARTICLE V.

### FIRE DEPARTMENT.

SECTION 1. The council shall have power to purchase fire engines and other fire apparatus, to organize fire, hose, hook and ladder and other fire companies, and provide for the support and regulation thereof, and to order such companies to be discharged and apparatus to be delivered up. Every member of such fire companies accepted by and under the control of said council, shall be exempt from highway work and all poll tax, from serving on juries, and from military duty during the continuance of such membership.

*May purchase fire engines and apparatus—exemptions.*

SEC. 2. The council shall have power to appoint a chief engineer to take charge of the fire department, fire wardens and foreman, and other officers of said fire companies, whose respective duties shall be prescribed by by-laws adopted by the several companies and approved by the council.

*Council to appoint Chief Engineer.*

SEC. 3. The engineer or fire wardens shall direct the foreman of companies at fires, and shall have power to compel citizens to work at fires. Whenever any person shall refuse to obey any lawful order of the chief engineer or fire warden at any fire, it shall be lawful for the officer giving such order, to arrest or direct orally any constable, police officer or citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or either of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the council may prescribe, not exceeding a fine of one hundred dollars or imprisonment for thirty days.

*Power of Engineer—penalty for disobeying orders.*

## ARTICLE VI.

## TAXES.

To levy a tax—  
for what pur-  
pose.

SECTION 1. The council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government and police, for the opening, maintaining and improvement of public grounds and the construction of buildings and improvements of a general character. *Provided*, That such taxes shall in no year exceed two mills upon a dollar of the assessed valuation.

May levy special  
tax—for what  
purpose—to be  
limited.

SEC. 2. The council shall have power to levy a special tax upon all the taxable property in the city for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purposes conducive to good order and cleanliness, and to protection against crime, disease and fire. *Provided*, That such taxes shall in no year exceed three mills upon the dollar of the assessed valuation. *And provided further*, That for the improvements in this section mentioned, the council shall have power to assess the tax to pay the same, upon the property benefited by such improvements, in such manner and to such extent as the council may think just and equitable. In such case the tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements.

When may issue  
bonds in excess  
allowed by law.

SEC. 3. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections in this act. *Provided*, The same be authorized by a majority of the taxable inhabitants present and voting at an election to be held for that purpose. The time and place, and manner of holding such election to be prescribed by the council, and the same notice to be given as at other elections. No bonds shall be issued by the council for any purpose unless so authorized.

Clerk to assess  
all taxes.

SEC. 4. The clerk shall assess all taxes or assessments authorized by ordinance of the council, unless the council shall otherwise provide in the ordinance levying said taxes, and he or any other person appointed in his place, shall have access to and the right to make copy of all and

any records pertaining to taxes kept or made by the several officers or any of them in and for the township surrounding or the county including said city.

SEC. 5. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purpose for which the same is levied; in the latter case the tax shall go into the general fund of the city.

Not invalid by reason of informality.

SEC. 6. The council shall report to the auditor of the county of Fillmore the amount of general taxes levied on the city, and the amount of special taxes levied upon any of (the) lots or portions of said city, and shall certify to him the lots or portions of the property upon which such special taxes are levied, and it shall be the duty of the auditor of Fillmore county to insert such taxes in the assessment roll of the city of Rushford, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property shall be the same as in proceedings on account of other taxes. And the county treasurer of Fillmore county shall pay such city taxes over to the treasurer of the city of Rushford on demand after collection thereof, and said treasurer of the city of Rushford shall execute his receipt therefor.

Council to report to auditor—duty of auditor—duty of treasurer.

SEC. 7. It shall be lawful for the council of said city to levy a corporation poll tax upon every qualified voter in said city. *Provided*, That said tax shall not in any one year exceed the sum of three dollars on each person.

May levy a poll tax—amount.

## ARTICLE VII.

### ROADS, STREETS, SIDEWALKS AND GRADES.

SECTION 1. The city of Rushford may be constituted one or more road districts, to be defined by the council, and the highway labor and taxes shall belong to the general fund.

To constitute one or more road districts.

SEC. 2. The council shall appoint one or more overseers of each district, and they shall issue a warrant to him, containing the whole amount of highway labor and taxes assessed and levied in his district, which warrant shall be returned by him to the clerk of the city. The laws of the state of Minnesota shall apply to the

Council to appoint overseers of road districts.

warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects except as herein expressly provided. The council shall have power to direct the overseer when, where and how to expend said labor and tax, and to remove him for cause. The council may establish grades of all streets, sidewalks and alleys in said city, and cause all streets, sidewalks and buildings to conform to the same.

Expenses of building sidewalks, now paid

SEC. 3. Whenever the council shall deem it necessary to construct or repair any sidewalk in the city of Rushford, they shall require the clerk or city constable to notify all owners or occupants of any lot or lots or parcels of land, adjoining such sidewalk, to construct or repair the same at his or their own expense and charge. Said notice shall be in writing and shall specify what work is to be done, and the character of the same, and the time within which they are required to do the same, which shall be in no case in less than two weeks from the service of said notice.

When council may order said work done.

SEC. 4. If such work is not done in the manner and within the time prescribed, the council shall order the same to be done at the expense of the lots or parcels of land adjoining said sidewalks and said expenses shall be assessed upon such lots and parcels of land so chargeable by the council, and such assessments shall become a lien upon said lots and parcels of land as in case of city, council and state taxes, and shall be returned to the auditor of Fillmore county, and such proceedings had thereon, as are hereinbefore provided in the case of city taxes.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

When vote of council may be rescinded.

SECTION 1. No vote of the council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of councillors as were present when the vote was taken.

When penalty or judgment can be remitted.

SEC. 2. No penalty or judgment recorded in favor of the city shall be remitted or discharged except by the vote of two-thirds of the councillors.

When warrants shall be issued—when not issued.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant or complaint being made. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in

the act of violating any law of the state of Minnesota, or ordinance or by-law of the city of Rushford, 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, process or writs by the city justice, shall be directed to the city constable of said city; or any constable of said city. *Provided*, That in case of an offense against any law of the state of Minnesota, the process may be directed to the sheriff or any constable of said county.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Rushford as punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of the city of Rushford, or to the common jail of Fillmore county, and be there imprisoned for a term not exceeding three months in the discretion of the city justice, unless the said fine or penalty be sooner paid. And from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of of the county of Fillmore, unless he shall tender a bond with sufficient security for his appearance at the trial. *Provided*, That the justice may, pending the trial, leave the accused in the custody of any constable or police officer, or may admit him to bail for his appearance at the time fixed for the trial.

Punishment for non-payment of fines.

SEC. 5. No person shall be an incompetent justice, witness or juror, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Qualifications of Judges, justices, etc.

SEC. 6. When any suit or action shall be commenced against said city, service of the process shall be made by the proper officer by leaving a certified copy of such process with the mayor or acting mayor and the city attorney.

How suits may be brought against the city.

SEC. 7. The said city may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants, and for carrying out the provisions of this act, and may sell and convey the same, and the same shall be exempt from taxation, and from attachment or sale on any final process issued from any court

May purchase and hold real estate.

in this state. *Provided*, That said property shall not be exempt from any attachment issued in any action for the purchase money of the same property or for labor performed or services rendered the said city, or from an execution issued upon any judgment rendered therein.

SEC. 8. The city of Rushford shall not be liable in any case for board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Fillmore county under state laws, other than the violation of ordinances of said city.

When liable for board or jail fees

No law considered repealing the same.

SEC. 9. No law of the state concerning the provisions of this act shall be considered as repealing, amending of, or modifying the same, unless said purpose be expressly set forth in such laws.

Said city constituted a school district.

SEC. 10. The said city shall constitute one school district and be called the Rushford school district.

SEC. 11. The files, papers and records in the office of the city clerk, or copies thereof duly certified by him, proqts of publication of all ordinances, notices, resolutions, orders or proceedings of the common council required to be published, on file in the office of the clerk, or copies thereof duly certified by him, and the charter and ordinances of said city and proceedings of the council, shall be received and read in evidence in all courts and places in this state without further proof. *Provided*, That this act being a public act need not be pleaded or proven in any court in this state.

What may be used as evidence in all courts.

SEC. 12. All acts heretofore passed for the incorporation of the city of Rushford are hereby repealed. But all ordinances, resolutions, regulations, rules, by-laws and orders of the common council of said city, or parts thereof not repealed, suspended or made void by this act, shall continue and remain in full force and effect until altered, amended, repealed or suspended by the common council, and said council may ordain and publish such ordinances as may be necessary to carry out the provisions of this act not inconsistent with the constitution and laws of this state.

Repeal of inconsistent acts.

SEC. 13. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 27, 1869.