

CHAPTER XII.

March 4, 1870.

An Act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the City of Red Wing, approved March third, one thousand eight hundred and sixty-four.

SECTION 1. Amendment to the act incorporating the City of Red Wing, by an additional Chapter.

CHAPTER VII.

- SECTION 1. Expense of constructing and repairing sidewalks, how paid.
2. When Common Council to report to County Auditor the amount assessed for the construction and repair of sidewalks, &c.—duty of County Auditor.
 3. Expenses of surveying streets, alleys, &c., how paid—costs of grading, grading, &c., how paid.
 4. When Council authorized to make street improvements—duty of Street Commissioner—an accurate survey of street grade to be filed in the office of the City Recorder.
 5. Duty of City Recorder upon completion of said work—parties feeling themselves aggrieved, how to proceed.
 6. When notices have been given, no informality to vitiate the assessment.
 7. Amendment to Section Nine (9) of Subdivision Three (3) of Chapter Six (6), Special Laws of 1864. Further powers of Council.
 8. Repeal of former Section.
 9. Repeal of former Section—proviso.
 10. When act to take effect.

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

SECTION 1. That an act entitled “an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Red Wing,” be and the same is hereby amended, by adding thereto the following new chapter, which shall be known and designated as Chapter VII :

CHAPTER VII.

SECTION 1. Whenever the city council of said city

shall determine to construct or repair any sidewalk within the city, they shall require the street commissioner to notify the owner or occupant of any lot adjoining such sidewalk, by publication in the official paper of said city for two weeks, to make or repair the same at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the city council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expenses thereof shall be assessed upon such lots so chargeable, by the street commissioner, and the amount thereof with his report of such assessment returned to the city council. *Provided*, That the expense of making, repairing and constructing street crossings shall be paid out of the general fund of said city.

Expense of constructing and repairing sidewalks how paid.

SEC. 2. It shall be the duty of said city council upon receiving any such report, to adopt, revise, correct or remand the same with instructions. Whenever such report is adopted, the city council shall on or before the time by law required for reporting to the county auditor of Goodhue county, the amount of tax levied in said city for that year; to certify to said auditor the amount of such assessment, with the amount assessed on each lot; and thereupon it shall be the duty of said auditor to insert the amount of said assessment in the next annual tax roll, and the same shall be collected in the same manner as other taxes upon real property. *Provided*, That nothing in this section contained shall impair the validity of any proceedings, or effect any tax levied or to be levied under section eleven, of chapter twenty-two, of the special laws of this state, approved March seventh, one thousand eight hundred and sixty-seven.

When to report amount assessed for repairing sidewalks, &c.—duty of auditor.

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, drains, gutters, and estimating work thereon, and of repairing and cleansing streets, alleys, drains and gutters, and of constructing and repairing reservoirs, shall be paid out of the general funds of said city. The cost of graveling, grading, planking, macadamizing or paving streets and alleys to the centre thereof, and of making drains or gutters along such streets or alleys, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement as far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. *Provided*, That in all cases where

Expense of grading streets, &c., how paid.

improvements or work of any kind is chargeable by virtue of this section upon any lots as aforesaid, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the general fund of said city, in proportion to the width of the street, alley or public grounds.

Street improve-
ments—duty of
Street Commis-
sioner—survey
and profile to be
filed.

SEC. 4. No grading, graveling, planking, macadamizing or paving of streets or alleys, to be done at the expense of the lots fronting such improvement, the expense of which is to be charged to such lots, shall be ordered by the city council, except upon the petition in writing of a majority of the owners of the property residing on the line of the proposed improvement, and chargeable therewith, unless by a two-thirds vote of all the members of said council, and whenever the council shall thereon determine upon a public improvement under this section, they shall pass a resolution to that effect, and shall require the street commissioner with the assistance of the city surveyor, or some other competent surveyor, to be selected for that purpose by the council, to examine the premises and report an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners name if known, and the proportion of the expense to be assessed to each lot, and in the case of grading a street or alley, a proper grade; and the council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the city surveyor, or such other surveyor, and filed in the office of the city recorder for record. The city council may, thereupon order the said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

Duty of recorder
—parties aggrieved
how to proceed.

SEC. 5. When any work provided for in the preceding section shall be completed and the contract performed to the satisfaction of the city council, the city recorder of said city shall give notice by publication in the official paper of said city, for two weeks, that the expense thereof will be assessed upon the lots fronting such street or alley within the line of such improvement in proportion to their fronts thereon, any owner of, or person interested in any such lot or lots to be charged as aforesaid, feeling himself aggrieved by such assessments, may before the expiration of the publication of such notice, file a petition with the city recorder, showing that his lot or lots so owned by him or in which he may have an interest, by

reason of deep cutting or great filling will not be benefited to the extent of the expense apportioned to such lot, and that such assessment in his case will be unequal and unjust; which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The city recorder shall thereupon require the city marshal to summon three disinterested freeholders of said city, not residing upon the street or alley whereon such improvement is located, as commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper of said city, at least three days before the time appointed for such commissioners to meet. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence, the city recorder shall require the city marshal forthwith to summon others to fill the vacancy. Said commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in question, and shall have power to hear the parties and administer oaths and examine witnesses. It shall be their duty as early as possible, and within ten days from the time they entered upon their duties, to file in the office of the city recorder their decision in writing, accompanied by any testimony or proof, or the substance thereof taken before them, and shall in each case determine whether such assessment would be unequal and unjust, and whether and how much the same will exceed the benefit, and thereupon what abatement or exemption if any should be allowed. The city recorder shall thereupon complete the assessment for such improvements, making the necessary abatements or exemptions in accordance with the report of the commissioners, and the amount deducted for such abatement, shall be made up and charged to the general fund of the city. In case no petition as aforesaid is filed within the time aforesaid, it shall be the duty of the city recorder within ten days after the time designated by said council for assessing the expense of such improvement, to complete such assessment, and in all cases such assessment when completed shall be returned to the city council, and the said city council shall thereupon fix a time for the confirmation of the same, of which ten days notice shall be given in the official paper of the city. Upon the confirmation thereof, the amount of such assessment shall be reported to the county auditor of Goodhue county, and

Parties aggrieved
how to proceed.

assessed and collected in the same manner provided by section one of this act; *Provided*, That nothing herein contained shall affect the validity of any proceedings heretofore had by said council for any such improvements, but the costs and expense of all such improvements shall be ascertained and the tax therefor levied and paid in the manner heretofore prescribed by the charter of said city.

No informality shall invalidate said assessment.

SEC. 6. No error or informality in the proceedings shall vitiate the assessments made by this act, when the notices hereinbefore provided shall have been given.

SEC. 7. That section nine of chapter three of chapter six of the special laws of the state of Minnesota, approved March third, one thousand eight hundred and sixty-four, be and the same hereby is amended so as to read as follows:

Further powers of council.

Sec. 9. The city council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them: *Provided*, Said mayor and councilmen shall not be entitled to pay, nor in any manner be paid for services rendered or duties performed as such mayor and councilmen: *And provided further*, That the compensation paid to the city recorder in any one year shall not exceed two hundred dollars. The assessor, justices of the peace and constables shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state. The city treasurer shall be allowed at the time of his settlement with the city council, for his services, one per cent. on all moneys by him collected or received by him: *Provided*, That no compensation or per centum shall be allowed to the treasurer on any moneys received by him from his predecessor in office or his legal representatives. The city attorney shall receive no more than the services rendered by him shall be reasonably worth, and the aggregate amount of all fees, compensations and emoluments, allowed or paid to any and all officers and committees by the city, and the gross amount of all expenses incurred by said city, shall not exceed in any one year the tax levied during that year, for the support and maintenance of the said city government.

SEC. 8. That section seven of chapter four of the act

last aforesaid, as amended by section five of chapter twenty-two of the special laws of said state, approved March seventh, one thousand eight hundred and sixty-seven, and said section five be and the same hereby are repealed. Repeal of former section.

SEC. 9. That section eleven of chapter twenty-two of the special laws of said state, approved March seventh, one thousand eight hundred and sixty-seven, be and the same hereby is repealed: *Provided*, That the repeal of said last two named sections shall not impair the validity of any proceedings heretofore commenced and pending or completed, under the provisions of said sections, but such proceedings shall continue and be conducted, and the tax for the payment of the cost and expense thereof be levied and collected in the same manner as provided in said sections. Repeal of former section—proviso.

SEC. 10. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 4, 1870.

CHAPTER XIII.

An Act relating to the Town of Albert Lea.

March 9, 1870.

- SECTION 1. Powers of the Board of Supervisors.
2. Authorized to impose fines and penalties for violation of provisions of this act.
3. Further powers of Board of Supervisors.
4. All ordinances to be signed by the Chairman of the Board, also to be published or posted—when may be taken as legal evidence.
5. How actions may be brought—in what cases appeals may be taken.
6. Disposition of funds arising from fines and penalties.
7. Fines and penalties, how collected—liable for jail fees.
8. Qualifications of Judge, Justice, &c.
9. When Board to appoint Town Marshal—term of office—vacancy, how filled.
10. Marshal to give bond conditioned for faithful performance of duties—duties of.
11. Marshal authorised to appoint deputies.
12. Compensation of Marshal.
13. When act to take effect.