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An Act to amend and codify the Charter of the City of Hastings, in the county of Dakota, Minnesota. March 4, 1871.

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

CHAPTER I.

SECTION 1. All that part of the county of Dakota, Minnesota, contained within the limits and boundaries hereinafter specified shall be a city by the name of Hastings, and the people now inhabiting or who shall hereafter inhabit the district of country herein described shall continue to be a municipal corporation by the name of the City of Hastings, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess the powers hereinafter specially granted; and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Corporate rights.

Boundary lines.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Hastings, to-wit: The east half of section twenty (20), the whole of sections twenty-nine (29), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), and fractional section sixteen (16), and the east half of section seventeen (17), and the whole of sections twenty-one (21), twenty two (22), twenty-three (23), twenty-six (26), twenty-seven (27), and twenty-eight (28), all being in township number one hundred and fifteen (115) north, range seventeen (17), west of the fifth (5th) principal meridian, in said county of Dakota; and the jurisdiction of said city of Hastings shall extend on the north front thereof across the Mississippi river and the bottom lands and waters, to the base of the bluffs in Washington county, Minnesota; and all city ordinances and police regulations of said city for the detection and punishment of crimes and misdemeanors and for the preservation of the health, peace and good order of the city shall have like effect and be enforced in the same manner on and over the same as within the aforesaid limits of said city.

Divided into
wards—bounda-
ry lines.

SEC. 3. Said city shall comprise and is hereby divided into four wards, as follows, to-wit: The first ward shall comprise all the territory within said city limits east of the centre of Tyler street and north of a line extended through the centre of Fifteenth street from the east to the west limits of the city. The second ward shall comprise all that portion of said city north of the aforesaid east and west line situate between the centres of Tyler and Vermillion streets. The third ward shall comprise all that portion of said city which lies north of said east and west line drawn through the centre of said Fifteenth street and west of the centre of Vermillion street. The fourth ward shall comprise all within the city limits south of the line extended through the centre of said Fifteenth street.

CHAPTER II.

[OF ELECTIONS.]

SECTION 1. The annual election of the officers of said city shall be held on the first Tuesday of April in each year, at such place in each election district in said city as

the city council shall designate, and the polls shall be kept open from ten o'clock A. M. until four o'clock P. M.; and ten days' previous notice shall be given by the city clerk of the time and place of holding such election, by posting notices thereof in three public places in said city and by publishing the same in the official paper of said city, which said notice shall contain the names of the offices to be filled.

Annual election
—opening and
closing of polls
—notice to be
given.

SEC. 2. The elective officers of said city shall be a mayor, city clerk, and a justice of the peace for said city, who shall be styled police justice, all of which officers shall be residents in and qualified voters of said city. The elective officers of each ward shall be two aldermen, except in the fourth ward, in which there shall be but one alderman elected, one justice of the peace and one constable, each of whom shall be a resident of and qualified voter in the ward in which he may be elected.

Elective officers.

SEC. 3. The mayor and city clerk thus elected shall hold their offices for one year from the first Monday in May after their election, and until their successors are elected and qualified. There shall be one alderman elected annually from each ward, who shall hold his office for two years from the first Monday of May after his election and until his successor shall be elected and qualified, except in the fourth ward, who shall hold his office for one year. The police justice for the city and the justices of the peace and constables for the respective wards, shall hold their offices for two years from the first Monday of May after their election, and until their successors shall be elected and qualified, and shall, before entering upon the duties of their offices, execute a bond to the city to be approved by the city council, and take and subscribe the oath of office as prescribed by statute for other justices of the peace and constables, and said justices of the peace and constables, when so elected and qualified, shall be possessed of all the powers, rights and emoluments conferred upon justices of the peace and constables by the public statutes of this state; *Provided*, That said justices may keep their offices in any place in said city. Whenever a vacancy shall occur in the office of mayor or alderman such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office shall be filled by the city council. Any person elected or appointed to fill a vacancy shall hold the office

Term of office—
to give bonds—
vacancy, how
filled.

and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be
by ballot—the
vote how decided

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Whenever two or more candidates for an elective office in said city 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 city council at such time and in such manner as they may direct.

Qualifications of
electors.

SEC. 5. All persons entitled to vote for county and state officers who shall have resided in the ward in which they may offer to vote, ten days next preceding the day of election, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

Elections, how
conducted.

SEC. 6. The elections in each ward of said city shall be held at such place therein as the city council shall designate, and be conducted by three judges of election, to be appointed by said council, who shall take the oath or affirmation prescribed by the general laws of this state, to be taken by judges or inspectors of elections. Said judges of election shall have power to appoint two clerks and to administer to them the necessary oaths. Said elections shall be conducted in the same manner and under the same penalties, and vacancies in the board of judges thereof filled, as provided by the general laws of this state regarding elections.

Election returns,
how made.

SEC. 7. When an election shall be closed, and the number of votes for each person or candidate voted for counted, the said judges and clerks shall make returns thereof, stating clearly the number of votes cast for each person, for each and every office, and shall deliver or cause to be delivered to the city clerk, such returns without delay, who shall within ten days give notice to each of the persons so elected of their respective elections.

Special elections,
how conducted.

SEC. 8. Special elections ordered by the city council, shall be held and conducted and returns thereof made in the same manner as at annual elections.

When office
deemed vacant.

SEC. 9. Any officer removing from the city or from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, the city council shall proceed to fill such vacancy,

as herein prescribed or provided by ordinance not in conflict with the provisions hereof.

SEC. 10. At all elections to be held under this charter the polls should be opened at ten o'clock in the forenoon and continue open until four o'clock in the afternoon of the same day, at which time the polls shall be closed. Upon opening the polls the judges shall cause proclamation thereof to be made, and thirty minutes before closing the same, proclamation shall be made in like manner, that the polls will be closed in half an hour.

When polls to be opened and closed.

CHAPTER III.

OFFICERS, THEIR POWERS AND DUTIES.

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 duly certified by the officer administering the same with the city clerk. The treasurer and such other officers as the city council may direct, shall severally, before entering upon their respective offices, execute to the city of Hastings, a bond with at least two sureties, to be approved by the city council, and said bond shall contain such conditions as the city council shall deem proper, and said city council may from time to time require in their discretion new or additional bonds, and may remove from office any officer refusing or neglecting to give the same.

Officers to take oath of office—what officers to give bonds.

SEC. 2. The mayor shall when present preside over the meetings of the city council, and take care that the laws of the state and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. He shall be the chief executive officer and head of the police of the city, and shall appoint all police officers and watchmen subject to the approval of the council, and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him with the approval of the city council, whenever in their opinion the welfare of the city may demand it, or a reduction of their number renders it necessary. The city council shall hold stated meetings, and the mayor or any two aldermen may call special

Duties of Mayor.

meetings of the city council, by causing notice thereof to be served personally upon each member of the council or by leaving the same at their usual place of abode. The Mayor shall have power to execute all acts that may be required of him, by any ordinance made in pursuance of this act, and is hereby authorized and empowered to call upon every male inhabitant of said city over the age of eighteen years, to aid in the enforcing the laws and ordinances of said city, and any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five dollars and not less than five dollars.

When liable to
indictment.

SEC. 3. In case the mayor shall be guilty of wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the case,) to add to the judgment for the fine that he be removed from office.

In the absence of
Mayor who to
preside over.
Council—Invest-
ed with veto
power.

SEC. 4. In case of the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the council shall elect by ballot from their own number, an officer who shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor. The mayor shall have power to refuse his assent and signature to any ordinance or resolution passed by the city council; if the mayor refuses his assent and signature to any such ordinance or resolution, he shall set forth his objections thereto in writing, and file the same in the office of the city clerk within five days from and after the passage of such ordinance or resolution. If no such objection be made and filed as herein specified, such ordinance or resolution shall be in force; in case the mayor shall refuse his assent and signature to any such ordinance or resolution, and makes and files his objection or objections thereto as herein specified, it shall require two-thirds of all the said council to vote for such ordinance or resolution before it shall be in force.

Duties of City
Clerk.

SEC. 5. The city clerk shall keep the corporate seal of the city, and all the papers and records of the city council. He shall draw all orders on the treasurer in pursuance of any order or resolution of the city council authorizing the same, which shall be signed by the mayor or acting mayor for the time being, and countersigned by

himself, and shall also impress thereon the corporate seal of the city, and shall keep a full and accurate account thereof in books provided for that purpose, and make a full and fair record of all the by-laws, resolutions and ordinances passed by said city council. The said clerk shall have power to administer oaths and affirmations, and copies or transcripts of all papers filed in his office, and transcripts from the records of the city council duly certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced. He shall report annually on or about the first Monday of May to the city council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first Monday of May. Said city clerk shall countersign all contracts made in behalf of the city, and all certificates of work done by order of the city council. He shall negotiate such temporary loan or loans for the city as the city council shall direct, which shall be subject to the approval of the city council. He shall examine the report, books, papers, vouchers and accounts of the city treasurer, and shall perform such other duties as may be required of him by the city council. But he shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by or in behalf of the city.

SEC. 6. The city council shall have power to elect a city attorney, treasurer, surveyor and street commissioner, and define their respective duties, each of whom shall hold his office for the term of one year from the first Monday in May after his election, and until his successor shall be elected and qualified.

Council to elect subordinate officers—terms of office.

SEC. 7. The city attorney shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any and all subjects or questions submitted to him by the city council or any of its committees.

Duties of City Attorney.

SEC. 8. The city treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof, and on the first Monday of May and quarterly thereafter, he shall exhibit to the city council a full and detailed account of all the receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which accounts shall be filed with the city clerk.

Duties of City Treasurer.

Duties of Street
Commissioner.

SEC. 9. It shall be the duty of the street commissioner to render his personal services and perform labor in repairing the streets of said city, and to superintend all work and improvements, and carry into effect all orders of the city council in relation to work and improvements upon the streets and public grounds of the city. He shall keep accurate accounts of all moneys received by him, and of all moneys expended in the discharge of his duties, and render monthly reports thereof to the city council or oftener if required.

Duties of City
Surveyor.

SEC. 10. The city surveyor shall hold his office during the pleasure of the city council, who shall prescribe his duties and fix the fees or compensation for any services performed by him; all surveys, profiles, plans or estimates made by him for the city, shall be the property of the city and shall be carefully preserved in the office of the city clerk, open to the inspection of parties interested.

Jurisdiction of
Police Justice.

SEC. 11. The police justice shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in cases arising under any of the ordinances of said city, and in all cases in which the city is a party, and shall also have the same power and authority as other justices of the peace of the county in all respects, and be entitled to like fees. In case of the absence, sickness or other disability of said police justice, the city council may appoint and authorize any one of the justices of the peace elected in said city, to exercise and perform the duties pertaining to said police justice during the absence, sickness or other disability of said police justice. But nothing herein contained shall be construed so as to deprive said police justice of his authority and jurisdiction when able to be present and acting.

When to report
to Council.

SEC. 12. Said police justice shall quarterly report, or oftener if required, to the city council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall, at the same time, account for and pay over all penalties, fines and costs collected by him, which may by law accrue to the city.

Council to ap-
point City
Printer.

SEC. 13. The city council may designate a newspaper, printed in the city, in which shall be published all ordinances and other proceedings and matters required to be published in a public newspaper, the publisher of which shall be termed the city printer.

SEC. 14. The city printer shall immediately after the publication of any notice, or ordinance, resolution or other

matter which may be required to be published, file in the office of the city clerk his affidavit or the affidavit of his foreman, with a printed copy of such publication cut from the columns of said paper, specifying the days on which the same was published.

What to be evidence of publication, etc.

SEC. 15. The city council shall have power to require other and further duties of 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 said council; *Provided*, No member of the city council shall receive from the city any compensation for his services.

What officers entitled to compensation.

SEC. 16. No member of the city council, or other city or ward officer, shall be a party to or interested in any contract or job of work wherein the city may be one of the contracting parties.

Who not to be interested in any contract.

SEC. 17. Any person having been an officer in said city shall, within five days after being notified of the election of his successor, upon request, deliver to him all property, books, papers and effects of every description, in his possession, appertaining to said office, and upon failure so to do he shall forfeit and pay to the use of the city one hundred dollars; also, to the party injured all damages caused by his neglect or refusal so to deliver, and such officer so elected may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state in case of unlawful detention of property.

Penalty for refusing to deliver books, etc., to successor in office.

SEC. 18. There shall be a chief of police of said city who shall be appointed by the mayor, by and with the consent of the city council, and said chief shall have all the powers of a constable under the laws of Minnesota, and shall perform such other duties as shall be prescribed by said city council for the preservation of the public peace. All police officers and watchmen of said city shall have authority to arrest and detain any person guilty of any breach of the peace, or of the violation of any ordinance of said city, or of any law of the state of Minnesota. The mayor, chief of police, sheriff of the county of Dakota, and each and every alderman, justice of the peace, police officer, watchman and constable of said city, shall be officers of the peace, and may suppress, in a summary manner, all disorderly behavior within the limits of the city, and for such purpose may command the assistance of any and all by-standers,

Who to be officers of the peace.

and if any person so commanded shall refuse to aid in maintaining the peace, such person shall, upon conviction thereof, before the police justice of said city, pay a fine to said city not to exceed the sum of fifty dollars.

Council to elect
City Assessor.

SEC. 19. The city council shall annually, in the month of May, elect an assessor who shall have the same powers and authority, and perform the same duties as are or may be required by the laws of this state of town assessors—and shall qualify in the same manner. Said assessor shall, whenever the city council shall so determine, make and return a census of the population of the city in the manner and form prescribed by said city council.

CHAPTER IV.

THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES.

Style of ordinances—when and where to meet—quorum.

SECTION 1. The mayor and aldermen shall constitute the city council, and the style of all ordinances shall be: "The council of the city of Hastings do ordain." The annual meeting of the city council shall be on the first Monday in May in each year, and a majority shall constitute a quorum. The city council shall determine the rules of its proceedings and be the judges of the election and qualification of its members, and shall have the power to compel the attendance of absent members.

To have control and management of the finances—further powers.

SEC. 2. The council shall have the control and management of the finances and all property of the city, and shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct, and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine or imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have full force of law, and for these purpose said city council shall have authority by ordinances, resolutions and by-laws; *Provided*, The same be not repugnant to the constitution and laws of the United States or of the state of Minnesota.

First.—To license and regulate the exhibition of common showmen or shows of any kind, and the exhibition of caravans, circuses, theatrical performances or concerts,

billiards, bagatelle and pigeon hole tables, bowling saloons, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors in said city.

Second.—To restrain and prohibit the use of all gambling devises whatever, from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gambling and fraudulent devices and practices.

Third.—To prevent any riots, noise, disturbances, disorderly assemblages, suppress and restrain disorderly houses, houses of ill-fame, and provide for the arrest and punishment of the keepers and inmates thereof; and to authorize the destruction of all instruments used for the purpose of gambling, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be dealt in or kept for sale contrary to the ordinances of the city.

Further powers
of Council.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter house, stable, lane, privy, sewer or any other unwholesome or nauseous structure or place to cleanse, remove or abate the same, and to provide for the abatement and removal of all nuisances within the limits of the city.

Fifth.—To direct the location and management of slaughter houses and markets in said city, breweries and distilleries, and to regulate the sale, storage, keeping and conveying of gun powder or other combustible matter.

Sixth.—To prevent the encumbering of streets, alleys, sidewalks and public grounds, with vehicles of any kind, or with wood, stone, lumber, posts, awnings or any other material or structure.

Seventh.—To prevent immoderate riding or driving in the streets, or obstructing streets, alleys or crossings, and to regulate the speed of cars and locomotives, and to prevent their obstructing streets and public walks, to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing.

Eighth.—To restrain the running at large of horses, cattle, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Ninth.—To restrict and regulate the running at large of dogs, may grant licenses therefor, and impose fines upon the owners of vicious or dangerous dogs, and may authorize the destruction of any dog when at large contrary to ordinance in relation thereto.

Tenth.—To prevent any person from bringing, depositing or having in his possession within the city, any putrid carcass or other unwholesome substance, and to require the removal of the same, and on default thereof to provide for the removal of the same at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, water cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps or to provide other means whereby to light the city, to regulate and license hacks, omnibuses, express wagons, drays and carts, and to fix and determine the charges of hackmen, omnibus drivers, draymen and cartmen.

Twelfth.—To regulate the width and surface line of sidewalks, and to prevent damage thereto.

Thirteenth.—To prevent the shooting of fire arms, crackers, rockets or other projectiles, and to prevent the exhibition of any fire works in any location which may be deemed by the city council dangerous to the city or any property therein.

Fourteenth.—To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fifteenth.—To license and regulate runners and solicitors for boats, stages, public houses, railroads and other establishments.

Sixteenth.—To regulate the place and manner of selling, and to provide for the inspection and weighing of hay and stone coal, and the measuring of charcoal, firewood and other fuel.

Seventeenth.—To compel the owners and occupants of buildings or grounds, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default to authorize the removal thereof by some officer of the city, at the expense of such owner or occupant.

Eighteenth.—To establish a board of health, and prescribe its powers and duties, and to prevent the introduction and spread of contagious diseases.

Nineteenth.—To grant licenses to auctioneers and to

regulate the place and manner of holding public auctions.

Twentieth.—To appropriate money and provide for the payment of the debts and expenses of the city.

Twenty first.—To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve and keep in repair all streets, avenues and alleys.

Twenty second.—To establish and regulate police officers and watchmen, and prescribe their numbers and duties.

Twenty third.—To provide for the erection of all need- Further powers
of Council.
ful buildings for the use of the city.

Twenty fourth.—To restrain and punish vagrants, mendicants and prostitutes.

Twenty fifth.—To provide for the enclosing, improving and regulating all public grounds belonging to the city, and for adorning the same and the streets of said city with shade trees, and make provision for the protection and preservation of the same.

Twenty sixth.—To provide from time to time for taking the enumeration of the inhabitants of the city.

Twenty seventh.—To prescribe limits within which wooden buildings or buildings of other materials that shall not be deemed fire-proof, shall not be erected, placed or repaired.

Twenty eighth.—To prevent the construction, placing and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building in a dangerous manner, and when found so constructed to cause the same to be placed in a safe and secure condition, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city.

Twenty ninth.—The city council shall have power to purchase fire engines and other apparatus for the extinguishment of fires, and to authorize the formation of fire companies, hook and ladder, bucket and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax, from serving on juries and from militia duty during the continuance of such membership.

Thirtieth.—To control and regulate the construction or

grading of wharves, and to prescribe and control the price to be charged for wharfage thereon, and to prescribe rates of wharfage to be charged to vessels, boats or barges landing or mooring thereat.

Thirty first.—To provide that any male person convicted of any offense before the police justice subjecting such person to imprisonment, may be kept at hard labor in any work house established by the city council for that purpose, or upon the public streets or other improvements of said city, or both, until such person shall work out the amount of such fine in conformity with any ordinance of said city.

Mayor to sign all laws, etc.

SEC. 3. All ordinances, resolutions and by-laws shall be passed by an affirmative vote of the majority of the city council, and be signed by the mayor and clerk, and shall be published in the official paper of the city before the same shall be in force, and the same shall be recorded in a book provided for that purpose by the city clerk, within twenty days after its passage.

Council to have control of funds in treasury—how appropriations made.

SEC. 4. All funds in the city treasury shall be under the control of the city council, and shall be drawn out upon the order of the mayor and clerk duly authorized by vote of the city council, and all orders shall specify the purpose for which they are drawn, but the sum total of the amount of the orders issued for any one year shall not exceed the anticipated revenue to meet the current expenses for that year. No appropriation shall be made without the majority of a full council voting in favor of it. The vote shall be taken by calling the roll, and the vote of each councilman shall be entered on the journal of the council. No money shall be appropriated except such as are especially authorized by this act.

Council to audit accounts of all officers.

SEC. 5. The city council shall examine and adjust the accounts of all city officers and agents of the city at such time as they may deem proper; and if such officer or agents shall refuse to comply with the order of said council in discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The council shall make full records of all such settlements and adjustments.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing, cleaning,

improving and adorning of the streets, alleys, public grounds, reservoirs, gutters, sewers and wharves within the city. Council to have control of all streets, etc.

SEC. 7. The city council shall have power to regulate and cause to be constructed, altered and maintained, wharves along the Mississippi river, and shall have and exercise the same control over the said river that is possessed by virtue of this act over the streets and alleys [of] said city. To regulate and construct wharves.

CHAPTER V.

SECTION 1. All property real and personal, except such as may be exempt by the laws of this state or by ordinances of the city, shall be subject to taxation for the purpose of constructing, repairing and improvement of streets, roads and bridges, and all other needful improvements, and for other purposes conducive of good order, cleanliness, and protection against crime, disease and fire, and for the support of the city government, and the payment of its debts and liabilities incurred on account of and for the purposes above mentioned, and the same shall be assessed, levied and collected in the manner provided by the laws of this state for the assessment and collection of county or state taxes; *Provided*, That said taxes shall in no one year exceed ten mills on the dollar of the assessed valuation of the property in said city. What property exempt from taxation.

SEC. 2. Every male inhabitant between the ages of twenty-one and fifty years in said city, shall annually pay a capitation or poll tax of two days' work upon the streets, highways or other improvements within the ward of said city of which said inhabitant is a resident; all persons liable to pay such capitation or poll tax, may in lieu of work pay to the street commissioner one dollar and a half per day, and the street commissioner shall expend all moneys so received upon the streets, highways or other improvements within the ward where the person paying the same may reside; *Provided*, That the same shall be levied by the city council, and collected by the street commissioner in the manner provided by the laws of this state for the collection of highway labor taxes in towns, by overseers of highways. Poll tax—how collected.

SEC. 3. The city council are hereby authorized and empowered to levy special assessments and taxes on any lot, piece or parcel of land in the city, without regard to Expenses of surveying streets, etc., how paid.

the assessed valuation thereof, for grading, building of sidewalks, sewers or any other improvement which may benefit any such lot, piece or parcel of land, not to exceed the amount of such benefit. The amount of such benefit and the tax to be levied thereon, shall be fixed and determined by three disinterested persons to be appointed by the city council for that purpose, whose duties and compensation shall be fixed and provided for by said city council, and all such special assessments or taxes shall be a lien upon such lot, piece or parcel of land, and be levied and collected in the same manner as provided by the laws of this state for the levying and collection of other taxes.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

When and how individual property may be taken for public use.

SECTION 1. The city council shall have power to lay out public squares, grounds, streets and alleys, and to widen, and enlarge the same as follows: Whenever twenty or more freeholders residing in said city, shall by petition represent to the city council that it is necessary to take certain lands within the city for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, and the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises if known to the petitioners, are or shall be set forth in the petition. The city council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands or any portion of the same shall not be in actual occupation of any one, then the city council shall cause such notice describing as near as may be the premises proposed so to be taken, to be published in the official paper of the city for three weeks successively, once at least in each week. The publisher of such paper or his foreman shall make affidavit of such publication, and file the same with the city clerk.

To appoint Commissioners for what purpose.

SEC. 2. Such notice shall state on a certain day therein named, not less than six days from the day of service of such notice or the expiration of such publication, as the case may be, the city council will appoint three commissioners to view said premises, and determine whether it is necessary to take the same for the purposes specified

in said petition, and at the time so specified the said city council shall proceed and appoint three reputable persons residents of said city, but not interested in the result of the said petition, and shall enter an order in their proceedings requesting said commissioners to view said premises within ten days, the time to be specified in said order, and to make report thereof to the city council whether in their judgment it is necessary to take and appropriate said premises or any part thereof, for the public use specified in the petition.

SEC. 3. The said commissioners at such time as may be specified in said order, shall view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of said commissioners are authorized to administer the necessary oaths to witnesses.

Commissioners authorized to administer oaths and take testimony.

SEC. 4. When the view and hearing aforesaid shall be concluded, if the commissioners aforesaid shall deem it necessary to take such premises or any portion thereof, for such public use, they shall examine and report to the city council their estimate of the damages to be paid to the owner or owners of each parcel of property so proposed to be taken or used, or which may be damaged by the making of said improvements, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incidental thereto, and also the advantages which may accrue to such owner or owners by the making of such improvements, and make a report in detail of their doings to said city council.

When to report amount of damages.

SEC. 5. If the land or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in fee, the injury done to said person or interest respectively, may be awarded to them respectively less the benefits resulting to them from the proposed appropriation to the public use.

If property owned by two or more persons how to proceed.

SEC. 6. The awards and report of said commissioners shall be signed by them or a majority of them, together with the testimony so taken by them, and returned to the city council within the time limited in the order of appointment. Should they fail so to do, they shall receive no compensation for their services thus rendered, and the city council shall appoint new commissioners therefor.

When new Commissioners may be appointed.

Confirmation of report of Commissioners--when proceedings deemed void.

SEC. 7. The land required to be taken for the purposes mentioned in this chapter, shall not be taken until the report of said commissioners shall be approved and confirmed by the city council, and the damages thus awarded to the owners thereof, for the taking of the same, shall be paid or tendered the owner or his agent, or deposited for his use with the city treasurer, in case said owner or his agent are unknown; and the said lands and premises so taken and appropriated, shall be thereafter subject to all the laws and ordinances of the city, in the same manner as streets, alleys or public grounds heretofore opened or laid out, and the damage so assessed shall be paid or tendered, or so deposited within one month from the time of the conformation of such assessment, and report by said city council, when no appeal shall be claimed thereon or within one month from the time of the final confirmation thereof on such appeal; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

When property under lease how to proceed.

SEC. 8. When the whole or any part of a tract of land or other premises under lease or contract, shall be taken by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting party or parties respecting the same, upon the confirmation of the commissioners report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same considerations in relation to benefits received and damages sustained by any lessee, contractor or owner of any interest in any premises so taken shall be observed and followed as in other cases of assessing damages.

How to proceed if property owned by minors.

SEC. 9. When any known owner of any lands or premises affected by any proceeding under this act shall be an infant or labor under any other legal disability, the judge of probate of said county of Dakota shall, upon the application of such person, his next friend, or said city council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

Commissioners to take oath.

SEC. 10. Said commissioners shall each, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation in substance as follows: That they are not in any way interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them as such commissioners, and file the same with the city clerk.

SEC 11. Any person whose premises or any interest therein may be taken in the manner herein before prescribed, may, within ten days after the confirmation by the city council of the report and return of said commissioners, appeal from such determination of damages to the district court of Dakota county, where such appeal shall be tried as in ordinary cases of appeal in said court. Appeal.

SEC. 12. The city council may establish and determine the grade or grades of any street or alley in the city, and shall cause accurate profiles of all such grades to be made and certified by the city surveyor, and when approved and established by the city council, to be certified by the mayor and city clerk, and recorded in the book of profiles in the office of the city clerk. Council to establish the grade of streets, etc.

MISCELLANEOUS PROVISIONS.

SECTION 1. All actions or proceedings brought or instituted for the recovery of any penalty or forfeiture under this act, or the ordinances or by-laws for police or health regulations made in pursuance thereof shall be brought in the corporate name of the city. How actions to be brought.

SEC. 2. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the city or police justice, pursuant to any ordinance or by-law of said city, 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 said city; or, if there be no such city prison suitable therefor, then to the common jail of the county of Dakota, 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 or satisfied; and from the time of the arrest of any person or persons for any offense under any of such ordinances or by-laws, when such person or persons shall neglect or refuse to furnish such reasonable bail as may be required until the time of trial, may be confined in said city prison; or, if there be none, in the common jail of the county, till the hour of trial; *Provided*, That all expense of keeping such prisoners, if not otherwise paid, shall be paid by the city of Hastings. Punishment for non-payment of fines.

SEC. 3. In all prosecutions for any violation of this act, or of any of the ordinances or by laws passed in pursuance thereof, the first process shall be by warrant on

When warrant issued—when not to be issued.

complaint made therefor; *Provided, however,* That no warrant shall be necessary for 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, or attempting so to do, or upon the fresh pursuit of such offender, and 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 issued by said police justice for the violation of any ordinance or by-law of said city shall be directed to the chief of police or any police officer of said city, who are hereby authorized and empowered to serve and return the same.

Qualifications of judges, jurors, etc.

SEC. 4. No person shall be deemed or taken to be an incompetent or disqualified judge, justice, juror, witness, commissioner or other officer by reason of his being an inhabitant of the city in any action or proceeding in which the city shall be an interested party therein.

Exemptions from taxation and levy and sale on execution.

SEC. 5. The following property now or hereafter belonging to said city, shall be exempt from taxation for any purpose whatever, and shall be exempt from levy and sale for any purpose whatever, by virtue of any execution or other final process, other than by direction of said city council, to-wit: All engine houses, hook and ladder houses and the ground upon which the same may be situated, all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any fire company organized or recognized by the city council for the extinguishment or prevention of fires in said city, and all other property of any description, whether real or personal belonging to said city, shall be exempt from taxation for any purpose whatever, and the city may through the city council, lease or purchase and hold real and personal estate, sufficient for the convenience of the inhabitants thereof, and the due administration of the government of the city, and may sell and convey the same at pleasure.

What shall not be a reason for suspending said corporation.

SEC. 6. If any election for any city or ward officer or officers, for any cause shall not be held in the manner or at the time herein prescribed, it shall not be deemed taken or considered a reason for ousting, suspending or dissolving said corporation, but said election may be held upon any subsequent day under the direction of said city council; and if any of the duties enjoined by this act or by the ordinances, by-laws, rules or regulations of the

city, to be done by any officer at any specified time, be not done or performed at that time, the city council may in their discretion appoint another time at which the said act or acts may be done and performed.

SEC. 7. All ordinances, resolutions and by-laws now in force in the city aforesaid, and not inconsistent with or repugnant to the provisions of this act, shall continue in force in said city till the same shall be altered, amended or repealed by the city council elected by virtue hereof, and all city officers elected under the provisions of the former charter, shall hold their respective offices for the term for which they were severally elected.

What ordinances to remain in force.

SEC. 8. Appeals shall be allowed from the decisions in all cases arising under the provisions of this act, or any ordinance, rule, by-law or regulation passed in pursuance thereof, to the district court of Dakota county, in said state, and every such appeal shall be claimed, taken and allowed in the same manner and prosecuted with like effect as appeals are taken from and granted by justices of the peace to the district court under the general laws of this state.

Appeal.

SEC. 9. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law in this state, and no general law of this state contravening in any manner the provisions of this act or any ordinance or thing done by virtue thereof shall be considered or deemed as repealing, amending or in any manner modifying the same unless such purpose and intention shall be expressly set forth in such law.

Declared to be a public act.

SEC. 10. All acts and parts of acts in relation to the incorporation of said city of Hastings, or amendatory thereof, or providing for the election or appointment of any officer of said city not provided for in this act are hereby repealed; *Provided*, Such repeal shall in no manner invalidate or otherwise affect the provisions of any law or act authorizing said city to issue bonds in aid of the construction of any railroad, erection of county buildings, or other purposes, or any provision authorized and made for the payment of the same or the interest thereon, and shall not in any manner affect any contract or act done, or right accrued, or any suit or prosecution commenced prior to the passage of this act; but every such act, contract, right or proceeding shall be as valid and effectual in all respects as if this act had not been passed.

Repeal of inconsistent acts.

When act to take
effect.

SEC. 11. This act shall take effect and be in force from and after the passage thereof.

Approved March 4, 1871.

CHAPTER IV.

February 23, 1871 *An Act to amend and revise Chapter thirty-one of the Special Laws of one thousand eight hundred and sixty-eight, entitled "An Act to incorporate the Village of Waseca."*

- SECTION 1.** Amendment to Chapter thirty-one (81), Special Laws of 1868.
2. Incorporation of the Village of Waseca.
 3. Boundary lines of said village.
 4. In whom management of said village vested.
 5. When annual election to be held—how conducted.
 6. How special elections may be called.
 7. By whom result of elections proclaimed.
 8. Persons elected or appointed to office to qualify—how.
 9. When new election may be ordered.
 10. Jurisdiction of Justice of the Peace.
 11. Justice of the Peace to report to Trustees—what report to contain.
 12. What to constitute a quorum of the Board of Trustees—power of said Board.
 13. Trustees to have the management and control of the finances—further powers of Board of Trustees.
 14. Fines and penalties—limitation.
 15. All ordinances, etc., to be published in official paper.
 16. Authorized to purchase fire engines and other fire apparatus.
 17. When Trustees to make annual statement of finances—when statement to be published.
 18. Said village to constitute a school district.
 19. All work to be let to the lowest responsible bidder—who not to be interested in contracts for said village.
 20. Trustees to have control of all public highways, bridges, etc.
 21. To establish, locate and grade public squares, streets and alleys—right of appeal.
 22. May be constituted one or more road districts.