

and including the word "provided" in the twenty-sixth (26th) line of said section, and in lieu thereof, inserting the following: "And neither the chief of police nor any officer or member of the police department, who may be appointed by the mayor, by and with the consent of the common council as aforesaid, shall be removed unless for cause, nor unless he be first furnished with, and notified of the charges, nor until such officer or member shall have a reasonable opportunity to be heard in his own defense. The mayor and common council may fix a time and place for the trial of such officer or member, compel the attendance of witnesses, and hear and determine the case." If such officer or member neglect to appear and answer, the common council may declare the office vacant. *Provided, the mayor may suspend any officer or member of the said police department pending the proceedings aforesaid.*

SEC. 13. This act to be in force from and after passage.

Approved March 12, 1878.

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## CHAPTER 27.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE INCORPORATION OF THE CITY OF FARIBAULT," APPROVED FEBRUARY TWENTY-NINTH (29th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872).

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

SECTION 1. That section twelve (12) of chapter two (2) of said act be amended so as to read as follows:

SEC. 12. The assessor shall be styled the city assessor, and shall be responsible for the faithful discharge of all the duties pertaining to the proper assessment of all the taxable property of the city, for the purpose of levying city, county and State taxes, and he may nominate each year not to exceed two (2) assistants, who, when confirmed by a majority vote of the council, shall assist the assessor in the performance of his duties under such regulations and for such remuneration as the council shall establish. And upon the completion of the assessment roll, the assessor shall return the same to the common council, who may alter, revise and equalize the same as they may deem just and proper: said city assessor shall hold his office for one (1) year and until his successor is elected and qualified.

SEC. 2. That subdivision first (1st) of section number three (3) of chapter three (3) of said act be so amended as to read as follows:

*First.* To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts, theatrical performances, billiard tables and bowling alleys or saloons; to grant licenses to and regulate auctions and auctioneers, tavern keepers, and vitualing housekeepers, retail canvassers, peddlers and hawkers of goods (except farm products) and all persons dealing in spirituous, vinous, fermented and malt liquors; *Provided*, That no license for dealing in spirituous, vinous, fermented and malt liquors, shall be granted for less than seventy-five (\$75) dollars or more than one hundred and fifty (\$150.00) dollars; and all licenses shall terminate on the first (1st) Monday in May next after the date of their issue; And *provided further*, That the common council may, in its discretion, grant licenses to persons engaged in the manufacture of malt liquors, to deal exclusively in the same, and general liquor licenses to druggists for not less than fifty (50) per cent of the sum required for licenses to other dealer in liquors; And *provided further*, That nothing herein shall be so construed as to prevent the legal voters of the said city from deciding for themselves whether licenses shall be granted to any person or persons in said city; and the city recorder is hereby required on the petition of ten (10) or more legal voters of said city at any time not less than twenty (20) days before any regular city election in said city to give notice in the regular election notices provided for by law, that the question of license will be submitted to the electors at said election, which question shall be determined by ballots containing words "in favor of license" or "against license" (as the case may be) which vote shall be taken, canvassed and returned as is by law prescribed for canvassing the election returns of said city, and if such election returns shall show that a majority of the votes cast at such election be against license then in such case the said common council shall grant no licenses (except to druggists) for the sale of spirituous, vinous or fermented liquors for the space of one (1) year, nor until a majority vote for license shall be cast as aforesaid at some future regular election.

SEC. 3. That sub-division "ninth" (9th) of said section three (3) be so amended as to read as follows:

*Ninth.* To regulate or prevent the running of large of dogs; to require license for keeping the same and impose a fee for such license and a tax upon dogs, and authorize the destruction of the same in a summary manner when not licensed or when at large contrary to the ordinance.

SEC. 4. That section four (4) of chapter three (3) of said act shall be amended so as to read as follows:

SEC. 4. All ordinances shall be passed by an affirmative vote of a majority of the members of the common coun-

cil by ayes and noes, signed by the mayor and published in the official paper of the city before the same shall be in force, and shall be admitted in evidence in any court in this State without further proof; the publication thereof as aforesaid shall be proved by the affidavit of the foreman or publishers of such newspaper, which at all times and in all courts shall be deemed and taken as sufficient evidence of such publication; that such ordinances and proof of publication shall be recorded by the city recorder in books provided for that purpose. Whenever such ordinance shall have been or shall hereafter be printed and published by authority of the corporation the same shall be received in evidence in all courts and places without further proof.

SEC. 5. That section number seven (7) of chapter number three (3) of said act be amended so as to read as follows:

SEC. 7. That the common council of the city shall have full power from time to time to borrow money to pay the indebtedness of the city, and in order to pay such indebtedness the city may issue bonds therefor whenever authorized so to do by the legal voters of said city in accordance with the provisions of section three (3) of chapter four (4) of this act, bearing interest not to exceed ten (10) per cent. per annum, redeemable at any time within ten (10) years, at the discretion of the common council; *Provided*, That at no time shall it be lawful for such indebtedness, bonded or otherwise, to exceed the sum of fifteen thousand (\$15,000.00) dollars, unless the same be authorized by a two-thirds vote of the legal votes cast at the elections held for such purpose. And *provided further*, That the city council shall each and every year levy a tax of one (1) mill on the dollar of the taxable property of the city to pay the interest upon the bonds of said city and create a sinking fund to pay the same when due. No appropriation shall be made without a vote of a majority of the members of the council in its favor, which vote shall be taken by ayes and noes and entered among the proceedings of the council.

SEC. 6. That section two (2) of chapter four (4) of said act be amended by inserting at the eleventh line of said section, after the word "valuation," the words "and provided that no new bridge shall be built across either the Straight, or Cannon river until such expenditure shall have been submitted to the decision of the legal voters of the city at any general or special election."

SEC. 7. That section number three (3) of chapter number four (4) of said act be amended so as to read as follows:

Section 3. The common council shall have power and it shall be its duty to levy annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due and payable in any year, unless that previously to the first (1st) day of September in each year, some other adequate provision shall have been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes where the existing indebtedness, together with the proposed indebtedness, shall not exceed the sum of fifteen thousand (15,000),

dollars, provided the same shall be authorized by a majority of the voters present and voting at an election to be held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized.

SEC. 8. That section eight (8) of chapter four (4) of said act be amended by inserting at the third (3rd) line of said section, after the word "city," the words, "under fifty (50) years of age."

SEC. 9. That section number one (1) of chapter number six (6), of said act be amended so as to read as follows :

Section 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such materials as in the judgment of the common council shall not be dangerous to surrounding property, and to prohibit the repairing or re-building of wooden buildings within the fire limits, except under such restrictions and to such an extent as the said council shall by ordinance prescribe. The common council shall have power to order any building, structure or materials therefor, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same shall not be removed pursuant to the notice given, to order the same to be taken down and removed by the police, or in such manner as the common council shall see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice upon complaint of any citizen.

SEC. 10. That section two (2) of chapter four (4) of said act be amended so as to read as follows:

Section 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing and maintaining bridges and culverts, and opening and 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 for the protection against crime, disease, fire or other calamity; *Provided*, That such taxes shall in no year exceed one (1) per cent. of the assessed valuation; *And provided further*, That for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or wards and lot or lots fronting upon and to be benefited by such improvements in such manner and to such extent as

the common council may think just and equitable according to a cash valuation of the property liable to assessment for such improvement, or without regard to such cash valuation, as said council may determine.

No debt shall be incurred or created by the city, the common council or any officer of the city, except pursuant to the authority herein expressly given for that purpose, and no order or orders shall be issued upon the city treasury exceeding the amount of tax collected or assessed and in process of collection.

SEC. 11. That section three (3) of chapter six (6) of said act be so amended as to read as follows:

Sec. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of hook and ladder, fire engine and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited, and their apparatus to be given up. Every member of each company which may be authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries, and from military duty during the continuance of such membership; and any person having served for the term of eight (8) years in either of said companies, shall be forever exempt from serving on juries, highway work, poll tax, and from military duty, except in cases of insurrection or invasion, and any person having served in any organized fire company of the town of Faribault prior to the passage of this act, shall be deemed to have served under the provisions of this act for the time such person has served as a member of such fire company, and it shall be the duty of the recorder of said city upon sufficient proof that any person has served for the term of eight (8) years in any organized fire company of the city or town of Faribault, in all eight (8) years, to execute under the corporate seal of said city, a certificate exempting such person from highway work and poll tax, from serving on juries, and from military duty.

SEC. 12. That section two (2) of chapter seven (7) of said act be amended so as to read as follows:

Section 2. Whenever the common council shall deem it necessary to construct any sidewalk in said city, they shall require the street commissioner to notify all owners or occupants of any lot or lots or parcels of land adjoining such sidewalk, to construct the same at his or their own proper cost and charge, within a time to be designated by the publication of a notice to said owners or occupants in the official paper of said city, for not less than two (2) weeks, setting forth a description of the work to be done by such owners or occupants, and the time within which the same shall be completed. Notice to repair sidewalks may be such, and given in the manner hereafter prescribed by the common council.

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

Approved March 8, 1878.