



CHAPTER 4.

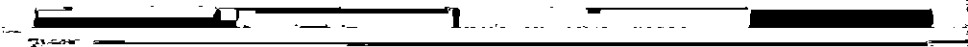
AN ACT TO AMEND CHAPTER FOUR (4) SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876), BEING AN ACT TO INCORPORATE THE CITY OF NEW ULM.


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


SECTION 1. That section three (3) of chapter three (3) of an act to incorporate the city of New Ulm, approved February twenty-fourth (24th), one thousand eight hundred and seventy-six (1876), be amended by adding to the end thereof the following:




















provisions of this act and to prescribe their duties and fix their compensation, unless herein otherwise provided for.

To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen at the crossing of railway tracks over such streets or avenues as the city council shall deem necessary, and to prevent any railroad company from obstructing the streets or crossings in said city for a time exceeding ten (10) minutes, accidents excepted.

SEC. 6. That section ten (10) of chapter four (4) of said act to incorporate the city of New Ulm, be amended to read as follows:

Section 10. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city to construct, reconstruct and maintain in good order and repair, such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe.

Whenever the city council shall deem it necessary that any sidewalk in the city of New Ulm shall be constructed, reconstructed or repaired, it shall by resolution direct such construction, reconstruction or repair, specifying the width thereof and the material of which the same is to be built. The publication of such resolution once in the official paper of the city shall be conclusive and sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land, construct and fully complete such sidewalk within two (2) weeks after the publication of such resolution as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing, reconstructing or repairing the same as hereinafter provided, and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such special assessment shall be collected in all things as is provided for the collection of special assessments under the provisions of chapter seven (7) of this charter. And the city council may, either before or after making such special assessment, cause such portions of such sidewalks as have not been built by the owners of such lands fronting the same, to be built as the council may direct. In case any sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt and the owner of the lot or parcel of land abutting neglects or refuses to put it in good repair after due notice as hereinbefore provided, the city council shall cause the same to be entirely removed and the expense of such removal shall be added to the cost of rebuilding, when the same shall be reconstructed and collected with the assessment for such reconstruction.

SEC. 7. That chapter four (4) of said act be amended by adding thereto at the end thereof the following six (6) sections:

Section 12. The city council shall have power and may cause to be established from time to time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, the grade of all streets, sidewalks and alleys in said city of New Ulm, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a

book of profiles kept for that purpose, but whenever such grade aforesaid has once been established, it shall not be changed unless by a vote of two-thirds ($\frac{2}{3}$) of the members of the city council.

SEC. 13. The city council shall at its first (1st) regular meeting in May of each and every year, or as soon thereafter as may be, designate a weekly newspaper published at said city of New Ulm, as the official paper of the city. The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution or other matter which by this charter is required to be published, file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of said publication.

SEC. 14. The city council shall have full power and authority to direct and regulate the location or management of stock yards, privies or other unwholesome, nauseous house or place, and to remove or cause to be removed any or either of them, or abate the same from time to time, and as often as may be necessary for the health, comfort and cleanliness of the city. The city council shall also have full power and authority, or may delegate the same to the board of health, to make all necessary rules and regulations for the purpose of ascertaining, fixing and declaring what it considers a nuisance, affecting or endangering the health of any citizen, and if said council or board, or a majority of either of them decides that such nuisance exists, the same shall be conclusive of the existence of such nuisance, and no appeal shall lie from said decision: *Provided, however,* That the owner or occupant of any buildings or grounds where such nuisance exists, or is alleged to exist, shall have due notice of the time and place where the hearing will take place to decide upon such nuisance.

SEC. 15. That all books and pamphlets published or which may be published, purporting upon their title page to be published by the authority, order or direction of the city council, and purporting to contain the charter and ordinances of said city, standing rules, orders or resolutions of said city council, or either, are hereby declared to be competent and *prima facie* evidence of the contents thereof, and of the contents of such ordinances, standing rules and orders of any resolutions or other matter purporting to be the act of the city council, which may be found printed therein, and of the due and legal adoption, approval and publication thereof; and the certificate of the city clerk that any printed slip of paper to which such certificate may be attached, contains or is a true copy of any ordinance, resolution, proceeding of the city council or other paper, the original of which is presumably in the possession of said city clerk, shall constitute such printed slip or paper competent and *prima facie* evidence of the contents and purport of the ordinance, resolution, proceeding of the city council or other paper, and of the legal passage, adoption, approval and publication thereof.

SEC. 16. The city council shall have power to remove from office any officer of said city, whether appointed by the city council or elected by the people of said city as hereinafter provided, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall

have had a reasonable opportunity to be heard in person or by counsel in his own defense, nor shall any such officer be removed except by a two-thirds ($\frac{2}{3}$) vote of the councilors of said city. The city council shall fix a time and place for the trial of such officers, of which not less than ten (10) days notice shall be given, and the mayor or other officer presiding is authorized for the purpose of the trial to administer oaths, and the council shall have power to compel the attendance of witnesses and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge, the city council may declare the office vacant.

SEC. 17. That hereafter, whenever amendments are to be made to the charter of the city of New Ulm or the several acts amendatory thereto, they shall not be presented to or acted upon by the legislature of the state of Minnesota, unless the same shall have first been adopted and approved by the city council of the city of New Ulm, and a certificate of the officers of said city attached thereto to that effect.

SEC. 8. That said act entitled "an act to incorporate the city of New Ulm," be further amended by adding thereto a new chapter, and entitled chapter seven (7), containing eight sections.

CHAPTER VII.

SECTION 1. The city council may at the time of directing or ordering a special assessment determine whether to proceed at once with any improvement for which a special assessment is made, or await the collection of such assessment. In case it shall determine to proceed at once with such improvement, the money to defray the expense thereof shall be advanced out of such fund as the council may determine. In such case there shall be added to the cost of such improvement, interest at the rate of seven (7) per cent. per annum from the time such improvement is made until the thirty-first (31st) day of May next ensuing, and such interest shall be included in such assessment and be collected as a part of the cost of such improvement.

SEC. 2. Whenever the city council shall have ordered the construction, reconstruction or repair of any sidewalk, and the owners of the land along which such sidewalk is to be built, shall refuse or for the space of two (2) weeks neglect to construct, reconstruct or repair the same according to the order of the city council, the council shall ascertain the description of each lot or parcel of land along which such sidewalk has not been built, fix upon and designate the cost of building such sidewalk in front of each parcel of land or lot, and thereupon the city council shall assess and levy upon and against such lot or parcel of land so ascertained along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made assessment rolls of the same.

SEC. 3. Special assessment rolls shall be in the following form or any form which the city council may adopt:

The city council of the city of New Ulm doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of _____ a sidewalk along the _____ side of _____ from _____ to _____

in accordance with a resolution of the city council, passed the day of _____ A. D. 18 ____, and duly published in the official paper of said city, on the _____ day of _____ A. D. 18 ____. The amount assessed against and levied upon each lot or parcel, being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.

Name of Owner, if Known.	Description of Land	Lot.	Block	Amount.		Remarks.
				Dollars.	Cts.	

Done at a meeting of the city council this _____ day of _____ A. D. 18 ____.

Attest:

City Clerk.

Mayor, city of New Ulm.

SEC. 4. The city clerk shall record all assessment rolls of special assessments in a book to be by him kept for that purpose and shall on or before the first (1st) day of October of each and every year deliver to the county auditor of the county of Brown, all such assessments theretofore recorded; and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected, and the payment thereof enforced in like manner as state, county and other taxes are collected and the payments thereof enforced, and such assessment when collected shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

SEC. 5. After any special assessment roll shall have been adopted by the city council and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city clerk of said city, who thereupon shall enter upon such assessment roll opposite the assessment so paid the words, "paid to city clerk" which entry shall cancel the assessment so paid.

SEC. 6. Any improvement, the means for which was raised by special assessment, shall forthwith be made in such manner as the city council shall direct.

SEC. 7. No special assessment shall be questioned or held to be invalid because the amount of such assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall have been made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the current fund of said city; and if there shall happen to be any surplus from any such special assessment, the same shall be carried to the credit of the same fund.

SEC. 8. It shall not only be the duty of all owners of land within said city, to keep in good order and repair all sidewalks constructed or existing or that shall hereafter be constructed or exist along or abut-

ting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe, passable condition; and no action shall be commenced or maintained against the city of New Ulm by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk was so defective, is joined in said suit as a party defendant; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if said city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from the other defendant and shall be entitled to execution therein against him [and] to take such other proceedings as judgment creditors are entitled to take.

SEC. 9. This act is hereby declared to be a public act and may be read in evidence in all courts of law in this state without proof.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved March 3, 1883.

CHAPTER 5.

AN ACT TO AMEND THE CHARTER OF THE CITY OF HASTINGS, MINNESOTA, ESTABLISHING A MUNICIPAL COURT IN SAID CITY.

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

SECTION 1. There shall be established in the city of Hastings, in the county of Dakota, a municipal court for the transaction of all business which may lawfully come before it.

SEC. 2. *Clerk—Seal—Jurisdiction of Court.*—Said court shall have a clerk and seal, and shall have in addition to the jurisdiction and powers now conferred by the general laws of this state upon justices of the peace, and the powers conferred by this charter, cognizance of, and jurisdiction to hear, try and determine civil actions or proceedings where the amount in controversy does not exceed five hundred dollars (\$500), or where in case the action is for the recovery of personal property, the value of such property as alleged in the complaint or answer, does not exceed five hundred dollars (\$500); *Provided, however,*