

CHAPTER 107.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO DEFINE THE BOUNDARIES OF AND TO ESTABLISH A MUNICIPAL GOVERNMENT FOR THE VILLAGE OF DULUTH," APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section one (1) of chapter two (2) of an act entitled "An act to define the boundaries of and to establish a municipal government for the village of Duluth," approved March eighth (8th), one thousand eight hundred and eighty-one (1881), be, and the same is hereby, amended by striking out the word "April," in the second (2d) line of said section, and inserting in lieu thereof the word "January."

SEC. 2. That section four (4) of chapter two (2) of said act is amended by adding at the end thereof the following: *Provided*, That the annual election for the year one thousand eight hundred and eighty-five (1885) shall be held on the first (1st) Tuesday in April in said year, and all officers elected at said election for the term of one (1) year shall vacate their offices as soon after the election in January, one thousand eight hundred and eighty-six (1886), as their successors shall have qualified, and all officers elected for the term of two (2) years shall vacate their offices as soon after the election in January, one thousand eight hundred and eighty-seven (1887), as their successors shall have qualified, and all aldermen of said village serving at the time of the passage of this act shall vacate their offices as soon after the election in January, one thousand eight hundred and eighty-six (1886) as their successors shall have qualified.

SEC. 3. That section seven (7) of chapter three (3) of said act be amended by striking from the second (2d) line of said section the words "after the annual election," and inserting instead the words "in February."

SEC. 4. That section one (1) of chapter four (4) of said act is amended by striking out the words "and marshal," from the fifth (5th) line of said section; that section four (4), in the same chapter be amended by striking out the word "marshal" from the second (2d) line of said section, and that section seven (7) of chapter three (3) of said act be amended by striking out the words "village marshal" from the third (3d) line thereof, and inserting instead the words "chief of police."

SEC. 5. That section two (2) of chapter four (4) of said act be amended by adding at the end thereof the following: No ordinance, resolution or vote of the common council, appropriating or creating any liability to pay money, or conferring upon any person or persons,

corporation or company, any special franchise or privilege, or providing for any improvement or imposing any fine or penalty, shall, unless signed or approved by the mayor, have any immediate force or effect, if on the day of its passage, or during the next three days thereafter, the mayor or other officer legally discharging the duties of mayor shall file with the recorder a notice in writing suspending the immediate operation of such ordinance, resolution or vote. If the mayor or other officer legally discharging the duties of mayor, after he shall have filed such notice as aforesaid, shall before the next regular meeting of the common council file with the recorder, in his office, his reasons in writing why such suspended ordinance, resolution or vote should not go into effect, the same shall not go into effect or have any legal force or operation, unless at the next regular meeting of the common council, or at such subsequent meeting as the consideration thereof may be adjourned, the same shall be passed by a vote of two-thirds (2/3) of all the aldermen elect, and the names of all aldermen voting thereon and their votes shall be entered upon the journal, and if so passed the same shall go into immediate effect according to the terms thereof. If such reason shall not be so filed with the recorder as above provided, such ordinance, resolution or vote, after the next regular meeting of the common council next after the same was passed, shall have the same operation and effect as if no notice suspending the same had been filed with the recorder.

SEC. 6. That section six (6) of said chapter be amended by striking out the last sentence thereof and inserting in lieu thereof the following: He shall receive for services such a sum as the common council shall deem proper, not exceeding one thousand (1,000) dollars per annum. Any bank in the village of Duluth with a capital stock of at least thirty thousand (30,000) dollars, which desires to receive on deposit all or any portion of the funds in the hands of the village treasurer, shall, prior to January first (1st) in each year, file with the village recorder an application for said deposit, stating it will furnish good and sufficient bonds payable to the village of Duluth for double the amount of money likely to be received, and conditioned for the safe keeping and payment upon demand by the treasurer of the funds so deposited with it and interest thereon. The application so filed shall be presented to the common council, and the common council may then designate as the village depository the bank which shall agree to pay the said village the largest rate of interest on the average daily balances of moneys so deposited in said bank, which said interest shall be credited to the village account once in each month. After such designation shall have been made all the funds in the hands of the village treasurer, or thereafter received by him, shall be deposited in the said bank in the name of the village of Duluth, and be subject to the order of the village treasurer. When the funds in the hands of the village treasurer shall have been so placed in the village depository, as hereinbefore provided for, such treasurer and his bondsmen shall be exempt from liability therefor by reason of the loss of any such deposited funds from failure, bankruptcy or any other acts of said bank, to the extent and amount of such funds in the hands of such bank at the time of such failure or bankruptcy, but in all other cases the village treasurer and his bondsmen shall be liable for the full amount of the funds at the disposal of said treasurer; *Provided, That in case*

two or more of said banks shall offer to pay the same rate of interest, the common council may direct that the said funds be all placed in one of said banks or divided among them.

SEC. 7. That all of section seven (7) in chapter four (4) of said act be struck out, and in lieu thereof the following be inserted: The mayor shall have control and supervision of the police of the village and shall appoint all officers and watchmen, except the chief of police, but the appointing power herein contained shall not be exercised to remove by implication any policeman of said village serving at the time when said appointments be made, but such officers shall hold their office until removed therefrom by a majority vote of all the members elected to the common council of said village; *Provided*, All appointments of police officers made by the mayor shall be subject to confirmation by the common council; *And provided further*, That the mayor shall have power to suspend any police officer from duty for official misconduct until the next meeting of the common council thereafter, when he shall report such suspension, with his reasons therefor, to the common council to be then dealt with as the common council may deem proper. The mayor shall in his appointments designate officers for the performance of special duties and shall have such control over all police officers or watchmen as may be deemed necessary, and may designate the rank of police officers by such proper title as he shall select. The mayor may, in case of riot, large public gatherings, or other disturbance, appoint such numbers of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one (1) week without the consent of the common council. The mayor shall, with the consent and approval of the common council, from time to time make such regulations for the conduct of the police force and the powers and duties of the several officers thereof, as he may deem necessary, and in like manner alter such regulations, may designate the uniforms, badges, arms, discipline and exercise of the police force, as well as the conduct of the officers and men of said force, when on or off duty, and all other matters deemed necessary to promote the efficiency of the force. It shall be the duty of the chief of police to enter complaint to the village justice of all violations of any ordinance, by-law, rule or regulation of said village, and of all assaults, batteries and affrays not indictable, committed within the limits of said village, and he shall be the keeper of the village prison. All police officers of said village shall possess the powers of constables at common law, or by the laws of this state, and in addition thereto shall have the power, and it shall be their duty, to execute and serve all warrants, processes, commitments, and all writs whatsoever issued by the justices of the village, and they shall have the power to pursue and arrest any person fleeing from justice in any part of the state. They shall also have the power and it shall be their duty, to serve all summons or subpoenas in behalf of said village within its jurisdiction. They shall receive such compensation for their services as the common council may direct. When such officers perform the duties of constables, the village shall be entitled to like fees for their services, to be taxed and collected in like manner.

SEC. 8. The first (1st) sentence in section eight (8) of said chapter four (4) is hereby changed so as to read as follows: The street commis-

sioner shall, under the direction of the common council, superintend the repairing and improving of streets, avenues and alleys, the building and repairing of sidewalks and crosswalks and the maintenance of sewers, and shall have the same supervision of the highways in said village and discharge the same duties as are by law required of overseers of the highways generally.

SEC. 9. Section nine (9) of chapter four (4) is hereby repealed.

SEC. 10. Section ten (10) of chapter four (4) is stricken out and the following is inserted in lieu thereof: The common council shall at its first (1st) regular meeting after the annual election in each year, or as soon thereafter as may be, cause the village recorder to advertise in the official paper of the village for one (1) week for sealed proposals for publishing in some daily or weekly newspaper which shall have been printed, published and of general circulation in said village at least six (6) months prior to the making of such proposals, the ordinances, official proceedings of the council, and other matters required in the charter or the ordinances and resolutions of the village to be published in a public newspaper, such proposals to state the price per folio for the first (1st) insertion and of each additional insertion, of all matters so to be published, said proposals to be marked "proposal for advertising," and addressed to the common council, which proposals shall be opened at the next meeting of the council and the contract for such publishing awarded to such daily or weekly newspaper bidding the lowest therefor; *Provided*, That in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof as a medium for advertising, and for placing before the taxpayers of said village and all persons interested therein the matters herein provided to be advertised, and for the purpose of determining such character and value, the common council may require of the parties making such proposals such showing of the extent and character of the circulation of such newspaper, and other facts connected therewith as it may deem expedient; and in case any two (2) bids are the same the council may select one (1) of such papers; *Provided further*, That the common council may reject all such proposals and adopt such other method of publishing such matter as it may in its discretion determine. The proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of five hundred (\$500) dollars with two (2) satisfactory sureties, to be approved by the council, conditioned to the faithful performance of such contract; the daily or weekly paper so designated shall be and remain the official paper of said village, and the contract and bond aforesaid shall remain in force for the term designated and until the common council shall designate another paper as the official paper of the village.

SEC. 11. Section seventeen (17) of said chapter four (4) is stricken out and in lieu thereof the following is inserted:

Sec. 17. The village surveyor shall, under the direction of the common council, superintend the making, grading, paving and macadamizing of all streets, avenues and alleys, the constructing of permanent sewers, culverts and bridges, shall make surveys and report profiles for the estimating of grades on any street, avenue or alley, give grade and line for the construction of all new sidewalks, and before the

grading of any street, avenue or alley is ordered by the common council, shall examine the premises and report a grade, if one be not already established, and an estimate of the whole expense thereof, and shall file in the office of the village recorder a duly certified copy of said grade and an estimate of said expense. He shall keep on file in his office accurate *copies* of all surveys, grades, specifications, plans, etc., of all works ordered by the common council, which shall be open to the inspection of all interested parties, and shall perform such other work as the council may direct; all surveys, plans, grades, specifications, estimates and papers to be the property of the village of Duluth. He shall receive such compensation as the common council may direct.

SEC. 12. Section one (1) of chapter five (5) of said act is amended by striking out the words "to grant licenses for vending or dealing in spirituous, vinous or fermented liquors," and inserting in lieu thereof the words, "to grant licenses for vending, dealing in, or in any manner disposing of, spirituous, vinous or fermented liquors, and to regulate the place and manner of such sale or disposal," and by adding at the end of such section: Fortieth (40th), to issue building permits and prescribe rules and regulations for the erection, removal or repairing of any building within said village.

SEC. 13. Section two (2) of said chapter five (5) is amended by striking out the words "and be signed by the mayor."

SEC. 14. Section four (4) of said chapter five (5) is amended by striking out the word "marshal" in the second line thereof.

SEC. 15. Section three (3) of chapter six (6) is hereby repealed.

SEC. 16. Section one (1) of chapter seven (7) of said act is amended by adding thereto the following: For the purpose of making the public improvements provided for in this chapter, and making and collecting the assessments therefor, the common council of the village of Duluth shall have jurisdiction throughout all the entire platted portions of the independent school district of Duluth.

SEC. 17. Sections two (2) and four (4) of said chapter are amended by inserting after the word "grading," in said sections, the words "graveling, paving and macadamizing," and said section four (4) is further amended by adding after the word "thereof" in the fourth (4th) line of said section the words "who are residents in said district."

SEC. 18. The fifth (5th) line of section two (2), the fourth (4th) line of section six (6) and the second (2d) line of section eight (8), all of said chapter, are amended by striking out the word "village" in said lines and inserting in lieu thereof the word "district."

SEC. 19. Section nine (9) of said chapter is amended by striking out the words "said assessment" and inserting in lieu thereof the following, "if the owner of any lot or lots shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the common council the cost of such repairs in each case, and a description of the lot, part of lot, or lots abutting which such repairs are made, and such report shall be carefully filed and preserved by the village recorder, and the common council shall once in each year, at, or as near as conveniently may be, the time of levying the annual

village taxes, assess and levy on each of the lots or parcels of land fronting or abutting upon said sidewalks which have been so repaired by the street commissioner, the cost of such repairs, and in each case all such assessments for repairs within the year may be combined in one (1) assessment roll, and all assessments made pursuant to the provisions of this section.

Sec. 20. Said chapter seven (7) of said act is hereby amended by adding the following sections:

Sec. 32. The common council of said village may, without the petition of the property owners required by section four (4) of this chapter, cause Lake avenue in said village to be graded from Michigan street to the canal across Minnesota point. The cost of such grading, if said grading is done without the petition required in said section four (4), shall be paid in the first (1st) instance, out of the general fund of the village, and the common council shall assess against each of the lots or parcels of land fronting upon said Lake avenue one-half (1/2) the entire cost of such improvement; and the amount so assessed against said lots or parcels, may be enforced in the same manner as sidewalk assessments are enforced, as provided by section nine (9) of this chapter.

Sec. 33. The common council of said village may from time to time as they deem expedient, cause new and accurate surveys to be made by the village surveyor assisted by such other surveyors as said council may appoint, of all the streets, avenues and alleys shown upon the recorded plats of any or all portions of land included within the independent school district of Duluth, and of all public grounds, wharves, landings and docklines within said district, and cause to be established such permanent landmarks as they may deem necessary, and cause accurate plats or maps to be made and certified to by the said village surveyor, which plats or maps shall be filed in the office of said village surveyor, and a certified copy thereof recorded in the office of the register of deeds in and for St. Louis county. The survey and landmarks so made shall be *prima facie* evidence of the lines and boundaries of all streets, avenues, alleys, public grounds, wharves, landings and docklines in said district in all cases in which they shall be called in question in the courts of this state.

Sec. 34. Any railroad company, or street railway company, who shall, in clearing their tracks through any part of the village of Duluth, or otherwise, pile up snow or other substance, or material, and leave the same piled upon any traveled portion of any streets or highways of said village, shall be liable to any person who shall be injured by means of any such obstruction, caused by such company or its servants for all damages sustained; and in case any damages shall be recovered against said village for injuries caused by such obstruction, the said village shall have the right to recover the same again from the company by whom the obstruction was caused.

Sec. 35. For the purpose of providing a sewerage fund for the construction of a system of sewers for the village of Duluth, the common council of said village is hereby authorized to issue the bonds of said village to the amount of twenty-five thousand (25,000) dollars said bonds to bear interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually, on the first (1st) days of January and July of each year, at such place as the common council deem proper.

Said bonds shall be issued in denominations not exceeding one thousand (1,000) dollars each, with interest coupons attached, one (1) for each six (6) months the bonds to which the coupon is attached has to run; and none of such bonds shall be sold for less than the face or par value thereof. One-fifth ($\frac{1}{5}$) of said bonds shall be payable in sixteen (16) years from the date thereof, one-fifth ($\frac{1}{5}$) payable in seventeen (17) years from the date thereof, one-fifth ($\frac{1}{5}$) payable in eighteen (18) years from the date thereof, one-fifth ($\frac{1}{5}$) payable in nineteen (19) years from the date thereof, and the remaining one-fifth ($\frac{1}{5}$) payable in twenty (20) years from the date thereof, at the village of Duluth aforesaid. The common council of said village shall likewise have the power to levy annually on all taxable property within said village a tax of one-half ($\frac{1}{2}$) mill on the dollar for sewerage purposes. All moneys arising from the sale of sewerage bonds, or sewerage certificates, and from the collection of the one-half ($\frac{1}{2}$) mill tax above provided for, and from all assessments for the construction of sewers, shall, when paid into the village treasury, constitute and be credited to the sewer fund of said village, and shall be used solely for the purposes of constructing sewers for said village and for the payment of the principal and interest of said sewerage bonds and certificate.

Sec. 36. Whenever the common council of said village shall order the paving or macadamizing of any street on which gas, water or sewerage mains have been laid, they shall, by resolution, require the village recorder to publish a notice to all owners of lots or parcels of land, fronting on the said street along the line of such improvement, which notice shall require the owners of said lots or parcels of land to lay, or cause to be laid, service pipes from the said gas, water and sewerage mains to the curb lines directly in front of the centre of each forty (40) or fifty (50) foot lot, as the same shall have been laid out in the original plats of record in the office of the register of deeds in St. Louis county, within a certain time designated in said notice, not less than thirty (30) days from the date of the first (1st) publication thereof. The said notice shall be published in the official paper of the village not less than once a week for two (2) successive weeks, and shall contain a substantial description of the work to be done and the time within which the owners are required to do the same; *Provided*, that only lots on said street as shall have been assessed for the construction of the sewers on said street, shall be compelled to make connection with the sewer mains. If said service pipes are not laid by the owners of the property fronting upon said improvement within the time designated in such notice, and in the manner prescribed by, and to the satisfaction of the village surveyor, the common council may order the same to be laid at the expense of the lots fronting upon such improvement, and the expense thereof shall be assessed against the lots, so chargeable in the same manner that sidewalk assessments are made, and shall be enforced and collected in the same manner; *Provided*, That if any of said original lots in front of which said service pipes shall be laid by the village, shall have been divided, the cost of laying said pipes shall be assessed against the fractions thereof, in proportion to their frontage; *Provided*, That no lot or part of lot, shall be assessed for gas, water or sewer service, if the same has, at the time said resolution is passed, been already laid.

Sec. 37. If any of the original lots, as platted, shall have been

divided, the cost of grading, graveling, planting, macadamizing or paving streets and alleys, constructing sewers on any street or alley, or of building or repairing sidewalks in front of said original lot, shall be assessed against the fractions of said lot, in proportion to their frontage on such street, sewer or sidewalk.

SEC. 21. Section one (1) of chapter eight (8) of said act is amended by adding at the end thereof the following: *Provided*, That no contractor for the improvement of any street or highway, or for the construction of any sewer, shall receive more than eighty (80) per cent of the amount due on his contract as the work thereon progresses, according to estimates submitted by the village surveyor to the common council; but the balance, twenty (20) per cent, shall be paid only upon the final completion of said work and the acceptance thereof by said council.

SEC. 22. Section eight (8) of chapter eight (8) is amended by striking out all of said section after the words "St. Louis county."

SEC. 23. Section eight (8) of chapter seven (7) is amended by striking out the words "not less than two (2) weeks," and inserting in lieu thereof the words "not less than once each week for two (2) successive weeks."

SEC. 24. Section fourteen (14) of chapter seven (7) is amended by striking out and repealing all that part of said section after the words "last section."

SEC. 25. This act shall take effect and be in force from and after the eighth (8th) day of April, A. D. one thousand eight hundred and eighty-five (1885).

Approved February 26, 1885.

CHAPTER 108.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FIVE (235) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN (1877), RELATING TO THE VILLAGE OF DULUTH.

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

SECTION 1. That chapter two hundred and thirty-five (235) of the special laws of one thousand eight hundred and seventy-seven (1877) be and the same is hereby amended as follows:

First. By inserting the word "fifty" (50) at the end of the second (2d) line of section four (4), and by striking out the figures "100,000" in the third (3d) line thereof, and inserting in lieu thereof the words "one hundred and fifty thousand (150,000)."