

change or alteration, and with the same right of appeal, as in the case of alteration of street grades under section twelve (12), of chapter eight (8), of the charter of said city. *Provided*, That a change of street grade under said charter, shall include said change in said plan for sewerage, as may be necessary to make the same conform to such new street grades.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to  
take effect.

Approved February 24, 1869.

### CHAPTER XXIII.

*An Act to authorize the city of Saint Paul to provide for the construction of sidewalks in said city.*

Feb'y 24, 1869.

- SECTION 1. Common Council authorized to enact an ordinance for the regulation and construction of sidewalks.
2. Power of Council or Street Commissioner to prevent construction of sidewalk when not laid conformably to the provisions of this act.
  3. When necessary to construct or repair any sidewalk, the Street Commissioner to publish notice to all owners of lots adjoining such proposed sidewalk—what notice to contain.
  4. If sidewalk not built or repaired, according to the terms of such notice, duty of Street Commissioner—how expense of building to be paid.
  5. If the expense of constructing and repairing exceed the amount provided for said purpose, Council may order its completion by the Street Commissioner or may advertise for sealed proposals to complete the same.
  6. Street Commissioner to report to Council on completion of said work—what report to contain.
  7. Expense of repairing or constructing sidewalks to be borne by the owners of the property benefited thereby—list of such owners to be furnished City Comptroller and Treasurer.
  8. Duty of City Treasurer upon the receipt of such list—what to be deemed evidence of the legality of such assessment.
  9. Persons feeling aggrieved may petition the Common Council for an abatement—right of appeal if petition is not acted upon within the stipulated time.

10. Treasurer to keep a record of all payments made, and to give his receipt therefor—in default of payment within time prescribed, twelve (12) per cent. to be added as a penalty for non-payment.
11. When lists and assessments shall be returned to City Comptroller—duty of City Comptroller—duty of County Auditor.
12. The expense of constructing or repairing shall include all stone work, excavation, etc.
13. All sidewalks constructed by owners shall be subject to the approval of the Street Commissioner.
14. When act to take effect.

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

Council to pass ordinance regulating the construction of sidewalks.

SECTION 1. The city of Saint Paul is hereby authorized to enact an ordinance regulating the construction and repairs of sidewalks in said city; the width, grade, material, and mode of construction thereof, with power to alter, amend or repeal such ordinance.

When may prevent construction of the same.

SEC. 2. The common council, or street commissioner of said city, may have power to prevent the laying or construction of any sidewalk which shall be constructed after the passage of such ordinance, which shall not be laid and constructed in the manner or of the material, size, or grade established in such ordinance; and may also require the repair, removal or relaying and reconstruction of any sidewalk now laid, and which may not be of the size, grade or material designated in such ordinance.

Duty of street commissioner when necessary to construct or repair sidewalks

SEC. 3 Whenever the common council of said city shall deem it necessary to construct or repair any sidewalk in said city, they shall, by resolution, require the street commissioner to publish a notice to all owners and occupants of any lot or parcel of land adjoining such proposed sidewalk, to construct or repair the same at his or their own proper expense and charge, within a certain time designated in such notice, not less than thirty (30) days from the date of the publication thereof. The said notice shall be published in the official paper for said city, and shall contain a substantial description of the locality where such sidewalk is to be constructed or repaired, the nature of the work to be done, (whether construction or repair) and the time within which the owners or occupants are required to do the same.

SEC. 4. If such work or any portion thereof is not done, and the sidewalk not constructed, built or repaired.

according to the terms of the said ordinance, and within the time designated in said notice, the street commissioner shall immediately cause the said sidewalk to be constructed or repaired, at the expense of the lots and parcels of land adjoining such work, if the cost and expense thereof shall not exceed the sum of two hundred dollars. And he shall report to the common council, the actual expense of such sidewalk, or part of sidewalk by him constructed, and such account shall be examined and audited as other accounts against said city, and shall be paid out of the general fund, and the said account as audited shall be assessed against the lots and parcels of land adjoining such work, in the manner provided in section seven.

*Duty of said officer when walk not built or repaired according to directions—expenses how paid.*

SEC. 5. If the street commissioner shall find that the expense of building, constructing, or repairing such sidewalks, or any portion thereof remaining to be constructed and repaired after the expiration of the time designated in said notice, shall exceed the sum of two hundred dollars, he shall immediately report to the common council how much thereof has been constructed or repaired according to said notice, and an estimate of the probable expense of constructing or repairing the balance thereof. The said common council may thereupon order the street commissioner to complete said work, or may advertise for sealed proposals to complete the same, in which latter case they shall proceed and let a contract therefor in all respects as provided in section four, of chapter eight, of the charter of said city, approved March sixth, one thousand eight hundred and sixty-eight, except that it shall be the duty of the comptroller of said city, to countersign such contract without regard to the proviso contained in said section four, and without regard to the fact of there being no money in the appropriate fund to pay for such contract.

*When council may order completion of unfinished work.*

SEC. 6. When any such work shall have been fully performed by the street commissioner or under contract, the street commissioner shall report the same, with the amount of work done, and an account therefor, to the common council, and the said account shall be examined and audited as other accounts against said city, and paid out of the general fund.

*When street commissioner to report to council—report what to contain.*

SEC. 7. Immediately after the auditing of any account for work done under sections four, five, and six, it shall be the duty of the street commissioner to make out a list of all the lots or parcels of land adjoining the sidewalk or part of sidewalk so constructed or repaired, together with

*Expense of repairing or constructing walks by whom borne—list of owners furnished.*

the cash valuation of such lots or parcels of land, and to assess the total cost of such work, or repair to the said lots or parcels of land, *pro rata*, according to their cash valuation; *Provided*, That no part of such expense shall be assessed against any lot or parcel of land which is exempt from taxation under the laws of this state or the charter of said city, nor shall the expense of such work adjoining such exempt property, be assessed against any other lot or parcel of land. The said list and assessment shall be certified by said street commissioner, and one copy thereof shall be delivered to the city comptroller, and one copy to the city treasurer.

Duty of treasurer on receipt of such list—what evidence of legality of such assessment.

SEC. 8. Upon the receipt of such copy of said list and assessment from the street commissioner, it shall be the duty of the city treasurer to record the same in a book to be provided for that purpose and kept in his office. And he shall also publish the said list and assessment in the official paper for said city, with a notice to the owners and occupants of the lots and parcels of land therein described, to pay the amounts of such assessments to said treasurer, within thirty (30) days from the date of the publication of such notice, and that in default of such payment, within said time, a penalty of twelve (12) per cent. will be added to the said assessments upon said lots and parcels of land. The said notice, with legal proof of the due publication thereof, shall be *prima facie* evidence of the regularity and legality of such assessment, and of all proceedings had thereon.

Persons aggrieved may petition for abatement—right of appeal.

SEC. 9. Any owner, occupant, or other person interested and feeling aggrieved by reason of any such assessment, may petition the common council for an abatement thereof, at any time within thirty days from the date of the publication of such notice; and said common council may, by resolution, authorize said treasurer to abate or remit the same in their discretion, but such abatement or remission shall not be added to the assessment against any other lot or parcel of land. If said petition be refused or not acted on by said common council within thirty days after said petition shall have been presented, the said petitioner may appeal from such assessment at any time within the next thirty days thereafter, in the manner provided in section two, of chapter VII of the charter of said city.

SEC. 10. It shall be the duty of the city treasurer to keep a record of all payments made on account of such

assessments, and to give his receipts thereof. In default of payment of any such assessment, within thirty (30) days after the publication of notice thereof, it shall be the duty of said treasurer to add to the same twelve (12) per cent. thereof as a penalty for such non-payment, and to collect such penalty upon the subsequent payment of such assessment. And all payments made to said treasurer on account of such assessments or penalties, shall be paid and credited by him at the time of such payment, to the general fund of said city.

Duty of treasurer—penalty for non-payment in time specified.

SEC. 11. On or before the first day of November of each year, the said city treasurer shall return all such lists and assessments to the city comptroller, with a statement of all assessments and penalties paid and collected, and of all assessments and penalties remaining unpaid, against each lot or parcel of land. And the city comptroller shall thereupon make out a consolidated list and statement of all such delinquent and unpaid assessments and penalties, and of the several lots and parcels of land charged therewith, and duly certify said consolidated list and deliver the same to the county auditor of Ramsey county, on or before the tenth day of November of each year. The said county auditor shall thereupon enter the said assessments and penalties against the said lots and parcels of land charged therewith, on the tax duplicates for that year, and thereupon the same shall become a lien upon said respective lots and parcels of land, and the payment thereof shall be enforced, with and in like manner, and with like penalties and forfeitures, as city, county and state taxes are collected and payment thereof enforced, and the said collections shall be paid to the city treasurer in like manner as other taxes are paid.

When lists returned—duties of comptroller and auditor.

SEC. 12. The expense of constructing or repairing sidewalks in said city, shall include all stone work, excavation or filling necessary to make the same upon established grades.

Expense to include stonework excavation, etc.

SEC. 13. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land, in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said city.

All work to be approved by the street commissioner.

SEC. 14. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 24, 1869.