

## CHAPTER III.

*An Act to reduce the law incorporating the city of Owatonna, in the county of Steele, and State of Minnesota, and the acts amendatory thereof into one act, and to amend the same.* March 6, 1869.

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

### CHAPTER I.

Consolidation of  
acts of incor-  
poration.

SECTION 1. That the act of the legislature of this state incorporating the city of Owatonna, and the several acts and parts of acts amendatory thereof be, and the same are hereby amended, consolidated and incorporated into one act as follows :

Incorporation of  
the city of  
Owatonna.

SEC. 2. All that part of the county of Steele contained within the limits and boundaries hereinafter described, shall be a city by the name of Owatonna, and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of Owatonna, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual succession, 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, and may take, hold and purchase, lease and convey such real, personal and mixed estate, as the purposes of the corporation may require within or without the city.

Boundary lines  
of the city of  
Owatonna.

SEC. 3. The territory included within the following boundaries and limits, shall constitute the city of Owatonna, viz : Sections three, four, nine, ten, fifteen and sixteen, and the west one-half of sections number two, eleven and fourteen, and the east one-half of sections number five, eight and seventeen, in township one hundred and seven, of range number twenty, west.

SEC. 4. The said city is hereby divided into three

wards. The first ward shall comprise all that portion which lies south of a line drawn from the east to the west boundaries of the city, straight through the centre of Mill street. The second ward shall comprise all that part of the city, which lies between a line drawn from the east to the west boundaries of the city, straight through the centre of Pearl street and the first ward. The third ward shall comprise all that part of the city which lies north of the second ward.

*Divided into wards—boundary of wards.*

## CHAPTER II.

SECTION 1. The elective officers of said city at large shall be a mayor, recorder, one assessor, a treasurer, city marshal, street commissioner and a city justice of the peace, who shall be styled city justice. The mayor, recorder, assessor, treasurer, city marshal and street commissioner, who shall hold their respective offices one year and until their successors are elected and qualified. The city justice shall hold his office for two years and until his successor is elected and qualified.

*What to be elective offices—term of office.*

SEC. 2. No person shall be eligible to the office of mayor, recorder, assessor or city justice who shall not have been a resident of the city for one year next preceding his election.

*Eligibility to office.*

SEC. 3. The officers elected in each ward shall be one alderman, one justice of the peace, who shall hold their offices for two years, and one constable who shall hold his office for one year and until their successors are elected and qualified. All of which said officers shall be residents of the ward in which they are respectively elected, and shall have resided therein thirty days, and in the city six months next preceding such election. All the city officers shall be qualified electors of the State.

*Officers for each ward—term of office.*

## CHAPTER III.

SECTION 1. There shall be a council to consist of a mayor and board of aldermen which shall be styled the common council of the city of Owatonna.

*Common council—of whom to consist.*

SEC. 2. The board of aldermen shall consist of two members from each ward to be chosen for two years by the qualified voters of each respective ward.

*What to constitute the board of aldermen.*

SEC. 3. The common council shall judge of the qualifications, elections and returns of its own members, and

*To judge of the election of its own members—to determine contested elections.*

shall determine all contested elections, and in such cases shall have power to send for persons and papers.

What to constitute a quorum.

SEC. 4. A majority of the common council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

To determine the rule of its proceedings, etc.

SEC. 5. The common council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected expel a member, after due notice given and an opportunity extended to the accused, to be heard by counsel or otherwise.

To keep a journal of its proceedings.

SEC. 6. The common council shall keep a journal of its proceedings, and ayes and nays when demanded by any member present, shall be entered on the journal.

Council to elect city officers—when.

SEC. 7. The common council shall, after its first regular meeting after the annual election or as soon thereafter as may be, appoint a city attorney and a city surveyor, who shall each possess the same qualifications for office as are required in the cases of aldermen.

Qualification for office.

SEC. 8. No alderman shall be appointed to any office under the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

Meeting of the council—regular

SEC. 9. There shall be one regular meeting of the common council in each month, at such time and place as shall be prescribed by ordinance.

#### CHAPTER IV.

Time of holding elections—notice to be given.

SECTION 1. The annual election of city officers shall be held on the first Tuesday in April in each year, at such places in each ward as the common council shall designate, and the polls shall be kept open from ten o'clock A. M., till four P. M., and ten days previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Vacancies, how filled.

SEC. 2. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within ten days af-

ter such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy occurring in any other office shall be filled by the common council. The person appointed to fill any vacancy, by said common council shall hold his office and discharge the duties thereof until his successor is elected and qualified, and no longer, subject to the same liabilities as the person whose office he may have been appointed to fill.

SEC. 3. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct.

Elections to be by ballot—what to constitute an election.

SEC. 4. All persons entitled to vote for state or county officers, and who shall have resided in the city four months next preceding the election, and twenty days in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this law, and the different wards established by law shall constitute the election precinct for state and county as well as city elections, and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the register of deeds of the county of Steele within the time and in the manner prescribed by law.

Who entitled to vote.

SEC. 5. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be inspectors of election, and shall take the usual oath or affirmation, as prescribed by the general laws of the state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of the state regarding elections. *Provided*, That no candidate for office shall act as inspector or clerk at such election.

How elections to be conducted.

SEC. 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of such

Right to chal-  
lenge..

Oath to be ad-  
ministered.

Penalty for vo-  
ting illegally.

Duties of in-  
spectors of elec-  
tion.

person be challenged by a qualified elector of the ward, the inspector before receiving the vote of any such person shall require of him to take the following oath: "You do solemnly swear (or affirm as the case may be) that you are twenty-one years of age, that you are a citizen of the United States (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization) that you have resided in this state (or city in case of a city election) four months, and within the ward twenty days next preceding the election, that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, and not less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall make the oath aforesaid, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote; or shall make out false returns of an election; or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the district court of the county of Steele.

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered in case of a city election, such returns to the recorder, who shall forthwith give notice to



each of the aldermen of their respective elections, within one week after any election, the common council shall meet and canvass said returns, and declare the result as it appears from the same so far as relates to city or ward officers.

SEC. 8. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by resolution.

How special elections to be conducted.

SEC. 9. Any officer removing from the city or 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 enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

When office deemed to be vacant.

SEC. 10. The term of every officer elected under this law shall commence at the time when he is elected and qualified, and unless otherwise herein provided continue until his successor is elected and qualified.

When term of office to commence.

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council shall order a new election to be held, ten days notice of the time and place of holding such election being first given.

When new election to be ordered.

## CHAPTER V.

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 taking the same, with the recorder of the city, and the treasurer and marshal and such other officer as the common council may direct, shall severally before entering upon the duties of their respective offices, execute to the city of Owatonna, a bond with at least two sureties, (to be approved by the common council) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer neglecting or refusing to give the same.

Persons elected or appointed to office to give bond.

Who to be pre-  
siding officer—  
special meetings—  
how called.

SEC. 2. The mayor shall, when present, preside over the meetings of the common 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. The mayor or any two aldermen may call special meetings of the common council. He shall inspect the conduct of all subordinate officers, and cause negligent and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the common council, and recommend such measures as he may deem advantageous to the city. He 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 to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the military companies of the city to aid him in suppressing the same, or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to the city a fine not exceeding twenty-five dollars and not less than five dollars.

When mayor is  
able to indict-  
ment.

SEC. 3. In case the mayor shall be guilty of any 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.

Temporary pre-  
siding officer—  
how chosen.

SEC. 4. In case the mayor shall be absent from any meeting of the common council, the common council shall proceed to elect one of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. In case of the absence of the mayor from the city, or his inability from any reason other than removal from the city, 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.

SEC. 5. The recorder shall keep the corporate seal and all the papers and records of the city, and keep a record

of the proceedings of the common council at whose meeting it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The recorder shall have power to administer oaths or affirmations and take the acknowledgments of deeds and other writings. He shall report annually on or about the first day of June to the common council an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of July in each year. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city or any committee of the common council. He shall negotiate such temporary loans for the city as the city council may direct, anticipating the revenues for the current year, but such loan shall be subject to the approval of the common council. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not directly or indirectly be interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the city council shall deem proper, not to exceed one hundred dollars per annum.

Duties of recorder.

SEC. 6. The attorney for the city shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the common council or its committees; *Provided*, He shall not receive to exceed one hundred dollars per year for such services.

Duties of city attorney.

SEC. 7. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council within at least twenty days after the annual election or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury,

Duties of treasurer.

which accounts shall be filed with the record. He shall not be entitled to any pay for his services except as hereinafter provided.

Duties of marshal.

SEC. 8. The marshal shall execute such orders as are made and perform such other duties as are prescribed by the common council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the city and for all other purposes. He shall possess the powers of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve civil process except when the city is a party. He shall receive no other compensation for his services than constable's fees and a per cent. on all money's collected to be allowed by the common council, except as may be hereinafter provided.

Duties of street commissioner.

SEC. 9. The street commissioner shall under the direction of the common council superintend the grading and improving of streets, alleys, and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city and discharge the same duties as [are] by law required of overseers of highways generally.

Further powers of council.

SEC. 10. The common council shall have power to require from time to time other and further duties to be performed by 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 compensation. Such compensation shall be fixed at the time such office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The common council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

Council to appoint city printer—when.

SEC. 11. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in the city, in which shall be published all ordinances and other proceedings and matters required by this act, or that may be required by the by-laws or ordinances of the common council to be published in a public newspaper.

SEC. 12. The city printer immediately after the publication of any notice or resolution or other matters which

by this act is, or by city ordinance shall be required to be published, shall file with the recorder a copy of such publication with his affidavit or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter. Any person having been an officer in said city shall, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city one hundred dollars; besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state in cases of unlawful detention of property.

Duties of city printer.

SEC. 13. No member of the common council shall be a party to, or interested in any job or contract with the city, and any contract in which any member of the common council may be so interested shall be null and void.

Who may not be interested in any job or contract for city.

SEC. 14. The mayor, sheriff of Steele county, and each and every alderman, justice of the peace, marshal, recorder and constables of the town of which said city is a part, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars and not less than five dollars.

Who to be officers of the peace within the limits of the city.

SEC. 15. The city justice shall possess all the authority, power and rights of justices of the peace of this state, and shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace. But warrants returnable before the said city justice, may be issued in criminal cases by any justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for

Jurisdiction of justices of the peace.

Jurisdiction of  
justices of the  
peace.

the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation, and in all cases of offence committed against the same. All prosecutions for assault, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Owatonna, and the same proceedings shall be had in civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. *Provided*, That in cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray not indictable, committed within the city limits, no appeal shall be allowed when the judgment or fine imposed exclusive of costs, is less than fifteen dollars. In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill governed houses, the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the district courts or supreme court of the state. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city, to perform the duties of said justice of the peace for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace so appointed, shall, for the time being, possess all the authority, powers and rights of said justice of the peace for the city. All fines and penalties imposed by the city justice for offenses

committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to, and be a part of the finances of said city.

SEC. 16. The city justice shall quarterly report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for, and pay over to the city treasurer all fines and penalties collected by him belonging to said city, and said justice shall be entitled to receive from the county of Steele such fees in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

When justice to report to council.

SEC. 17. The justices of the peace and constables elected in each ward, shall have the same powers, authority and rights as are possessed by other justices and constables of the county of Steele, under the laws of the state.

Powers of justices of the peace and constables.

SEC. 18. The common council shall prescribe the duties of the city surveyor, and fix the fees of compensation for any services performed by him. All surveys, plans or estimates made by him for the city, shall be the property of the city and carefully preserved in the office of the recorder, open for the inspection of the parties interested.

Duties of city surveyor—by whom prescribed—all surveys, etc., to be property of city.

## CHAPTER VI.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be—The Common Council of the City of Owatonna do ordain. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise 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 and intemperance and the prevention of crime, as they shall deem expedient, and declare and impose penalties by fine and 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 all such ordinances rules and by-laws are hereby declared to be and have the full force of law, and for these purposes, shall have authority by ordinances, resolutions or by-laws. *Provided,*

Who to constitute the common council—style of all ordinances—powers of the council.

They be not repugnant to the constitution and laws of the United States or of this state.

*First*—To license and regulate the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables or bowling saloons, and to fix the rate of license therefor, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law, or under this act, and to grant licenses and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors. *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors shall be at least one hundred dollars a year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one year.

Powers of the  
council.

*Second*—To restrain and prohibit all gaming with cards, and all gaming tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purposes of gaming in said city, and to restrain and prohibit any person from vending, giving, or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, and impose such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment.

*Third*—To prevent any riots, noise, disturbance and disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.

*Fourth*—To compel the owner or occupant of any grocery, cellars, tallow chandlers' shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time as often as they may be deemed necessary for the health, comfort, and convenience of the inhabitants of the city.

*Fifth*—To direct the location and management of slaughter houses and markets in said city, and to regulate



the sale, storage, keeping and conveying of gunpowder or other combustible materials.

*Sixth*—To prevent the incumbering of streets, sidewalks, lanes and alleys with carriages, carts, wagons, sleighs, boxes, firewood, lumber, or any other material or substance whatever.

*Seventh*—To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.

*Eighth*—To restrain from running at large, cattle, horses, mules, swine, sheep, poultry, and geese, and to authorize the impounding, detaining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

*Ninth*—To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of dogs when at large contrary to the ordinance.

Powers of the  
council.

*Tenth*—To prevent any person from bringing, depositing or having within the city any putrid carcass, or any other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or from any street, lane or alley, and in default to authorize the removal thereof by any competent officer, at the expense of the person or persons.

*Eleventh*—To make and establish public grounds, pounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps, or other means whereby to light the city; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

*Twelfth*—To establish and regulate boards of health, provide hospitals, and cemetery grounds, and to remove the same when necessary for the public good, to regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

*Thirteenth*—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth*—To prevent all persons riding or driving any ox, cow, horse, mule or other animals on the sidewalks of the city or in any way doing damage to such sidewalks.

*Fifteenth*—To prevent the shooting of firearms, crackers, rockets or other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the city or any property therein or annoying to any citizen thereof.

*Sixteenth*—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

*Seventeenth*—To restrain and regulate runners and solicitors for stages, public houses, railways and other establishments, and to regulate the police of the city.

*Eighteenth*—To establish public markets and enforce rules and regulations for the government of the same.

*Nineteenth*—To regulate the place and manner of selling and to provide for the inspection and weight of hay and stone coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Power of the  
council.

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

*Twenty-first*—To regulate the time, place and manner of holding public auctions or vendues.

*Twenty-second*—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, to provide for the punishment for the use of false weights and measures.

*Twenty-third*—To appropriate money and provide for the payment of the expenses of the city.

*Twenty-fourth*—To establish, regulate and support night watches when necessary.

*Twenty-fifth*—To provide for the erection of all needful buildings for the use of the city.

*Twenty-sixth*—To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof with shade trees.

*Twenty-seventh*—To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawnbrokers and money changers.

*Twentieth-eighth*—To license and regulate porters and fix the price of portorage.

*Twenty-ninth*—To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

*Thirtieth*—To regulate and order parapet walls and partition fences.

*Thirty-first*—To provide for taking from time to time the enumeration of the inhabitants of the city.

*Thirty-second*—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws and enforce the same within three miles of the city.

*Thirty-third*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

*Thirty-fourth*—To prescribe the limits within which wooden buildings or buildings of other materials, that shall not be deemed fire-proof shall not be erected placed and repaired and to direct that all and any buildings within such limits prescribed, shall be made and constructed of fire-proof material, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages.

Power of the  
council.

*Thirty-fifth*—To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous, 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 limits, and generally to establish such measures for the prevention or extinguishment of fires as prudence may dictate.

*Thirty-sixth*—To appoint one or more fire-wardens and to prescribe their duties.

*Thirty-seventh*—The common council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such com-

panies to be disbanded and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment; and each member of every such company shall be exempt from all poll tax, from serving on juries, and from military duty, during the continuance of such membership.

*Thirty-eighth*—The common council of said city may provide by ordinance that any one convicted of an offense before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any work house established by said city for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment, in such work house or upon the public streets and improvements of said city, or both, and may also provide by ordinance that any one convicted of an offense before the city justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any work house of said city as aforesaid, or in case of a male offender, may be kept at hard labor either in such work house or upon the public streets and improvements, or both, until such person shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape and ensure proper discipline, and shall have power to establish a suitable work house in said city, for the purpose aforesaid, and under such regulations as the said common council may provide; *Provided*, That the common council aforesaid, shall be and is hereby authorized to use the jail of Steele county as the workhouse of the city of Owatonna, provided for in this act, the prisoners of the city to be, as at present, in the custody of the sheriff of Steele county, except when employed upon the public streets and improvements of said city.

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the common council, and be signed by the mayor, and shall be published in the official paper of the city before the same shall be in force, and within twenty days thereafter, they shall be recorded by the recorder in books provided for that purpose, but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication

Powers of the council.

All ordinances, etc., to be signed by the mayor.

thereof as aforesaid shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

SEC. 4. All funds in the city treasury shall be under the control of the common council, and shall be drawn out upon the order of the mayor and recorder duly authorized by vote of the common council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full council voting in favor of it; and the vote shall be taken by calling the roll, and the vote of each member of the council shall be entered upon the journal of the council, and no moneys shall be appropriated except such as are expressly authorized by this act.

Funds to be under the control of the council.

SEC. 5. The power conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented or intoxicating liquors are sold, given away or dealt in, without the license required therefor within the limits of said city, are hereby declared and deemed public or common nuisances.

What deemed common nuisances.

SEC. 6. The common council shall examine and adjust the accounts of the treasurer, marshal, recorder and all other officers and agents of the city at such times as they may deem proper, and at the end of each year; and before the time for which such officers were appointed or elected shall have expired, and the council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such public officer or agent 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, as defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments. They may receive for their services one dollar each for any

Council to examine and adjust the accounts of city officers.

meeting of said council at which they are present and answering to their names.

## CHAPTER VII.

SECTION 1. All funds in the treasury except state and county funds shall be under the control of the common council and be drawn out upon the order of the mayor and countersigned by the recorder duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

SEC. 2. The said council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding in the aggregate five hundred dollars per annum. That every male inhabitant being over twenty-one (21) years and under the age of fifty (50) years, excepting paupers, idiots, lunatics and such others as are exempt by law, shall be assessed a capitation or poll tax of two days' work, in each year, upon the highways, streets, alleys or bridges within the city, under the direction of the street commissioner. All persons liable to pay such capitation or poll tax may in lieu of work, pay to the street commissioner one dollar per day, and the street commissioner shall expend all money so received on the streets, highways, alleys or bridges, under the direction of the common council.

## CHAPTER VIII.

SECTION 1. The common council shall have the care, supervision and control of all public highways, bridges, alleys, public squares and grounds within the limits of said city and shall cause all streets, alleys or highways within the city, to be kept open and in repairs, and free from nuisances. No street, alley or highway which has been heretofore laid out or surveyed and platted, and the survey and plat thereof recorded, shall be vacated by the common council or the county board of commissioners, nor shall any alteration be made therein except

Funds to be under the control of the council.

To levy annual tax—for what purpose.

Council to have care and control of all public highways, bridges, etc.

to straighten the same between the ends thereof within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the common council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance especially passed for such purpose.

SEC. 2. The common council shall have power to establish and lay out new streets, highways and alleys subject to the assessment of damages as hereinafter provided.

May lay out streets, highways, etc.

SEC. 3. When it shall be desirable to take private property for the purposes contemplated in the preceding sections, the common council shall appoint as many commissioners as there are wards in the city, selecting one from each ward who shall be a freeholder and qualified elector of the city, to view the premises and assess the damages which may be occasioned by the taking of such private property. Said commissioners shall be notified by the city clerk, and shall before entering upon their duties, take and subscribe to an oath or affirmation to faithfully and impartially perform their duties, and make due return of their actions to the city council, which return shall embrace a schedule or assessment of the damages in each case, with a description of the land and names of the owners if known to them, and the common council of said city shall give at least ten days' notice, by putting up notices in three public places near the tract of land to be taken, and also serve written notices on the occupant of such tract of land, and also publish at least once in the official paper of said city, when and where the said commissioners will meet for the purpose of viewing the premises, and assessing the damages which may be occasioned by the taking of such private property.

When necessary to take private property for improvements how to proceed.

SEC. 4. Any person feeling aggrieved by said assessment, may by notice in writing served on the mayor of said city, a copy thereof, and proof of service shall be filed in the office of the district court of the county of Steele, within twenty days after the return of said report and assessment, appeal from such assessment to the district court, and such appeal shall be tried by the court or jury as in ordinary cases.

Any person aggrieved may appeal.

## CHAPTER IX.

To contract for making, grading and cleansing streets.

SECTION 1. The common council of said city shall have power to ordain and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers within said city, and to direct and control the persons employed therein, and all such improvements shall be superintended by a street commissioner.

Construction of sidewalks—how paid.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk within the city, they shall require the street commissioner to notify in writing the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge and in such manner and within such time as may be specified in the notification. If such work is not done in the manner and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such sidewalks; and the expenses thereof shall be assessed upon such lots so chargeable by the street commissioner, and returned to the common council and collected in the same manner and under the same regulations as assessments for street improvements, and shall bear a like rate of interest after confirmation. All street crossings shall be graded and all crosswalks built at the expense of said city.

Costs of surveying streets, alleys, etc., how paid.

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers and estimating work thereon, and of repairing and cleansing streets and alleys and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. Grading, graveling, planting, macadamizing or paving streets and alleys to the centre thereof, shall be chargeable to, and payable by the lots fronting on such street or alley within the line of improvement so far as the work extends, and the whole expense thereof shall be assessed upon such lots in proportion to their assessed value. Sewers and drains communicating with main sewers may be built by order of the common council through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof shall be assessed upon the lots so drained and benefited. *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys



and public grounds, shall be made and paid for out of the funds of the city, in proportion to the street, alley or public grounds.

SEC. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvements, or sewers, the expense of which is to be charged to the lots drained or benefited as before provided, shall be ordered by the common council, except upon the petition in writing of a majority of the owners of property whose lots will be so chargeable with the expenses thereof. On the receipt of such a petition, the common council shall pass a resolution to that effect, and shall require the street commissioner of the proper ward with the assistance of the city surveyor, to examine the premises, and report a grade in case of a street or alley, and an estimate of the whole expense thereof, and the lots chargeable with the expense and the owners' names if known, and the proportion of expense to be assessed upon each, and the common council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the city surveyor. The common council shall thereupon order the said work to be placed under contract upon such terms and under such regulations as they may deem advisable.

*How expenses of grading streets to be borne.*

SEC. 5. When the work provided for in the preceding section shall be placed under contract, the street commissioner shall give notice by publication in the official newspaper of said city for ten days, that the expense thereof, in case of streets and alleys, will be assessed upon the lots fronting such streets or alleys within the line of such improvements according to their assessed value; and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvements, drained or benefited thereby, which lots shall be designated in the notice, will be assessed in proportion to their value. Such assessment when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof a warrant for the collection thereof shall issue to the treasurer, and the same shall be levied and collected as other taxes and assessments.

*Duty of street commissioner when work put under contract.*

SEC. 6. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chap-

No error to vitiate the assessment made by virtue of this act.

ter, when the notices hereinbefore provided shall have been given, and all assessments for work or expenses chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the common council, and shall bear interest ten days thereafter, at the rate of twenty-five per cent. per annum.

Council may issue bonds—for what purpose—at what rate of interest.

SEC. 7. The common council may, at any time for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvements, by a vote of two-thirds, issue the bonds of said city, in such form, amounts, and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding ten per cent. per annum, and the proceeds thereof, shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same. *Provided*, That the amount of such bonds on account of improvements outstanding, shall not at any time exceed one per cent. of the assessed value of the property in the city according to the last assessment.

## CHAPTER X.

What property subject to taxation—power of assessor.

SECTION 1. All property real or personal within the city except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and for the payment of its debts and liabilities, and shall be assessed in the manner provided by the laws of this state. The assessor elected under this act shall have and possess the same powers that are or may be conferred upon, and receive the same compensation as township assessors in said county, and be subject to the same penalties and obligations, and make his returns to the county auditor in like manner.

Taxes to be a lien upon the property upon which they may be assessed.

SEC. 2. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time the levy is made, and upon all personal property of any person or body politic, for personal taxes, until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person assessed and taxed, may be taken and sold for the payment of taxes on personal property.

SEC. 3. The common council shall on or before the first day of October in each year, notify the auditor of the county the amount of special tax to be levied for the current year, and the denomination of each, and for what purpose raised, and the rate per cent. upon the assessed value of the property in said city.

When to notify county auditor the amount of special tax levied.

## CHAPTER XI.

SECTION 1. All work for the city exceeding one hundred dollars shall be let by contract to the lowest responsible bidder; due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the common council shall determine otherwise. *Provided*, That they shall have power to reject all unreasonable bids.

All work to be given to the lowest bidder.

SEC. 2. No moneys shall be appropriated to any purpose whatever except such as are expressly authorized by this act, and no vote of the common council shall be reconsidered or rescinded, at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Appropriation of money.

SEC. 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two thirds of the aldermen elect.

When penalty to be remitted.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

How actions to be brought.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Owatonna, the first process shall be a warrant. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the city of Owatonna, but 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 by warrant. All warrants, process or writs issued by the city justice for violations of any ordinance or by-law of said city, shall run in the name of the city of Owatonna, and shall be directed to the marshal or any police officer of said city.

How prosecutions to be brought—proviso.

SEC. 6. In all cases of the imposition of fine or penalty or of the rendering of a judgment by the city justice

Penalty for non-payment of fines of said city, pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by-law of the city of Owatonna as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Steele county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the common jail of Steele county.

Qualifications of judge, justice, etc.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

What shall not be a reason for suspending said corporation.

SEC. 8. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer at any specified time, and the same are not so done or performed, the common council may appoint another time at which the said acts may be done and performed.

How suits may be brought against the city.

SEC. 9. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

What property exempt from taxation.

SEC. 10. The following property now or at any time hereafter belonging to said city thereof shall be exempt from levy and sale under or by virtue of any execution. Engine houses, hook and ladder houses, together with the grounds and lots upon which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus, used by any company, created or authorized by the common council of said city, market houses and the furniture thereof, city hall and furniture of common council and office rooms. *Provided*, That nothing herein contained shall exempt any of the aforesaid

real or personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SEC. 11. The common council shall cause to be established under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Steele county, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.

Council to establish the grade of all streets.

SEC. 12. The said city may lease, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same shall be free from taxation.

May lease and hold property for what purpose.

SEC. 13. Real estate exempt from taxation by the laws of the state, shall be subject to special taxes or assessments, as other real estate under this act.

What property subject to special tax.

SEC. 14. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

No law considered repealing the same.

SEC. 15. The city of Owatonna shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate to the jail of Steele county for any offense punishable under the state laws.

Not liable for jail fees.

SEC. 16. The common council may constitute road districts, and require the street commissioner thereof to collect the capitation or poll tax, such street commissioners shall have all the powers of road supervisors or overseers as provided in the revised statutes of this state, and shall report to the common council when required. *Provided*, That the street commissioner shall receive his compensation as such supervisor or overseer out of the moneys collected on such poll tax; in no case shall any money be drawn from the city funds for the compensation of road

May constitute road districts—duty of street commissioner.

masters, or for any work performed by them or under their supervision.

No execution to affect the lien of any assessment for any tax.

SEC. 17. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements, work or benefits chargeable to or assessed against property under this act, although the compensation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Suit may be instituted for non-payment of taxes.

SEC. 18. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by said city in the district court in and for Steele county, or before any justice of the peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this act, against the parties liable therefor or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this state, and in case the parties defendant cannot be found within the county of Steele, publication in the official newspaper of said city for six weeks once a week, shall be deemed and be equivalent to actual service, and it shall be sufficient to state as the cause of action in the complaint that the city of Owatonna by virtue of its corporate powers on a certain day, made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment, and a transcript of such assessment for taxes, improvements or benefits duly certified to by the city clerk, shall be prima facie evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered, shall bear interest at the rate of twenty-five per cent. per annum.

Compensation of officers of said city.

SEC. 19. The officers of said city shall not be entitled to or receive any compensation for their services, except as in this act provided. The aldermen shall be entitled to the same compensation as is now allowed by law to inspectors of elections for services as such inspectors, to be paid by said city for any special or general election held by authority of the state or county. The street commissioners shall be entitled to one dollar and fifty cents per day for all services required by this act, but shall be paid from moneys arising from assessments for improvements and their compensation shall be included in such assessment.

SEC. 20. The common council may levy a tax for the purchase of a fire engine and other necessary fire apparatus, and the erection of necessary buildings therefor, and the construction of reservoirs, the building of bridges, or for the purchase of real estate necessary for the city, to an amount not exceeding one-half of one per cent. on the valuation including the amount hereinbefore authorized in any one year. But such levy shall not be made until the question of making the same shall have been submitted to a vote of the tax paying voters, not including capitation or poll tax in said city. On such submission at a special election ordered therefor by the common council of which ten days' notice shall be given, if three-fifths of the voters voting at such election shall vote for such levy, it shall be made. But if less than three-fifths vote therefor, it shall not be made, nor the same question be again submitted to the voters of the city, till after the expiration of six months. Whenever any such tax may be levied it shall be included in the tax list for the year and collected at the time and in the manner of collecting other taxes.

May levy a tax for the purchase of a fire engine and other fire apparatus.

SEC. 21. The first election under this act shall be held on the first Tuesday of April, A. D. eighteen hundred and sixty-five, at which time there shall be elected, in addition to the officers already named in this act, one alderman in each ward who shall hold his office one year and until his successor is elected and qualified; and the polls shall be held as follows:

Time of holding election.

In the first ward at the house of A. Chambers.

In the second ward at the school house.

In the third ward at the Baptist church.

The polls shall be opened at one o'clock and close at five o'clock P. M.

The qualified voters present at the time and place of opening the polls shall choose by viva voce vote two inspectors of elections, who shall have all the powers of inspectors under this act.

SEC. 22. All acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal of inconsistent acts.

SEC. 23. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1869.