

CHAPTER 12.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO REDUCE THE ACT INCORPORATING THE TOWN OF ST. CLOUD, AND TO REPEAL A FORMER CHARTER OF SAID TOWN, APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO (1862), AND THE SEVERAL ACTS AMENDATORY THERETO TO ONE ACT, AND TO AMEND THE SAME, AND TO INCORPORATE THE CITY OF ST. CLOUD," APPROVED MARCH SIXTH (6TH), ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868).

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

SECTION 1. That section two (2) of chapter one (1) of the act entitled "An act to reduce the act incorporating the town of St. Cloud, and to repeal a former charter of said town, approved March eighth (8th), one thousand eight hundred and sixty-two (1862), and the several acts amendatory thereto, to one act, and to amend the same, and to incorporate the city of St. Cloud," approved March sixth (6th), one thousand eight hundred and sixty-eight (1868), be and the same is hereby amended so as to read as follows:

SECTION 2. That all of the district of country in the county of Stearns, in the state of Minnesota, contained within the following boundaries and government subdivisions, shall constitute the city of St. Cloud, to-wit: All of section two (2) except lots one (1) and two (2) of said section, the east half ($\frac{1}{2}$) of section three (3), the east half ($\frac{1}{2}$) of section ten (10), all of sections eleven (11), twelve (12) and thirteen (13), also all of section fourteen (14) except the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$); also the north half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) and the southeast quarter ($\frac{1}{4}$) of the northeast of section fifteen (15), and the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$), and the north half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section twenty-three (23), and lot one (1) of section twenty-four (24), all in township one hundred and twenty-four (124) north of range twenty-eight (28) west; and the people now inhabiting, and those who shall hereafter inhabit within the said district of country, shall be a municipal corporation by the name of "The City of St. Cloud," and by that name shall sue and be sued, plead and be impleaded, in any court, make and use a seal, and alter it at pleasure, and take, hold and purchase, lease and convey, any and all such real and personal and mixed estate as the purposes of the corporation may require, within or without the limits aforesaid, and shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

Provided, That said lots one (1) and two (2) of said section two (2) hereinbefore excepted, may be included within the limits of said city and become a part thereof by a mutual agreement in writing entered into between the owners thereof and the common council of said city to that effect.

SEC. 2. That section four (4) of chapter three (3) of said act be amended so as to read as follows:

Section 4. There shall be a clerk of said city styled the City Clerk, who shall be selected by the common council, and keep his office at the city hall or place of meeting of the common council, or such other place convenient thereto as the common council may determine; he 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 meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original 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 city clerk shall have power to administer oaths and affirmations, and shall receive such compensation for his services as the common council may determine, which shall not exceed for any one (1) year of service the sum of five hundred dollars (\$500).

SEC. 3. That section nine (9) of chapter three (3) of said act be and the same is hereby amended so as to read as follows:

Section 9. The common council shall, on or before the twentieth (20th) day of April in each year after the annual charter election, elect an assessor, who shall be styled the city assessor, and who shall perform all the duties in relation to the assessing of real and personal property for the purpose of levying all city, county, school and state taxes. Upon the completion of the assessment roll, and on or before the fourth (4th) Monday of July, he shall return the same to the common council. The members of the common council and the city assessor shall be a city board of equalization, and shall meet on the fourth (4th) Monday in July, at the office of the city clerk for the purpose of reviewing the assessment, and having each taken an oath to fairly and impartially equalize the value of the real and personal property of said city, they may alter, revise and equalize said assessment as they may deem just and proper, which assessment so equalized shall only be subject to review by the State Board of Equalization. The assessor shall on or before the second (2d) Monday of August in the year for which the assessment is made, return his assessment book to the county auditor, verified by his affidavit. Said city assessor shall hold his office for one (1) year and until his successor is elected and qualified.

SEC. 4. That section twenty-two (22) of chapter three (3) of said act be and the same is hereby amended by striking out all after the word "charter" in the proviso to said section, being that portion thereof which appertains to the compensation of the city clerk.

SEC. 5. That the "first" (1st) subdivision of section three (3) of chapter four (4) of said act as amended March first (1st) A. D. one thousand eight hundred and sixty-nine (1869), be and the same is hereby amended so as to read as follows:

First.—To license and regulate the exhibitions of common showmen, and shows of all kinds, concerts or theatrical performances, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling sa-

loons; to grant licenses to, and regulate auctions and auctioneers, insurance agencies and offices; to license tavern keepers and victualing house keepers, and all persons dealing in spirituous, vinous or fermented liquors. *Provided*, That no license for the dealing in spirituous, vinous or fermented liquors, shall be less than fifty dollars (\$50) a year, and that all licenses shall terminate on the second (2d) Tuesday of May in each year.

SEC. 6. That section one (1) of chapter five (5), of said act be amended so as to read as follows:

Section 1. The common council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government and police, for the opening, maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character, *Provided*, that in no one (1) year shall such tax exceed ten (10) mills on a dollar of the assessed valuation.

SEC. 7. That section two (2) of chapter six (6) of said act be and the same is hereby amended so as to read as follows:

Section 2. The common council shall have power to order, and contract for the opening, grading, repairing and cleaning of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon, and all such improvements shall be superintended by the street commissioner. If the owner of any lot or parcel of land 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 substantial manner, and report to the common council the cost of such repairs in each case, and a description of the lot or parcel of land abutting upon which such repairs are made, and such report shall be filed and preserved by the city clerk, and the common council shall, once in each year, at or as near as conveniently may be the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land, fronting or abutting upon sidewalks which have been so repaired by the street commissioner, the cost of making such repairs in each case; such assessments for all such repairs within the year may be combined in one (1) assessment roll, and collected as other assessments are to be under this charter; and in case any such sidewalk shall become so out of repair, as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such re-building, it shall be the duty of the street commissioner, to remove the same entirely, and the expense of such removal, shall be added to the cost of rebuilding, when the same shall be reconstructed, and collected with the assessment for such construction.

SEC. 8. The common council of said city may provide by ordinance that anyone convicted of an offence before either of the city justices, subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any work house established for that purpose, or in case of a male offender may be kept at hard labor during his term of punishment in such work house, or upon the public streets or improvements of said city, or either; and may also provide by ordinance, that any one convicted of an offence before either of said city justices, and committed upon

non-payment of fine imposed, may be kept at hard labor in any work house of said city aforesaid; or in case of a male offender, may be kept at hard labor either in such work house or upon the streets or on public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said council may prescribe, for a time not exceeding said commitment; and the said council shall have full power to establish by ordinance all needful regulations for the security of such persons so employed, and to prevent escape, and to secure proper discipline.

Provided, That the common council is hereby authorized to use the Stearns county jail as the work house of the city of St. Cloud, provided for in this act; the prisoners of the city to be as at present in the custody of the sheriff of said Stearns county, except while working on the streets or other improvements of said city, when they shall be under the control of the police force of said city. *And provided further*, That the city justices shall have power, for vagrancy, to commit any person to the city prison, or workhouse, or county jail, or to order any such person to work on the streets or public improvements of said city not exceeding ninety days.

SEC. 9. The mayor or common council shall have power to revoke any license which may at any time have been granted to any person when in his or their opinion the public good shall require, but no revocation shall be made except for cause and by giving the person or persons licensed an opportunity to be heard on the subject matter of the revocation.

SEC. 10. The common council of said city shall have the power to provide for an efficient system of sewerage for said city and to that end may provide the manner in which the same shall be carried into effect, and may by ordinance or otherwise provide the mode in which assessments may be made for the purpose of carrying the system into effect, the classes of property to be burdened thereby, the extent thereof and in what street or streets to be located, and all and singular appertaining thereto as in their judgment may be proper in the premises.

SEC. 11. In all actions, prosecutions and proceedings of every kind before either of the city courts, said courts shall take judicial notice of all the ordinances of the said city, and it shall not be necessary to plead or prove said ordinances in any of the said courts.

SEC. 12. Whenever the common council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend, any that now exist or may hereafter exist, it may, for such purpose purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property, by reason of such improvement, and the expense of making such improvement by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefited by such improvement without regard to cash valuation. But no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole extent of such improvement shall exceed the benefits accruing there-

from to any specific property, the excess of such expense, shall be made a general city charge, and be paid as current expenses of the city. Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place and occupied for such purposes, without the consent of the owners of such ground.

SEC. 13. No action shall be maintained against the city of St. Cloud on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city or the city clerk thereof, within thirty (30) days of the occurrence of such injury, or damage, stating the place where, and the time when such injury was received, and the person so injured will claim damages of the city for such injuries. But the notice shall not be required, when the person injured shall be bereft of reason, nor shall any such action be maintained, for any defect in any street until the same shall have been graded, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

SEC. 14. The acceptance of any plat or addition of ground, either within or outside of the city limits, shall not make the city liable to grade the streets therein designated; nor responsible for any insufficiency of such street until the city council shall direct the same to be graded and opened for travel.

SEC. 15. The common council of the city of St. Cloud is hereby authorized and empowered to issue the further bonds of said city in the amount of fifty thousand dollars (\$50,000), or any lesser sum, for the purpose of aiding in the construction of a dam across the Mississippi river at St. Cloud, and for the purpose of improving the water power of said river at said city of St. Cloud. Said bonds shall be issued in sums of not less than one hundred (100) nor more than one thousand dollars (\$1,000), with interest coupons attached, and shall bear interest at a rate not to exceed seven (7) per cent. per annum, payable semi-annually at such time or times, not less than fifteen (15) nor more than twenty-five (25) years after the date of said bonds, and at such place as said common council shall by resolution provide, and said bonds and the coupons thereto attached, shall be signed by the mayor of said city and countersigned by the city clerk of said city, and sealed with the official seal of said city. And said city clerk shall keep a record in his office of all the bonds so issued, showing the number, date and amount of such bonds, and the name of the person or corporation in whose name the same are drawn. And the common council shall have authority to negotiate the sale of said bonds in such a way as shall in their judgment best subserve the interests of said city, but they shall not negotiate a sale, nor sell said bonds nor any of them, at less than their par value. That neither the said bonds nor the proceeds from the sale thereof, shall be used for any other purpose than for the one specified in this act.

The said common council are hereby authorized and empowered to and shall make provision, by the levying of taxes, for the payment as the same shall become due of the principal and interest of the bonds issued under and by virtue of the authority and power granted by this

act. Before it shall be lawful for the said common council to issue any of said bonds by this act authorized, the proposition to issue the same shall be submitted to the legal voters of said city, for their approval or rejection, at the next annual city or any special election. The ballots used at said election, shall have written or printed or partly written and partly printed thereon the words "for the further issue of water power improvement bonds, yes," or "for the further issue of water power improvement bonds, no," and said ballots shall be cast at said city election in the usual manner of casting ballots at such elections, and shall be canvassed by the same officers, as votes cast at said annual city elections are canvassed; and if it be found upon such canvass that a majority of the voters present and voting on the proposition at such election have voted in favor of such proposition, then the issue of such bonds shall be lawful, and said bonds so issued shall be lawful to all intents and purposes.

SEC. 16. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved February 26, 1883.

CHAPTER 13.

AN ACT TO AUTHORIZE THE COMMON COUNCIL OF THE CITY OF ST. CLOUD, TO GRANT CERTAIN POWERS AND PRIVILEGES TO STREET RAILWAY, TELEGRAPH, TELEPHONE OR CAR LINE COMPANIES WITHIN THE CITY LIMITS.

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

SECTION 1. The common council of the city of St. Cloud are hereby authorized to grant to any person or persons, corporation or corporations the right to occupy and use the streets, alleys and public grounds of said city for the purpose of maintaining, operating and conducting, any railroad telegraph, telephone or street car line, and to provide and regulate the manner in which the said streets, alleys and public grounds shall be used as well the length of time the uses shall continue.

SEC. 2 This act shall take effect and be in force from and after its passage.

Approved March 3, 1883.