

CHAPTER 114.

[H. F. No. 834].

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHT (208) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), RELATING TO AN APPROPRIATION OF MONEY FOR CONSTRUCTING A BRIDGE IN YELLOW MEDICINE COUNTY, MINNESOTA.

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

SECTION 1. That chapter two hundred and eight (208) of the special laws of one thousand eight hundred and eighty-three (1883) be and the same is hereby amended as follows, to-wit:

Strike out the words, "Town of Norman" wherever they occur in said chapter and insert in lieu thereof the words, "Village of Canby," also strike out the word "supervisors" wherever it occurs and insert in lieu thereof the words "common council."

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

Approved February 25th, 1887.

CHAPTER 115.

[H. F. No. 817.]

AN ACT TO AMEND CHAPTER TWENTY-EIGHT (28) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868), RELATING TO THE INCORPORATION OF THE CITY OF ST. CLOUD, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. That section two (2) of chapter five (5) of said act as amended by section three (3) of chapter twelve (12) of the special laws of the year one thousand eight hundred and eighty-five (1885), be amended so as to read as follows:

Section 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same for the purpose of constructing, building, rebuilding and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction, maintenance, building, rebuilding and repairing of reservoirs, cisterns, sewers, drains, street gutters, water works, water mains and the grading, regrading, paving and repaving of streets,

and for other purposes conducive to good order, health and cleanliness, and protection against fire; *provided*, that such taxes shall, in no one (1) year, exceed six (6) mills upon a dollar of the assessed valuation; *and provided further*, that for the improvements in this section mentioned, the common council shall have the power to assess the tax to pay the same, or any portion thereof, upon the ward or wards, blocks, lots or parts of lots, or parcels of property benefited by such improvements, in such manner and to such extent, regardless of the foregoing limitation, as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvement, except when assessed to abutting property as elsewhere provided. No debt shall be incurred or created by the city, the common council or any officer of the city, except pursuant to authority expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding in amount the tax collected or assessed, or in process of collection, except as otherwise provided, to aid in the work of improvements mentioned in this section, the common council is hereby authorized to issue the bonds of said city, to be known as permanent improvement bonds, at such times and in such amounts as the common council may deem advisable, and for such time, not exceeding thirty (30) years, and on such terms as to rate of interest and place and manner of payment, as the common council may deem advisable, provided that the aggregate amount of bonds so issued, shall not, at any one time, exceed the sum of twenty thousand (20,000) dollars, and to put the avails thereof into the treasury of said city to be kept distinct from all other funds of said city and designated as the permanent improvement fund. The common council may provide for the payment out of said fund of the expenses of any such improvements as may be assessed, in whole or in part, upon any special property to be benefitted by such improvement, and in advance of the collection of such assessment. From such fund may also be paid all such portions of the expenses of such improvements as shall devolve upon said city, including any other permanent improvements not otherwise provided by law. The council may, in its discretion, carry to such fund all sums received from water rents. No part of such fund shall ever be applied to the payment of the current expenses of said city nor to any other purpose than such as are herein designated. All sums collected in special assessments, where costs shall have been advanced out of such fund, shall be returned to such fund. The common council shall annually at the time of making the other tax levies of said city, levy a tax sufficient to replace all expenditures made from said fund not provided for by special assessments, and may, by tax levy, provide for the increase of such fund to such an amount as may be deemed necessary; *Provided*, That the whole amount levied in any one year, on account of such fund, shall not exceed the limit of six (6) mills on the dollar of the assessed valuation of the taxable property in said city. Nothing in this section shall be construed as preventing the council from paying out of the fund authorized by section one (1) of

this chapter, any amount that may be deemed advisable for improvements of a general nature including such as are authorized by this section.

SEC. 3. The assessment of special taxes upon the property benefited thereby for any and all improvements, except sidewalks, shall be made as follows:

Any such tax levied upon such property, for any improvement, shall all be levied at one time; but the common council may determine by resolution, at the time of making such assessment or levy, either that the entire amount of such tax shall be included in the next statement of taxes transmitted to the county auditor or auditors of the county or counties wherein such property is situated, or that only an aliquot part thereof shall be included in said statement, and a like aliquot part thereof be included in the statement of each succeeding year, until the whole thereof shall have been so transmitted, *Provided*, that said aliquot parts shall in no case be less than one-fifth ($\frac{1}{5}$) of the sum levied as aforesaid. Each of said assessments, or if the same is to be transmitted to the county auditor by installments, each of said installments, shall draw interest at the rate of eight (8) per cent. per annum from the time of the levy of the same until the same shall be paid or shall be transmitted to the county auditor for collection. If any assessment or installment shall not be paid before the same is transmitted to the county auditor, a penalty of six (6) per cent. of the amount of such assessment or installment including interest, shall be added thereto, and the statement transmitted shall contain the gross amount of such assessment or installment, including the interest thereon computed to the first (1st) day of September of the year in which the same is transmitted, and the said penalty; and it shall not be necessary that said statement show the separate amounts of such assessment, installment, interest or penalty. After such statement has been transmitted to the county auditor, all the provisions of law applying to general taxes shall apply thereto.

SEC. 4. That section eleven (11) of chapter twelve (12) of the special laws of the state of Minnesota for the year one thousand eight hundred and eighty-five (1885) be and the same hereby is amended by striking out the words, "but a mistake in giving the name of the owner shall not invalidate the assessment or proceedings," at the end of said section, and by inserting in lieu thereof the following: "and in case the amount of such assessment is to be transmitted to the county auditor in installments, the amount of each installment." But a mistake in giving the name of the owner shall not invalidate the assessment or proceedings. A copy of such assessment roll shall be made, certified to as correct by the city clerk, and deposited with the city treasurer.

SEC. 5. After any special assessment roll shall have been adopted by the common council and before the same shall be delivered to the county auditor for collection, any assessment thereon or any installment or installments thereon may be paid direct to the city treasurer of said city, who shall issue receipts in duplicate therefor, and forthwith deliver one of said receipts to the person making such payment,

and the other to the city clerk; and upon the presentation of either of said receipts to the city clerk, he shall enter upon such assessment roll and upon the record thereof kept in his office, opposite the assessment or installment or installments so paid, the words, "paid to city treasurer"; which entry shall cancel the assessment or installment or installments so paid.

SEC. 6. 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 chargeable to or assessed against the property under this charter, although such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

SEC. 7. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose and the assessment roll and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter, and no omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same; and no failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings shall be held material, unless it be shown that the party objecting was materially injured thereby.

SEC. 8. If any special assessment heretofore made or that may be hereafter made by the common council, or under its direction, to defray the expense of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the common council shall be satisfied that any such assessment is so irregular or defective, that the same cannot be enforced and collected, or if said common council shall have omitted, or shall hereafter omit to make such assessment at or before the making of the improvement, the common council may anew or thereafter make a new assessment of the cost of such improvement or improvements upon the property benefited thereby in the same manner as near as may be that such assessment or assessments should have been originally made, and in case any such second assessment shall be annulled the common council may make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment. After such new assessment roll shall be adopted the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment" which shall cancel such assessment on that parcel.

SEC. 9. The common council is hereby authorized at such time or times and in such manner as it may deem advisable, to cause to be surveyed or re-surveyed, located, platted or re-platted and properly marked with suitable monuments, any and all lots, blocks, streets, alleys, public grounds, or any part of any of the same, within said city, not having fixed monuments, or concerning which discrepancies or uncertainties may exist as to the correct lines of the same, or any part thereof. When any such survey is made, the council shall cause duplicate maps of the same to be made showing thereon the location of the lots, blocks, streets, alleys, public grounds, or any part of any of the same included in such survey, and also showing the location of all monuments established in any such survey. When such survey and maps are completed the council shall give notice by publication in the official paper of the city stating that such maps are open for inspection in the office of the city engineer and stating the time at which the council will consider said maps and survey, which time shall not be less than ten (10) days from the day of such publication. After hearing any objections that may be made, the council may change and modify said maps and said locations as they may deem just and proper, and when the same shall have been made satisfactory to the council, said survey and maps and the locations of said monuments shall be adopted by ordinance or resolution. And after such adoption any and all such surveys, maps and monuments, shall be *prima facie* evidence to determine all lines or lots, blocks, streets, alleys and public grounds, in the parts of the city so surveyed. A certified copy of said ordinance or resolution shall be endorsed on, or attached to each of said duplicate maps, and one (1) of said duplicate maps may be filed and recorded in the office of the register of deeds of the proper county in the same manner that town plats are filed and recorded, and the same, or the record thereof, shall be *prima facie* evidence, without other proof, that said map and the surveys and monuments indicated thereon have been duly adopted. The other of said duplicate maps shall be kept on file in the office of the city engineer, and shall be evidence of the same matters and with like force and effect as the one filed with the register of deeds.

SEC. 10. That section five (5) of chapter twelve (12) of the special laws of the state of Minnesota for A. D. one thousand eight hundred and eighty-three (1883), be and the same hereby is amended by adding after the word, "auctioneers," where said word occurs in said section, the words "peddlars, pawnbrokers."

SEC. 11. That section three (3) of chapter four (4) of chapter twenty-eight (28) of the special laws of the state of Minnesota for A. D. one thousand eight hundred and sixty-eight (1868), be and the same hereby is amended by striking out all of said section after the thirtieth (30th) subdivision thereof, and by inserting in lieu of the portion so stricken out, the following:

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

Thirty-second—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any part of

the city, in its' discretion; and to regulate the opening and use of hatchways and to compel proper guards about the same.

Thirty-third—To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses and buildings designated thereon.

Thirty-fourth—To regulate or prohibit the location or use of such steam boilers, in size and construction, as it may designate as being dangerous to life or property, or to prohibit the location of any such steam boiler, except when permission therefor is first given by the city council, specifying the location and prescribing the regulations for its use, and to regulate or prohibit the propelling by steam of motors, traction engines and other vehicles upon or over the streets of said city.

Thirty-fifth—To provide for the inspection of gas and gas meters.

Thirty-sixth—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric, and other wires, along or across the streets of said city, and to require any or all already placed or suspended, or that may be hereafter placed or suspended, to be removed or be placed in such manner as it may designate beneath the surface of the street or sidewalk.

Thirty-seventh—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Thirty-eighth—To remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other causes, may have or shall become imminently dangerous to life or property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, the amount of the expense incurred in making such removal shall be a lien in favor of the city upon the lot or parcel of land on which such building was situated and may be enforced in a civil action in any court of competent jurisdiction against the owner thereof.

Thirty-ninth—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

SEC. 12. That section one (1) of chapter eight (8) of said act be amended by adding thereto the following: And may by vote of two-thirds ($\frac{2}{3}$) of the members of the council change the grade of any street after such grade has been established.

SEC. 13. The council may cause such portions of the streets of the city to be sprinkled as it may deem proper, and may prescribe the manner in which the same shall be done, and the time during which the same shall be done, and may make all necessary contracts for doing the same; and may assess the whole or any part of the cost of such sprinkling upon the property benefited, which assessments shall

be made and collected in the same manner as other special assessments.

SEC. 14. That section five (5) of chapter five (5) of said act be, and the same hereby is amended so as to read as follows:

Section 5. The common council shall cause to be transmitted to the county auditor of Stearns county, on the first Monday of September of each year, a statement of all taxes by them levied, except where such taxes shall be transmitted in installments as hereinbefore provided, and such taxes shall be collected, and the payment thereof enforced, with, and in like manner, as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said Stearns county shall pay over all city taxes by him collected, together with all penalties and interest which shall be collected on account of the same, to the treasurer of the city of St. Cloud, as now provided by law in case of town taxes, and when any such payment shall be made to the city treasurer, the county treasurer shall certify the amount of the same to the city clerk of said city.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 26, 1887.

CHAPTER 116.

[S. F. No. 154]

AN ACT TO AUTHORIZE THE CITY OF AUSTIN TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A BRIDGE AND IMPROVING ITS STREETS.

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

SECTION 1. The common council of the city of Austin, Minnesota, are hereby authorized and empowered to issue, by a majority vote of its members, the bonds of said city to an amount not exceeding in the aggregate the sum of fifteen thousand (\$15,000) dollars, for the purpose of building a bridge over the track of the Chicago, Milwaukee & St. Paul Railway Company, in said city, and of acquiring such property as may be requisite to the carrying out of said project, and for the purpose of improving the streets of said city, and for paying any indebtedness heretofore incurred by said city. Said bonds shall be of such denomination, not less than one hundred (\$100) dollars each, and shall be made payable at such times not more than twenty (20) years from their date, as the common council of said city may determine, and shall bear interest to be represented by coupons thereto attached, at a rate not exceeding six (6) per cent. per annum, payable annually or semi-annually, as the common council shall direct. Said bonds shall be issued under the corporate seal of said city and signed