

cial conflicting with the provisions of this act, in so far as they affect the city of Barnesville are hereby repealed.

SEC 24. This act shall take effect and be in force from and after its passage.

Approved April 4th, 1889.

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## CHAPTER 4.

[H. F. No. 489.]

### AN ACT TO INCORPORATE THE CITY OF SAUK CENTRE.

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

SECTION 1. That all that district of country within the limits and boundaries hereinafter described, shall be a city, by the name of the "City of Sauk Centre," and the people who now do and hereafter may reside therein shall be a municipal corporation by the name of the City of Sauk Centre, and by that name shall sue and be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey such real and personal and mixed estate as the purposes of the corporation may require, within or without the limits; shall be capable of contracting and being contracted with and 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.

SEC. 2. The boundaries of said city shall be as follows: Commencing at the northeast corner of the southwest quarter (S. W.  $\frac{1}{4}$ ) of section number three (3), in township number one hundred and twenty-six (126) of range number thirty-four (34); thence west to the northwest corner of the southwest quarter (S. W.  $\frac{1}{4}$ ) of section number four (4) in said township and range; thence south to the southwest corner of the northwest quarter (N. W.  $\frac{1}{4}$ ) of section number sixteen (16); thence east to the southeast corner of the northwest quarter (N. W.  $\frac{1}{4}$ ) of section number fifteen (15); thence north to the place of beginning, all being in township number one hundred and twenty-six (126) of range number thirty-four (34).

*Provided*, however, that no assessment or levy of any tax shall be made upon any of the land above described not heretofore included in and forming a part of the village of Sauk Centre for payment of any portion of the indebtedness, principal and interest which has been created or authorized by said village, for water works, until water mains shall be extended into such territory not embraced in said village. That when water mains shall be so extended, then, in that case the territory to be benefited shall be taxed for its proportionate share of the existing indebtedness.

SEC. 3. The said city shall be divided into two wards, limited and bounded as follows: All that part of the territory hereinbefore de-

scribed lying north of the center line of Third street in the town of Sauk Centre according to the plat thereof as filed for record in the office of the register of deeds in and for Stearns county shall be known and designated as the first ward. All that part of the territory hereinbefore described lying south of the center line of said Third street according to the said plat, shall be designated as the second ward. *Provided*, The common council of said city shall have power to change the boundaries of said wards, and increase the number of the same to not exceeding five (5) as the convenience of the inhabitants may require, such wards to contain as nearly as practicable an equal number of voters.

## CHAPTER II.

SECTION 1. There shall be an annual election for elective officers hereinafter provided for, held on the first (1st) Tuesday of April of each and every year, at such place and in each ward as the common council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) in the afternoon; and ten (10) days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected, by posting notices thereof in three (3) public places in each ward, and by publishing the same in at least one of the newspapers published in the city, if one shall be published in said city.

SEC. 2. The elective officers of said city shall be a mayor, six (6) aldermen, three (3) from each ward, two (2) city justices, one (1) to be elected from each ward, and a treasurer, each of whom shall be residents and legal voters of said city. There shall be appointed by the mayor and confirmed by the common council one (1) chief of police, a street commissioner, one (1) city clerk, one (1) fire warden, and such other officers as from time to time may be necessary for the good government of said city, and all appointed officers shall hold their offices for one year, unless appointed for a shorter time.

SEC. 3. At the first general election of city officers, in the year eighteen hundred and eighty-nine (1889), there shall be elected in the first (1) ward three (3) aldermen, two (2) of whom shall hold their office for one (1) year and one (1) for two (2) years, and in the second ward there shall be elected three (3) aldermen, two (2) of whom shall hold their office for two (2) years and one (1) for one (1) year. At the annual election of each even numbered year thereafter there shall be elected one (1) alderman in the first ward and two (2) in the second (2), and at the annual election of each odd numbered year thereafter there shall be elected two (2) aldermen in the first ward and one (1) in the second ward, who shall each hold his office for the term of two (2) years and until his successor is elected and qualified. The city justices shall hold their offices for two (2) years and until their successors are elected and qualified.

SEC. 4. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the

charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officers, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 5. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation, or otherwise, the common council shall have the power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten (10) days after said vacancy is declared and held within twenty (20) days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 6. All elections by the people shall be by ballot, and each ballot shall contain the name 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 (2) 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 elect.

SEC. 7. All persons entitled to vote for state or county officers and who shall have resided in the state for four (4) months next preceding the election, and ten (10) days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, provided their names shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of elections of state and county officers; and the different wards established by law shall constitute election districts 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 for in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county within the time and manner prescribed by law.

SEC. 8. The elections in said city shall be held and conducted by the aldermen of each ward, and one (1) other elector of each ward, to be appointed by the common council, 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 this state regarding elections. *Provided*, that no candidate for office shall act as inspector or clerk at such elections.

SEC. 9. When a city election shall be closed and the number of votes for each person voted for, shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the common council, within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result as it appears from the same, within three (3) days thereafter. The clerk of the common council shall forthwith notify the officer or officers elected of their election by written notice served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

SEC. 10. 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 made in the same form and manner as in general annual elections, and within such time as may be prescribed by resolution.

SEC. 11. Any officer removing from the city, or from the ward in which he is elected, or any officer who shall refuse or neglect for ten (10) days after notice of 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 described.

SEC. 12. The term of every officer elected under this law shall commence on the second Tuesday of April for the year for which he was elected, and shall, unless otherwise provided, continue for one (1) year and until his successor is elected and qualified.

SEC. 13. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days notice of the time and place being given.

### CHAPTER III.

#### DUTIES OF OFFICERS.

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 clerk of the city, and the treasurer and marshal and such other officers as the common council may direct, shall severally before entering upon the duties of their respective offices, execute to the city a bond, with at least two (2) 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 such 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 refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and

the ordinances of the city are duly enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid may be discharged from office by him whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary.

SEC. 3. All ordinances and resolutions shall before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objection thereto, by depositing the same with the city clerk to be presented to the common council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the common council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of the members elected, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes which shall be entered in the record by the clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted), after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 4. At the first meeting of the common council in each year they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent from any meeting of the common council, the vice-president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the common council, or temporary presiding officer while performing the duties of mayor, shall be styled the "acting mayor," and acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and president and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 5. There shall be a clerk of said city, styled the "city clerk," who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the 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 of 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 the books provided for that purpose. The city clerk shall have power to administer oaths and affirmations, and take acknowledgments of deeds and other writings.

SEC. 6. It shall be the duty of the city clerk to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually on or about the first (1st) day of April to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first (1st) day of April. He shall receive all moneys payable to said corporation and shall immediately pay the same over to the treasurer, charging him therewith, and taking his receipt therefor.

SEC. 7. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the common council or by any city officer. And every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the clerk. The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates or other evidences of indebtedness issued by the common council; the amount of all bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the clerk, and shall be prima facie evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first (1st) day of January of any year, the amount expended, or to be expended, chargeable to any city fund (adding thereto the current expenses estimated for the remainder of

the fiscal year and chargeable to such fund) shall be equal to three-fourths ( $\frac{3}{4}$ ) of the tax authorized to be raised or revenue estimated for such fund, he shall at once report the same to the common council, and he shall not countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contracts the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the clerk. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested, and any contract in which he may be interested shall be null and void.

SEC. 8. The common council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required, shall furnish opinions upon any subject submitted to him by the common council or any of its committees.

SEC. 9. The treasurer shall be the depository of all moneys belonging to said corporation and shall receipt to the clerk therefor. The treasurer shall report to the common council at least fifteen (15) days before the annual election, a full and detailed account of all moneys received and paid out by him after the date of the last annual report, which report shall be filed with the clerk. *Provided*, that no money shall be paid out by said treasurer except on order from the city clerk, as provided in this act. And no order shall be paid by him unless first endorsed in writing thereon with the name of the payee therein and the party receiving the money therefor.

SEC. 10. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers and watchmen of said city shall possess the powers of constables at common law or by the laws of this state; it shall be their duty to execute and serve all warrants, process, commitments and writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or of the ordinances or bylaws of said city; and also all writs and process whatever, issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of the state, and when performing the duties of constables aforesaid shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of a breach of the peace, or any violation of the laws of this state, or of the ordinances or bylaws of the city; and for such purpose shall possess the powers of constables at common law, or by the laws of this state, while on duty.

SEC. 11. The common council shall at their first (1st) meeting after the annual election, or on adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one (1) year, and until his successor is elected and qualified. It shall be the duty of

the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city; and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

SEC. 12. 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 the duties in relation to the assessing of real and personal property for the purpose of levying 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 in 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 (2nd) Monday in 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. 13. The justices of the peace, styled city justices, shall have and possess all the authority, power and rights of a justice of the peace of the county under the laws of this state, and shall have in addition thereto, exclusive jurisdiction to hear, try and determine, in a summary manner, all complaints for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city or its charter, and in all cases of offenses committed against the same. And the said city justice shall have jurisdiction in cases of larceny, and may hear, try and determine the same when the amount claimed to have been stolen does not exceed the sum of twenty dollars (\$20). In all prosecutions for assaults, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justice the same forms and proceedings shall be had and used, except as herein otherwise provided, 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; and appeals from the judgment and decisions of said justices of the peace shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same,

and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred (\$500) dollars. The said justices shall have the same power and authority in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offences committed within the city limits for the 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. 14. The city justices shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city clerk all fines and penalties collected or received by them belonging to said city; and said justices shall be entitled to receive from the county such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

SEC. 15. Said justices shall be at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process issued by them at all times, in court or otherwise.

SEC. 16. In all suits brought in behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said city, and on complaints for assault, battery or affray, or other misdemeanor or criminal offense, not indictable, committed within the city, the said justices shall be authorized to tax, with the other legal costs one dollar (\$1) for each trial, for the benefit of the city, and their residence in said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace.

SEC. 17. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public [notice] of not less than one (1) week, in such manner as the council may direct, that sealed bids shall be received by the clerk of the common council for doing said printing. The bid or bids received by the city clerk to do said printing shall be publicly opened and read by the clerk, at such time and place as the common council may appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper published in the city, and shall give satisfactory security for the performance of the work, shall be declared city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper. The city printer, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published and such affidavit shall be *prima facie* evidence of the publication of such

notice, ordinance or resolution. *Provided*, That if no person will publish in any newspaper published in said city, such ordinances or other matters as the common council may require to be published, at a rate not exceeding that prescribed by statute for legal advertisements or notices, the common council may make such other provisions for publishing its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 18. If any person having been an officer of said city, shall not, within ten (10) 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, he shall forfeit and pay to the use of the city, fifty dollars (\$50 besides all damages caused by his neglect or refusal so to deliver, and said successor may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 19. The common council shall have power at any time to require any further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for, but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three (3) months from the first organization and meeting of the common council after the first (1) year, the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to, or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, that the mayor and aldermen shall receive no compensation for their services as such officers,

SEC. 20. The mayor, or acting mayor, clerk and each alderman, the city justices, police officers, and watchmen, shall be officers of the peace, with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and, if need be, of all the citizens and military companies, and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty (50) dollars; and in case where the civil power may be required to sup-

press riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Sauk Centre do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison. *Provided*, that until otherwise ordered by the common council, the county jail of the county shall be used as a city prison, and it shall be the duty of the sheriff or jailor of the county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all the force of law. *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws:

*First.* To license and regulate the exhibition of common showmen, and shows of all kinds, or the exhibition of caravans, circuses, concerts, or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, tavern keepers and victualing house keepers, and all persons dealing in spirituous, malt, vinous or fermented liquors: *Provided*, that the granting of all licenses for so dealing in spirituous, malt, vinous or fermented liquors, shall be governed by the laws in force in this state.

*Second.* To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gambling in said city, and to restrain any person from selling, giving or dealing in spirituous malt, vinous or fermented liquors, unless duly licensed by the common council.

*Third.* To prevent any riots, disorderly assemblages in said city, and provide for the arrest of and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth.* To compel the owner or owners of any cellar, tallow-chandlers' shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifth.* To direct the location and management of slaughter-houses and markets, breweries and distilleries, and to establish rates for and license vendors of gunpowder or other combustible materials.

*Sixth.* To prevent the encumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, fire wood, posts, awnings or any other material or substance whatever.

*Seventh.* To prevent and punish immoderate driving in the streets, to regulate the speed of cars and locomotives in said city, and to prevent their obstructing the streets of said city, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

*Eighth.* To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances. *Provided,* That when a sale of such animals shall be made, the proceeds thereof after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one (1) year from the day of such sale.

*Ninth.* To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same, in a summary manner, when at large contrary to the ordinance.

*Tenth.* To prevent any person from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh or fish, or hides or skins of any kind, and to authorize the removal of the same at the expense of the owner.

*Eleventh.* To establish and construct public grounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps and provide for the lighting of the city and to control the erection of gas works,

electric lights or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and license hacks, carts, drays, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth.* To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits.

*Thirteenth.* To regulate the size 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 horse, mule, ox or other animal, on the sidewalks in said city, or in doing any damage to said sidewalks.

*Fifteenth.* To prevent the discharging of firearms or fire crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Sixteenth.* To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Seventeenth.* To restrain and regulate parties, runners, agents and solicitors for stages, cars, hotels, and public houses or other establishments.

*Eighteenth.* To establish public markets and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

*Nineteenth.* To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

*Twentieth.* To regulate the place and manner of weighing and selling hay, and measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first.* To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer, at the expense of such owner or occupant.

*Twenty-second.* To regulate, control and prevent the landing of persons from cars, stages or other conveyances whereon are contagious or infectious diseases or disorders, and to make such dispositions of such persons as to preserve the health of the city.

*Twenty-third.* To regulate the time, manner and place of holding public auctions and vendues, and sales at public outcry.

*Twenty-fourth.* To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

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

*Twenty-sixth.* To regulate the inspection of flour, pork, beef, fish, salt, whisky, and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

*Twenty-seventh.* To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-eighth.* To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building, which, by reason of dilapidation, defects in structure or other causes may or shall be imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expenses of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

*Twenty-ninth.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

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

*Thirty-first.* To impose punishment for the breach of any ordinance of the city, to the extent of a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding ninety days, or both, and may provide that the offender during such imprisonment, be fed on bread and water, at the discretion of the city justice before whom the same may be tried; and offenders against such ordinance may be required to give security to keep the peace, and for good behavior, for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

*Thirty-second.* To provide by ordinance that any one convicted of any offense before a justice subjecting such offender to imprisonment under the charter or ordinance 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 workhouse, or upon the public streets or improvements of said city, or both; and may also provide by ordinance that any one convicted of any offense before such city justice, 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 public streets or improvements of said city, or both until such person shall work out the amount of such fine at such rate of compensation as the common council may prescribe, for a time not exceeding said commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed.

and to prevent escape, and to secure proper discipline, and shall have power to establish a proper work-house in said city for the purposes aforesaid, and under such regulation as the common council may prescribe. *Provided*, that in case the city prison is for any reason unavailable for the purpose of containing or punishing offenders, the county jail of Stearns county may be used for that purpose. When said jail is so used the prisoners therein shall be under the control and custody of the sheriff of Stearns county. *Provided further*, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon any of the public streets, works or improvements of said city for the purpose of carrying such sentence into effect.

SEC. 4. All ordinances, regulations, resolutions and by-laws of said city shall be passed by a majority of the members of the common council present, by ayes and noes, approved by the mayor, and published once in the official paper of said city, before the same shall be in force, and all such ordinances, regulations, resolutions and by-laws so passed and published, shall be admitted as evidence in any court in this state, without further proof; they shall be recorded by the city clerk in books provided for that purpose. In all actions, prosecutions and proceedings before the city justices of the city of Sauk Centre, such city justice shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances before said city justice. No appropriation shall be made without a vote of a majority of the members of the common council present in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council. The subject of every ordinance shall be expressed in its title.

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. Depots, houses or buildings of any kind within the limits of said city, wherein more than fifty (50) pounds of gunpowder, or more than five (5) barrels of thirty-six (36) gallons each (or such greater or less quantities as the common council may direct by ordinance) of petroleum, kerosene, naphtha, or other inflammable or explosive oil or substance are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, malt, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SEC. 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners, city justices and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the terms for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council, in the discharge of their said duties, in pursuance of this section or shall refuse or neglect to render his accounts, or present his books and

vouchers to the common council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute such suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements or adjustments.

SEC. 7. All actions brought in pursuance of the provisions of the preceding sections, and all actions brought to recover any penalty or forfeiture under this act, by the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 8. All prosecution for any violations of this act, or of any by-law or ordinance of the city of Sauk Centre, the first process shall be by 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 Sauk Centre, but the person or persons so arrested may be proceeded against, tried, convicted, punished or discharged in the same manner as if arrested by warrant.

SEC. 9. The common council shall have full power from time to time to borrow money to pay the indebtedness of the city, and in order to pay such indebtedness the city may issue city bonds therefor, bearing interest not to exceed eight (8) per cent. per annum, redeemable at any time within ten (10) years, at the discretion of the common council. *Provided*, that at no time shall it be lawful for said indebtedness, bonded or otherwise, to exceed the sum of fifteen thousand dollars (\$15,000), unless the same be authorized by two-thirds ( $\frac{2}{3}$ ) vote of the legal votes cast at the election held for such purpose. *And provided further*, that the common council shall each and every year levy a tax of one (1) mill on the dollar of the taxable property in the city for each thousand dollars (\$1,000) that may be funded by the said city into bonds to pay the interest on said bonds and create a sinking fund to pay the same when due, but the property not in the limits of the present village of Sauk Centre shall be exempted from levy for payment for water works, as aforesaid

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## CHAPTER V.

### TAXES.

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 improving of public grounds, and the construction of buildings and improvements of a general character. *Provided*, That such taxes shall in no year exceed one-half ( $\frac{1}{2}$ ) per cent. of the assessed valuation.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property of the city, for the purpose of constructing, maintaining bridges and culverts, and opening, constructing,

maintaining roads, highways, streets and alleys ; for the construction of reservoirs, sewers, drains and street gutters and grading of streets, and for other purposes conducive to good order and cleanliness, and to protect against crime, disease and fire. *Provided*, That such taxes shall, in no year, exceed one-half ( $\frac{1}{2}$ ) per cent. of the assessed valuation. The tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements. The common council shall also have power to levy upon every male inhabitant of said city, between the ages of twenty-one (21) and fifty (50) years, except idiots, lunatics, paupers and such others as are exempt by law, a capitation or poll tax of two (2) days work upon the streets, highways or other public improvements within said city. All persons liable to pay such poll tax may in lieu of work pay to the street commissioner one dollar and a half (\$1.50) per day for each day such person is assessed to work. Said poll tax shall be levied by the common council at their first meeting after the annual election of each year, and shall be collected by the street commissioner in the manner prescribed by the laws in this state for the collection of highway labor taxes in towns, by overseers of highways. *Provided*, any person so assessed and duly notified who does not commute as hereinbefore provided, or who refuses and neglects to appear and perform such labor, shall thereupon become liable to pay the full amount of such assessment in money, at the same rate per day as hereinbefore specified for the commutation of such tax.

SEC. 3. The common council shall have power and it shall be their duty to levy, annually, upon the taxable property in said city, taxes sufficient to pay all bonds or other indebtedness due or payable in any year, unless that previously to the first (1st) day of September, in each year, some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act ; *Provided*, the same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The time, manner and place of holding such election to be prescribed by the common council, the same notice to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized.

SEC. 4. Taxes shall be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied ; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city ; if it be a bond or interest tax, it shall be kept and used, for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due ; if it be for improvements, it shall be kept and used for future improvements of the same character.

SEC. 5. The common council shall cause to be transmitted to the county auditor of the county, on or before the first (1st) day of October in each year, a statement of all taxes by them levied, 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 county shall pay such taxes over as fast as collected, to the treasurer of said city.

SEC. 6. No money shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders by the mayor, any countersigned by the clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor they are drawn, and may be made payable to the order of such person or to bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

## CHAPTER VI.]

### OPENING AND VACATING STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair, and free from nuisances.

SEC. 2. The common council of said city, by a vote of not less than two-thirds ( $\frac{2}{3}$ ) of the members present, and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elected, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. *Provided*, that whenever it shall be required to take private property for the purposes above stated, they shall proceed in the manner hereinafter provided.

*First.* The common council upon ordering an improvement above mentioned to be made, shall appoint three (3) commissioners, who shall be disinterested freeholders and qualified voters of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property or otherwise, in making said improvements. Said commissioners shall be notified as soon as practicable, by the city clerk of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty (50) dollars, and shall be liable to be prosecuted therefor before the city justices of said city, as in the case of fines imposed for a violation of an ordinance of said city; the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

*Second.* The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality

and fidelity, and to make due returns of their actions and doings to the common council.

*Third.* The said commissioners having ascertained and assessed the damage aforesaid, shall make and file with the city clerk a written report to the common council of their actions in the premises, embracing a schedule of assessment of the damages in each case, with a description of the land and the name of the owner, if known to them, and also a statement of the costs of the proceedings.

*Fourth.* Upon such report being filed in the office of the city clerk, said city clerk shall give at least ten (10) days notice by publication in the official paper of said city, to the effect that such assessment has been returned and that the same will be confirmed by the common council, at a meeting thereof, to be named in said notice, unless objections are made in writing by persons interested in lands required to be taken. Any person interested in buildings standing in whole or in part upon any land required to be taken by such improvement, shall, on or before the time specified in said notice, notify the common council in writing of their election to remove such building, according to the award of the commissioners. The common council upon the day fixed for the consideration of such report or at such subsequent meeting to which they may stand over or be referred, shall have power in their discretion, to confirm, revise, or annul the assessment, giving due consideration to any objections interposed by parties interested.

*Fifth.* The damages shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city; to and for the use of the parties entitled thereto, within six (6) months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited by order of the common council, in the district court of the county, in the same manner as moneys are paid into court until the parties entitled thereto shall substantiate their claim to the same.

*Sixth.* In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of the report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case, in case of removal. When such person or persons shall have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary upon payment or depositing the damages awarded for such taking, in manner aforesaid, may then be taken and appropriated, sold or disposed of, as the common council shall direct, and the same or the proceeds thereof shall belong to the city.

*Seventh.* When any known owner of lands or tenements affected by any proceeding under this act, shall be an infant or labor under legal disability, the judge of the district court of the county, or, in his absence, the judge of any court of record, may, upon application of said commissioners, or of said city, or such party, or his next friend, appoint a suitable guardian for such party, and all notices required by this act, shall be served upon such guardian.

*Eighth.* Any person feeling himself aggrieved by such assessment may, by notice in writing, served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county, within twenty (20) days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified, considered, and a transcript of such report certified by the city clerk, or the original thereof, shall be prima facie evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial, and be governed by same rules in all respects as appeals from justices of the peace in civil actions.

SEC. 3. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and also filed in the office of the register of deeds of the county.

SEC. 4. No public ground, street, alley or highway within said city shall be vacated or discontinued by the common council except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways resident within the city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief, its object, and that said petition will be heard and considered by the common council, or a committee thereof appointed by them on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the matter, and shall hear the testimony and evidence on the part of parties interested. The common council thereupon after considering the same, or upon the report of such committee, in favor of granting such petition may by resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect; declare such public

grounds, streets, alleys or highways vacated, which said resolution, after the same shall go into effect shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the city clerk shall be filed for record and duly recorded in the office of the register of deeds of the county.

SEC 5. Any person aggrieved thereby, may within twenty (20) days after the publication thereof appeal to the district court of the county, under the same regulation as in the case of opening streets and alleys, and the judgment of the court thereon shall be final.

SEC 6. It shall be the duty of the clerk to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in sections two (2) and four (4) of this chapter, said clerk shall carefully record and transcribe in such records all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointment of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the council, and the said record, or a certified transcript thereof or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office shall be prima facie evidence of the facts therein contained, in any court in this state.

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## CHAPTER VII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the materials of which, or the construction of which shall be regarded as dangerous to surrounding property, shall not thereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials, as in the judgment of the common council, shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. The common council shall have power by resolution to order any building, structure or materials thereof, hereafter erected, or in process of erection, of which the construction or material may be dangerous to surrounding property to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars

(\$100), which may be imposed by a city justice, upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition, when considered dangerous. To prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and alleys. To require the inhabitants to provide as many fire buckets, and in such manner as they shall prescribe and to regulate the use of them in time of fires. To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires. To compel the owners or occupants of buildings to have scuttles in their roofs, and stairs or ladders to the same. To authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership, and shall elect their own officers, and make their own by-laws, subject, however, to the approval of the common council.

SEC. 4. The common council shall have power to appoint one (1) or more fire wardens, whose duty it shall be to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition and to cause such as they may deem dangerous to be put in a safe condition.

SEC. 5. Whenever any person, not a fireman, shall refuse to obey any lawful order of any engineer, fire warden or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct, orally any constable to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest any person so refusing to obey, shall be liable to such penalty as the common council may prescribe, not exceeding a fine of fifty (50) dollars.

## CHAPTER VII.

## STREET GRADES AND SIDEWALKS.

SECTION 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge within a time designated by the common council in a written notice to be served upon said owner, if he be a resident of said city, personally, or by leaving a copy thereof at his usual place of abode in said city with some person of suitable age and discretion, and if the said owner be not a resident of said city, or if the owner of any such lot or lots or parcels of land be unknown, then such notice shall be served by publication thereof in the official paper of said city for not less than two (2) weeks, every such notice to set forth what work is to be done, and the character thereof, by such owner or occupant.

SEC. 3. If such work is not done and the said sidewalk not built or repaired in the manner and within the time specified, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and said expense shall be assessed upon said lots and parcels of land so chargeable, by the street commissioner, in such manner that each lot and parcel shall be charged with the whole expense of the sidewalk adjoining thereto. After such assessment is made it shall be returned by the street commissioner to the common council, and said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

SEC. 4. If said assessment be not paid to the street commissioner or the city clerk, on or before the twentieth (20th) day of September in any year, the common council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county on or before the first (1st) day of October in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof shall be enforced, with and in like manner as city, county and state taxes are collected and payment thereof enforced.

SEC. 5. The common council shall prescribe the width of sidewalks and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 6. The expense of constructing or repairing sidewalks in said

city shall include all stonework, excavations or filling to make the same upon established grades.

SEC. 7. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said city.

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## CHAPTER IX.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of two-thirds of the aldermen elect.

SEC. 3. In all prosecutions for any violation of this act the first process shall be by warrant on complaint being made; *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 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 made by warrant. All warrants, process or writs issued by a city justice for the violation of any ordinance or by-law of said city, shall be directed to the chief of police of said city and shall be brought in the corporate name of the city of Sank Centre. In all other suits and proceedings before said city justice, the same proceedings shall be had, the same forms used, and all process shall be directed the same as is now required by law in proceedings before justices of the peace.

SEC. 4. In all cases of the imposition of any fine or penalty, or if the rendering of any judgment by a city justice of the peace, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city, as a punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall forthwith be committed to the city prison of said city or to the common jail of the county and be there imprisoned for a term not exceeding three (3) months, in the discretion of the city justice, unless the said fine or penalty be sooner paid or satisfied; and from the time of the arrest of any person for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

SEC. 5. 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.

SEC. 6. Such city may purchase and hold real estate and personal

estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

SEC. 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this state without proof.

SEC. 8. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 9. The first election of city officers of said city under this act, shall be held on the first Tuesday in April, A. D., 1889, and notice thereof shall be given by the village recorder of the village of Sauk Centre, in the same manner as is now required by law for village elections, and upon the election and qualification of said city officers said city corporation shall be and is hereby declared to be duly and legally established, and all the provisions of this act shall be in full force and effect, and thereupon the municipal corporation known as the "Village of Sauk Centre" shall cease, and said city corporation shall thereupon succeed to, and become vested with, and owners of all the property, real, personal and mixed, and all the rights of action of every kind and nature whatsoever, which belonged to or was owned by said village corporation at the time when the same ceased to exist, and said city corporation shall thereupon become and be liable and responsible for all the debts and obligations and liabilities then existing against said village corporation for any cause or consideration whatever, in the same manner and to the same extent as if such debt had been originally contracted or incurred by such city incorporation.

SEC. 10. All ordinances, by-laws and resolutions heretofore made and established by the village council of the village of Sauk Centre, not inconsistent with the provisions of this act, shall be and remain in full force and effect after the establishment of said city corporation as herein provided, until the same shall have been altered, modified or repealed by the common council of said city corporation.

SEC. 11. All and every process and notice whatever, affecting such city shall be served upon the mayor, or in his absence, upon the president of the council, and in the absence of both of these officers upon the city clerk, or by leaving a copy thereof at the office of said city clerk.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 5, 1889.