

CHAPTER 9.

[S. F. No. 434.]

AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ANOKA, IN THE COUNTY OF ANOKA, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT, AND TO AMEND THE SAME.

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

SECTION 1. That the act entitled "an act to incorporate the city of Anoka, in the county of Anoka, and state of Minnesota," approved March two (2), eighteen hundred and seventy-eight (1878), and the several acts amendatory thereof, be and the same are hereby amended, consolidated and incorporated into one act as follows:

CHAPTER I.

SECTION 1. All that part of the county of Anoka, in the state of Minnesota, contained within the limits and boundaries hereinafter mentioned and described, shall be a city, and the inhabitants thereof shall be and form a municipal corporation under the name and style of the city of Anoka, and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and be capable of contracting and being contracted with; suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real, personal and mixed estate as the purposes of the city may require, either within or without the limits of said city.

SEC. 2. That territory included within the following boundaries and limits shall constitute the city of Anoka, to-wit: All of sections numbers six (6), seven (7) and eighteen (18), lot number one (1) of section number seventeen (17) and the west half of the west half of sections numbers five (5) and eight (8) in township number thirty-one (31), north of range number twenty-four (24) west; the southwest quarter of the southwest quarter of section number thirty-two (32) and the south half of the south half of section number thirty-one (31) in township number thirty-two (32), north of range number twenty-four (24) west; the south half of the south half of sections numbers thirty-five (35) and thirty-six (36) in township number thirty-two (32), north of range number twenty-five (25) west, and all of sections one (1), two (2) and twelve (12) in township number thirty-one (31), north of range number twenty-five (25) west, and the westerly boundary of said city shall be the middle of the Mississippi river.

SEC. 3. The said city shall be divided into three wards as follows: All that part of said territory which lies west of Rum river shall constitute the first (1st) ward.

All that part of said territory which lies south of the middle of Jackson street and G street and the extension of G street to the east line of said city shall constitute the second (2d) ward.

All that part of said territory which lies north of the middle of said Jackson street and G street and the extension of G street to the east line of said city shall constitute the third ward.

CHAPTER II.

SEC. 1. Each ward shall constitute an election district, and the judges of election shall be appointed, and the places for holding elections therein shall be designated by the City Council of said city, provided, that whenever at any election it shall appear that more than four hundred (400) votes have been cast in any one district it shall be the duty of the city council at least six (6) weeks prior to the holding of another election to divide such districts into two or more election districts and at the proper time appoint judges of election and designate the places of holding elections therein.

SEC. 2. There shall be an annual election by the qualified electors of said city, for the elective officers hereinafter provided, held on the first Tuesday of April in each year, in each election district in said city, now or hereafter established, and at such place or places in such election district as the city council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon; the city clerk of said city, at least fifteen (15) days before the holding of any annual or general election, and twenty (20) days before the holding of any special election, shall give public notice of the time and place of holding such election by publishing in the official paper for at least two (2) successive weeks and by posting in three public places in every election district three (3) notices containing a list of the officers to be elected at such election, one (1) of which notices shall be posted up at the place of holding the election; said notices shall also contain the hours during which the polls will be open.

SEC. 3. The elective officers of said city shall be a mayor, a treasurer, an assessor, one constable, a municipal judge and a special municipal judge.

Each ward shall elect two aldermen, who shall be resident freeholders and qualified electors of the ward for which they may be elected. The mayor and treasurer shall be resident freeholders and qualified electors of said city, and the municipal judge and special municipal judge shall be residents and qualified electors of said city.

The mayor, treasurer and assessor shall hold their offices for one year and until their successors are elected and qualified.

The municipal judge, special municipal judge, aldermen and constable, shall hold their offices for two years and until their successors are elected and qualified. All other officers necessary for the proper management of the affairs of said city and not otherwise provided for in this act shall be appointed by the city council.

The appointment of such officers shall be determined by ballot and it shall require the concurrence of a majority of all the members of the city council present to appoint such officers.

SEC. 4. Every person appointed to any office by the city council, or elected to any office by the people, may be removed from such 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 first furnished with a copy of charges made against him, nor until such person shall have had a reasonable opportunity to be heard in his defense.

The city council shall have power to fix a time and place of trial of such officer, of which not less than ten (10) days' notice shall be given to such officer, and to each alderman, and shall have power to compel the attendance of witnesses and the production of papers and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charges the city council may declare such office vacant. Any officer may be suspended until the disposition of charges preferred.

SEC. 5. Whenever any vacancy shall occur in the office of any executive officer of said city such vacancy shall be filled by appointment by the city council of said city until the next annual election, and the successor of such person so appointed to fill any vacancy aforesaid shall be elected at the next annual election for the unexpired term.

SEC. 6. Any officer removing from the city, or from the ward for which he was elected, or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office shall be deemed to have vacated his office and the city council shall proceed to fill the vacancy as herein prescribed.

SEC. 7. The mode of conducting elections shall be the same as provided by the general laws of this state governing elections, except as otherwise provided herein. *Provided*, whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council at such time and in such manner as it may direct.

SEC. 8. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the city council may order a new election to be held, twenty days' notice of the time and place of holding the election being first given.

SEC. 9. All persons entitled to vote for state and county officers and who shall have resided for ten (10) days next preceding the election, in the election district where they offer their vote, shall be entitled to vote for any officer to be elected under this act.

The city council of said city, shall each year, in sufficient time before each general election, whether for state, county, or city officers, and for every annual election appoint three (3) qualified electors in each election district of said city, to be judges of election in their respective districts for all state, county, city or other offices, each of whom shall be of opposite party, if practicable, and the said judges of each election district aforesaid, shall appoint two (2) qual-

ified electors in their election districts respectively, to be clerks of such elective districts respectively, and of opposite party, if practicable. Said elections shall be held and conducted in the manner and under the same penalties as required by the laws of this state regarding elections, excepting that the returns for all city elections shall be made to the city clerk. All vacancies of any of the judges or clerks aforesaid may be filled by appointment by the said city council, or in case of their failure so to do by the remaining judge or judges. *Provided*, that it shall not be necessary to appoint judges, or make new registers of voters for a special election, but the judges of election, at the last annual election in any district shall continue to be judges of election for such special election, and vacancies of judges may be filled the same as in case of general elections and such judges shall have the right to take from the city clerk and use at such special election the register used at the general election next preceding such special election.

SEC. 10. Within three (3) days after any city election the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city clerk shall forthwith give written notice to the officers elected of their respective elections.

SEC. 11. The term of every officer hereafter elected under this act, unless otherwise provided for shall commence on the first (1st) Monday after the first (1st) Tuesday in April in each year.

SEC. 12. All elections by the people of said city shall be by ballot and a plurality of votes shall constitute an election.

CHAPTER III.

CITY OFFICERS, THEIR POWERS AND DUTIES.

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 administering the same with the city clerk.

The treasurer and such other officers as the city council may direct shall severally, before entering upon their respective offices execute to the city of Anoka a bond with at least two (2) sureties, to be approved by the city council, each of whom shall justify under oath that he is worth the amount stated in his affidavit over and above his debts, exemptions and liabilities, and said bond shall contain such conditions as the city council shall deem proper, and said city council may from time to time in their discretion, 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 observed and enforced within the city and that all other executive officers of the city discharge their respective duties.

He shall be ex-officio, a member of the city council and when present shall preside over the meetings of the city council, and shall have the right of casting the deciding vote upon any question before said council when the aldermen composing said council present and voting are equally divided thereupon and at no other time. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and resolutions shall before they take effect be presented to the mayor by the city clerk and if he approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto in writing, by depositing the same with the city clerk to be presented to the city council at their next meeting thereafter.

Upon the return of any ordinance or resolution by the mayor the vote by which the same was passed shall be reconsidered and the question shall be again put upon the passage of the same, notwithstanding the objections of the mayor, and if upon such vote the city council shall pass the same by a two-thirds ($\frac{2}{3}$) vote of all the aldermen composing the council, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays which shall be entered of record by the city clerk.

If any 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 force and effect as if approved by the mayor. In case the mayor shall be guilty of wilful oppression, corrupt partiality or other malfeasance in the discharge of the duties of his office he shall be liable to indictment and on conviction thereof shall be punished by fine of not more than five hundred (\$500) dollars and the court shall have power to add to the judgment of the fine that he be removed from office.

SEC. 3. At the first meeting of the city council in each year, after the city election, they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the city council when the mayor is absent therefrom, and during the absence of the mayor from the city, or in case of his inability for any reason to discharge the duties of his office the said president shall execute all the powers and discharge all the duties of the mayor. In case the president shall be absent at any time, the vice-president shall discharge the duties of such president and act in his place. The president or vice-president while performing the duties of mayor shall be styled acting mayor, and acts performed by either when acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor.

SEC. 4. There shall be a clerk of said city styled the city clerk, who shall be elected by the city council. He shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the city council at whose meetings it shall be his duty to attend. He shall keep a full and accurate record of all the by-laws, resolutions and ordinances passed by the city council in a book or books to be provided for that purpose. Copies of all papers filed in his office, and transcripts of any records in his office, certified by him, under the corporate seal, shall be evidence in all courts in this state

in like manner as if the original were produced. He shall draw and sign all orders on the city treasurer, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose; he shall perform all other services by law required of clerks of cities or townships within said city. He shall report annually on or about the first (1st) Tuesday in April to the city council, an estimate of the expenses of the city for the current year and the revenue necessary to be raised therefor and the fiscal year of the city shall commence the first (1st) Tuesday in April. The city clerk shall countersign all contracts made in behalf of the city, in connection with the mayor. He shall examine the reports, books, papers, vouchers and accounts of the treasurer and shall perform such other duties from time to time as the city council may direct. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan, negotiated by or in behalf of the city. Whenever the city clerk is absent or for any reason is unable to act, the city council may appoint a city clerk pro tem, and said clerk so appointed shall have the same powers and be subject to the same restrictions and liabilities as the city clerk. The city clerk shall cause all records, books, papers and instruments of any kind belonging to the city, when not in use to be deposited and kept in the vault provided for that purpose at the city hall. Said city clerk shall be responsible for all such property of the city as may come into his custody as such clerk, and the city council may require him to give bonds in such form and with such penalty and sureties as they may deem proper.

SEC. 5. The city council shall have power to elect a city attorney who shall perform all professional services incident to the office and when required shall furnish opinions upon any legal question submitted to him by the city council or by any of its committees, and he shall be a person learned in the law. He shall also advise with, and counsel all city officers in respect to their official duties and attend the meetings of the city council, and of such committees as shall require his assistance and shall perform such other duties pertaining to his office as may be prescribed by the city council by ordinance, and he shall hold his office for one year from the first (1st) Monday after the annual city election.

SEC. 6. The city council shall have power to elect a city engineer who shall hold his office during the pleasure of the city council and shall be a practicable surveyor and engineer. The city council shall prescribe the duties of the city engineer and shall fix the fees and compensation for any services performed by him or his assistants.

He shall possess the same powers in making surveys and plats within the limits of said city as are given by law to county surveyors; and the like effect and validity shall be given to his acts, and to all plats and surveys made by such city engineer, as are, or may be given by law to the acts, plats and surveys made by county surveyors. All surveys, profiles, plans, or estimates made for the city by such city engineer shall be and become the property of the city, and the same shall be carefully preserved and kept in the vault provided

for that purpose at the city hall by the city clerk for the inspection of all parties interested therein.

SEC. 7. The city treasurer shall receive all moneys belonging to said city, including all taxes, license moneys and fines, and other revenues of the city and keep an accurate and detailed account thereof in such manner as to show the exact financial condition of said city. He shall exhibit to the city council at least fifteen (15) days before the annual election, and as often as said city council may require a full and detailed account of all receipts and expenditures since the date of his last annual report or for any required period, and also the state of the city treasury and shall file his annual account with the city clerk and the same shall be published in the official paper of said city before such annual election. He shall give such bonds as the city council may require and the same shall be conditioned for the faithful performance of all duties imposed by this act. No funds of the city shall be loaned by the city treasurer to any person or persons whomsoever, or otherwise disposed of except in accordance with law. Any violation of this provision shall be a misdemeanor punishable by imprisonment for a period not exceeding one (1) year or by a fine not exceeding one thousand (\$1,000) dollars, or by both fine and imprisonment, in the discretion of the court.

At the first meeting of the city council in each month, the treasurer shall report the amount of city funds under his control and where deposited.

SEC. 8. The city assessor may in each year appoint one or more deputies if required to enable him to complete his work within the time limited by the general laws of this state, such appointment however to be approved and confirmed by the city council, and shall serve during the time of the making of the lists unless sooner discharged by said assessor, who is hereby forbidden to retain such deputy or deputies longer than his services are actually needed. The city assessor and his deputies shall qualify in the manner, and discharge the duties prescribed by the general law. In all respects not herein expressly provided for the city assessor shall in making assessments be governed by the rules both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state, for the government of assessors in other parts of the state.

SEC. 9. The city council shall at its first (1st) meeting after each annual election appoint one (1) street commissioner for each ward of said city, whose term of office shall be for one (1) year. All work done by the street commissioners shall be subject to the approval of the aldermen of their respective wards and the city engineer. It shall be the duty of such street commissioners to see that all streets and sidewalks under their charge which have been graded and opened for travel are kept clear from obstructions and in such repair as to be safe and passable. Also to superintend, subject to the directions of the city engineer the grading of streets and the laying of sidewalks, and carry into effect all orders of the city council in reference to work to be done on the streets of said city, in their respective wards, but no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and sidewalks in repair and pas-

sable condition unless such work is specially ordered by the city council. The street commissioners shall keep accurate accounts of their work and expenditures and make detailed and itemized reports thereof to the city council monthly, and oftener if required by the city council, and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with such full and itemized reports of his work and expenditures up to the time of presentation of such bill. The city council shall fix the rate of compensation to be paid said street commissioners and for laborers employed in work on said streets.

No street commissioner shall be interested in any contract for any work to be done under his charge nor be allowed any compensation for any use of team owned by himself, or in which he shall have an interest, nor for any material or labor furnished by him, except his personal services, nor shall he receive any commission, gratuity, money or valuable thing directly or indirectly from any person doing work or furnishing material for any work, or construction under the charge of such street commissioner, or any other street commissioner or the city engineer of said city. And in case of any acceptance of a commission, gratuity, money or valuable thing by the city engineer, street commissioner or other officer contrary to the provisions of this section, such engineer, commissioner or other officer shall be punished in same manner as provided by law, for the acceptance of bribes by public officers.

SEC. 10. The municipal court of said city shall have exclusive cognizance and jurisdiction of all trials and examinations within said city, cognizable before a justice of the peace under the laws of the state and of all suits, prosecutions, proceedings for the recovery of all forfeitures, fines and penalties, or inflictions of punishments for the breach of any by-law, regulation, or ordinance of said city and of all offenses against the same. And in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses, or houses of ill-fame, the municipal court may, in addition to any fine or punishment authorized or imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior for a period not exceeding six (6) months, and in a sum not exceeding five hundred (\$500) dollars. The judge and special judge of said court shall have the powers of justices of the peace as conservators of the peace and in all ministerial and ex-parte matters, and shall have all the power of justices of the peace to take depositions to be used in other courts. All fines and penalties imposed by said court shall belong to and be a part of the revenue of said city. Said court shall also have power in all criminal actions within its jurisdiction when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any work-house established by the city for that purpose, or in case of male offenders to sentence them to labor on any public improvement or work in like manner and under the same qualification as hereinafter provided, in case of offenders against the city ordinances.

SEC. 11. If any person having been an officer of said city shall not within five days after notification and request so to do 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 five hundred (\$500) dollars, besides all damages caused by his neglect and refusal to deliver the same and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

SEC. 12. The city council shall, at its first (1st) meeting after the annual city election, or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city for one week for sealed proposals for publishing in some newspaper, which shall have been printed, published and of general circulation in said city at least two years prior to the making of such proposals, the ordinances, all the official proceedings of the city council, including the full proceedings of each regular and special meeting of the city council and other matters required in the charter or ordinances and resolutions to be published in a public newspaper, such proposals to state the price per folio for the first insertion and for each additional insertion per folio of all matters so to be published, said proposals to be marked "proposals for advertising" and addressed to the city council, which proposals shall be opened at the next meeting of the city council, and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared to be the official paper of the city, provided that in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof, as a medium for advertising, and placing before the tax-payers of said city the matters herein provided to be advertised. *Provided*, said bid shall not exceed the price of seventy-five (75) cents per folio for the first insertion and thirty-five (35) cents per folio for each subsequent insertion. *Provided, further*, that the proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher and give bonds in the sum of five hundred (500) dollars with two sufficient sureties to be approved by the city council, conditioned for the faithful performance of such contract. The newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall remain in force for the term designated and until the city council shall designate another paper as the official paper of the city.

SEC. 13. The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, file with the city clerk of said city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

SEC. 14. The mayor shall have control and supervision of the police of the city. He shall by and with the consent of the city council appoint all police officers and watchmen, and he may remove or discharge any police officer or watchman, whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places, or for the reduction of the police force.

No person shall hereafter be appointed to, or hold any office as police officer or watchman who is not a citizen of the United States, and who shall not have been a resident of this state for one year next preceding his appointment, and who cannot read, write and speak the English language.

SEC. 15. The mayor may likewise at the request of any person, firm, society, corporation, or organization, appoint policemen or watchmen who shall serve without expense to the city, and have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside of the limits named in such appointment.

SEC. 16. The mayor in case of riot, disturbances or large public gatherings may appoint such special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one (1) week without the consent of the city council.

SEC. 17. The mayor shall in his appointment designate one (1) officer to be the chief of police and such other officers for the performance of special duties and with such control over other officers or watchmen as may be deemed necessary, and may designate the right of such police officer by such proper title as he may select. The mayor shall, with the consent and approval of the city council from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof as he may deem necessary, and in like manner alter the same, and such regulations may extend to uniforms, badges, arms, discipline, drill and exercise of the police force, when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

SEC. 18. All police officers and watchmen of the city shall possess the powers of a constable at common law, or by the laws of this state, and in addition thereto shall have the power, and it shall be their duty, to execute and serve all warrants, process, commitments and all writs whatsoever issued by the municipal court of the city, and they shall have the power with the consent and by the direction of the mayor to pursue and arrest any person fleeing from justice in any part of the state, but in no case shall they go outside the limits of said city in pursuit of any offender, or to execute any warrant or process, except in the case of offenses committed within said city they shall also have power and it shall be their duty to serve all summonses, or subpoenas in behalf of said city, within their jurisdiction. When such officers perform the duties of constables within the city for private parties the city shall be entitled to like fees for their services, to be taxed and collected in like manner. When they pursue criminals outside the city, and such criminals are charged with offenses against the state laws they shall be entitled to receive for their own use all fees for such pursuit, and all rewards offered for the apprehension of such criminals.

SEC. 19. The mayor or acting mayor, chief of police, the officers of police next in rank to the chief, the sheriff of Anoka county and his deputies, the coroner, the judge of the municipal court, and all police

officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies and in cases when the civil authorities may be required to suppress riot or disorderly behavior the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SEC. 20. If any person, bystander, military or private, shall refuse to aid in preserving the peace when thereto requested as designated in the foregoing section, every such person shall forfeit and pay a fine of fifty (\$50) dollars to be recovered in the municipal court.

SEC. 21. If any person shall, without authority, assume to act as policeman or to pretend to have such power, or wear the badge of policeman within said city he shall be deemed guilty of a misdemeanor, and upon conviction thereof before the municipal court, he shall be fined not exceeding one hundred (\$100) dollars, or imprisoned not exceeding ninety (90) days in the discretion of said court.

SEC. 22. The city council shall have power at any time to require other and 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 herein otherwise provided for.

SEC. 23. No member of the city council or other city or ward officer shall be a party to or interested in any contract or job of work wherein the city may be one of the contracting parties.

SEC. 24. The city council shall have power to fix the compensation of all officers (including committees, commissioners or arbitrators) elected or appointed under this act. Such compensation shall be fixed by resolution at the time the office is created, and at the commencement of any year as soon after election as practicable, and when so fixed shall not be increased or diminished during the term for which such officer shall have been elected or appointed.

CHAPTER IV.

SEC. 1. The aldermen shall constitute the city council, the style of ordinances shall be: "the council of the city of Anoka do ordain."

The annual meeting of the city council shall be held on the first Monday after the annual charter election in each year and a majority of the aldermen shall constitute a quorum to do business.

The city council shall determine the rules of its proceedings and be the judges of the election and qualification of its members, and shall have full power and authority to prescribe fines and penalties against its members who absent themselves without valid excuses from any of the council meetings duly held or called, and may enforce such fines or penalties in such manner as they may by resolution provide. If any member of the council shall absent himself from the meetings

thereof three times in succession without just excuse the city council may declare his office vacant and fill the same for the unexpired term by appointment.

SEC. 2. The city council shall hold stated meetings at least once in each month, and the mayor, or in case of his absence, inability or refusal to act, then the president or vice-president of the council may call special meetings of the council by written notice thereof to each of its members to be delivered personally or left at his last and usual abode, with some person of suitable age and discretion, which notice may be served by the city clerk or any police officer of said city, who shall make and file his affidavit of such service in the office of said city clerk when thereto requested; the city council shall have the management and control of the finances and all the property of the city, subject to the provisions of this act.

SEC. 3. In addition to any other powers herein granted, said city council shall have full and complete power and is hereby invested with the authority to make, enact, ordain, establish, publish, alter, modify, amend, repeal and enforce all such ordinances, rules, regulations, by-laws, orders and resolutions for the government and good order of the city for the suppression and punishment of vice and intemperance; for the prevention and punishment of crime therein and for the protection of life and property, and the safety and health of the inhabitants of said city, as they shall deem expedient.

Said council may establish and maintain a city jail, prison or work house for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever in any way cognizable before any court of said city; make all rules and regulations for the government and management of any such jail, prison or work house; appoint keepers and other officers for the same, prescribe their duties and fix their compensation, and any of the officers so appointed shall have and possess all the powers and authorities of jailors at common law or by the laws of this state.

SEC. 4. In every case hereinafter mentioned, said city council shall have and possess full power and authority to declare and impose fines, penalties or punishments and provide for their enforcement against any and all persons who shall violate any of the provisions of this act or shall violate any of the provisions of any ordinance, by-law, resolution, rule or regulation of said city of Anoka, and all ordinances, rules, resolutions, by-laws or regulations by said council duly passed, approved and published as in this act provided, shall be, and have all the force of law; provided that they be not repugnant to the constitution or laws of the United States or of this state.

SEC. 5. The city council of the city of Anoka are hereby expressly authorized and empowered to enact and enforce ordinances, by-laws, orders or resolutions in the following cases and for the following purposes:

First—To license and regulate, or to prohibit the exhibition of common showmen and shows of all kinds, including caravans, circuses, concerts and theatrical performances within said city; to license and regulate all auctioneers, pedlers or hawkers of wares and keepers or owners of public billiard halls or rooms, the keepers or owners of pigeon-hole tables, nine or ten pin alleys, bowling

saloons, and the keepers of all places resorted to by the public for amusement or diversion; to license and regulate the owners or proprietors of butcher shops, butchers' stalls or venders of butchers' meat, pawnbrokers, hotel, inn or tavern keepers, the owners or keepers of lager beer saloons, restaurants, victualling houses, public boarding houses, and all persons dealing in or disposing of spirituous, vinous, malt, fermented or mixed liquors; *provided* that all regulations in relation to persons dealing in intoxicating liquors, shall conform to the general laws of the state; to license persons selling goods, wares or merchandise by sample when the same are to be sent or thereafterwards delivered to the purchaser, *provided* that not less than one dollar (\$1) nor more than one thousand dollars (\$1,000) shall be required to be paid for any license under this act, nor shall the fee for issuing such license exceed one (\$1.00) dollar and said city council are empowered to revoke at any time any license granted by virtue of this act, or by virtue of any ordinance, by-law or resolution of said council, passed pursuant to the authority hereby granted for malconduct of any licensee in the course of trade. Said council are empowered to prescribe fines, penalties and punishments for the violation of any ordinance, resolution or by-law in relation to all matters mentioned in this section and provide means for the enforcement of any fine, penalty or punishment.

Second—To restrain and prevent gambling of every kind within said city and all fraudulent devices and practices, playing of cards, shaking dice and engaging in any game of chance for the purpose of gaining; to prevent all persons setting up any form of lottery, game of hazard or any description of gambling device whatever, and to restrain any person from giving away, disposing of in any manner or dealing in intoxicating liquors of any name or kind within said city, unless duly licensed by said city council, and to impose and enforce penalties for any violation of any ordinance, by-law or regulation in relation to the above matters.

Third—To prevent any riot, unusual noise, disturbance or disorderly assemblage in said city and to provide for the arrest and punishment of any person or persons who shall cause or take part in the same; to suppress disorderly houses, groggeries, houses of ill fame and gambling houses, and to provide for the arrest and punishment of the keepers of such houses and of persons found therein, or frequenting the same, and to authorize the seizure and destruction of all furniture, instruments, appliances and devices of every kind used or kept for the purpose of gaming or gambling.

Fourth—To require the owner or occupant of any grocery, cellar, store, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unhealthful, nauseous or offensive building or place of any kind within said city to cleanse, remove or abate the same from time to time, as often as said council shall deem necessary for the health and comfort of the inhabitants of said city; also to require and provide for the removal in such manner with private parties or otherwise throughout the city or in such districts as the council may direct of any or all swill, offal, garbage, ashes, barn-yard litter, manure, yard-cleanings, night-soil, or other foul or unhealthful stuff, with the authority to assess the expense of such removal upon the

property upon which such above named matter or substances shall be taken, and further to provide and enforce penalties for a violation of any ordinance relative to the above matters.

Fifth—To direct the location and management of slaughter houses, markets, breweries, distilleries and pawnbroker's establishments; and cause the removal or abatement of any such business when located or carried on without previous consent of the council thereto obtained, and further to provide for the punishment of any person or persons who shall violate any ordinance or by-laws of said city relative thereto; to license vendors of gunpowder or other dangerous and explosive substances, regulate the storage, keeping and conveying the same within said city and provide penalties and enforce the same in all such cases.

Sixth—To prohibit and prevent the encumbering or obstructing of the streets, sidewalks, lanes, alleys or any public place or ground within said city, with carriages, carts, wagons, sleighs, vehicles of any kind, boxes, lumber, wood, posts, awnings, bill boards, structures of any kind or any other substance or material of any kind whatever, and to provide penalties and enforce them in such cases.

Seventh—To prohibit and prevent horse racing within said city, the immoderate riding or driving of horses or teams in or upon the streets or bridges of said city; to require persons to fasten their horses or other animals attached to vehicles of any kind, while standing in the streets; to prevent any person or persons from bathing or swimming in any of the waters within the city limits unless properly clad, and to provide and enforce penalties in all such cases.

Eighth—To prohibit and prevent the running at large at any time of horses, mules, asses, or any horse kind, cattle, swine, sheep, goats or domestic fowls or poultry of any kind within the limits of said city; to authorize the distraint, impounding and sale of all such animals and fowls, and to impose penalties and enforce the same against the owners thereof for violations of the ordinances relative thereto; *Provided*, that when a sale of any empounded animal or fowl shall be made, the proceeds of such sale, after deducting the cost and expenses of distraining, keeping and selling the same shall be deposited in the office of the city treasurer of said city for the use and benefit of the owner thereof, if called for by such owner within one year from the date of such sale.

Ninth—To prohibit and prevent the running at large of dogs within said city; to require the owner of any dog to procure a license for the same, and to authorize the seizure, empounding, sale or destruction in a summary manner of any dog found running at large within said city contrary to any ordinance; to provide a pound for dogs if deemed necessary, and appoint a person to enforce all regulations and ordinances in relation thereto and prescribe his duties and method of procedure, and such person shall have all the powers and authority of a constable under the laws of this state, and such other authority as may be necessary to the fulfillment of the duties of his office, and shall receive such fees or compensation as the council may prescribe.

Tenth—To prevent any person or persons from bringing into, depositing or having within said city any putrid carcass, or other unwholesome or offensive substance and to require the removal of the

same forthwith, by any person who shall have the same in his possession or upon his premises and may require any person having in his possession or on his premises any putrid or diseased beef, meat of any kind, fish, fowls, game, hides or skins or any other substance, to forthwith cause the same to be destroyed or removed; and to provide penalties and enforce the same against any person or persons violating any order, ordinance or regulation in relation to the above matters. And for such purposes said city council is given full and complete authority and jurisdiction over any and all territory to a distance of one-half ($\frac{1}{2}$) mile, in all directions from the limits of said city, within the county of Anoka.

Eleventh—To make, build and establish public pounds, and appoint pound masters; to prevent the breaking of any pound so established or interference with the pound master while in the discharge of his duties; to provide penalties, and enforce the same against any person or persons who shall break open, damage or destroy any public pound, or take any animal therefrom without lawful authority, or who shall interfere with any poundmaster while in the performance of his duties. Any poundmaster appointed by said council shall have all powers and authority of a constable under the laws of this state, and such other power and authority as may be necessary for the full and faithful discharge of his duties. The city council shall prescribe the duties of all poundmasters by them appointed, and fix their fees and the charges for impounding, keeping and selling animals distrained, provided that such fees and charges shall be reasonable.

Twelfth—To make and establish public pumps, wells, cisterns, hydrants and reservoirs, and to provide for and conduct water into and through the streets, lanes, alleys and public grounds of said city and to provide for and control the erection of water works for the supply of water for said city and its inhabitants; to construct sewers, drains and gutters in the streets of said city, and to keep all public improvements in good repair, and said city council may cause the streets and public grounds, or designated parts thereof of said city, to be sprinkled when they deem it conducive to the best interests of its inhabitants.

Thirteenth—To license at a reasonable rate and regulate hackmen, draymen and all other persons, companies or corporations engaged in carrying passengers, baggage or freight, and to prescribe standing places or stations within the streets for such hacks, drays or other vehicles used for such carriage, may stand or remain while waiting for business orders, and to designate such standing places in the license issued to such persons, and to prohibit them from standing or waiting at any other places in the streets or public places of said city, than at such as may be so designated, and further, to direct where all vehicles waiting at any railroad station or depot in said city may stand, and to provide and enforce penalties for a violation of the ordinances in relation to such matters.

Fourteenth—To regulate and at a reasonable rate to license second-hand stores, junk shops and auction stores or shops and to prevent any fraudulent practices by persons engaged in such business and to provide for the punishment of any person who shall violate any ordinance or by-law of said city, relative to such matters.

Fifteenth—To erect lamps or to provide for the lighting of said city by electricity, gas or other means; to control the erection of any works for the lighting of said city, its streets, public buildings or public grounds; to create, alter and extend lamp or light districts; to provide for heating the public buildings of said city, and by a two-thirds ($\frac{2}{3}$) vote of the council to permit private persons or corporations to lay pipes in the streets for furnishing heat or motive power.

Sixteenth—To establish and to regulate boards of health; to purchase or erect hospitals and to buy grounds therefor; to buy lands within or without said city for public cemeteries and to have full control over all such grounds; to provide for the registration of births and deaths and the returns of bills of mortality, and to regulate or prevent the burial of the dead within the limits of said city and to provide for the punishment of any person violating any ordinance of said city in relation to all the above matters.

Seventeenth—To regulate the assize and weight of bread and to provide for the seizure and forfeiture of bread baked or sold contrary to such regulations, and to impose fines and enforce the same for a violation of any ordinance in relation to the same.

Eighteenth—To prevent all persons riding or driving any horse or other animal on the sidewalks or other public grounds or property of said city, or in any manner doing any damage to such sidewalks, grounds or property, and to provide punishments and enforce the same in all such cases.

Nineteenth—To prohibit and prevent the shooting of firearms or any kind of firecrackers within said city and to prevent the exhibition of any fireworks in any place within the limits of said city which may by the council be deemed dangerous to the city or any property therein, or annoying or injurious to any citizen thereof, and to provide for the punishment of any person guilty of such offense.

Twentieth—To prohibit and prevent open and notorious drunkenness upon the streets or in any public place within said city; to prevent obscenity and indecent exposure of the person; any breach of the public peace; assault and batteries, the use of vile and indecent language in public places or assemblages; disturbance of public meetings, loitering, loafing or lurking in the streets or any public places of said city at night or preventing passers from having free passage in and upon the sidewalks and streets of said city, and may provide fines and penalties and enforce the same against persons who shall violate any ordinance, by-law or regulation of said city in relation to any of the above matters.

Twenty-first—To restrain and regulate porters, runners and agents or solicitors for omnibuses, cars, hotels or other establishments, and to provide punishments for persons who violate any ordinance or by-law in relation to such callings or business.

Twenty-second—To establish public markets and other public buildings, and make rules and regulations for the use and government of the same; to appoint suitable officers for overseeing such markets or public buildings who shall see that all persons observe such rules and regulations, or in case of a breach thereof shall cause the arrest and punishment of persons violating any such rules or regulations.

Twenty-third—To provide for the receipt, storage, transportation, safekeeping and dealing and trafficking in gun powder, gun cotton, petroleum, kerosene or other dangerous, explosive or inflammable substance or material, within the limits of said city, or within one-half ($\frac{1}{2}$) mile of such limits, within the county of Anoka, and to provide for the summary seizure, condemnation or destruction of any of said articles that may be kept, stored, dealt in, transported through or received in said city, contrary to any ordinance relative thereto, enacted for the safety of life and property therein, and may provide fines, penalties and punishments and enforce the same against any person, persons or corporation, that shall violate any such ordinance or a by-law or regulation of said city in relation to such matters.

Twenty-fourth—To regulate the manner and place, or places of weighing hay and straw and selling the same, and the measuring and selling of firewood, coal and lime within said city, and appoint suitable persons to conduct and superintend the same and fix their fees, and may provide for the punishment of persons selling any such articles contrary to the provisions of the ordinances or the regulations in relation thereto.

Twenty-fifth—To require the owner or owners, occupant or occupants of buildings or grounds within said city, to remove snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to require such owner or occupant to remove from the premises owned or occupied by him as the case may be, all such substances or articles as the board of health of said city shall direct, and in case of neglect or refusal may cause the same to be removed, and may cause the expense of such removal to be assessed against the property whereon the same was situated, and the same shall create a lien upon said property to be enforced and collected in the same manner that state and county taxes are collected and enforced.

Twenty-sixth—In case any wharf or pier should hereafter be built or constructed along the shore of the Mississippi River within the corporate limits of said city, said council shall have and are hereby given full control over the same, and may enact and enforce all needed regulations regarding the same.

Twenty-seventh—To prevent the bringing of any person infected with, or who has been exposed to, any contagious disease into said city, and to prevent the bringing into said city of any pauper or person in a destitute condition who has not a legal residence therein, to require that any such person so brought into said city shall be removed therefrom by the person, persons or corporation who brought them therein, and to provide for the punishment of any person, or corporation who shall violate any ordinance in relation to such matters.

Twenty-eighth—To regulate the time and manner and place of holding public auctions or vendues, and to prescribe penalties and enforce the same, against persons who violate any ordinance of said city, relative thereto.

Twenty-ninth—To provide for watchmen and to prescribe their number and duties and to regulate the same; to create and establish the police of said city; prescribe the number of police officers and their duties, designate their rank, regulate and control them, and to remove any such officer for cause.

Thirtieth—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer and to provide for the punishment of the use of false weights and measures, and of persons selling articles of any kind by weights or measures which have not been sealed as required by such ordinance, or in accordance with the laws of the state.

Thirty-first—To regulate the inspection of flour, beef, salt, fish, whiskey and other liquors and provisions; to regulate the measurement and inspection of lumber, shingles, timber and building materials of all kinds; to appoint inspectors, weighers, and gaugers for such purposes, and to regulate their duties and prescribe their compensation. To provide for the punishment of persons selling any article that has not been inspected, weighed or measured in conformity to the ordinances of said city, unless the same has been so inspected, weighed, tested or measured, pursuant to some general law of the state.

Thirty-second—To direct and regulate the planting and preserving of ornamental trees or shrubbery along the streets or upon the public grounds of said city, and to provide penalties and enforce the same against any person or persons who shall injure or destroy such trees or shrubbery or any thereof in an unlawful manner, or without authority.

Thirty-third—To declare by ordinance or resolution what shall be or constitute a nuisance within said city, and to provide for the abatement of the same; to impose fines and penalties and enforce the same against any person, persons or corporation who shall cause, create or continue any nuisance within said city, after due notice to abate or discontinue the same; but this act shall not prevent said city from bringing suit in any other manner allowed by law to abate any nuisance.

In case the city is obliged in order to properly protect life, person or property, or to preserve the health of its inhabitants to abate any nuisance, the expense thereof may be assessed against the real estate whereon said nuisance existed and a statement of such expense shall be filed by the city clerk in the office of the register of deeds of Anoka county, with a brief description of the lot or lots or parcel of land upon which it was incurred, and the same shall thereupon become a lien upon such land or premises, and such lien may be enforced in a civil suit in any court having jurisdiction, provided that such statement shall be filed within three (3) months after such expense was incurred, and if such suit is not brought within one (1) year after the filing of the same, said lien shall cease, and provided further, that no such lien shall attach as against a bona fide purchaser without notice of such lien.

Thirty-fourth—To restrain and punish vagrants, tramps, mendicants, street beggars, street walkers and prostitutes.

Thirty-fifth—To provide for the effectual protection of persons against injury from the sliding of snow or ice from the roof of buildings in said city, and in case of the neglect or refusal of the owners of buildings to properly guard against injury to persons from such cause, to have suitable guards placed on such buildings at the expense

of the owner or owners thereof; such expense is hereby declared to constitute a lien against the property whereon the same became necessary and may be enforced and collected the same as state and county taxes are enforced and collected.

Thirty-sixth—To require owners and occupants of buildings to provide proper metallic leaders to conduct the water from the roof to the ground, sewers or street gutters, so that such water shall not flow upon the sidewalks, and to impose and enforce penalties against any person, persons or corporations that shall refuse or neglect after due notice to provide such leaders.

Thirty-seventh—To enact and enforce all necessary ordinances in relation to the construction of buildings within said city, and to appoint suitable building inspectors, prescribe their duties, fix their compensation and require any person who shall desire to erect any building within said city to take out a license therefor and exact a reasonable fee for the same; and any building inspector so appointed shall have full authority to enter any grounds and building thereon in process of erection, and enforce all proper regulations in relation to the construction of such building.

Thirty-eighth—To regulate the speed of cars and locomotives within the limits of said city, and prevent the obstruction of any street, alley, lane or any of the public grounds within the city limits by any railroad car, locomotive or train of cars, to restrain and prevent coasting or sliding with sleds or with any vehicle on runners in or upon any of the streets, sidewalks or public grounds of said city, except in such streets or places as the city council may permit by resolution or ordinance; and to provide and enforce penalties against any person, persons or corporations that shall violate any ordinance of said city relative to any of the above matters.

Thirty-ninth—To regulate the width and surface line of sidewalks and direct of what materials and how the same shall be constructed having regard to the situation of the same, and to prevent and punish damage thereto.

Fortieth—To provide rules and regulations in relation to quarantine; provide buildings or grounds for quarantine purposes, to appoint officers to oversee and regulate all buildings and grounds used for said purposes, who shall have the care and custody of all persons or animals that have been placed under quarantine by order of said city council, or by any officer empowered to act in such case.

Forty-first—To make and enforce all regulations they may deem necessary for the public health, public safety, or for the suppression of disease and to impose and enforce penalties against any person, persons or corporation that shall violate any ordinance or regulation of said city in relation thereto.

Forty-second—To provide for and regulate the erection of hitching posts or rings for fastening horses or to prohibit the same in any portion of the city at their discretion.

Forty-third—To regulate the opening of hatchways or cellar ways, and to require proper guards about the same, and impose and enforce fines against persons who shall violate any ordinance in relation thereto.

Forty-fourth—To regulate the numbering of houses and lots and to require the owner of any house or other building to have the number thereof designated thereon, and if the owner of any building in said city shall refuse or neglect to cause its number to be placed thereon, said city council may cause the same to be done.

Forty-fifth—To require the owner or lessee of any hotel, public boarding house, public hall or any building of more than two (2) stories in height to provide fire escapes and means for the extinguishment of fires therein, such as the council may designate.

Forty-sixth—To regulate and control or to prohibit the erection or placing of poles or telegraph wire, telephone or any other purpose in the streets of said city; to cause all telegraph, telephone, electric light or other wires, and all pipes, to be placed beneath the surface of the ground and to punish persons violating any ordinance in relation to said matters.

Forty-seventh—To fix and determine the amount of license to be paid by any person, persons or corporations for exercising or pursuing any business, occupation or calling in said city, which comes within the police powers of cities generally in this state; *provided*, such licenses shall not be unreasonable in amount.

Forty-eighth—To grant to any corporation, corporations, person or persons the right to use and occupy the streets, alleys and public grounds of said city, for the purpose of maintaining and operating any railroad, telegraph, telephone, electric light or street car line, and to provide the manner in which such right shall be exercised and prevent any violation of any ordinance or regulation in relation to the same, and enforce punishments against any person or persons violating such ordinance or regulation.

Forty-ninth—To provide for the arrest and punishment of any person or persons who shall in any manner wilfully damage, injure or destroy any personal property of said city.

Fiftieth—To regulate or prohibit the carrying or wearing concealed by any person of any deadly or dangerous weapon or instrument within said city; to provide for the seizure of any weapon so carried concealed and for its confiscation and also for the punishment of the person guilty of such offense.

Fifty-first—To regulate and control the penning, herding, handling and treatment of all animals within said city limits and to provide punishments and enforce them against any person or corporation that shall violate any ordinance or by-law in relation thereto.

Fifty-second—To regulate and restrain or control the cutting of ice in the Rum River and in the Mississippi River within the limits of said city and to punish persons violating any ordinance of said city in relation to such matters.

Fifty-third—To provide names for the streets, avenues, alleys or any public grounds of said city, when necessary, and generally to have full control and authority over all the public streets, avenues, lanes, alleys and public grounds of said city; to regulate the use of the same, and to compel the owners or drivers of teams of any kind on runners, in the winter season, to place bells on the same.

Fifty-fourth—To restrain and prevent the throwing, depositing, or emptying from mills of any kind within said city, any sawdust, slabs,

edgings, shavings or other refuse of any kind from such mills into the Rum River or the Mississippi River within the city limits, and to provide and enforce penalties for a violation of any ordinance or regulation relative thereto.

SEC. 6. All ordinances, resolutions, by-laws, rules and regulations shall be passed by an affirmative vote of a majority of all the aldermen present, by ayes, and noes, and be published once in the official paper before the same shall be enforced; they shall be recorded by the city clerk in a book to be kept for that purpose, to be known as "The Ordinance Book," and such book shall be sufficient evidence in any court in this state of the passage of all such ordinances, resolutions, by-laws, rules and regulations and that the same are in force in said city. Any ordinance, resolution, or by-law of said city may also be proved in any court in this state by producing a printed copy thereof taken from the columns of the official paper of said city, with an affidavit of the printer and publisher of such paper or of the foreman in his office, that the same was published therein according to law. The proceedings of each and every meeting of the city council shall be published in full in the official paper of said city.

SEC. 7. No appropriation shall be made without a majority of the council in its favor, which vote shall be taken by ayes and nays and be entered among the proceedings of the council.

All funds in the city treasury shall be under the control of the city council, and shall only be drawn out upon the written order of the mayor and city clerk duly authorized by vote of the council.

All orders for the payment of money from the city treasury of said city, shall have impressed upon them the seal of said city, and shall specify the purpose for which they are drawn and the city clerk shall keep stubs showing for what purpose and in what sum all orders are drawn with the dates thereof and any other facts in relation thereto which the city council may direct.

The sum total of all orders drawn in any one (1) year shall in no case exceed the anticipated revenue to meet the current expenses for that year, and no orders shall be drawn except to pay the officials of said city, unless at the time there are sufficient funds in the city treasury to meet the same.

No moneys shall be appropriated except such as are specifically provided for in this charter and hereby authorized.

All orders shall be made payable to the order of the person in whose favor they are drawn, and may be transferred by endorsement.

If there shall be a surplus in any specific fund and a deficiency in any other fund of said city, the city council may direct that a part of said surplus fund be transferred to the fund so deficient, but the same shall be replaced as soon as may be.

SEC. 8. The city council are hereby authorized to contract with any person or persons for the performance of any work to be done for said city.

All contracts shall be in writing, signed by the mayor and city clerk and shall be let to the lowest responsible bidder, and no city officer shall be personally interested in any contract with said city, or in the compensation to be received therefor.

Said city council may require contractors to give bonds in such form and for such sum as they may deem proper.

SEC. 9. All orders, rules and regulations made by the board of health of said city, which by general law or by the provisions of this act, said board is authorized to make, when the same have been once published in the official paper, shall have all the force of law therein; and any violation of any order, rule or regulation of such board shall be punished in such manner as the city council may by ordinance prescribe.

SEC. 10. When an offense for which any punishment is provided by this act, or by any ordinance, by-law, rule or regulation of said city of Anoka, is also punishable by the general laws of the state, and the municipal court or any other court of said city has final jurisdiction in the premises, a conviction or acquittal in such court, upon complaint for a violation of this act, or of any such ordinance, by-law, rule or regulation, shall be a complete bar to any further prosecution for the same offense under the state law.

SEC. 11. In the construction of this act the provisions of chapter four (4) of the general statutes of eighteen hundred and seventy-eight (1878) shall be observed.

CHAPTER V.

TAXES AND FINANCE.

SECTION 1. On or about the first (1st) day of October in each year the city clerk of said city shall report in writing to the council an estimate of the current expenses of the city for the fiscal year commencing on the first (1st) Tuesday of April next ensuing, together with the amount of all revenues received by the city for the year ending on the last day of September preceding from other source than taxation.

He shall also as soon as may be after the State Board of Equalization shall have completed its adjustment of the assessment of the taxable property in said city, report to the council a computation of a rate of taxation which, with the amount of revenue received by the city from other sources during the last year, reported as aforesaid and applicable to the current expenses of the city shall be sufficient to defray the current expenses of the city for the next fiscal year according to the aforesaid estimate.

SEC. 2. The revenues of said city derived from licenses, rents and fines and all costs and judgments collected in favor of said city shall be devoted to the current expenses of said city.

All sales of property shall be made for the benefit of the permanent improvement fund, and moneys received from such sales shall be turned into said fund.

SEC. 3. After the making of the report of said clerk, provided for in section one (1) hereof, the city council shall levy such tax on all the

taxable property in said city as it shall deem necessary, in addition to the other revenue of the city applicable thereto, to defray the current expenses of said city for the next fiscal year, but no such taxes for such expenses shall be at a greater rate than ten(10)mills on the dollar.

SEC. 4. The city clerk shall as soon as may be after the first day of July in each year make report to the council of the actual expenses of the city for the first quarter of the then current fiscal year; the amount of taxes collected and outstanding, and of the revenues received from all other sources, and if it appear that the expenses for said first quarter of such year have exceeded the estimates upon which the tax levy therefor was based, the council may proceed to reduce the expenses of the city for the remainder of such year in such manner as shall be deemed best.

SEC. 5. The city council may at the same time levy upon all the taxable property in said city, such taxes as shall be sufficient to pay the interest to become due during such next fiscal year upon all the bonds or debt of said city, and an additional tax of one (1) mill on the dollar upon all taxable property in said city, to provide for the payment of said bonds or debt when the same shall become due, and the amounts collected pursuant to the provisions of this section shall not be applied to any other purpose than herein named, but this restriction shall not prevent the investment of the sinking fund of said city, when such fund has been created.

SEC. 6. In order to provide for the certain payment of the bonds and debts of said city, the council are hereby authorized to create and maintain a sinking fund for that purpose, and by ordinance to provide for the care, management, investment and security thereof.

When such sinking fund is once established it shall not be abolished until all the bonds and other indebtedness of said city for which it was created, have been paid.

SEC. 7. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of informality or irregularity in the manner of levying the same, unless the party resisting the payment of such tax shall establish the fact that he has been thereby materially injured or damaged, 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 go into the fund to which such tax belongs and may be applied to the further uses of such fund.

SEC. 8. The city council shall cause to be transmitted to the county auditor of Anoka county on or before the tenth (10th) day of October in every year a statement of all taxes by the council levied and such taxes shall be collected and the payment thereof be enforced in the same manner and at the same time that state and county taxes are paid and the payment thereof enforced.

SEC. 9. The county treasurer of said Anoka county shall pay over such taxes together with all interest and all penalties which shall be collected on account of the same when collected to the city treasurer of said city, and in the several settlements of the funds so to be paid over as provided for by general law, said county treasurer shall account for and pay to said city treasurer such portion of the interest paid by bankers with whom funds of said county are deposited, as

have accrued upon funds arising from city taxes and assessments so deposited with such county funds or as parts thereof.

Whenever, previous to any of the settlements provided by law, there shall be a lack of funds in the city treasury for any purpose and there shall be funds in the county treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall, on the application of the city treasurer, advance and pay over to such city treasurer, such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement with said city. The city treasurer shall forthwith after such settlement, adjust and apportion the funds so advanced among the several city funds in his hands.

All orders paid by the city treasurer shall be by him cancelled and filed away, and those drawn on each fund kept separate.

The council may provide for the examination of such cancelled orders and also of cancelled bonds or other obligations of said city in the treasurer's hands, and for their destruction, preserving such record or vouchers therefor, as the council or any committee thereof may deem necessary.

SEC. 10. It shall be the duty of the county auditor of Anoka county to make out and transmit to the city clerk of said city on or before the first (1st) day of December of each year a statement showing the exact amount of taxes including all special assessments made by said city, on account of the several funds of said city, according to the tax lists made out by the said auditor, and at the same time make out and transmit to said clerk a statement of all abatements, corrections or additions to said tax lists, and of all amounts of taxes cancelled as uncollectible, within the year next preceding, and the several amounts of the charges affecting each of the several funds; and also a further statement of the amounts of taxes delinquent and outstanding applicable to said several funds. He shall also, at the time of the settlement with the county treasurer required by law, furnish said clerk with a certified statement of the several amounts collected by said county treasurer on account of each of the several funds as shown by said settlement.

SEC. 11. Said city council may designate any bank in Anoka county, and in case no bank in said county will receive the funds on the terms prescribed by said council, then any other bank in the state that they please, as a depository for all or any specified part of the city funds.

Full power is given to the city council to prescribe the terms and conditions on which any bank shall be entitled to receive such funds; the bank or banks so designated shall be required to give good and sufficient bonds for the safe-keeping of the funds deposited therein.

When any bank has been so designated as a depository of the city funds, the treasurer of said city shall at once deposit all funds required by the council and belonging to said city with such depository.

When feasible the council shall require and obtain interest on all funds deposited as above provided.

SEC. 12. When the funds of said city have been deposited as

above provided neither the city treasurer nor his bondsmen shall be liable for the loss of any thereof so deposited by reason of any default for any cause on the part of the depository.

SEC. 13. All appropriations and expenses of the city when not otherwise specially provided for shall be paid out of the fund for the current expenses of the city.

SEC. 14. No limitation herein shall be construed to prohibit the levying of a tax to pay any judgment recovered against the city, but in case of such judgment the council shall at the time of making the annual tax levy after rendition thereof, levy a special tax upon all the taxable property of the city, sufficient to pay such judgment.

SEC. 15. If for any cause any tax or special assessments shall be invalid for informalities or irregularities the council are empowered to levy or assess the same anew.

SEC. 16. The committee on finance of the city council may borrow from time to time such sums as may be necessary for temporary purposes only and to anticipate the revenue for current expenses only when thereto authorized by the council, such loan to be subject to the approval of the council.

SEC. 17. All claims of every kind against the city, shall be audited by the purchasing agent of the city, who shall, if they are correct, certify to their correctness and justness, under the seal of said city.

SEC. 18. The city council shall audit and adjust the accounts of the city clerk, treasurer, street commissioners, judge of the municipal court and all other officers and agents of the city, at such times as they shall deem proper, and at the end of the fiscal year and prior to the expiration of the term of office of such officers.

Said council shall require such officers and agents to exhibit their books, accounts and vouchers for such examination, and if any officer shall refuse and fail so to do, his office shall be declared vacant and said council shall at once cause suit to be brought against him to compel the production of such books, accounts and vouchers and to compel a settlement of his accounts.

When not otherwise herein specially provided for, the general laws of the state relative to taxation shall be followed.

SEC. 19. The city council of said city is hereby authorized to issue the bonds of said city to an amount not exceeding, together with the then existing indebtedness of said city of all kinds, five (5) per cent of the valuation of said city, according to the last valuation thereof prior to the issuing of such bonds.

Such bonds shall not be issued however, unless authorized by a majority of all the legal voters of said city voting at some annual charter election or at an election specially called for that purpose.

When so authorized, said city council may issue and negotiate such bonds, in such sums, with such rates of interest not exceeding seven (7) per cent, payable at such place and at such time not more than thirty (30) nor less than ten (10) years from the date of their issue, as may be deemed advisable, and put all moneys realized from the sale thereof into the city treasury to be kept distinct from all other funds or moneys of said city and be designated as "The Permanent Improvement Fund."

Said council may provide for the payment out of said fund of the expenses of any such improvement as may be assessed in whole or in part upon any special property to be benefited by such improvement, and in advance of the collection of such assessments.

From said fund shall also be paid all such portions of the expense of such assessable improvements as shall devolve on the city, and also the expense of all bridges, buildings, water works and other permanent improvements in said city, not otherwise specially provided for by law.

No part of such fund shall ever be used to pay any part of the current expenses of said city, nor be applied to any other purpose than such as is herein designated.

All sums collected upon special assessments, whose costs have been advanced out of said fund shall be returned to said permanent improvement fund.

The city council shall annually, after the issue of such bonds, 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 such special assessments, and may by tax levy, provide for the increase of such fund to an amount not exceeding that hereinbefore limited; *provided*, that the whole amount of tax levied in one (1) year on account of said fund shall not exceed one-fourth ($\frac{1}{4}$) of one (1) per cent. of the assessed valuation of all the taxable property of said city.

No bonds of said city of any kind shall be sold at less than their par value.

SEC. 20 The standing committee on taxes of the city council with the mayor and assessor, shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the city council room in said city on the second Monday of July, of every year, and revise, amend and equalize the assessments on the roll of the city assessor.

It shall be the duty of the city assessor to be present at all meetings of the said board of equalization, and to present before the board all facts relating to the assessment.

Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization under the general laws of the state so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the city assessor.

SEC. 21. Such board of equalization may sit from day to day or adjourn from time to time as it shall deem proper until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the second Tuesday of August of every year, and shall have power to employ such clerk or clerks as shall be necessary to complete the revision of such assessment rolls within said time.

Every person aggrieved by any assessment shall have the right to appear before such board and present his grievance for its consideration.

It shall be the duty of the city attorney to attend the hearing of such grievances before such board, and whenever it appears upon the

hearing of such grievances that any property is listed or assessed at less than its true value, to call attention of the board to such undervaluation, and to make application in behalf of the city for the correction of such undervaluation.

SEC. 22. When the assessment rolls shall have been revised by the board of equalization, they shall be returned to the city council who may confirm the same or return the same to said board for further revision, to be again reported to the city council.

When the city council shall have confirmed the assessment, the city clerk shall enclose therein a memorandum of such confirmation, and such rolls shall then be returned to the county auditor as other assessment rolls.

In case said city council shall neglect to take final action on such rolls on or before the second Thursday after the first Tuesday of August of every year, it shall be the duty of the city clerk to return them to the county auditor, with a certificate of the fact, and in such case the assessment rolls as revised or equalized by such board, shall have the same validity as if confirmed by said city council.

CHAPTER VI.

LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city of Anoka is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements or to be benefited thereby, without regard to cash valuation.

SEC. 2. Such assessments may be made by said city for grading, paving, curbing, bridging, extending, opening, altering or straightening, any street or alley therein, and for keeping the same in repair, also for improving in any way any public park, grounds, or streets, now or hereafter laid out, and for appropriating or condemning land therefor, also for constructing, relaying and repairing cross and sidewalks, gutters, sewers and water mains.

SEC. 3. For said purposes and to the end that such assessments shall be fair and just, and that such improvements shall be of public utility, said city shall employ the following agencies; 1st. The city council. 2d. An official paper of said city, to be designated by said council at its first session in the month of April in each year; such paper shall fill the requirements of the general laws of this state relative to official papers and which shall have been published regularly in said city two (2) years prior to the date of such designation, and such designation shall be recorded in the records of said city council proceedings by the clerk thereof. 3d. A board of commissioners, to be appointed by said council from the voters and freeholders of said city, no two of whom shall be residents of the same ward, and such board may be so appointed by said council to act in one or more applications for any such improvement pending at the same time. 4th. The city engineer. 5th. The city clerk.

SEC. 4. All notices hereinafter provided for, except as hereinafter expressly provided, shall be given by publishing the same for two (2) successive weeks at least once in each week in said official newspaper, and shall be subscribed by the board or official giving the same. Such notice shall commence to run from the date of its first publication, and shall be complete at the expiration of ten (10) days thereafter.

SEC. 5. All applications for any public or local improvement, shall be made in writing and subscribed by a majority of the resident owners of the property adjoining thereto, and to be affected thereby, and shall briefly describe the nature of the proposed improvement, the real estate to be affected thereby and the names of the owners thereof as nearly as can be readily ascertained.

SEC. 6. Upon the presentation of any such application to said council, they shall refer the same to the city engineer of said city, who shall thereupon proceed to examine the real estate therein described and make a plat thereof, which shall clearly show the nature and extent of such proposed improvement, an estimate of the expense thereof, and of the damages and benefits to accrue to said real estate by reason of such improvement, and shall at the next regular meeting of said council make a report thereto, in which shall be embodied said plan and estimates, and his recommendation or disapproval as the case may be, of said application. Such recommendation or disapproval as the case may be, shall be deemed by said council advisory only, but in case such report contains said engineer's disapproval of said application, such improvement shall be ordered by said city council only on the vote of three-fourths of the members thereof present and voting.

SEC. 7. Upon the coming in of said engineer's report, said council shall at the meeting at which it was returned, proceed to act thereon, and in case said council shall determine that the improvement or improvements in such application and report mentioned, ought to be made, shall proceed to appoint a board of commissioners, constituted as hereinbefore provided, and shall cause a record of such appointment to be entered in the minutes of their proceedings by the city clerk, and said city clerk shall forthwith serve upon each of said commissioners personally, a notice of such appointment, and the clerk's certificate of the service of such notice shall be sufficient evidence of the service thereof.

SEC. 8. Within five (5) days after the completion of the service of such notices, said commissioners shall meet at the office of said city clerk on the hour and day to be designated by said clerk in a written notice to be by him subscribed and served upon each of said commissioners, and shall then and there be sworn by said clerk faithfully and impartially to perform the duties of their offices as such commissioners, and shall then and there elect from among their number a chairman, who shall preside at future meetings of said board, and who shall sign all orders and reports made and notices given by said board, and they shall also choose from their number a clerk of said board who shall countersign all such orders, reports and notices. Said clerk shall keep a record of the proceedings of said board, and shall have power to administer oaths to any witness appearing before said board in any proceedings by them had.

SEC. 9. After the organization of said board pursuant to the foregoing section, they shall cause notice to be given in the manner hereinbefore provided, of the time and place where they will meet to view said proposed improvement and the property to be affected thereby, and that said board will at said time hear any reason for or against the making of said improvement, and in case it shall appear from the report of said city engineer that any owner of said real estate labors under any disability which would preclude him or her from appearing in person in the district court of this state, they shall cause a guardian to be appointed for such person by the judge of probate of Anoka county, for the purpose of representing such person in such proceedings. Such appointment shall be made by said judge upon a written statement signed by the chairman and countersigned by the clerk of said board, which shall state the name of the person under such disability, the nature of such disability, and the fact that such person is interested in the property to be affected by such proceedings. And such guardian shall by such appointment be vested with full authority to appear before said board or said city council or in any court in this state, wherein any question involved in the determination of such application shall be heard and determined. *Provided, however,* that if such disabled person shall have a general guardian, who shall voluntarily appear before such board in behalf of his ward it shall not be necessary for said board of commissioners to obtain the appointment of a guardian for such person.

SEC. 10. At the time and place designated by said commissioners when they will meet to view such proposed improvement and the property to be affected thereby, said commissioners shall meet and view said property and shall then adjourn to some convenient place where they will hear all persons interested in favor of or against the same, where all persons so interested may appear before them and may give such testimony as they see fit which is relevant or pertinent to the subjects of inquiry before said board, which subjects of inquiry shall be: 1st. Does public necessity require the proposed improvement? 2d. What benefit will accrue to each tract of property fronting upon and to be benefited thereby? 3d. What damage will accrue to each tract of property fronting upon and to be affected by such improvement? Said board of commissioners may adjourn from time to time until such hearing is completed, and any person having a right to be heard before them may appear by council, and said city may be represented by the city attorney thereof whenever ordered by the city council, or whenever in the judgment of said attorney such appearance shall be necessary or advisable. All persons appearing before said board at such hearing to give testimony as witnesses, shall be sworn by the clerk thereof to testify the truth and the whole truth relative to the matter under consideration.

SEC. 11. When such hearing shall have been fully completed said board of commissioners shall make a report in writing to be signed as aforesaid, in which report said board shall state whether or not public necessity requires the proposed improvement; secondly, the names of the owners of the tract or tracts of real estate fronting thereon and to be affected thereby; thirdly, the benefit which will accrue to each of such tract or tracts of real estate by reason of such im-

provements; fourthly, the damages which will accrue to each of such tract or tracts of real estate by reason of said improvement; the amount of such benefit or damages shall be expressed in dollars and cents, and the balance of either damages or benefits as the case may be, shall be expressed in a separate column; fifthly, their estimate of the expense of the proposed improvement; sixthly, whether said application should be in any manner modified, and if so, in what manner. Which report shall be filed in the office of the city clerk of said city, and in case said application for such improvement shall thereafter be granted by the city council of said city, and the improvements therein specified shall be by said council ordered to be made, said report as to such benefits and damages and the balance of either thereof shall constitute an assessment thereof.

SEC. 12. At the next regular meeting of the city council after the filing of the report of the said board of commissioners, said city council shall proceed to consider the same, and may at said meeting hear any person or persons interested in said proposed improvement as property owners or holders, who may appear before them to urge the granting or denial of such application or to call in question the amount of benefits or damages to each or any of the tracts of land to be affected by the making of such improvements, and may require any person so appearing before them and desiring to give testimony, to be sworn by the city clerk or some officer authorized to administer oaths, as such witness. Said council shall have power to adjourn the consideration of such report from time to time until the new matters therein referred to shall have been fully considered.

SEC. 13. After fully considering such report as aforesaid, said council may adopt said report as a whole, confirm said assessment as reported or as the same may be modified by said council at said hearing, and order said proposed improvement to be made, or may totally reject the same or the proposed modification, if any thereof, and order the proposed improvement to be made without such proposed modification, and in case a rejection of such proposed modification will in anywise affect the assessment of benefits or damages aforesaid, they shall re-commit said application to said board of commissioners, who shall thereupon re-assess said benefits and damages to said tracts of real estate upon the basis of the original application and without regard to the modification or modifications thereof by them theretofore recommended, and if in their opinion such re-assessment of benefits and damages will vary materially from their previous assessment thereof, they shall give notice as hereinbefore provided, of the time and place when they will meet to make such re-assessment, and like hearing and proceedings may be had before said board at such meetings as is provided for in section ten (10) of this chapter.

SEC. 14. After such re-assessment shall have been completed, said commissioners shall make a report of the same, which shall comply substantially with the requirements of the report hereinbefore required to be made by them in the first instance; which report shall be filed with the city clerk of said city.

SEC. 15. At the next general or special meeting of the city council they shall consider such second report of said board of commissioners, and in such consideration shall hear any reason for or against the

adoption thereof which may be given by parties interested, and in such consideration shall be governed by the regulations applicable to the first report of said board of commissioners, and shall either adopt or reject said report; and in case they adopt said report, and order the improvement therein referred to to be made, they shall confirm the assessment of benefits and damages to the property affected thereby as reported by said board of commissioners or as modified by said council at such hearing.

SEC. 16. In case the property to be affected by the proposed improvement shall be benefited thereby on both sides of the street or alley in which said improvement is made, then the property fronting on both sides of the street on which such improvement is to be made shall be assessed therefor in the manner hereinbefore provided, and in case said proposed improvement shall be a sidewalk or affect only the property on one side of the street or alley on which the same shall be made, only the property on such side of the street shall be assessed therefor. All cross walks and all improvements on which public and non-taxable property fronts shall be paid for out of the general fund of said city.

SEC. 17. In case any proposed improvement shall be of great public necessity and convenience and of general benefit to said city, and the expense thereof shall be greater than the property fronting thereon should justly bear, which facts the city council shall first determine, the city council may order such proportion of the expense thereof as they may deem just to be paid out of the general fund of said city, and the assessment of special taxes upon property fronting thereon to be proportionately diminished, and in case all of any particular tract or tracts of land shall be appropriated or condemned for the use of said city, and no benefits from such appropriation shall accrue to the owners of land adjacent to or fronting thereon, which fact shall appear from the report of said board of commissioners, said tract or tracts of land so appropriated or condemned shall be paid for out of the general fund of said city.

SEC. 18. Any person interested as a holder or owner of property to be affected by such improvement, who shall object thereto for any reason, shall state such reasons in writing and file same with the clerk of said city at or before the meeting at which said city council shall consider any report of said board of commissioners affecting said property, and in case any such holder or owner of property shall deem himself aggrieved by the final order of said council confirming the assessment aforesaid, or the order for the making of the proposed improvement, he may appeal therefrom to the District Court of Anoka county within ten (10) days from the date of such final order; *provided*, that to render said appeal effectual, said appellant shall file with the clerk of said court a bond in the penal sum of one hundred (100) dollars with two sureties of whom shall justify in said sum, to be approved by the clerk of said court, which bond shall be in favor of said city and conditioned that in case such appeal be dismissed or the decision of said court be adverse to such appellant, he will pay all costs and expenses of such appeal. Such bond to be executed in the usual manner, and he shall also give notice of such appeal by serving a copy thereof on the clerk of said city, and shall file the

original notice of appeal with the proof of service thereof with the clerk of said court. Such appeal may be brought on for hearing at any general or special term of said court upon ten (10) days notice given by either party thereto, in the manner provided by the statutes of this state for the giving of notice of trial of issues in said court. Upon the hearing of such appeal, no matters shall be tried save those embraced in the written objections aforesaid hereinbefore required to be filed with said city clerk, and all questions of law shall be tried by the court. In case any question of fact is raised upon such appeal, the same shall be tried by a board of three (3) arbitrators to be appointed by said court. The court shall have power to compel the attendance of said arbitrators by venire. That said arbitrators shall be sworn before entering upon their duties to faithfully and impartially determine the questions of fact to be presented to them for trial, according to the best of their judgment and ability, and a decision of two (2) or more of said arbitrators as to the question or questions of facts submitted to them, shall be of like force and effect as a jury verdict thereon. After said arbitrators shall have made such decision, the court shall forthwith order judgment thereon in favor of the prevailing party, unless for good cause said order for judgment shall be reserved for further argument. No pleadings shall be required on the trial of such appeal, and all objections aforesaid shall be deemed controverted by said city, and in case the amounts of benefits or damages, or the propriety of assessing a special tax to or upon the tract or tracts of land in question, shall alone be involved, the taking of such appeal shall in no wise delay the making of such improvements.

SEC. 19. In case no appeal is taken from the final order of said city council confirming such assessment or ordering such improvement, within the time hereinbefore limited, or in case such appeal if taken, calls in question only the propriety of the amount of benefits or damages assessed to each lot, said council shall forthwith cause a notice to be given of said assessment as hereinbefore provided which notice shall contain the name of each owner of the tract or tracts of land in the first (1st) column; in the second (2d) and third (3d) columns a description of the tract or tracts of land; in the fourth (4th) column the amount of benefits for which said tract is assessed; in the fifth (5th) column, the amount of damages assessed to each lot; and in the sixth (6th) column, the balance, either of the benefits or damages to each lot as the case may be. Which assessment shall be certified by the clerk of said city to be a true copy of the assessment of all the tracts of land for the proposed improvement, as confirmed by said city council, and subscribed by said clerk; and within sixty (60) days after the first publication of said assessment, the owners of all lots where the assessment of benefits shall exceed the assessment of damages, shall pay such excess into the city treasury of said city, and the city treasurer of said city shall give to said person a receipt in which shall be stated the purpose for which said assessment was paid and the amount thereof, and said treasurer shall credit the amount so paid to the fund to be raised by said assessment for the making of such improvement. In case any such assessments where the benefits exceed the damages shall remain unpaid after the expiration of said

period of sixty (60) days, the same shall be deemed delinquent, and the clerk of said city shall thereupon make a list of the tracts of land so delinquent, add twenty-five (25) per cent to the amount of each assessment, and verify the same by his oath in which he shall state generally the purpose for which the assessment of the tracts or lots therein described was made, and that the same are delinquent for the payment of said assessments to the amount set against each respective lot or tract of land for such tax and penalty and the amount of such tax and penalty shall therein be separately stated, and shall forthwith file said delinquent list with the county auditor of Anoka county, who shall extend said taxes upon the property therein described upon the general tax list of said county and collect the same in the same manner that general taxes are collected by such county. The county treasurer of said county shall keep a separate account of all special taxes so collected, and the purpose for which levied, and shall pay the amounts so collected from time to time to the treasurer of said city, and shall inform said city treasurer at the time of making said payment as to what fund the same is to be credited. *Provided* however, that in any case hereinbefore provided for, wherein the benefits and damages assessed to the lots or tracts of land affected by any such public improvement as confirmed by the city council, are equal, no notice of such assessment shall be published, and provided further that no sidewalks shall be ordered constructed upon any street or alley which has not been graded to the grade theretofore established.

SEC. 20. Said council shall have power to order the repair of any street, sidewalk or bridge in said city over which said city has jurisdiction, with or without the application hereinbefore provided for, and in case of such application for such repairs it shall not be necessary to refer the same to any board of commissioners. Said council may order such repairs to be made and assess the expense thereof upon the property fronting thereon, after having given the notice hereinbefore provided, at the first regular meeting thereof, thereafter held, at which meeting said council shall give any person or persons interested as property holders or owners an opportunity to be heard before them as hereinbefore provided; *provided further*, that such council shall have power without such notice to order any repairs which may be of urgent necessity and in either case said city shall have power to assess upon the property to be affected or benefited thereby a special tax for the payment of the expenses of such repairs.

SEC. 21. After the final order of the city council for the making of any local improvement hereinbefore provided for, and the order confirming the assessment of benefits and damages shall have been made, and after at least one-half ($\frac{1}{2}$) of the taxes assessed therefor shall have been paid into the city treasury, said council shall cause to be paid or tendered to the owner of any property in favor of which a balance of damages appears in such assessment, the amount thereof, but under such restrictions and regulations as shall fully protect said city in case such payment should be made to any person not lawfully entitled thereto, and said city shall thereupon proceed to make such improvement in one (1) of the two (2) ways hereinafter provided for. First (1st), in case the estimate of the cost of such improvement as

made by said board of commissioners shall not exceed fifty (50) dollars, said council shall cause the work necessary to be done therein to be performed by persons employed by said council, and shall purchase any material necessary therefor. Second (2d), in case the estimate of the cost of such improvement made as aforesaid shall exceed fifty (50) dollars, the city council shall advertise for bids for the making of such improvement and furnishing the material thereto if any be required, in said official paper for at least ten (10) days before the meeting of said council at which such bids are to be considered. Said advertisement shall be published at least two (2) successive weeks and at least once in each week in said paper, shall briefly designate the nature of the improvement for the making of which such bids are solicited, and shall therein refer to the plans and specifications therefor which shall have been on file and open to public inspection in the office of the clerk of said city for at least ten (10) days prior to the consideration of such bids, and it is hereby made the duty of the city engineer to file or cause to be filed in the office of the clerk of said city any plans or specifications which shall be necessary to furnish full information as to the nature of such improvement, at least ten (10) days prior to the consideration of said bids. In case, however, the plan and specifications of said engineer by him hereinbefore required to be filed in the first (1st) instance shall be sufficiently full and complete for the purpose aforesaid, no further plan or specifications need be by him filed and of this matter said city council shall be judge.

SEC. 22. All bids furnished to said council shall be sealed and said council may reject any or all of said bids at their discretion and may require the successful bidder to enter into a contract with said city to perform the work and furnish the materials necessary for such improvement in conformity with such plans and specifications. Said contract shall require said work to be performed and said materials furnished under the inspection and subject to the approval of the city engineer and shall contain such safe-guards and provisions in behalf of said city as said council may deem the interests of said city may require, and may provide for payments to be made from time to time to the parties contracting for such work or material out of the proper fund upon the estimates of said engineer, and when said contract has been fully performed by the party or parties to whom the same has been awarded, of which fact the certificate of said city engineer shall be sufficient evidence, said city shall pay from said fund to the party entitled to receive the same such balance as may be due therefor.

SEC. 23. In case of any assessment of benefits and damages hereinbefore provided for, on any tract or parcel of land on which there is a building which does not belong to the owner of said parcel of land, and said improvement necessitates the removal or destruction of a part or all of said building, damages shall be assessed as aforesaid to the owner of said building and paid to such owner in the same manner and subject to the same conditions hereinbefore provided in case of the assessment of damage to tract or tracts of land, and when said damages are so paid or secured to such owner said city may remove, sell subject to removal within a time limited by the city council, or tear down said building or part of building, and in case of a

sale thereof it shall be made upon the notice hereinbefore provided.

SEC. 24. In case any lot, tract or parcel of land or building or part thereof shall be appropriated and paid for by said city under any of the preceding sections of this chapter, all contracts and leases there-to relating or in anywise affecting the same shall become null and void, and in the making of the assessments of damages hereinbefore provided for, it shall be the duty of the city council to see that the interests of all parties to such contracts or leases are protected as fully as possible.

SEC. 25. At any time within two (2) weeks after the final order of the city council for the construction and repair of any sidewalk the owner of the lot or lots fronting thereon may construct the same in accordance with the requirements of said order, and such construction shall be in lieu and in full discharge of any taxes or assessments upon said lot or tracts of land pursuant to this section.

SEC. 26. When any local improvement in this chapter provided for shall have been abandoned, the city clerk shall give notice thereof as hereinbefore provided of such abandonment and all assessments paid therefor shall be repaid to the person paying the same by the city treasurer, and the tax receipt issued to such person or persons shall be sufficient warrant to the city treasurer for the repayment of such assessment.

SEC. 27. No error or omission which may be made in the order of proceedings of the city council or board of commissioners, or of any officer of said city in referring, reporting from, ordering or otherwise acting, concerning any local improvement provided for in this chapter, or in making, levying or collecting any assessment therefor, not affecting the substantial justice of such assessment, shall vitiate or in any way affect the same.

SEC. 28. In case any such assessment shall be insufficient to pay for any such improvement, the property fronting on or affected thereby may be reassessed for an amount sufficient to make up any such deficiency. Such re-assessment shall be made and confirmed subject to the provisions hereinbefore contained relating to the making of assessments in the first instance, and if too large an amount is raised by any assessment hereinbefore provided for, the excess shall be ratably repaid to the party or parties paying the same upon the order of the city council.

SEC. 29. The affidavit of the publisher or printer that any notice required to be published in the official paper of the city, annexed to a printed copy of such notice, specifying the time when and the paper in which the same was published, shall be evidence in all cases of the facts contained in such affidavit.

SEC. 30. If for any cause the proceedings of the city council or any of the officers of said city or the board of commissioners, may be found irregular and defective, the city council may order a new assessment from time to time and as often as need be until a sufficient sum is realized from the real estate benefited by such improvement to pay all expenses incurred thereby.

SEC. 31. In all cases of appropriation or condemnation of lands for the public use of said city under the provisions of this chapter, except for streets and alleys, the fee thereof shall vest in the said city.

SEC. 32. In case any commissioner appointed by the city council pursuant to the provisions of this chapter, shall without just excuse refuse to qualify and act as such commissioner after being notified of such appointment as herein before provided, he shall forfeit and pay to said city the sum of fifty (50) dollars, to be recovered in a civil action before any court having jurisdiction thereof; and said council may supply any vacancy which may occur in said board of commissioners by a new appointment which shall be made and notice thereof given as hereinbefore provided in the first instance.

CHAPTER VII.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden or other buildings, the materials or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter 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 a manner and of such materials, as, in the judgment of the city 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 damages.

The city 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 materials 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 city council may see fit.

And the city council may prescribe penalties for the violations of any of the provisions thereof not exceeding one hundred (100) dollars which may be imposed by any judge of the municipal court upon the complaint of any citizen.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building and to cause the same to be removed or placed in a safe or secure condition when considered dangerous. To prevent the deposit of ashes in unsafe places and the throwing of ashes into the streets and alleys. To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fires. To

regulate and prevent the use of fire arms and fire works. To compel owners or occupants of buildings to have scuttles in the 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 and 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 city council may deem expedient.

SEC. 3. The city 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.

SEC. 4. The city council shall have power to appoint the chief engineer and two (2) assistant engineers of the fire department, and also one (1) fire warden in each ward, and to prescribe the duties of such officers.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to direct orally any constable, police officer, watchman or any citizen to arrest such person, and to 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 such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the city council may prescribe not exceeding a fine of fifty (50) dollars.

SEC. 6. For the present, and until the same are established or changed by the city council of said city, the fire limits of the city of Anoka shall be the same as heretofore established by an ordinance of the city council of said city of Anoka, approved August twentieth (20th), A. D. one thousand eight hundred and eighty-four (1884); and any building of which the construction or materials, or uses to which the same is put, shall expose neighboring buildings to great danger of fire, and which shall hereafter be erected within said limits, shall be deemed a nuisance, and may be dealt with as provided in the first (1st) section of this chapter, and any person who shall erect or commence to erect any such building within said fire limits, shall be deemed guilty of a misdemeanor, and punished by fine to be imposed by the municipal court of said city, not exceeding one hundred (100) dollars.

SEC. 7. For the purpose of providing fire engines and other apparatus for the extinguishing of fires, of constructing engine houses,

cisterns and reservoirs, the city council of said city are hereby authorized and empowered to issue the bonds of said city to an amount necessary, not exceeding fifteen thousand (15,000) dollars, at a rate of interest not exceeding seven (7) per cent per annum, and payable in not less than one (1) year nor more than ten (10) years, the interest to be paid annually or semi-annually, as the city council may determine, and said bonds may be of such denomination as said city council may determine.

And the city council shall have power to apportion the tax to be levied to pay such bonds, or the interest thereon, upon the different wards in such manner as they shall deem just, and in proportion to the benefits received by the several wards, but upon a cash valuation of the property charged with the expense.

SEC. 8. The city council may provide by ordinance for the organization of the fire department in said city, and the duties of the several officers and members thereof.

They shall make reasonable appropriations for the support of said department, or of the several companies thereof, which shall be paid out of the general fund of said city.

SEC. 9. If any person shall wilfully, voluntarily and without cause, give an alarm of fire by use of the electric fire alarm system in use in said city, whereby the fire department of said city are caused to attend such call and alarm, when in fact no fire exists in said city, such person shall be guilty of a misdemeanor, and upon conviction of such offense in the municipal court, shall be fined not less than ten dollars (\$10.00) nor more than one hundred (100.00) dollars, and in default of payment of the fine imposed, may be committed to the city prison, or county jail, not to exceed ninety (90) days; and on the trial of any person charged with the above offense, the fact that no fire actually existed being established shall be prima facie evidence that the alarm was wilfully given and without cause.

CHAPTER VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the city 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 such vote was taken.

SEC. 2. No penalty or judgment recovered in favor of said city, shall be remitted or discharged except by the vote of two-thirds ($\frac{2}{3}$) of the aldermen elect.

SEC. 3. In all prosecutions for the violation of this act, or for the violation of any ordinance, by-law or resolution of said city, the first (1st) process shall be by warrant on written complaint made.

No warrant shall be necessary, however, in the case of a person arrested while in the act of violating any law of the state of Minnesota, or any ordinance, by-law, resolution, rule or regulation of said city of Anoka, but the person or persons so arrested may be proceeded

against, tried, convicted and punished or discharged in the same manner as though the arrest had been by warrant.

All process or writs issued out of any court created in and for said city for the violation of the provisions of this charter or for the breach of any ordinance, by-law, resolution, rule or regulation of said city, shall be directed "To any police officer of the city of Anoka, or to the sheriff or any constable of said county."

Any person who may have been appointed as an officer of said city by the council thereof, and who is by this act invested with the powers of a constable, shall be considered and held to be a constable and may be so designated in any warrant issued as above provided, and shall have power to serve and execute process throughout the county of Anoka and elsewhere in the state where by the general laws of the state a constable could do so.

No officer of said city shall be entitled to receive any other fees for salary than that fixed by the city council, and the fees of all police officers or other officers who shall serve any papers in any suit to which the city is a party, shall in all cases be turned into the city treasury and belong to the city.

In all civil actions brought by said city, and in all prosecutions for violations of the provisions of this charter or for the violation of any ordinance, by-law, rule, resolution or regulation of said city, "The City of Anoka" shall be named as plaintiff.

It shall be sufficient to allege in the conclusion of any complaint or warrant issued for a violation of said charter, any ordinance or any by-law or other regulation of said city, that the offense charged was committed "contrary to the provisions of the charter of the city of Anoka," or "contrary to the provisions of ordinance No. . . . (giving the number) of said city, or contrary to the provisions of a resolution, by-law, rule, order or regulation of the city of Anoka, approved (giving the date of its approval)," as the case may be, and no further reference thereto shall be necessary.

SEC. 4. Persons charged with any offense against an ordinance, by-law, order, resolution or any other regulation of said city, may be tried and convicted and sentenced or discharged, in a summary manner, by and before any magistrate or judge of said city having jurisdiction in the premises, without the intervention of a jury.

The city shall be entitled to take an appeal to the district court of Anoka county from any judgment or final order entered or rendered against it in any court created in and for said city, when any part of this charter or any ordinance, by-law, resolution or regulation of said city, is thereby pronounced and decided by said court invalid or of no force, but such appeal shall only be taken upon questions of law alone.

Said city may also appeal from said district court to the supreme court of this state, for like cause on law questions.

No bond shall be required of said city in any action to which it is a party.

In civil actions to which the city is a party, any pleadings requiring verification, may be verified by the mayor or by the city attorney.

SEC. 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment in any court created in and for said

city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance, by-law, resolution or regulation of the city of Anoka, the offender shall be forthwith committed to the city prison or jail, or if there be no such jail or prison, to the common jail of Anoka county, and be there imprisoned for a term not to exceed ninety (90) days, in the discretion of the court, unless such fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there is no such prison, in the county jail of Anoka county.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city in any action or proceeding in which the city shall be a party in interest.

SEC. 7. All fines, penalties and moneys that may be collected by any officer of said city by virtue of any writ, judgment, execution or other process in favor of the city of Anoka, or issued out of the municipal court thereof, shall be the sole and exclusive property of said city, and any judge of any court of said city, or any justice in and for said city, shall pay over to the city treasurer all sums of money in the nature of fines or penalties by him collected or received from any source or for any cause, and all other moneys by him received which belongs to said city, except that he may retain his legal fees from any moneys so received by him.

SEC. 8. When any suit or action shall be commenced against said city, service of summons or any process may be made by the proper officer by leaving a copy thereof with the mayor or acting mayor, and it shall be the duty of the mayor to forthwith notify the city council thereof, and thereupon such steps shall be taken as to the council shall seem proper and necessary.

No claim for damages against said city arising from an alleged act of omission or commission of any duty incumbent on the city or any of its officials, shall be sued in any court of this state, unless the party claiming such damages shall have presented such claim in writing to the mayor or city attorney of said city at least thirty (30) days prior to the commencement of suit therefor, and if suit is brought by any person or persons contrary to this provision, it shall abate and the costs thereof be taxed against such person or persons.

SEC. 9. In addition to the remedy by civil action, the city council of said city are authorized to provide penalties and enforce the same against any officer of said city who shall upon due demand refuse to surrender to his duly elected or appointed successor in office, the books, papers and records of said city which are in his custody or under his control.

SEC. 10. The said city may purchase, lease and hold real, mixed and personal estate for public purposes, sufficient for the convenience of its inhabitants, and may sell, convey or lease the same, and all such property while owned by the city shall be free from taxation.

SEC. 11. No law of this state concerning the provisions of this act shall be considered as repealing, amending or in any wise modifying or affecting the same unless such purpose shall be expressly set forth in such laws and reference to this act be therein specifically made.

SEC. 12. The city of Anoka shall not be liable in any case for the

board or jail fees of any person who may be committed by any judge or magistrate of any court of said city to the jail of Anoka county, under the state laws.

SEC. 13. The city council of said city may cause this charter and all ordinances, by-laws, resolutions, rules and regulations of said city, together with its own rules of order and procedure and any reference to the decisions of the Supreme Court of this state which may be pertinent, to be compiled and collated into one book to be designated "The Charter and Ordinances of the City of Anoka," which book when duly approved by vote of the city council (such approval to be printed at the end thereof and attested by the seal of said city), shall be received in evidence in any court of this state without further proof of authenticity.

The city council may appropriate such sum from the general fund of the city as may be necessary to carry out the foregoing provisions, and may distribute or sell copies of such book and exchange the same for similar copies of other cities.

All officers of said city shall, during their term of office, be entitled to one copy thereof, to be returned at the expiration of such term.

SEC. 14. All the elective and appointed officers of said city shall be entitled to receive a reasonable compensation for their services, to be fixed by the city council.

SEC. 15. The city council of said city are hereby authorized to appoint a purchasing agent for said city, and may require him to give bonds to the city in such form and for such sum and with such sureties as the council may prescribe.

All bills against said city for any claim whatever (unless otherwise expressly provided), shall either be verified by the party presenting the same, or shall be duly certified to be correct by the purchasing agent of the city.

It shall be a misdemeanor for any officer of said city to pay out of the funds thereof any moneys in settlement of any claims, unless the above requirements have been complied with.

SEC. 16. On demand and tender of the legal fees therefor, it shall be the duty of the city clerk to make and furnish to any person requesting it, a copy, duly certified, of any paper, record or instrument in his office or under his custody as such clerk; which copy shall be received in evidence the same as the original, in any court in this state.

SEC. 17. When not specially prohibited by the provisions of this charter, the city council may delegate any authority herein conferred on them which requires a view of lands, or an investigation, estimate or report, to any member or members of said council, or any proper officer of said city, or any disinterested and competent residents of said city, as the occasion may require, and the acts of such committee, when accepted and ratified by vote of the council, shall be deemed and held to be the act of such council.

SEC. 18. The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, and provide means to enforce such prohibition.

SEC. 19. The provisions of chapter twenty-nine (29) of the general statutes, except section two (2) thereof, and the amendments

thereto, shall be followed in all cases to which the same shall apply in said city.

All plats shall conform in size to the size of the plats provided by the county of Anoka during the year one thousand eight hundred and eighty-eight (1888).

All the principal streets of any new plat or addition to said city shall be at least sixty (60) feet in width, and all alleys at least sixteen (16) feet in width.

All plats shall be presented in duplicate, and shall state that at the corner of every lot a substantial monument has been set of such kind and character as the council may prescribe.

The original plat, properly executed and certified, shall be recorded with the register of deeds of Anoka county, and the duplicate copy shall be executed and certified in like manner, and kept in the office of the city clerk.

In every new addition to said city, the streets of such addition shall connect in a direct line with the streets of the city proper.

SEC. 20. All books, papers and records in the office of any city officer, in the nature of public property, affecting the general public or any particular individuals, shall at all proper times be open to the inspection of any person requesting it.

SEC. 21. No city officer or employe shall dispose of any of the city property in any way, nor convert the same to his own use, without special authority from the city council.

A violation of this provision shall be deemed a misdemeanor and punishable as provided by law.

SEC. 22. The mayor and president of the city council are hereby authorized to administer oaths and take acknowledgments of all instruments requiring the same, and for that purpose are invested with all the powers of a notary public.

SEC. 23. The passage of this act shall not affect any contract, debt, liability or obligation to which said city is a party, nor impair or affect any vested rights of any person, persons or corporations, and all ordinances, resolutions, by-laws, rules, regulations, orders and proceedings, of the council of said city and of the board of health of said city, or any part thereof, not repealed, suspended, modified or made void by any express provision of this act, shall continue and remain in force and of validity, until repealed, modified, amended or otherwise acted upon by proper authority in pursuance of this act.

SEC. 24. This city charter shall be a public act and need not be pleaded or proved in any case.

SEC. 25. All officers of said city, elected or appointed, prior to the passage of this act shall, except as otherwise provided, hold their offices during the term for which they were so elected or appointed.

SEC. 26. All acts and parts of acts inconsistent with the provisions of this act, and which relate thereto, are hereby repealed.

SEC. 27. This act shall take effect and be in force from and after its passage.

Approved March 18th, 1889.