

## CHAPTER 5.

[S. F. No. 204.]

AN ACT TO REDUCE, AND TO [ADD TO,] AMEND AND CONSOLIDATE THE CHARTER OF THE "CITY OF ST. PETER," INCLUDING THEREIN THE REORGANIZATION OF INDEPENDENT SCHOOL DISTRICT NUMBER ONE (1) IN SAID CITY.

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

SECTION 1. The act entitled "An act to incorporate the city of Saint Peter and repeal the present acts of incorporation of the borough of Saint Peter," approved Feb. 28, one thousand eight hundred and seventy-three (1873), and all acts of the legislature adding to or amending the same subsequently passed, are hereby amended, added to, consolidated and reduced to one act, including therein the reorganization of "independent school district number one (1)," in said city, so that the same shall constitute and be the charter of the city of Saint Peter, in the county of Nicollet and state of Minnesota, which shall read as follows:

## CHAPTER I.

## CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *Creation of Corporation.*—That all that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of the "City of Saint Peter," and the people who now do and hereafter may reside therein, shall be a municipal corporation by the name of the city of Saint Peter, and by that name shall sue and be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purposes of the corporation may require or the transaction or exigencies of the business may render convenient, within or without the city, and the same shall be free from taxation; shall be capable of contracting and being contracted with, and have the general powers possessed by municipal corporations at common law; and in addition thereto shall possess the powers hereinafter specially granted, and that the authorities thereof shall have perpetual succession.

SEC. 2. *City Boundaries.*—The boundaries of said city shall be as follows: Commencing at a point in the main channel of the Minnesota river where the same is intersected by the north line of section number fifteen (15), in township number one hundred and ten (110) north, of range number twenty-six (26) west, in the county of Nicollet and the state of Minnesota; thence westerly along the north line of sections numbered fifteen (15), sixteen (16) and seventeen (17), in the same township and range, to the quarter post upon said north line of said section number seventeen (17); thence southwardly along the centre line of said section seventeen (17) and sections number twenty (20) and twenty nine (29), in the same township and range, to the middle of the Minnesota river; thence down said river along the main channel thereof to the place of beginning.

SEC. 3. *Ward Boundaries.*—The said city shall be divided into two (2) wards called the first and second wards, limited and bounded as follows: All that part of territorial limits lying and being north of a line commencing in the centre of Grace street, at a point where said line intersects with the Minnesota river; thence westerly along the centre of said street to the westerly line of said city, being the quarter line dividing said sections number seventeen (17) and twenty (20), town one hundred and ten (110), range twenty-six (26), shall constitute the first ward.

All that part of said territorial limits lying and being south of said described line shall constitute the second ward.

SEC. 4. *Change of Wards.*—The common council of said city shall have the power by ordinance to change the boundaries of said wards or increase the number thereof to not exceeding five (5), as the convenience of the inhabitants may require, such wards containing as nearly as practicable an equal number of voters.

SEC. 5. *Additional Territory—Police and Sanitary Purposes.*—That the west one-half (½) of section twenty-two (22), and all that portion of section fifteen (15), sixteen (16) and twenty-one (21), lying east of the Minnesota river, all in town one hundred and ten (110), range twenty-six (26), also the town of Saint Peter, lying in Le Sueur county, Minnesota, as platted and recorded in the office of the register of deeds of said Le Sueur county, be and the same is hereby attached to the city of Saint Peter and included within the corporate limits thereof for police and sanitary purposes only, and the said city of Saint Peter shall have and possess all police and sanitary powers over the territory above described, which are now possessed by said city under its charter over the incorporate limits of said city.

## CHAPTER II.

### ELECTION OF OFFICERS.

SECTION 1. *Annual City Election.*—There shall be held an annual election for elective officers, hereinafter provided, on the first (1st) Tuesday of April of each and every year, at such place in each ward as the common council shall designate, and shall be conducted in all respects in accordance with the general election laws of the state, except as hereinafter qualified. Ten (10) days' previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting by the city clerk the notices thereof, at each place of election in the city, and by publishing the same in the official paper of the city. The common council shall, in due time before any election, organize a full board for each election district as provided by this act.

SEC. 2. *Special Elections.*—Special elections for any purpose shall be held and conducted in all respects as general or annual elections under this charter, and upon a notice of not less than ten (10) days, which notice shall distinctly specify the objects of said election.

SEC. 3. *Elective Officers and Term of Office.*—The elective officers of said city shall be a mayor and treasurer, who shall hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The officers elected in each ward shall be three (3) aldermen and one (1) justice of the peace, who shall be styled city justice. The term of office of aldermen shall be three (3)

years, and until their successors are elected and qualified. The term of office of city justices shall be two (2) years, and until their successors are elected and qualified.

All of said officers shall be residents within and qualified voters of the city and ward for which they may be elected; *Provided*, that the present officers of said city shall hold their offices for the full term for which they were elected, and the common council shall so arrange, as soon as practicable, that each ward elects one alderman each year except to fill vacancies; and for that purpose shall, previous to the first election next to be held under this charter and at any subsequent election in case of filling vacancies, designate for what term, if any, aldermen shall be elected in each ward in order to arrive at and maintain the desired requirement of electing one (1) alderman each year in each ward.

SEC. 4. *Commencement of Term of Elective Officers.*—The official term of all officers elected under the provisions of this act shall commence on the second (2d) Tuesday of April in the year in which they were elected.

SEC. 5. *Vacancies—How Created.*—Any officer removing from the city or ward for which he was elected or appointed, or who shall neglect or refuse, for ten (10) days after notice of his election or appointment to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the common council shall declare the office vacant and proceed to fill such vacancy as herein prescribed.

SEC. 6. *Vacancies—How Filled.*—Whenever a vacancy shall occur in the office of any elective officer in said city, excepting that of mayor, which is hereinafter provided for, such vacancy shall be filled by appointment by the common council until the next annual election, and the successor of such a person so appointed to fill any vacancy as aforesaid shall be elected at such election for the unexpired term.

SEC. 7. *President and Vice President of Council—How Elected.*—At the first meeting of the common council after the annual election in each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, from their number a president and vice president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent, the vice president shall discharge the duties of such president, and act in his place. And during the absence of both mayor and president from the city, or their inability from any cause to discharge the duties of their respective offices, the vice president shall, during such absence or inability, exercise all the powers and discharge all the duties of mayor.

The president, vice president or a temporary presiding officer, elected by the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. The mayor, president and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 8. *Vacancy in Office of Mayor—How Filled.*—In case of a vacancy in the office of mayor by death, resignation or otherwise, the president

of the common council succeeds to the office of and becomes mayor of the city until the next annual election, and the vacancy caused thereby in the common council shall be filled by that body as herein provided. In the absence from the city of the mayor, president and vice president of the common council, or in case of their inability to discharge the duties of their respective offices, if it should become necessary or proper that either of said officers should discharge a public or official duty in said city, the common council shall meet forthwith and appoint of their own number a president *pro tem.* who shall become acting mayor and exercise all the powers and duties of the office for the time being.

SEC. 9. *Qualifications of Voters.*—All persons entitled to vote for state or county officers, and who shall have resided in the city of Saint Peter for four (4) months immediately preceding the election, and ten (10) days in the ward in which they offer to vote, and shall be a *bona fide* resident of said city at the time of election, shall be entitled to vote for any officer at any election held under this act, and a plurality of votes shall constitute an election.

SEC. 10. *Tie in Elections.*—Whenever two or more candidates for any elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct; of which time and place said candidates shall have notice.

SEC. 11. *Election Districts—Judges of Election—Duties.*—Each ward shall constitute an election district for state, county as well as city elections. The elections in said city shall be held and conducted by the aldermen of each ward and one or more electors of said ward to be appointed by the common council, who shall be the judges of election, and they shall have the power to appoint the clerks of such election. In all other respects the elections shall be conducted in the same manner and under the same penalties, judges and clerks of the election shall have the same duties and powers, receive the same compensation, and vacancies in the board shall be filled, as required by the laws of this state regarding elections, except that the returns of all elections for city officers shall be made to the city clerk as hereinafter provided, and that no candidate at any such election shall act as judge or clerk of election.

SEC. 12. *Election Returns.*—Whenever any city election shall be closed, and the votes cast thereat counted and the result ascertained, the said election board shall make return thereof, with an abstract of the whole number of votes cast at such election, stating the whole number of votes for each person and each office, or upon any or all propositions, affirmative or negative, of any propositions submitted to the people of said city at any such election, and shall within three (3) days thereafter deliver, or cause to be delivered by one of their number, into the hands of the city clerk, such abstract and return, and the common council shall meet and canvass said returns and declare the result as it appears from the same on or before the Monday next succeeding said election. The city clerk shall then forthwith notify the officer or officers elected of their election by written notice served upon such officers in person, or left at their last usual place of abode, with some person of suitable age and discretion. Certificates of election shall be issued to all elective officers of said city under the direc-

tion of and in manner and form as the common council may prescribe.

SEC. 13. *New Elections—Notice.*—Should there be a failure by the people for any cause, to hold any city election at the time or in the manner herein prescribed, or to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days previous notice of the time and place being given; *Provided*, that no failure of the city clerk to give the notice of elections pecified in section one (1) of this chapter shall in any manner invalidate any general election.

SEC. 14. *Appointive Officers.*—The mayor shall, except as herein otherwise provided, at the first (1st) meeting of the common council after the annual election, or as soon thereafter as may be, nominate and appoint, with the advice and consent of that body, a city marshal and one or more policemen, and also, at the same time, or as soon thereafter as may be, all such other officers as may be necessary for the proper management of the affairs of the city, or offices created by virtue of this act.

The common council, at their first (1st) meeting in each year, or as soon thereafter as may be, shall appoint, to be determined by ballot, a city attorney, city clerk, city surveyor, city printer, city assessor, street commissioner, pound master, city physician, and a board of health.

SEC. 15. *Official Term of Appointive Officers.*—The official term of all officers of the city, appointed by virtue of preceding section, shall be, except as otherwise provided in this act, for the term of one (1) year, commencing on the third (3d) Tuesday of April in each year, and until their successors are appointed and qualified, except as herein otherwise differently provided. Warrants of appointment shall be issued to all such appointed officers of said city by the clerk, in such form and manner as may be prescribed by the common council.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS.

SECTION 1. *Removal from Office.*—Every person elected to any city office by the people, or appointed to any city office by the mayor or common council, may be removed from said office by a two-thirds (⅔) vote of all the aldermen elected, but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given him, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; but if said officer neglects to appear and answer the charges against him, after proof of service of charges and notice to appear, the common council may declare the office vacant.

SEC. 2. *Oath and Bond of Office.*—Every person elected or appointed to any office under this act shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the clerk of said city, and the treasurer and clerk, and such other officers as the com-

mon council may direct, shall, before entering upon the duties of their respective offices, be required to execute such bond to the city of Saint Peter, as the common council thereof may direct and approve, for the faithful performance of the duties of such office, and such bond may be increased or diminished at the pleasure of the common council, and any officer failing to give the required bond at any time may be removed from said office by the common council.

**SEC. 3. Powers and Duties of Mayor.**—The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and shall, by virtue of his office, nominate for appointment all police officers and watchmen, except when otherwise provided for. He is clothed with the power to call upon any male inhabitant of said city, or any bystander over the age of twenty-one (21) years, to aid in the enforcement of laws and suppression of disturbances, and any person, when so directed, who shall not obey such call or render such aid, shall, upon conviction before any of the city justices, or other magistrates having jurisdiction thereof, be fined not less than five (5) dollars nor more than fifty (50) dollars. In case of riot, large public gathering, or other disturbance, or whenever, in his opinion, the safety of the city requires it, he may provide and appoint as many special or temporary policemen or watchmen as he may deem necessary, and any policeman or watchman appointed by the mayor, as aforesaid, may be discharged by him whenever he sees fit; but such especial or temporary appointments shall not continue for more than one (1) week without the consent of the common council.

All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto in writing, by depositing the same with the city clerk, to be presented to the common council at their next regular meeting thereafter; and upon the return of any resolution or ordinance by the mayor unsigned, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds (2/3) of all the aldermen elected, it shall have the same effect as if approved by the mayor, and in such case the votes shall be by ayes and noes, which shall be recorded by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sundays excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All contracts, appropriations and orders drawn on the treasurer shall be signed by the mayor.

The mayor may also, if he deems it necessary and proper, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city, and have police powers to preserve the peace and protect the 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 display any badge of office outside the limits named

in such appointment. The mayor shall, whenever he deems it necessary, with the consent and approval of the common council, from time to time, make regulations for the control of the police force and for enlarging or restricting the powers and duties of the several officers thereof.

SEC. 4. *City Clerk—Powers and Duties.*—There shall be a clerk of said city, styled the city clerk, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him, under the corporate seal, shall be evidence in all courts, the same as the original would be, if produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose.

The city clerk shall have power to administer oaths and affirmations, and take acknowledgment of deeds and other writing.

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

He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the common council or by any city officer; and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the clerk. The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates, or other evidences of indebtedness issued by the common council; the amount of all bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; countersign all bonds, orders or other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall

report to the common council the schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land; which said schedule shall be certified by the affidavit of the clerk, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. All claims and demands against the city, before they are allowed, shall be either indorsed by the proper city official or verified by the oath of the claimant, and audited and adjusted by the clerk. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested, directly or indirectly, in any contract or job to which the city is a party, or in which the city is interested; and any contract in which he may be interested shall be null and void. The city clerk shall perform such other and further duties as may be prescribed herein, or by any ordinance of said city, and any fees allowed to him by any ordinance may be retained by him in addition to his regular salary.

SEC. 5. *Deputy Clerk—Appointment of.*—The common council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the clerk, a deputy clerk. Whenever the clerk and deputy clerk are absent, or are, for any reason, unable to act, the common council may appoint a clerk *pro tempore*, and said clerk so appointed, as well as the deputy clerk, when acting as city clerk, shall have the same powers, and be subject to the same duties and liabilities as the city clerk, and shall be paid for their services out of the salary of the city clerk; *Provided*, that the city clerk is responsible for all official transactions of such deputy clerk appointed upon his nomination.

SEC. 6. *City Attorney.*—The city attorney shall be a person admitted to practice law in all courts of this state, and shall be the legal adviser of all officers of said city upon all subjects arising by virtue of this act. He shall attend and prosecute or defend all suits, actions or proceedings, either civil or criminal, for or on behalf of said city or in which the city may be a party. He shall, when required, furnish written opinions upon any subject arising by virtue of this act submitted to him by the common council or any of its committees, attend the meetings of the common council when requested, and shall perform all other professional services incident to his office. He may, in his temporary absence or other inability, at his own expense, with the approbation of the mayor, designate some other attorney to act in his stead for the time being.

SEC. 7. *City Treasurer—Deposit of Funds.*—The treasurer shall receive all moneys from the city clerk, receipting to him therefor, including all taxes, license moneys, fines and other revenues belonging to the city; keep an accurate and detailed account thereof, in such manner as the common council may direct; shall pay out money only on orders drawn upon him, duly signed by the mayor and attested by the clerk of said city, and make such reports, exhibits and perform such other and further duties, as may be required by the charter and ordinances of said city.



All the funds of the city of Saint Peter shall be deposited by the city treasurer in one or more national, state or private bank or banks in the name of the city treasurer in his official capacity and not otherwise, whenever the common council may so direct. Such bank or banks shall be designated or redesignated by the common council in their discretion, at any time after advertising in one (1) or more newspapers in the county (or if the public interests may require, in one or more newspapers published in the state) once in each week for at least two (2) weeks, for proposals stating what security would be given to said city for such funds and what interest on monthly balances of the amount so deposited, on condition that the said funds with accrued interest shall be held subject to draft and payment at all times on demand.

Before any such bank or banks shall be designated as such depository, such bank, banks or banker shall deposit with the city clerk of said city, for the examination and approval by the common council, a bond, with two or more sureties, payable to the city of Saint Peter, and shall be in such amount and for such period as the common council shall direct, which amount shall be at least double the amount of funds to be deposited with such bank, banks or banker.

Whenever any portion of the funds of said city shall be deposited by the city treasurer in the manner as provided by this act, such treasurer and the sureties on his bond shall be exempt from all liabilities thereon, by reason of the loss of any such deposited funds from the failure or other acts of such bank or banks, to the extent and amount of such funds in the hands of such bank or banks.

Each depository designated under the provisions of this act shall, at all reasonable times, permit an examination of the city treasurer's account upon the books of said depository by the common council, or a committee appointed by them for that purpose. All sums of interest accruing upon funds deposited with any bank, banks or banker under the provisions of this act shall be credited to such deposit account, on the first (1st) day of each month for the month preceding, and a monthly statement of such interest as computed on the balances shall be rendered to the city clerk forthwith, who shall charge the city treasurer with the amount thereof and credit the same to the general fund.

SEC. 8. *City Justices—Powers and Duties.*—The city justices shall possess all the authority, powers and rights of a justice of the peace of the county under and by virtue of the laws of the state of Minnesota, and shall have, in addition thereto, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace. The said justices shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions, or proceedings for the recovery of any fine, forfeiture or penalty, under any ordinance, by-law or regulation of the said city of Saint Peter or its charter, or for the breach or violation of any such ordinance, by-law or regulation, and in all cases of offenses committed against the same. All prosecutions for a breach or violation of any ordinance, by-law or regulation shall be commenced in the name of the city of Saint Peter, and the same proceedings shall be had in civil and criminal suits before said city justices, when not herein otherwise directed, as are established and

required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city justices shall be allowed in the same manner as are provided by law for appeals from judgments rendered by justices of the peace, in all cases when appeals may be taken or had, under and by virtue of the provisions of this charter.

The city justices shall have jurisdiction in cases of larceny, and may hear and try the same, when the value of the property alleged to have been stolen does not exceed the sum of twenty (20) dollars. The said city justices shall have the same power and authority in case of contempt as a court of record.

If, on the return of the process, or at any time before the trial commences, in any action or proceeding, civil or criminal, either party, his agent or attorney, makes affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely proceed to trial, or that from prejudice, bias, or other cause, he believes such justice will not decide impartially in the matter, or if it is proved that the justice is near of kin to the plaintiff, the justice shall transfer said action, and all papers appertaining to the same, to some other city justice, who may thereupon proceed to hear and determine the same, in the same manner as the justice before whom the said action or proceeding was commenced might have done; but no cause or proceeding shall be removed more than once, and no justice shall be required to transfer any civil action until all his costs in the same are paid.

In all cases of conviction of assaults, batteries or affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said city justices shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred (500) dollars.

All fines and penalties imposed by said city justices for offenses committed within the limits of said city, for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the general revenue of said city.

The city justices shall also have power, in cases under this charter and ordinances of the city when punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence the offender to hard labor in any workhouse established or designated by the city for that purpose, or in case of male offenders to sentence them to labor on the streets, public works or improvements of the city, until such person shall work out the amount of such fine and costs at such a rate per day, not less than one (1) dollar, as the common council may fix upon; and may punish and sentence such offenders by imprisonment and to be fed on bread and water whenever in their discretion it appears just and proper.

The city justices shall have authority and may commit any person or persons, liable to imprisonment under the charter or ordinances of said city, to the county jail of Nicollet county, and such persons shall be in charge of the sheriff of said county as in other cases, except as otherwise provided herein.

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

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

The said city justices shall, as often as the common council may by rule prescribe, make report to that body of all proceedings instituted before them, in which the city is interested, and also account for and pay over to the city clerk all fines and penalties collected by them, belonging to the city.

The said city justices shall have the power and authority to remit fines imposed by them, and to suspend sentences in any or all criminal prosecutions had before them, in such manner and upon such terms as they, in their discretion and judgment, shall deem proper and right.

The city justices shall be entitled to receive from the county of Nicollet such fees, in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

The city justices elected in the city of Saint Peter shall have concurrent jurisdiction within the city, and may hold their offices, and hear and conduct all trials, examinations and proceedings cognizable by them, at any place within the limits of said city; *Provided*, that for the removal of any trial, examination or proceeding from either one of the city justices, the city of Saint Peter shall be considered and deemed as one election district.

In all actions, civil and criminal, before the city justices of the city of Saint Peter, when jury trials may be had, the same proceedings shall be had and entertained regarding the selection, drawing and impaneling jurors as are had before justices of the peace in the state of Minnesota, under the general laws of said state; and all proceedings relating to jury trials before said city justices shall be governed by and conformable to the general laws of the state of Minnesota, applicable to justices of the peace; *Provided*, such proceedings are not in conflict or repugnant to any provisions of this charter, or any ordinance, by-law, rule or regulation made in pursuance thereof.

The city justices shall have the power and authority to tax and impose legal costs in all cases when fines and penalties are imposed by them, or when judgments are rendered in their courts, and said costs shall be added to such fines, penalties or judgments, as the case may be, and become a part thereof and be collected therewith.

SEC. 9. *City Marshal and Police Officers.*—The city marshal shall be the chief of police of said city, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and as may be required of him by ordinance.

All of the police officers of said city shall have and possess the powers of constables at common law, or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justices, for any violation of the laws of the state of Minnesota or the ordinances, by-laws or regulations of said city, and also all writs and process issued by said city justices in civil actions, and they shall have

• authority to pursue and arrest any person fleeing from justice anywhere in the state, and when performing the duties of constables as aforesaid shall be entitled to like fees. It is the duty of all police officers to see that all ordinances, health and police regulations are duly observed. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or of any violation of the laws of this state or the ordinances or by-laws of the city; and for these purposes, shall have the powers of constables at common law while on duty; *Provided*, that no person shall be eligible to an appointment of police officer who is not of good health and physique and a resident and qualified voter of said city.

SEC. 10. *City Assessor—Qualifications.*—The assessor shall, at the time of his appointment, be a resident and qualified elector of said city, shall have and possess all the authority, rights, powers and duties of assessors under the general laws of this state, except as hereinafter provided and qualified.

SEC. 11. *Assistant Assessor.*—The common council may also, whenever they shall deem it necessary, authorize the said assessor to appoint one or more assistants, who shall have the same qualifications as the assessor, to aid him in said assessment, and whose compensation shall be fixed by the common council; but no appointment of assistants shall be valid or of force until the same is confirmed by a vote of the common council.

SEC. 12. *Board of Review—Powers and Duties.*—The common council shall constitute the board of review, who shall be sworn according to law as such board, and meet at the council rooms in said city at the time provided by law for the meeting of town boards of review, and revise, amend and equalize the assessment made by the city assessor. It shall be the duty of the assessor to be present at all meetings of said board, and present to them all facts relating to the assessment. The city clerk shall act as clerk of such board of review. Such board of review is vested with all the powers which are or may be vested in county boards of equalization under the general laws of this state, but shall not be restricted by any limitation in respect to reducing aggregate sums of real and personal property, as returned by the assessor. They shall receive as compensation for their services the sum of two (2) dollars per day.

SEC. 13. *City Surveyor.*—The duties of the city surveyor shall be prescribed by the common council, and said officer shall be a practical surveyor and engineer. He shall file with the city clerk all surveys, plats, plans and estimates made by him for the city, and they shall be the property of said city and open to the inspection of all parties interested.

SEC. 14. *Street Commissioner.*—The street commissioner shall, under the direction of the common council, or a committee thereof, superintend all improvements on the streets, bridges and public grounds of said city, and carry into effect all orders and ordinances of the common council, or orders of the street committee of said body, in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges and public grounds, and it shall be his duty to see that the same, when graded and open for travel, are kept clear from obstruction and in such repairs as to be in good passable condition, and shall perform such other services as are hereinafter prescribed, and account for all money collected by him, or under his control, belonging to the city.

No street commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed compensation for use of any team owned by himself or in which he has an interest. In the collection of the corporation or poll tax, the street commissioner shall have all the powers as are possessed by road overseers under the laws of this state.

SEC. 15. *Road Districts—How Created.*—The common council may divide said city into two or more road districts, and then that body may appoint a sufficient number of street commissioners, who shall have the same powers and duties as are prescribed in the preceding section.

SEC. 16. *Official Paper—How Designated.*—The common council, at their first (1st) regular meeting after the annual election in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city as the official paper of the city, in which shall be published all ordinances and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper; *Provided*, the common council shall advertise for proposals to do the city printing giving public notice, in such manner as the common council may direct, that sealed bids shall be received by the city clerk for doing said printing. The bid or bids received by the city clerk to do said printing, shall be publicly opened by said clerk, at such time and place as the common council shall appoint, and the common council may accept the lowest responsible bid received, or reject any and all bids; *Provided further*, that the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such other newspapers as they may direct. The printer of the official paper so designated shall be styled the city printer.

SEC. 17. *Duties of City Printer.*—The city printer, or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their printer or foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such matter, and no account of the publication of such notice, ordinance, resolution or other matter, shall be allowed or paid by the common council, until such proof of publication has been made and filed.

SEC. 18. *Poundmaster.*—The poundmaster shall have the same authority as police officers, in enforcing the ordinances of said city, against cattle or other animals running at large and for impounding the same.

SEC. 19. *City Physician.*—The common council shall appoint a city physician, who shall be a physician of regular practice and of good standing in his profession and a graduate of some college of medicine. He shall attend and furnish medicine to all poor of the city, as may be required of him by the common council. He shall, by virtue of his office, be president and executive officer of any board of health established by said city, and perform all duties required of him by any ordinance of the city. It shall be his duty to make regular inspection of the city, as to matters affecting the health of its citizens, and make reports to the state board of health of such facts as may be required by said state board. He shall receive such compensation as the ser-

VICES rendered by him are reasonably worth, to be determined by the common council.

**SEC. 20. Board of Health.**—The common council shall appoint a board of health for the city of Saint Peter, consisting of three (3) members, including the city physician. The health officer (city physician) shall be appointed at the first (1st) meeting of the common council in each year, or as soon thereafter as may be. The other two (2) members shall be appointed at the first (1st) meeting of the common council after the next city election, or as soon thereafter as may be, one (1) of whom shall hold his office for a term of one (1) year, and one (1) of whom shall hold his office for a term of two (2) years, to be determined by the common council; and annually thereafter one (1) member, besides the health officer, shall be appointed for a term of two (2) years, to succeed the member whose term is about to expire. All of which officers shall hold their respective offices until their successors are elected and qualified.

The said board of health shall have the same authority as police officers, in enforcing the ordinances of said city for the security of public health.

**SEC. 21. Officers to Make Returns of Property.**—All officers of the city having charge of any city property shall, at the close of each fiscal year, and at other times when required by the common council, make and return to the common council a complete inventory of all public property in their hands or under their control respectively.

Such inventories shall be preserved and filed by the city clerk and kept open to inspection of all parties interested, but need not be printed in the proceedings, unless the common council shall so specially direct.

**SEC. 22. Officers to Turn Over Property.**—Any person having been an officer of said corporation shall, within three (3) days after notification and demand, deliver to his successor in office or other duly authorized person or persons all property, papers and effects of every description, in his possession belonging to said city or pertaining to his office, and if he fails to do so, he shall forfeit and pay to the use of said city the sum not exceeding five hundred (500) dollars, to be recovered in a civil action, besides all damages caused by his neglect or refusal to so deliver, and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

**SEC. 23. Other Duties of Officers Required—Other Officers Appointed.**—The common council shall have the power, at any time, to define and require other and further duties, to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to create such further offices and appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their powers and duties and fix their compensation, unless herein otherwise provided.

**SEC. 24. Salaries of City Officers—By Whom Fixed.**—The common council shall have the power, and is required, to fix the compensation or salary of all officers elected or appointed under this act; *Provided*, that the mayor may receive a salary not exceeding one hundred (100) dollars per annum, and each alderman may receive a salary not exceeding two (2) dollars for each meeting he attends, not exceeding twenty-five (25) meetings in any one (1) year, but the common council

may, by two thirds ( $\frac{2}{3}$ ) vote of all aldermen elected, allow additional compensation for any extraordinary service performed by any officer or any of its committees.

All salaries or compensations shall be fixed by resolution at the commencement of the official year, or as soon after election or appointment as practicable, and when so fixed, shall not be increased or diminished during the term for which said officer shall have been elected or appointed.

SEC. 25. *Exemption from Jury Duties.*—All officers of the city, while holding such office, shall be exempt from serving as jurors in any court.

SEC. 26. *City Officers Not to be Interested in Contracts.*—No alderman or other officer of said city shall be a party to or interested in any job or contract with the city, and any contract in which any alderman or other officer shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman or other officer interested in the same.

SEC. 27. *Officers of the Peace.*—The mayor, acting mayor and each alderman, chief of police, the sheriff of Nicollet county, the city justices 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 purposes may command the assistance of all bystanders and citizens; and if any citizen or bystander shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of not less than ten (10) dollars nor more than fifty (50) dollars; and in cases where civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order named, shall direct the proceedings.

## CHAPTER IV.

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

SECTION 1. *Common Council—Quorum—Style of Ordinances.*—The aldermen shall constitute the common council of the city of Saint Peter, and the majority thereof shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. The style of all ordinances shall be: "The common council of the city of Saint Peter do ordain."

SEC. 2. *Regular and Special Meetings of the Common Council.*—The common council shall hold regular or stated meetings, at such times and places as they by resolution may direct. The first (1st) meeting, after the annual election, shall be held on the second (2d) Tuesday of April in each and every year. The mayor, or in case of his refusal or neglect, any two (2) aldermen, may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode.

SEC. 3. *Common Council Judges of Election of its Members—Rules of Procedure.*—The common council shall be the judges of the election, return and qualification of its own members, and in such cases have the power to send for persons and papers. It shall determine the

rules of its own proceedings, punish its own members for disorderly conduct and with the concurrence of two-thirds ( $\frac{2}{3}$ ) of all aldermen elected, expel a member after due notice given and an opportunity extended to the accused to be heard by counsel or otherwise; shall have power to compel the attendance of absent members, and may provide for the punishment of such absent members. Continued absence from the meetings of the common council by any of its members for three months shall be deemed good cause for removal, unless he can give a satisfactory excuse therefor.

**SEC. 4. *Record of Proceedings.***—The common council shall keep a journal or record of its proceedings, and ayes and noes, when demanded by any member present, shall be entered on the journal.

**SEC. 5. *Control of Finances and Property — Power to Enact Ordinances.***—The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government, good order and cleanliness of the city, the protection of its property, the suppression of vice and intemperance, the benefit of trade and commerce, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison, workhouse and watchhouses, and make all needful rules and regulations therefor, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever. The common council shall have the exclusive right to exercise all the legislative powers granted by this act to the corporation, and have full power and authority to declare and enforce penalties and punishments, and enforce the same against any person or persons who may violate any ordinance, by-law, rule or regulation passed or ordained by them, and all such ordinances, by-laws, rules and regulations are hereby declared to be and to have the force of law; *Provided*, they be not repugnant to the constitution of the United States or of this state, and for these purposes shall have authority by ordinance, by-law, resolution or regulation:

*First*—To regulate and license exhibitions of common showmen and shows of all kinds, circuses, the exhibitions of caravans, concerts and theatrical performances; also to license and regulate all auctioneers, hawkers, peddlers, public halls and other buildings and inclosures used for places of public resort and amusement, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, taverns and saloons, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, and to provide for and enforce such restrictions or prohibitions therefor as the common council deems proper; *Provided*, that the common council shall not issue any licenses for the sale of spirituous, vinous, malt or fermented liquors for any sum less than the sum fixed under the provisions of any general law of this state.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other game of chance for the purpose of gambling in said city, and to authorize the seizure of all instruments or devices used for the purpose of gambling.



*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct, and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers or inmates thereof.

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

*Fifth*—To regulate or prohibit the slaughtering of animals within said city, to direct the location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and dealing in and conveying of gunpowder or other explosive substance or material.

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

*Seventh*—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets; and to regulate places for bathing and swimming in the waters within the limits of said city.

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

*Ninth*—To prevent the running at large of dogs, and may impose a tax or license on the same, impose fines upon the owners or keepers and authorize the destruction or killing of dogs, when at large contrary to the ordinances.

*Tenth*—To prevent all persons riding or driving any horse, mule, ox or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to said sidewalks, grounds or property.

*Eleventh*—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery, to improve and ornament the same and make all regulations necessary for the care, protection and government thereof.

*Twelfth*—To prevent the discharging of firearms and firecrackers, and to prevent the exhibition of any fireworks in any situation or location which may be considered by the common council dangerous

to the city or any property therein, or annoying to any of the citizens thereof.

*Thirteenth*—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whisky and other liquors and provisions, and to appoint inspectors, measurers, weighers and gaugers and to prescribe and regulate their duties and compensation.

*Fourteenth*—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Fifteenth*—To prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth*—To direct and regulate or prohibit in any parts of the city the planting and preservation of shade or ornamental trees in streets, alleys, highways and public grounds of the city, and to provide for the punishment of any violation of the ordinances relating thereto.

*Seventeenth*—To regulate a place and manner of weighing and selling hay, straw, and other articles of feed, and the measuring, weighing and selling of firewood and other fuel, and to appoint suitable persons to superintend and conduct the same; to provide for a standard of weights and measures; for the appointment of a city sealer; 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.

*Eighteenth*—To provide for, describe and regulate or prohibit the erection of hitching posts or rings for fastening horses or other animals, or to prohibit the same in any portion of the city in its discretion.

*Nineteenth*—To define and declare what shall constitute a nuisance, and enact ordinances to prevent the same and punish violations thereof, and to remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twentieth*—To remove and abate any nuisance, obstruction or encroachments upon the streets, alleys, public grounds and highways of the city.

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

*Twenty-second*—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh, fish, hides or skins of any kind; to provide for the punishment for any violation of the same, and to authorize the removal of the same at the expense of the owners.

*Twenty-third*—To establish and construct public grounds, pumps, wells, cisterns, reservoirs and hydrants; to provide for and control water works and the supply of water to the inhabitants of the city,

and regulate water rates; to create, alter and extend water districts; to provide for lighting the city; to create, alter and extend lamp districts; to control the creation of gas works, or other works for lighting the city, streets, public grounds and public buildings.

*Twenty-fourth*—To regulate and license hacks, drays, carts, omnibuses, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to prescribe standing places in the streets therefor, and to authorize the mayor or chief of police to regulate and direct the location of vehicles in the streets or alleys within said city.

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

Also to compel the owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and in their default to authorize such filling or draining, and assess the cost thereof against such property.

*Twenty-sixth*—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

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

*Twenty-eighth*—To restrain and regulate parties, processions, runners, porters, agents and solicitors for boats, vessels, stages, cars, public houses or other establishments.

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

*Thirtieth*—To prevent, control and regulate the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as shall preserve the health of the city; and also to regulate, control and prevent the landing of paupers and persons in destitute conditions into the city, not having a legal settlement or residence therein, and to require that such persons be taken back to the place from whence they may have been brought by the persons bringing or leaving them in said city.

*Thirty-first*—To provide for, create and establish the police of said city; to prescribe the number of police officers and their duties and regulate the same, and to provide for watchmen, designate their numbers and duties, and regulate the same.

*Thirty-second*—To regulate and prohibit the carrying or wearing by any person of concealed, dangerous or deadly weapons, and to provide for the seizure thereof.

*Thirty-third*—To control and regulate the cutting of ice in the Minnesota river, within or along the boundary line of the limits of said city.

*Thirty-fourth*—To regulate the opening of hatchways, and to compel the construction of proper guards about the same.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railroad tracks over such streets and highways as the common council may deem necessary; to prevent any railroad company from obstructing the streets or crossings in said city for a time exceeding five (5) minutes, accidents excepted; and any conductor or engineer of any railway train, car or locomotive, who shall obstruct any street crossing in said city for a time exceeding five (5) minutes, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten (10) dollars nor more than one hundred (100) dollars and costs, and be imprisoned until such fine and costs are paid not exceeding ninety (90) days, in the discretion of the court.

*Thirty-sixth*—To compel railroad companies to grade their crossings of the streets, alleys and highways in the city to the full width and length of their right of way in said streets, alleys or highways, where the railroads cross the same in said city, and to keep the same in repair, and to build and maintain suitable walks across the rights of way in said streets for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers across the full width of their right of way in the streets, alleys and highways in said city, when and where the same shall be deemed necessary by the common council of said city.

*Thirty-seventh*—To name, change and regulate the names of streets, avenues and highways in said city, and to regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

*Thirty-eighth*—Said city shall have power to establish and maintain one or more ferries, pontoon or other bridges across the Minnesota river at such points as the common council shall determine, and to construct and keep in repair the roads leading to the same, and the common council may establish and collect such reasonable tolls for crossing said ferries or bridges as they may deem expedient.

*Thirty-ninth*—To levy and collect taxes, provide suitable buildings or offices for all necessary purposes of the city, appropriate money and provide for the expenses of the city government, and to provide for taking an enumeration of the inhabitants of said city from time to time.

*Fortieth*—To establish, lay out, alter, open, widen, extend, vacate, grade, repair, pave and lighten or otherwise improve and keep in repair the streets, alleys, highways, sidewalks, culverts, gutters, sewers, parks, cemeteries and other public grounds in said city; also to regulate the width, material, construction and surface line of sidewalks, to prescribe different width in different localities, and to prevent damage thereto.

*Forty-first*—To establish and record with the city clerk, grades of streets, alleys, highways and walks to which buildings and other structures shall conform, and to provide for the inclosing, improving, adorning and regulating all the public buildings and grounds belonging to the city.

*Forty-second*—To regulate and control or prohibit the placing of poles and the suspending thereon or stringing of telegraph, telephone, electric light or other wires along or across any of the streets, alleys,

or highways of said city, and may order the same to be put under ground in the streets or highways in said city.

*Forty-third*—The common council may lay gas or other pipes in any or all of the streets, alleys, highways and public grounds of the city, and for the purpose of lighting of such streets, parts of streets, public buildings and places, as the common council shall deem proper for the convenience and safety of the inhabitants, and also for supplying the city with water.

*Forty-fourth*—To prescribe limits in which neither wood, lumber, lath, shingle, hay or other combustible materials can be piled or stored or lumber yards established or maintained.

*Forty-fifth*—To appropriate such reasonable sum or sums as they think proper for paying for music in the public parks of the city.

*Forty-sixth*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-seventh*—To direct the location, regulate and prescribe the construction of privies; to require and provide for the removal and disposition in such manner, with private parties or otherwise, throughout the city, or in districts thereof, of any or all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, dead animals, or other foul or unhealthy stuff, with the authority to assess, levy upon, and compel the payment of the expense of such removal upon the property or owners thereof from which such above named matter or things shall be taken.

*Forty-eighth*—To provide for requiring owners of buildings or other structures, which shall have been damaged by fire or otherwise, or which, by reason of dilapidation, defects in structure, or other causes, may have become dangerous to life or property, or liable to cause accidents, to take the same or any part thereof down, or remove the same, and in case of refusal or neglect of said owner to take down or remove the same when ordered by any officer designated by said common council, then to cause the same to be done at the expense of the owner, the cost thereof to be again raised by special assessment on the land on which the same stands.

SEC. 6. *Punishment for a Breach of Ordinances.*—Fines, penalties and punishments imposed by the common council for the breach or violation of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred (100) dollars and costs, or imprisonment not exceeding ninety (90) days, or both, and in addition thereto may be sentenced to be fed on bread and water, in the discretion of the court, and offenders against the same may be required to give security for their good behavior and to keep the peace, not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

SEC. 7. *Offenders May be Put to Labor.*—The common council may also provide by ordinance that anyone convicted before a city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, or in case of a male offender, may be kept at hard labor during his term [of] imprisonment in such workhouse or upon the streets, highways or public works or improvements of said city; and may also provide by ordinance that anyone convicted of an offense before a city justice and committed upon non-payment of the fine imposed, may be kept at hard labor in

any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor, either in such workhouse or upon the public streets, highways or public works or improvements, until such person shall work out the amount of such fine and costs, at such a rate of compensation as the common council may prescribe, not less than one (1) dollar per day, for a time not exceeding said commitment; and the common council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent the escape and to secure proper discipline; *Provided*, that until otherwise ordered by the common council, the county jail of the county of Nicollet shall be used as a city prison or workhouse of said city, and it shall be the duty of the sheriff or jailer of said county to take into custody and safely keep in said jail all persons committed thereto, until discharged according to law; and when said jail is so used, the prisoners of the city are to be, as at present, in the custody of the sheriff of Nicollet county, except while working on the improvements of the city as aforesaid, when they shall be under the control of the police force of said city; *Provided further*, that the police of said city are authorized to take any person from said jail who has been sentenced to work upon any of the public works or improvements of said city, for the purpose of carrying said sentence into effect.

SEC. 8. *Abatement of Nuisances by Suit not Prevented.*—The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SEC. 9. *Revocation of Licenses.*—The common council shall have power at any time to revoke and cancel, for good cause shown, any license issued under this act, or by virtue of any ordinance of the city; *Provided*, that no such license shall be revoked or canceled until the person or persons holding the same shall have been notified in writing to appear before the common council at a time and place stated in such notice and show cause why such license should not be revoked and canceled. Said notice shall be made and given by the city clerk under the direction of the common council, and shall contain a statement of the charges upon which such cancellation is asked for, and be served upon such licensee at least five (5) days prior to such hearing.

SEC. 10. *Ordinances—How Passed and Published.*—All ordinances, by-laws and regulations of the common council shall be passed by an affirmative vote of a majority of all the members of the common council elected, by ayes and noes, which shall be entered in the record, approved by the mayor, and published in the official paper of the city for two (2) successive weeks before they shall take effect.

No ordinance shall be passed at the same meeting at which it shall have been presented or proposed, but this shall not preclude the passage of any ordinance reported by any committee of the common council, to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 11. *Record of Ordinances.*—All ordinances, after the same are approved, shall be recorded by the city clerk in a separate book, provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication, or a certified copy thereof, shall at all times be deemed and taken as sufficient evidence of such publication.

SEC. 12. *Ordinances, etc.—How Authenticated.*—That all books and pamphlets published, or which may be published, purporting on their title page to be published by the authority, order or direction of the common council and purporting to contain the charter and ordinances of said city, standing rules, orders or resolutions of said common council, or either, are hereby declared to be competent and *prima facie* evidence of the contents thereof and of the regularity of all proceedings relating to the adoption, approval and publication thereof, and shall be admitted as evidence in any court of this state without further proof; and the certificate of the city clerk that any printed or written slip or paper to which said certificate may be attached, contains or is a true copy of any ordinance, resolution or proceedings of the common council, or other paper, the original of which is presumably in the possession of the city clerk, shall constitute said written or printed slip or paper competent and *prima facie* evidence of the contents and purport of said ordinance, resolution or proceeding of the common council, or other paper, and of the legal passage, adoption, approval and publication thereof.

SEC. 13. *Temporary Loans—How Effected.*—The common council may, during their fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen elected, issue bonds or other evidence of indebtedness of said city, bearing interest not exceeding eight (8) per cent per annum and for a time not exceeding ten (10) years, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year, in order to pay the indebtedness of the city; *Provided*, that the amount of such bonds or other evidence of indebtedness outstanding shall not, at any one time, exceed the sum of ten thousand (10,000) dollars, unless the same be authorized by a majority of the qualified voters present and voting at any election held for such purpose.

SEC. 14. *Purchase, Condemnation, etc., of Property.*—The common council shall have the power to acquire by purchase, lease, donation, grant or condemnation, such private property as may be necessary for sites for public buildings or grounds for the use of the city, and all other necessary purposes thereof, in a manner as herein provided, and may, by a two-third ( $\frac{2}{3}$ ) vote of all the members thereof, sell and convey such real estate as the city may own and which is not needed for municipal purposes.

SEC. 15. *Adjustment of Accounts of City Officers.*—The common council shall examine and adjust the accounts of all city officers and agents of the city at such times as they may deem proper, and may require such officers or agents, whenever they deem it necessary, to exhibit to them all their books and papers belonging to their respective offices; and if such officer or agent shall refuse to comply with the order of said common council in discharge of their duties in pursuance of this section, the common council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The common council shall make full records of all such settlements and adjustments.

SEC. 16. *Plats of Subdivisions of Tracts of Land.*—Whenever any person shall subdivide any lot or piece of ground within said city, he shall cause the same to be surveyed and platted, in accordance with

the provisions of the general laws of this state relating to town plats, and when the survey and plat are so completed and acknowledged, it shall be presented to the common council. Said common council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient. When any plat is accepted by the common council, the city clerk shall so certify upon the face of such plat with the corporate seal, when it may be recorded in the same manner and with the same effect as provided for by general law.

## CHAPTER V.

### TAXES AND FINANCES.

SECTION 1. *Revenues of the City.*—All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this state, except as hereinafter expressly otherwise provided; *Provided*, that nothing herein contained shall be construed as limiting the levying and collection of special assessments as provided for in this act.

SEC. 2. *Levy of Tax for Current Expenses.*—The common council shall have power annually to levy taxes upon all taxable property in said city, to defray the current expenses thereof and to pay interest and principal of the outstanding indebtedness of the city, but such assessment and levy shall not exceed ten (10) mills upon the dollar of the assessed valuation of such property.

SEC. 3. *Levy of Tax for Improvements.*—The common council shall have power to levy a special tax upon all taxable property within said city, for the purpose of constructing and maintaining bridges, culverts, grading and improvements of streets, alleys and highways, including the building and repairing of sidewalks, crosswalks and sewers and for other necessary and proper purposes of the city, and conducive to good order and cleanliness and the protection against crime, disease and fire; *Provided*, that such taxes shall in no year exceed five (5) mills upon the dollar of the assessed valuation; *Provided further*, that for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or property benefited by such improvements to such extent as the common council may think just and equitable and in the manner as herein provided.

SEC. 4. *Special Assessments—Authority to Levy.*—The municipal corporation of the city of Saint Peter is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements or upon property to be benefited by such improvements, without regard to cash valuation, and notwithstanding that the same may have been heretofore exempt from taxation under the laws of this state.

SEC. 5. *Purposes for Which Made.*—That such assessments may be made by the city of Saint Peter for filling, grading, leveling, paving, sprinkling, curbing, walling, macadamizing, planking, constructing



bridges upon or otherwise improving any street, lane, alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane, alley, highway or public ground or procuring grounds for any public building and for planting shade trees upon or otherwise ornamenting the same; also for filling, grading, protecting, ornamenting, or otherwise improving any public square, park or grounds now or hereafter to be laid out; also for constructing, laying, relaying, erecting, cleaning and repairing cross and side walks, area walls, gutters, sewers, private drains, for the establishment and extension of water works, and the abatement of any and all public nuisances within said city, and this section shall apply to all cases of appropriation of private property for public use, except as in this act otherwise provided.

The cost of any improvements mentioned in this section shall be defrayed, save as herein otherwise provided, by a special assessment upon the property fronting upon such improvements, or upon such property to be benefited by such improvements, to be levied in a manner hereinafter described; *Provided*, that all crosswalks and sidewalks, adjacent to public grounds, other than streets, lanes or alleys, shall be constructed at the expense of the city at large; *Provided*, also, that upon a vote of two thirds ( $\frac{2}{3}$ ) of the aldermen elect, any improvement mentioned in this section may be made by the city at large, without special assessment; *Provided*, also, that the repairing of any street, alley, highway, public ground, bridge, sewer, drain, or the making of any other improvement, the cost of which is estimated not to exceed the sum of one hundred dollars (\$100), may be done by the common council of said city without special assessments therefor.

SEC. 6. *Poll Tax, Levy and Collection.* Every male inhabitant of said city between the ages of twenty-one (21) and fifty (50) years, excepting such as are exempt by law, who may reside within the limits of said city at any time between the first (1st) day of May and the first (1st) day of November of each year and has not worked out or paid poll tax in any other place, shall be liable to a capitation or poll tax, and it shall be lawful for the common council at any time to levy the same; but such poll tax shall not in any one year exceed two (2) day's work for each person liable therefor, which may be commuted by any person so taxed by payment to the street commissioner of the sum of one dollar and fifty cents (\$1.50) per day, and the street commissioner shall expend all moneys so received on the streets, alleys and highways, under the direction of the common council. The laws of this state shall apply to warning, working, suing for and enforcing the collection of such poll tax, except as herein otherwise expressly provided.

SEC. 7 *Money—How Paid Out.*—No moneys shall be paid out of the city treasury, unless such payment is authorized by a vote of the common council, and it shall be drawn out only upon orders drawn by the mayor and countersigned by the city clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person, or to the bearer, as the common council may determine, and may be transferred by indorsement.

SEC. 8. *Bonds—How Voted on and Issued.*—The common council shall have power and authority to borrow money, issue bonds and levy

taxes, for the purpose of carrying out any of the provisions of this act, exceeding the amount authorized by other sections of this act; *Provided*, the same be authorized by a majority of the qualified voters, present and voting at a general or special election held for that purpose, of which notice shall have been given as at other elections. Whenever it shall be desired to submit to a vote the question of the issuing of any bonds, authorized by this section, the same may be done in such form and manner as the common council, by resolution, may prescribe.

SEC. 9. *Bonds—Objects and How Issued.*—All bonds issued in pursuance of the provisions of this act shall be under the corporate seal of said city, signed by the mayor and attested by the city clerk, and shall upon the face express the object for which they were given and shall not be negotiated for less than par value.

SEC. 10. *Taxes—How Levied.*—All taxes shall be levied by resolution of the common council, and no tax shall be invalid, by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall go into the general fund of the city.

SEC. 11. *Statement of Taxes Levied to County Auditor.*—The common council shall cause to be transmitted to the county auditor of Nicollet county, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and also special assessments levied upon any of the lots or portions of the city, and such taxes and assessments shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over, when collected, to the clerk of said city.

SEC. 12. *Limitation of Levy—When not Limited.*—No limitation or restriction herein contained shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city. In case of failure to collect taxes or other costs, and such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment shall be paid. An excess of the amount so levied and collected over the payment of such judgment shall go into the current fund of the city.

## CHAPTER VI.

### STREETS, BRIDGES, PUBLIC GROUNDS AND SIDEWALKS.

SECTION 1. *Common Council to have Control.*—The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, levees, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisance; and shall have power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and extend, narrow, widen or straighten the same, and to procure grounds for any public building, and for planting trees upon or otherwise ornamenting the same; also to construct, lay, relay, erect clean and repair crosswalks, and sidewalks, area walls, gutters, sewers, private drains, and to abate any and all public nuisances within said city, subject to the assessment of damages provided for in this act.

SEC. 2. *Proceedings for Improvement.*—Whenever a petition for the making of any improvement, mentioned in the preceding section, shall be presented to the common council of said city, purporting to be signed by owners of real estate in the vicinity of such proposed improvements, and which signers shall be owners of more than one-half ( $\frac{1}{2}$ ) in area of the real estate which may by said common council be deemed to be especially benefited by such improvements; or whenever, without such petition, two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect shall vote in favor thereof, the common council shall, except in cases herein otherwise provided, refer the same to a committee, appointed by the common council from its own members, of whom one shall be from each ward, and designated and known as the “committee on streets,” or to some other committee as the common council may deem expedient. The said committee shall then proceed to investigate the subjects so referred, and may cause such surveys or plats to be made as they may deem necessary, and shall make report to the common council, and give an estimate of the expense of making such improvement, and of the proportion or amount which, in their opinion, may be properly assessed upon real estate as benefits derived from such improvements, and what proportion or amount should probably be assessed upon or borne by the city at large. They shall also report whether, in their opinion, the contemplated improvement is desired by the owners of the greater part in area of the property liable to be assessed therefor. If the said committee shall not approve of the making of such improvements, they shall, in their report to the common council, give the reason for their disapproval, and in such case the common council shall not order the prosecution or making of such improvements, except by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of said common council. After the report of said committee shall have been made to the common council, they may, in any respect, modify the plan of the contemplated improvements; *Provided*, that such modification shall not be such as to materially increase the expense or alter the general plan thereof, except upon a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elect. The common council may, for any reason, again, or as often as they may deem necessary, refer the subject of any contemplated improvement to said committee, to be acted upon by them anew, as above provided, or for any other or special purpose as they may deem proper.

SEC. 3. *Report and Action Thereon—Contract.*—When the said committee shall have reported to the common council in relation to any proposed improvement involving the doing of any work or the furnishing of any material, the common council may direct the city clerk to advertise for proposals for doing such work or furnishing such materials, the plan and profile of the work to be done, accompanied with specifications for doing the same, in all cases where such plan, profile and specifications may be necessary for perfect description of the work to be done, being first placed on file in the office of the city clerk; which plans, profiles and specifications shall at all times be open for public inspection. The committee may, for the sake of convenience or accuracy, divide the proposed work and improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond, as near as may be, with and indicate such divisions or sections. Bids for doing any work or making

any improvement, as provided herein, shall name a gross sum for the whole work or improvement or some specified section or division thereof, and the contract when awarded shall be for the doing of the work or making the improvement, of some specified section, portion or division thereof, at a gross sum for the whole, or for such specified part thereof. Upon being directed to advertise for proposals, as above provided, the city clerk shall cause an advertisement to be published for at least two (2) weeks in the official paper of said city, stating briefly, in general terms, the nature of the work to be done; stating where the plan, profile and specifications may be examined and within what time bids for doing such work will be received. Such bids shall be directed to the common council of the city of Saint Peter, and shall each be accompanied by a bond to said city in a sum equal to thirty (30) per cent of the amount of the bid as liquidated damages, and signed by the bidder and two (2) responsible sureties, to the satisfaction of the common council; conditioned that the bidder shall execute the work for the price mentioned in his bid, and according to the plan and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof in any court having jurisdiction thereof; *Provided*, that the amount of the bond may, in the discretion of the common council, be fixed at any other sum or percentage than that hereinbefore prescribed, or none may be required. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall have expired, or at any other appointed regular or special meeting thereafter. Upon the opening of said bids, or at any time thereafter, the common council may award the doing of the work, or any part thereof, to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requirements, and who shall have sufficiently guaranteed, to the satisfaction of the common council, the faithful performance of said work. The common council may let such contract upon such conditions or provisions, not inconsistent with the provisions of this act, as they may deem proper. In case any person or persons with whom such contract may have been made shall fail or neglect to complete the same within the time and in the manner prescribed, the common council of said city may, at any time after such default, in its discretion and at its election, instead of causing action to be brought upon such bond for the recovery of the amount thereof, on account of such default, by a vote, declare such contract forfeited, and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited and as liquidated damages between such contractor and said city for such breach of contract, and shall be deducted and withheld from the contract price which such contractor was to have received for doing the whole of such work.

**SEC. 4. Condition of Contracts.**—Any contractor or person who enters into a contract for the doing of any work or making any improvement provided for in this act, shall take such contract with the condition that he, and the sureties upon his bond, shall be personally and directly responsible for any and all loss, damage or injury to person or property resulting from the neglect or failure of himself or anyone in his employ, and conditioned as [so] to perform such work as

to guard against all loss, damage and injury to person or property; and he shall so guard the said work by suitable guards by day and with lights at night as to prevent any such loss, damage or injury. The provisions of this section shall be regarded as forming part of any contract entered into by any person with the city.

SEC. 5. *Establishment and Change of Street Grades.*—The common council shall have power and may cause to be established from time to time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk in a book or books of profiles kept for that purpose; and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the common council elect.

SEC. 6. *Vacating Streets—Exclusive Power of Common Council.*—The common council of the city of Saint Peter shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the common council, except upon the petition of one or more residents and freeholders within said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of the petitioners. The common council shall thereupon, if they deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the aldermen elect, declare such public grounds, streets, alleys or highways vacated, which said order, after the same shall go into effect, shall be published, as in the case of ordinances, and thereupon a transcript of such order, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds, in the county of Nicollet.

SEC. 7. *Appeal—Vacating Streets.*—Any person feeling aggrieved by any such vacation or discontinuance may, within twenty (20) days after the publication thereof, by notice in writing served upon the mayor or city clerk of said city (a copy of which notice, with proof of service thereof, being filed in the office of the clerk of the district court of the county of Nicollet), appeal to said court from such vacation or discontinuance, and such appeal shall be tried in said court as other cases are tried therein, and the judgment of said court shall be final.

It shall be the duty of the city clerk, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

**SEC. 8. Power to Open New Streets and Assess Damages.**—The common council may, by a vote of two thirds (2/3) of all the members of the common council, lay out or open any new street, alley or public ground, or straighten, widen or extend any street or alley, that now or hereafter may exist, and when such vote is entered and approved, and it shall become necessary to take, injure or interfere with private property, the same shall be referred to a board of commissioners, appointed by the common council, for assessment of benefits and damages caused thereby, as provided for by this act, and when that is determined and confirmed, the final order for the purposes named shall be entered by the common council. Said board of commissioners shall be appointed by the common council in the following manner: Upon ordering an improvement above mentioned to be made, the common council shall appoint as many commissioners as there may be wards of said city, selecting one (1) from each ward, and one (1) other from the city at large, all of whom shall be disinterested freeholders and qualified voters of said city, to view the premises and assess the damages or benefits which may be occasioned by the taking of private property, or otherwise, in making said improvement. Said commissioners shall be notified, as soon as practicable, by the city clerk of said city, to attend at his office, at the time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty (50) dollars, and shall be liable to be prosecuted therefor before a city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selecting from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy in said board of commissioners the common council shall fill the same. The city clerk shall act as clerk for such board of commissioners, and the salary of said board of commissioners shall be three (3) dollars for each day in attendance.

The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and they shall make [due] returns of their actions and doings to the common council, and proceed, in a manner hereinafter prescribed, to ascertain and assess the damages to the owners of such land for such appropriation or condemnation, and to assess upon the real estate, by them determined to be especially benefited by the making of such improvement, such damages and the cost of making such improvements to the extent of the special benefits deemed to be derived by such real estate therefrom.

**SEC. 9. Damages — How Assessed.**—The said board of commissioners in making such assessment of damages shall determine and appraise to the owner or owners the value of the real estate appropriated for

the improvement, and the injury to them respectively arising from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowances therefrom for any benefits which such owners may respectively derive from such improvement. If the damages to any person be greater than the benefits received, or if the benefit is greater than the damage, and in any case when both damages and benefits are to be assessed, the said board of commissioners shall strike a balance and carry forward the difference, so that the assessment may show what amount is to be received or paid by such owners respectively, and only such difference shall in any case be collected from or paid to them as the case may be.

SEC. 10. *Buildings may be Removed.*—If there should be any building standing in whole or in part upon the land to be taken, the said board of commissioners shall add to their estimate for damages for the land, also the damages for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to be removed, or of the part thereof necessary to be taken, shall also be determined by the said board of commissioners, and notice of such determination shall be given to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known or is a non-resident of the city, notice to all persons interested shall be given by publication for two weeks in the official paper of the city. Such owner may, at any time within twenty (20) days after service or the first publication of such notice, notify the board of commissioners in writing of his election to take such building or part of building at their appraisal, and in such case the amount of such appraisal shall be deducted by the board of commissioners from the estimated damages for the land and building, where they belong to the owner, and from the estimated damages for the building, where they belong to different owners, and the owner shall have such reasonable time for the removal of the building, after the confirmation of the assessment, as the board of commissioners may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, then no such deduction shall be made from the estimated damages aforesaid; and after the confirmation of such assessment of damages for the taking of such property, and after provision shall have been made for the payment of the same, as hereinafter provided, such building, or so much thereof as may be necessary, may then be taken and appropriated, sold or disposed of in such manner as the common council shall direct, and the same, or the proceeds thereof, shall belong to the city.

SEC. 11. *Property Benefited and Damaged*—Whenever the contract for doing any work or making any improvement, as herein provided, shall have been made or awarded by said common council, or when the damage to be paid for the appropriation or condemnation of any property, in pursuance of the provisions of this act, shall have been ascertained and determined by the board of commissioners and confirmed by the common council, or in case an appeal shall be taken, as provided in this act, when such damages shall have been determined by the judgment of the court, the said board of commissioners shall thereupon proceed to assess, in the manner hereinafter provided, upon the real property by them deemed to be specially benefited by doing

the work or making the improvement, in proportion as nearly as may be to the benefits resulting therefrom, the amount for which any such contract may have been awarded or let or the amount of damages so ascertained and determined, as the case may be, to the extent of the special benefit deemed to be derived by such real estate therefrom. The balance of the amount for which such contract may have been awarded or let, or of the damage for taking any property so ascertained and determined, shall be chargeable upon and paid by the city at large.

**SEC. 12. Notice—How Given.**—Before proceeding to make such assessment of benefits to be derived from any improvement or of damages for the taking of any property, as hereinbefore provided, said board of commissioners shall cause notice to be given by publication in the official paper of said city for at least two weeks, of the time and place for their meeting for the purpose of making such assessments, which notice shall specify in general terms the object of such assessments; *Provided*, that in case any such improvement consists in or includes the taking or appropriating of any land or property, written or printed notice of the meeting of such board of commissioners, for the purpose of determining the damages to be awarded to the owner of such property for such taking, shall be served at least one (1) week before such meeting, by the chief of police or any police officer of said city, upon the person whose property is to be condemned. If such person is known and is a resident of said city such notices shall be served by delivering the same to the person to be served personally or by leaving the same at the usual place of abode of such person with some person of suitable age and discretion therein residing. If the owner of such property is unknown, or is a non-resident of said city, or is absent therefrom and has no place of residence therein where service can be made in the manner above provided, of which facts the return of the chief of police or any police officer of said city shall be conclusive evidence, notice of such meeting shall be published, as hereinbefore in this section provided. All persons interested in any such assessment shall have the right to be present and be heard either in person or by attorney. The board of commissioners shall visit the locality of the contemplated improvement, and shall receive any legal evidence that may be offered relative to the matters to be determined by them, and are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the city attorney or the common council to appear before them at such hearing, to represent the interests of the city.

They may adjourn from time to time, and from place to place, until such assessment shall be completed. The action or determination of the majority of said members of the board of commissioners shall be binding, as the act of said board.

**SEC. 13. Completion of Assessment and Confirmation.**—When such assessment of damages or of benefits shall have been completed, the board of commissioners shall cause the same to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered, said board shall cause notice to be given, by at least one week's publication in the official paper of said city that such assessment has been completed and entered as aforesaid, and that at the time specified in such notice, application will be made to the common council for a confirmation of the same. Objections to said



assessment may be heard before the common council at such time; *Provided*, that all such objections shall be in writing, and shall be filed in the office of the city clerk at least one day prior to such meeting of the common council. Should no quorum be present at such appointed meeting of the common council, such meeting for confirmation may be adjourned by the members of said common council present to such other time as they may deem expedient; and at such adjourned time, without further notice or publication, the common council may act in reference to such assessment in the same manner and with the same authority as they might have done at the meeting appointed for that purpose had a quorum been present; *Provided*, that nothing herein contained shall preclude the said board of commissioners from causing a new notice of application for confirmation to be given by publication in the manner above provided, in case any previous notice shall be found irregular or invalid, or in case of there being no quorum present at any prior appointed meeting, or for any other cause preventing a regular and valid action by the common council in relation to such assessments; and the common council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and to confirm the same in whole or in part and to annul the same in whole or in part and to direct a new assessment to be made. Said assessment, when confirmed by the common council, or the same as corrected by said common council, without further action thereon by the board of commissioners or former confirmation by the common council, shall be final and conclusive upon all parties interested therein, except as hereinafter otherwise provided. If said assessment shall be annulled by the common council, or set aside by any court in whole or in part, the board of commissioners shall proceed to make a new assessment in place of so much of the former assessment as may have been annulled or set aside, and return the same in like manner and give like notices as hereinbefore provided, and all parties in interest shall have the like rights, and the common council shall perform the like duties and have like powers in relation to any subsequent assessment or determination as are hereby given in relation to the first.

SEC. 14. *Appeal—How Taken.*—Any person whose property has been appropriated, and who has filed objections to the assessment of damages therefor, as hereinbefore provided, shall have the right, at any time within ten days after the confirmation of such assessment, to appeal to the district court of the county of Nicollet from such confirmation of such assessment. Said appeal shall be made by filing a written notice with the city clerk, containing a description of the property of such appellant so appropriated, and the objection of such appellant to such assessment, and by filing with the clerk of said court a bond to the city of Saint Peter, conditioned to pay all costs which may be awarded against the appellant, which bond shall be in such sum and with such surety as shall be approved by the judge of said court, or in case of his inability to act, by the judge of any court of record in this state. A copy of such notice of appeal, with the date of filing the same, certified by the city clerk, shall also be filed with the clerk of said court within the time above limited for perfecting such appeal. A copy of the record of such assessment as confirmed as provided in section thirteen (13) of this chapter, and of the objec-

tions as aforesaid made to the confirmation thereof, certified by the city clerk at the expense of the appellant, shall be filed with the clerk of said court at the time of taking such appeal. Such appeal shall be entitled in said court in the name of the person taking the same against the city of Saint Peter as an appeal from an assessment.

SEC. 15. *Issue and How Tried.*—Such cause shall then be deemed to be at issue and be tried in the district court as all other civil causes therein, except no pleading shall be required, and on the trial the only question to be passed upon shall be whether the assessment of damages, so far as it effects said property, is fair and impartial. And if found not to be fair and impartial, damages for the taking of the property specified in the objections shall be reassessed by the court or jury, but such reassessment shall be, so far as practicable, in accordance with the same rules and principles herein prescribed, in reference to the assessment by the board of commissioners. Judgment shall thereupon be entered to the effect, that upon the amount of damages so determined being paid or secured in accordance with the provisions of this act, the city shall have the right to take, use and appropriate the property in question for the purposes for which the same was sought to be taken, and if the court shall be of the opinion that such appeal was frivolous or vexatious it may adjudge costs against said appellant in a sum not exceeding twenty-five (25) dollars in addition to all taxable costs.

SEC. 16. *Assessment Confirmed—Proceedings Thereafter.*—When such assessment shall have been confirmed by the common council and no appeal has been taken, or if an appeal shall have been taken, when judgment shall have been rendered therein, the same shall be a lawful and sufficient condemnation of the land or property to be appropriated, and whenever there shall have been appropriated by the common council from money actually in the hands of the treasurer of said city, the amount of damages assessed for the taking of the same and orders upon the treasurer for such amounts in favor of the person entitled thereto shall have been drawn, signed and delivered or tendered to the persons entitled to such damages, or whenever, instead of such delivery or tender, such orders shall have been deposited with the city clerk for the use of such persons, to be delivered to them upon demand, then the said city may enter upon and appropriate such property to the uses for which the same was condemned. Whenever in any case the city shall be unable to determine to whom the damages awarded should be paid, or in case of disputed claims in relation thereto, the amount thereof may be deposited by order of the common council in the district court for Nicollet county, in the same manner as moneys are paid into court, until claimants and parties shall substantiate their claims thereto, and such payment into court shall be deemed a payment of the same to the person or persons entitled thereto, and the city shall be thereafter discharged from all further liability in respect thereto, and may enter upon and appropriate the property for the taking of which such damages were assessed.

SEC. 17. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall, by means of any excavations in or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruc-

tion as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting by reason of such obstruction or negligence.

SEC. 18. *Service Upon Absent Defendants.*—Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 19. *Limitation of Actions.*—No action shall be maintained against the city of Saint Peter on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one (1) year from the date of the injury, nor unless notice shall first have been given in writing to the mayor of said city or the city clerk thereof within sixty (60) days after the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason or legally incapable of giving such notice. Nor shall any such action be maintained for any defect in any street until the same shall have been opened for travel and work done thereon, nor for any insufficiency of the ground where sidewalks are usually, but not yet, constructed.

SEC. 20. *Cleaning Streets, etc.—How.*—The common council shall have the power to designate districts or portions of streets, highways and alleys of said city for the purpose of cleaning the same, and may provide for the cleansing of such districts, by contract or otherwise, on such terms as shall be deemed advisable.

SEC. 21. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats of additions of any grounds, or subdivisions thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated nor responsible for any insufficiency of such street, until the common council shall direct the same to be opened for travel.

SEC. 22. *Plat of street, etc., Filed with Register of Deeds.*—Whenever any highway, street, alley or public ground is laid out, widened, narrowed or enlarged, or when any of the same are vacated or discontinued under the provisions of this act, the common council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds for Nicollet county.

SEC. 23. *Railroad Companies not to Obstruct Streets.*—No railway company or street railway company shall have any right, in clearing their tracks through any part of said city or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of such obstruction caused by such company or its servants for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover such damages and costs from the company by whom the obstruction was caused.

**SEC. 24. Sidewalks—How Built.**—It is hereby made the duty of all owners of land adjoining any highway, street, lane or alley in said city, to construct such sidewalks along the side of the street, lane, alley or highway, next to and adjoining the lands of such owner respectively, as may have been heretofore or as shall hereafter be directed by the common council to be built, in such manner and of such material and width and upon such place and grade as the common council by ordinance or otherwise may prescribe.

**SEC. 25. Sidewalks—How Maintained.**—All owners of real estate in front of, adjacent to or upon which the common council shall order or direct any sidewalk to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk at their own cost and charge, in a manner and within the time prescribed by said common council in a notice served as hereinafter provided. Whenever said common council shall order any such work to be done and shall, by ordinance or otherwise, prescribe the manner of constructing such work, or shall have before done so, they shall cause a notice to be given by personal service upon the owner of such real estate, or by leaving the same at his usual place of abode with some person of suitable age and discretion, or by publishing the same once in the official paper of said city. Such notice shall state the character of the work and the manner in which it is to be done, and the time within which the same shall be completed, which statement may be made in terms in said notice or by reference to any ordinance or resolution of said common council then or previously published. Such notice shall state upon what lot or tract of land, or in front of or adjacent to what lot or tract, the said work is to be done, and the name of the owner or occupant of such land need not be given or stated therein. If the work be not done in the manner and within the time so prescribed by the common council, the said common council may proceed to do the work by contract or otherwise. They shall cause advertisements for proposals for doing such work to be made, as provided in section three (3) of chapter six (6) of this act, but no plan, profile or specification of such work need be made or filed as is therein provided, but the terms upon which the work is to be done, the manner of doing the same, and any necessary particulars or specifications, may be stated in said advertisement in terms or by reference to any ordinance, resolution or notice of the common council then or previously published, designating the same by its title and date, or the date of publication or of the approval thereof by the mayor or acting mayor of said city; *Provided*, that bids for constructing sidewalks and contracts made thereon, may state the price for doing any work at a gross sum for any lot or tract of land, or part thereof, adjacent to or upon which the same is to be done, or it may be at a certain sum per lineal foot or other unit of measurement.

**SEC. 26. Repair of Sidewalks.**—If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the common council the cost of such repairs in each case, and the description of the lot or parcel of land abutting where such repairs are made, and such report shall be carefully filed and preserved by the city clerk, and the common council shall, once in each year, at, or as near as conveniently may be, the time of levying

the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been [so] repaired by the street commissioner and the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in this act.

SEC. 27. *Liability for Insufficient Sidewalk.*—It shall not only be the duty of all owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist, along or abutting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe and passable condition.

SEC. 28. *Notices May be Consolidated.*—Two or more of the notices required or authorized by this act to be given by the board of commissioners, the city clerk, or the common council, by publishing or otherwise, in pursuance of the provisions of this act, may be comprised in one; *Provided*, that such notices are of the same general character or for like objects, and that in other respects the notice shall sufficiently set forth the objects and purposes of said notices; and the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city.

SEC. 29. *Change in Officers.*—Any change made in the incumbent of any of the offices of said city, during the pendency of any proceedings under this act, shall not affect or delay the same, but the successors of such officers may be authorized to do all acts necessary to complete such proceedings, the same as if their predecessors had remained in office, and any proceeding may be completed or act done in pursuance of the provisions of this act, by any officer after the expiration of his term of office, with the same validity as if he had continued in such office.

SEC. 30. *Change in Official Paper.*—Any change made in the official paper of said city during the pendency of any publication of any notice or proceeding under this act or the substitution of any other paper as the official paper of said city shall not invalidate any publication or proceeding, but the same may be completed in all respects as though no such change or substitution had been made.

SEC. 31. *Owner's Name not Essential.*—In none of the notices, orders, warrants or records of the proceedings prescribed by this act relating to assessments of benefits for improvements made need the name of the owner of the land upon which such assessments are made be given, and no error or irregularity in any notice, order, assessment or proceeding of any kind had in pursuance of the provisions of this act, or any omission of the requirements thereof, shall invalidate the proceedings or cause the same to be held illegal, unless it shall be made to appear affirmatively that such error, irregularity or omission actually prejudiced the right and affected the interest of the parties interested therein.

SEC. 32. *Effects of Mistakes.*—No error, irregularity, or invalidity in respect to any assessment upon any one or more of several lots or tracts of lands or of the proceedings in relation thereto, shall invalidate or make illegal the proceedings or assessments in respect to any other lands than those to which such irregularity or error was made

No extension of the time for the doing of any work contracted for or any other change in respect to such contract not materially affecting the property rights of the person complaining of or pleading such change shall invalidate any proceeding or assessment had or made under this act.

SEC. 33. *Effect of Stay in Proceedings.*—No suspension or stay of proceedings in respect to any assessment upon or proceedings for the condemnation of any particular property, shall stay or suspend any proceedings under this act in respect to any other property; nor shall the annulling or setting aside of any such assessment or proceeding, in respect to any particular tract or tracts of land, invalidate or in any manner affect assessments upon or any proceedings in respect to any other tracts.

SEC. 34. *Delay in Proceedings—How Avoided.*—Whenever it shall be deemed necessary to take private property for public use without the delay incident to the proceedings therefor in this act prescribed, the same may be done upon there having been first executed and deposited with the clerk of the district court for Nicollet county the bond of the city of Saint Peter to the owner or owners of such property, to be approved by the judge of said court, and in such sum as he may prescribe, conditioned that the city will pay all damages that shall be awarded for the taking of such property and all costs that may be adjudged to such owner or owners in any court having jurisdiction in the property [premises]; *Provided*, that proceedings shall be taken forthwith in pursuance of the provisions of this act to determine the amount of damages to which such owner or owners may be entitled for such taking. The city may thereupon enter upon and use the property in the same manner as they might if the damages for the taking had been already ascertained and paid or secured to be paid.

## CHAPTER VII.

### WATER WORKS, SEWERS, LIGHTING OF STREETS.

SECTION 1. *Construction of Water Works, etc.*—The common council shall have the power to construct and maintain water works and sewers; to enlarge, extend, relay and improve the same, from time to time, as it shall consider the public good or necessities may require; and the common council may extend and lay water mains and pipes in any street, alley, highway or public ground within the limits of said city, or permit and empower private parties so to do under such restrictions and regulations as the common council may impose.

SEC. 2. *Private Property—How Acquired.*—Whenever in the construction, establishment, enlargement or extension of water works or sewers, it shall, in the judgment of the common council, be necessary to take any private property, consisting of lands, buildings, or other private property, the common council shall have the power to take and acquire the same, by purchase or condemnation, in the manner provided for in chapter six (6) of this act, and in cases of condemnation a full title in fee simple to the property acquired shall vest in the city.

SEC. 3. *Laying, Extension and Assessment of Water Mains.*—Whenever a petition for the laying of water mains is presented to the com-

mon council, which signers shall be owners of two-thirds ( $\frac{2}{3}$ ) of the real estate fronting such proposed water main, the said common council shall order the same to be laid, and shall have the power to levy and collect, by special assessment, such portion of the cost or expense thereof as shall not exceed fifty (50) per cent of the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves, and all necessary specials, by special assessment upon the property on both sides of such street, alley or lane fronting upon such improvement, of an equal sum per front foot, without regard to the valuation of such property, as provided in chapter five (5) of this act; *Provided*, that no assessment shall be made when pipes are laid for fire protection; *Provided further*, that the common council shall have the power to lay and extend water mains at any time without a petition, but in such case all expenses thereof must be borne by the city at large.

SEC. 4. *Laying, Extension and Assessment of Sewers.*—The common council may, whenever they shall deem it necessary, relay or extend any sewer through any street or alley, and levy and assess and collect the cost thereof, not exceeding the estimated cost of a sewer two (2) feet in diameter, including all necessary catch basins, manholes, dump holes and flushing valves, by a special assessment upon the property on both sides of the street abutting upon such improvements of an equal sum per front foot.

A sewer of two (2) feet in diameter is hereby declared to be an ordinary sewer, within the meaning of this act, for draining of abutting property.

SEC. 5. *Cost not Provided for—How Paid.*—The cost not provided for by such assessment, including the cost of large water mains and larger or main sewers, and constructing the same across streets, shall be paid out of the improvement fund, or any other fund provided for that purpose by the common council.

SEC. 6. *Common Council to be in Control.*—The common council may, at all times, regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from the main lines of water mains and sewers, and of making connections with main lines [and branch lines], both public and private. The common council may, whenever it shall deem it necessary to lay or construct branch pipes or sewers, in order in future to prevent tearing up of streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, manner and construction of such branch lines, providing, in its discretion, one (1) or more for each lot or parcel of land, or one (1) for two (2) or more adjoining lots or parcels of land; may require the proper officer to make surveys, plats and profiles showing the same, which, approved and adopted, shall hereafter be preserved in the office of the city clerk; and may, thereupon, whether such main line has been constructed or is in process of construction, forthwith lay and construct all such branch pipe and sewers not already constructed by private parties interested, from a connection with the main line to the line of the street; and whenever the common council constructs such branch pipes and sewers, it shall assess the whole cost of each upon the lot or parcel of land to which it runs, regardless of valuation or frontage. But in case one (1) branch is to serve two (2) or more lots or parcels of land, then it shall assess the whole cost of the same upon all the lots or parcels of land to be served, at an equal sum

per front foot, without regard to the value thereof. The common council may, in case it constructs any branch at the same time that it constructs a main line, assess, in the manner above indicated, the whole cost thereof, and add the same to and include it with the assessment for the main line.

The common council may, subject to such terms and under such regulations as it may prescribe, require of all persons using an area, or any space within the lines of any street to be laid within such area, the right to lay all necessary branch pipes for both water and gas and back sewers to a connection with other branches; and also to lay therein, inclosed in tubes, or otherwise sufficiently protected, any and all electric light wires at any time required to be laid beneath the surface of the street; and no permit for excavation or use of any area or space within the lines of a street shall be given, except upon condition that it may be used by others in the manner and for the purposes above named.

SEC. 7. *Rates to be Fixed by Ordinance.*—It shall be the duty of the common council from time to time to fix, by ordinance, rates for the use of water from the city water works, and provide for the collection of the same, and also to provide for the protection of such water works from injury or misuse or abuse.

The owner of private property, which property has upon it pipes connected with the city water works, to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Saint Peter for rents or rates of all water used upon such premises, which may be recovered by action against such owner, lessee, or occupant or agent, any or all of them.

SEC. 8. *Street Lighting.*—The common council shall have authority to contract with any persons or corporations for lighting such streets or parts of streets and public places, as they shall deem proper for the convenience and safety of the inhabitants, by electric lights, gas or otherwise, as the common council shall deem best.

SEC. 9. *Gas Pipes—How Laid.*—The common council shall have authority to permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

SEC. 10. *Franchises—How Granted.*—The common council of the city of Saint Peter shall not grant any franchise or franchises to any individuals, company or corporation, for putting in or operating any plants, gas works, electric lights, street railways or other public improvements, except by unanimous consent of all aldermen, or by first submitting such matters or propositions to the legal voters of and within the city of Saint Peter, which said propositions or measures relating to franchises shall be voted upon at a special election, called for such purpose or purposes, and carried by a majority of all the votes cast at such election.



## CHAPTER VIII.

## FIRE DEPARTMENT.

SECTION 1. *Power to Establish Fire Limits.*—The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as not fire proof, or as dangerous to surrounding property, shall not hereafter be erected, enlarged, placed, or repaired; and to direct that any and all 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 common council shall not be dangerous to surrounding property, and to prohibit the repairing and enlarging or rebuilding of wooden buildings within the fire limits, without its consent, 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. Any building hereafter erected, enlarged, rebuilt, placed or repaired, in violation of the provisions of any ordinance, passed pursuant to this act, is hereby declared and shall be deemed a public nuisance, and the common council, in addition to other penalties, may provide for the abatement of such nuisance.

SEC. 2. *Powers of Common Council to Prevent Fires.*—The common council shall have the power, by resolution, to order any building, structure or materials therefor, 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 the power to prescribe the notice to be given to the owner, occupant or agent to remove such building, and in case the same is not removed in pursuance of notice given, to order the same taken down or removed by the police, in such manner as the common council may deem proper. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice upon the complaint of any citizen.

SEC. 3. *Further Powers to Prevent Fires.*—The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes into streets and alleys; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks; 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, or other officers of the city, to keep away 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 common council may deem expedient.

SEC. 4. *Wooden Sidewalks May be Prohibited.*—The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, and to prescribe other material to be used therefor, whenever they deem the safety of the city to require it.

SEC. 5. *Fire Apparatus and Companies.*—The common council shall have power to purchase fire engines and all other apparatus and material which may be necessary or required for the extinguishment of fires, to erect and maintain fire alarm telegraphs and boxes, to authorize the formation of fire, engine, hook, ladder and hose companies, and to provide for the proper support, compensation 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 such company which may be authorized to be formed, shall be exempt from poll tax and from serving on juries during their continuance of such membership, and said companies shall elect their own officers and make their own laws; subject, however, to the approval of the common council.

SEC. 6. *Chief Engineer and Other Officers.*—The common council shall have the power to appoint a chief engineer of the fire department to take charge of the same, and provide by ordinance for such other officers and men as may be deemed necessary for such department; to define their respective duties and compensation, and make all needful orders and regulations for the government of the whole fire department.

SEC. 7. *Penalty for Refusing to Obey Orders at Fires.*—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 direct orally any police officer 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 may arrest, or direct the arrest and confinement, of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey shall, upon conviction before a city justice, be punished by a fine not exceeding fifty (50) dollars and costs of prosecution and be imprisoned until such fine and costs are paid, not exceeding sixty (60) days.

SEC. 8. *Fire Marshal and Fire Wardens.*—The common council shall have power to appoint a fire marshal of said city, and one fire warden for each ward, to see that the ordinances of the city relating to precaution against dangers from fire are not violated, and who shall have power, and are hereby authorized, to enter any dwelling house or other building, at all reasonable hours, between nine (9) o'clock in the morning and five (5) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city, respecting the same, are enforced. The common council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make report thereof, as the common council may require.

## CHAPTER IX.

## SCHOOL DISTRICT AND SCHOOLS.

SECTION 1. *Reorganization.*—That the school district, organized March twenty-fourth (24th), one thousand eight hundred and sixty-five (1865), under and by virtue of an act of the legislature of the state of Minnesota, entitled “An act for the organization and regulation of independent school districts,” approved March third (3d), one thousand eight hundred and sixty-five (1865), under the name of “Independent School District Number One (1) of Oshawa township, Nicollet county, Minnesota,” and now known as “Independent School District Number One (1), Saint Peter, Minnesota,” be and the same is hereby reorganized as follows, and to include the territory only which is described in this chapter:

SEC. 2. *School District.*—That the territory constituting the city of Saint Peter, in the county of Nicollet and state of Minnesota, be and the same is hereby created into an independent school district, known and designated as “Independent School District Number One (1),” and shall hereafter constitute one independent school district and body corporate, and said district shall be governed in all respects, and for all purposes, by the general laws of this state relating to independent school districts; *Provided*, they do not conflict with the provisions of this act, in relation to the district herein and hereby reorganized.

SEC. 3. *Board of Education—Term of Office.*—The board of education, as at present constituted in said district, shall hold their offices for the term for which they were elected, in the school district herein and hereby reorganized, and their successor shall be elected or appointed under the laws of this state relating to independent school districts.

SEC. 4. *Board to Levy Taxes.*—The board of education of said school district shall possess all the powers of boards of directors in independent school districts, under the general school laws of this state, and shall have power to levy taxes on all taxable property in said city in each year, sufficient, with the amount received from other sources, to maintain necessary schools in said district nine months in each year, including the amount required for fuel and repairs of school buildings; *Provided*, that said board shall not levy a tax of more than fifteen (15) mills on the dollar of the valuation of said property in any one (1) year, except by and with the consent and approval of the common council of said city; and such taxes shall be levied and collected as other taxes are or may be levied and collected in said city.

SEC. 5. *Taxes and Bonds for Improvements.*—For the purpose of purchasing necessary grounds, improving and ornamenting the same, and erecting school houses thereon, the board of education shall have power, by and with the assent and approval of the common council of said city, to levy taxes on all the taxable property in said city, not exceeding in any one year ten (10) mills on the dollar of the assessed valuation thereof, and may, for like purposes and with like assent and approval of said common council, issue the bonds of said district, payable not more than twenty (20) years after date thereof, with interest not exceeding eight (8) per cent per annum, payable annually; *Provided*, that not more than fifteen thousand (15,000) dollars of such bonds shall be outstanding and unpaid at any one time.

**SEC. 6. *Conflicting Laws Repealed.***—All acts and parts of acts, conflicting or inconsistent with the provisions of this act, so far as they relate to the school district herein named, are hereby repealed.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

**SECTION 1. *Commencement of Fiscal Year.***—The fiscal year shall commence on the first (1st) day of April in each year.

**SEC. 2. *Reconsideration of Vote.***—No vote or action of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such meeting there shall be present as many aldermen as were present when the vote or action upon such measure was taken and carried.

**SEC. 3. *Penalty in Favor of City—How Remitted.***—No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen; but nothing contained in this section shall be construed to prohibit any city justice from remitting or reducing any fine imposed by him, nor to prohibit said court from suspending execution of sentence, in its discretion.

**SEC. 4. *Inhabitants not Incompetent as Jurors, etc.***—No person shall be incompetent to serve as judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

**SEC. 5. *Action to be Taken in Name of City.***—All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

**SEC. 6. *Prosecutions—How Instituted.***—In all prosecutions for any violation of this act, or any by-law or ordinance of the city of Saint Peter, first process shall be by warrant, on complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance or by-law of the city of Saint Peter, but the person or persons so arrested may be proceeded against, tried, convicted, and punished or discharged, in the same manner as if the arrest had been made by warrant. All warrants, process or writs, issued by a city justice, for the violation of any ordinance or by-law of said city, may be directed to the chief of police, or any police officer of said city, but may be served by any person authorized by law to serve process in the county.

**SEC. 7. *Imprisonment—When Allowed.***—In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the city of Saint Peter, as a punishment for any offense, or for the violation of an ordinance or by-law as aforesaid, or for any assault, battery or affray, committed within the limits of said city, the offenders shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of the county, and be there imprisoned, and may be compelled to perform hard labor, as hereinbefore provided for, under the

direction of the city marshal, for the benefit of the city, not exceeding ninety (90) days, in the discretion of the city justice, unless such fine or penalty be sooner paid or satisfied; 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 admitted to or be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

SEC. 8. *Process—How Served Against City.*—All process and notices whatever, to be served upon the city of Saint Peter, shall be served upon the mayor, or in his absence, upon the president of the common council, and in the absence of both of these officers, upon the city clerk, or by leaving a certified copy thereof at the office of said clerk with some person of suitable age and discretion in charge thereof.

SEC. 9. *Charter not Repealed by State Law.*—No law of this state contravening or conflicting with the provisions of this act, shall be considered as repealing, amending or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 10. *City not Liable for Board of Prisoners in State Cases.*—The city of Saint Peter shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city or any magistrate to the jail of Nicollet county for any offense against the laws of this state.

SEC. 11. *Charter to be Public Law.*—This act is hereby declared to be a public act, and may be read in evidence in all courts of this state, and need not be pleaded or proven.

SEC. 12. *Ordinances to Remain in Force.*—All ordinances, by-laws, rules, regulations and resolutions heretofore made and established by the common council of the city of Saint Peter shall be and remain in full force and effect until the same shall have been altered, modified or repealed by the common council of said city, pursuant to the provisions of this act.

SEC. 13. *Repealing Clause.*—All acts and parts of acts heretofore passed for the incorporation of the city of Saint Peter, and amendatory thereof, not contained or incorporated herein, and all acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 14. *Compilation of Charter and Ordinances.*—The common council may, from time to time, provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated by said common council.

SEC. 15. *Act to Take Effect.*—This act shall take effect and be in force from and after its passage.

Approved March 6, 1891.